

TITLE XV: LAND USAGE

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CHAPTER 150: MINIMUM STANDARD HOUSING

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§ 150.01 FINDING; PURPOSE.

Pursuant to G.S. § 160A-441, it is hereby found and declared that there exists in the town, dwellings which are unfit for human habitation due to dilapidation, defects increasing the hazards of fire, accidents and other calamities, lack of ventilation, light and sanitary facilities, and due to other conditions rendering such dwellings unsafe or unsanitary, and dangerous and detrimental to the health, safety and morals and otherwise inimical to the welfare of the residents of the town. In order to protect the health, safety and welfare of the residents of the town as authorized by G.S. Chapter 160A, Article 19, Part 6,

it is the purpose of this chapter to establish minimum standards of fitness, for the initial and continued occupancy of all building used for human habitation, as expressly authorized by G.S. § 160A-443. (Prior Code, § 67.01) (Ord. passed 1-26-2004)

§ 150.02 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

BASEMENT. A portion of a building which is located partly underground, having direct access to light and air from windows located above the level of the adjoining ground.

CELLAR. A portion of a building location partly or wholly underground having an inadequate access to light and air from windows located partly or wholly below the level of the adjoining ground.

DETERIORATED. A dwelling unfit for human habitation which can be repaired, altered or improved to comply with all of the minimum standards established by this chapter, at a cost not in excess of 50% of its value, as determined by finding of the Inspector.

DILAPIDATED. A dwelling unfit for human habitation which cannot be repaired, altered or improved to comply with all of the minimum standards established by this chapter, at a cost not in excess of 50% of its value, as determined by finding of the Inspector.

DWEUING. Any building, structure, manufactured home or mobile home or part thereof used and occupied for human habitation or intended to be so used, and includes any outhouses and appurtenances belonging thereto or usually enjoyed therewith, except that it does not include any manufactured home or mobile home which is used solely for a seasonal vacation purpose. When the term is used in this chapter, it shall be construed as though followed by the words "or any part thereof".

DWELLING UNIT. Any room or group of rooms located within a dwelling and forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking and eating. When the term is used in this chapter, it shall be construed as though followed by the words "or any part thereof".

EXTERMINATION. The control and elimination of insects, rodents or other pests by eliminating their harborage places; by removing or making inaccessible materials, that may serve as their food; by poisoning, spraying, fumigating, trapping or by any other recognized and legal pest elimination methods approved by the Inspector.

GARBAGE. The animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food.

HABITABLE ROOM. A room or enclosed floor space used or intended to be used for living, sleeping, cooking or eating purposes, excluding bathrooms, water closet compartments, laundries, heater rooms, foyers or communicating corridors, closets and storage spaces.

INFESTATION. The presence, within or around a dwelling, or any insects, rodents or other pests in such number as to constitute a menace to the health, safety of welfare of the occupants or to the public.

INSPECTOR. A Building Inspector of the town or any agent of the Inspector who is authorized by the Inspector.

MANUFACTURED HOME OR MOBILE. A structure as defined in G.S. § 143-145(7).

MULTIPLE DWELLING. Any dwelling containing more than two dwellings units.

OCCUPANT. Any person over one year of age, living, sleeping, cooking or eating in, or having actual possession of a dwelling unit or rooming unit.

OPERATOR. Any person who has charge, care or control of a building, or part thereof, in which dwelling units or rooming units are let.

OWNER. Any person who alone, or jointly or severally with others:

(1) Shall have title to any dwelling or dwelling unit, with or without accompanying actual possession thereof; or

(2) Shall have charge, care or control of any dwelling or dwelling unit, as owner or agent of the owner, or as executor, executrix, administrator, administrator, trustee or guardian of the estate of the **OWNER**. Any such person thus representing the actual **OWNER** shall be bound to comply with the provisions of this chapter, and of rules and regulations, adopted pursuant thereto, to the same extent as if he or she was the **OWNER**.

PARTIES IN INTEREST. All individuals, associations, corporations who have interests of record in a dwelling and any who are in possession thereof.

PLUMBING. All of the following supplied facilities and equipment: gas pipes, gas burning equipment, water pipes, mechanical garbage disposal units (mechanical sink grinder), waste pipes, water closets, sinks, installed dishwashers, lavatories, bathtubs, shower baths, installed clothes washing machines, catch basins, drains, vents and any other similar supplied fixtures, together with all connections to water, sewer or gas lines.

PREMISES.¹ When used in this chapter, shall be construed as though followed by words "or any part thereof".

PUBLIC AUTHORITY. The town or any officer who is in charge of any department or branch of the government of the town or of the county or the state relating to health, fire, building regulations or to other activities concerning dwellings in the town.

PUBLIC OFFICER. The officers or officers who are authorized by ordinance to exercise the powers prescribed by this chapter and G.S. Chapter 160A, Article 19, Part 5.

ROOMING HOUSE. Any dwelling, or the part of any dwelling containing one or more rooming units, in which space is let by the owner or operator to three or more persons who are not husband and wife, son or daughter, mother or father, or sister or brother of the owner or operator. When the term is used in this chapter, it shall be construed as though followed by the words "or any part thereof".

ROOMING UNIT. Any room or group of rooms forming a single habitable unit used or intended to be used for living and sleeping, but not for cooking or eating purposes. When the term is used in this chapter, it shall be construed as though followed by the words "or any part thereof".

RUBBISH. Combustible and noncombustible waste materials, except garbage and ashes, and the term shall include paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass crockery and dust.

SUPPLIED. Paid for, furnished or provided by, or under the control, of the owner or operator.

TEMPORARY HOUSING. Any tent, trailer or other structure used for human shelter which is designed to be transportable and which is not attached to the ground, to another structure or to any utilities system on the same premises for more than 30 consecutive days.

UNIT FOR HUMAN HABITATION. Conditions existing in a dwelling which violate or do not comply with one or more of the minimum standards of fitness or one or more of the requirements established by this chapter.

(Prior Code, § 67.02) (Ord. passed 1-26-2004)

§ 150.03 MINIMUM STANDARDS OF FITNESS FOR DWELLINGS AND DWELLING UNIT.

Every dwelling and dwelling unit used as a human habitation shall comply with all of the minimum standards of fitness for human habitation and all of the requirements of §§ 150.04 through 150.09. No person shall occupy as owner-occupant or let to another for occupancy or uses a human habitation any dwelling or dwelling unit which does not comply with all of the minimum standards of fitness for human habitation and all of the requirements of §§ 150.04 through 150.09.

(Prior Code, § 67.03) (Ord. passed 1-26-2004)

§ 150.04 MINIMUM STANDARDS FOR STRUCTURAL CONDITION.

(A) Walls or partitions or supporting members, sills, joists, rafters or other structural members shall not list, lean or buckle, and shall not be rotted, deteriorated or damaged, and shall not have holes or cracks which might admit rodents.

(B) Floors or roofs shall have adequate supporting members and strength to be reasonably safe for the purpose used.

(C) Foundations, foundation walls, piers or other foundation supports shall not be deteriorated or damaged.

(D) Steps, stairs, landings, porches or other parts or appurtenances shall be maintained in such condition that they will not fall or collapse.

(E) Adequate facilities for egress in case of fire or panic shall be provided.

(F) Interior walls and ceilings of all rooms, closets and hallways shall be finished of suitable materials which will, by use of reasonable household methods, promote sanitation and cleanliness, and shall be maintained in such a manner so as to enable the occupants to maintain reasonable privacy between various spaces.

(G) The roof, flashings, exterior walls, basement walls, floors and all doors and windows exposed to the weather shall be constructed and maintained so as to be weather- and watertight.

(H) There shall be no chimneys or parts thereof which are defective, deteriorated or in danger of falling, or in such condition or location as to constitute a fire hazard.

(I) There shall be no use of the ground for floors, or wood floors on the ground.
(Prior Code, § 67.04) (Ord. passed 1-26-2004)

§ 150.05 MINIMUM STANDARDS FOR BASIC EQUIPMENT AND FACILITIES.

(A) *Plumbing system.*

(1) Each dwelling unit shall be connected to a potable water supply and to the public sewer or other approved sewage disposal system.

(2) Each dwelling unit shall contain not less than a kitchen sink, lavatory, tub or shower, water closet and adequate supply of both cold water and hot water. All water shall be supplied through an approved pipe distribution system connected to a potable water supply.

(3) All plumbing fixtures shall meet the standards of the North Carolina Plumbing Code and shall be maintained in a state of good repair and in good working order.

(4) All required plumbing fixtures shall be located within the dwelling unit and be accessible to the occupants of same. The water closet and tub or shower shall be located in a room or rooms affording privacy to the user.

(B) *Heating system.* Every dwelling and dwelling unit shall have facilities for providing heat in accordance with either divisions (B)(1) or (B)(2) below.

(1) *Central or electric heating system.* Every central or electric heating system shall be of sufficient capacity so as to heat all habitable rooms, bathrooms and water closet compartments in every dwelling unit to which it is connected with a minimum temperature of 70°P measured at a point three feet above the floor during ordinary winter conditions.

(2) *Other heating facilities.* Where a central or electric heating system is not provided, each dwelling and dwelling unit shall be provided with sufficient fireplaces, chimneys, flues or gas vents whereby heating appliances may be connected so as to heat all habitable rooms with a minimum temperature of 70°F measured three feet above the floor during ordinary winter conditions.

(C) *Electrical system.*

(1) Every dwelling and dwelling unit shall be wired for electric lights and convenience receptacles. Every habitable room shall contain at least two floor or wall-type electric convenience receptacles, connected in such a manner as determined by the State Electrical Code. There shall be installed in every bathroom, water closet room, laundry room and furnace room at least one supplied ceiling or wall-type electric light fixture. In the event wall or ceiling light fixtures are not provided in any habitable room, then each such habitable room shall contain at least three floor or wall-type electric convenience receptacles.

(2) Every public hall and stairway in every multiple dwelling shall be adequately lighted by electric lights at all times when natural daylight is not sufficient.

(3) All fixtures, receptacles, equipment and wiring shall be maintained in a state of good repair, safe, capable of being used and installed in accordance with the State Electrical Code.
(Prior Code, § 67.05) (Ord. passed 1-26-2004) Penalty, see § 150.99

§ 150.06 MINIMUM STANDARDS FOR VENTILATION.

(A) *General.* Every habitable room shall have at least one window or skylight facing directly to the outdoors. The minimum total window area, measured between stops, for every habitable room shall be 10% of the floor area of such room. Whenever walls or other portions of structures face a window of

any such room and such light obstructing structures are located less than five feet from the window and extend to a level above that of the ceiling of the room, such a window shall not be deemed to face directly to the outdoors and shall not be included as contributing to the required minimum total window area. Whenever the only window in a room is a skylight-type window in the top of such room, the total window area of such skylight shall equal at least 15 % of the total floor area of such room.

(B) *Habitable rooms.* Every habitable room shall have at least one window or skylight which can easily be opened, or such other device as will adequately ventilate the room. The total openable window area in every habitable room shall be equal to at least 45 % of the minimum window area size or minimum skylight type window size as required, or shall have other approved, equivalent ventilation.

(C) *Bathroom and water closet rooms.* Every bathroom and water closet compartment shall comply with the light and ventilation requirements for habitable rooms except that no window or skylight shall be required in adequately ventilated bathrooms and water closet rooms equipped with an approved ventilation system.

(Prior Code, § 67.06) (Ord. passed 1-26-2004)

§ 150.07 MINIMUM STANDARDS FOR SPACE, USE AND LOCATION.

(A) *Room sizes.* Every dwelling unit shall contain at least the minimum room size in each habitable room as required by the North Carolina Residential Building Code.

(1) Every dwelling unit shall contain at least 150 square feet of habitable floor area for the first occupant, at least 100 square feet of additional habitable area for each of the next three occupants and at least 75 square feet of additional habitable floor area for each additional occupant.

(2) In every dwelling unit and in every rooming unit, every room occupied for sleeping purposes by one occupant shall contain at least 70 square feet of floor area, and every room occupied for sleeping purposes by more than one occupant shall contain at least 50 square feet of floor area for each occupant 12 years of age and over and at least 36 square feet of floor area for each occupant under 12 years of age.

(B) *Ceiling height.* At least one-half of the floor area of every habitable room shall have a ceiling height of not less than seven feet and six inches.

(C) *Floor area calculation.* Floor area shall be calculated on the basis of habitable room area. However, closet area and wall area within the dwelling unit may count for not more than 10% of the required habitable floor area. The floor area of any part of any room where the ceiling height is less than four and one-half feet shall not be considered as part, of the floor area computing the total area of the room to determine maximum permissible occupancy.

(D) *Cellar.* No cellar shall be used for living purposes.

E) *Basements*. No basement shall be used for living purposes unless:

(1) The floor and walls are substantially watertight;

(2) The total window area, total operable window area and ceiling height are equal to those required for habitable rooms; and

(3) The required minimum window area of every habitable room is entirely above the grade adjoining such window area, except where the window or windows face a stairwell, window well or access way.

(Prior Code, § 67.07) (Ord. passed 1-26-2004) Penalty, see § 150.99

§ 150.08 MINIMUM STANDARDS FOR SAFE AND SANITARY MAINTENANCE.

(A) *Exterior, foundation, walls and roofs*. Every foundation wall, exterior wall and exterior roof shall be substantially weathertight, watertight and rodent-proof; shall be kept in sound condition and good repair; shall be capable of affording privacy; shall be safe to use and capable of supporting the load which normal use may cause to be placed thereon. Every exterior wall shall be protected with paint or other protective covering to prevent the entrance or penetration of moisture or the weather.

(B) *Interior floors, walls and ceilings*. Every floor, interior wall and ceiling shall be substantially rodent-proof; shall be kept in sound condition and good repair; and shall be safe to use and capable of supporting the load which normal use may cause to be placed thereon.

(C) *Windows and doors*. Every window, exterior door, basement or Gellar door, and hatchway shall be substantially weathertight, watertight and rodent-proof; and shall be kept in sound working condition and good repair.

(D) *Stairs, porches and appurtenances*. Every inside and outside stair, porch and any appurtenance thereto shall be safe to use and capable of supporting the load that normal use may cause to be placed thereon; and shall be kept in sound condition and good repair.

(E) *Bathroom floors*. Every bathroom floor surface and water closet compartment floor surface shall be constructed and maintained so as to be reasonably impervious to water and so as to permit such floor to be easily kept in a clean and sanitary condition.

(F) *Supplied facilities*. Every supplied facility, piece of equipment or utility which is required under this chapter shall be so constructed or installed that it will function safely and effectively and shall be maintained in satisfactory working condition.

(G) *Drainage*. Every yard shall be properly graded so as to obtain thorough drainage and so as to prevent the accumulation of stagnant water.

(H) *Noxious weeds*. Every yard and all exterior property areas shall be kept free of species of weeds or plant growth which are noxious or detrimental to health.

(I) *Egress*. Every dwelling unit shall be provided with, adequate means of egress as required by the North Carolina Residential Building Code.
(Prior Code, § 67.08) (Ord. passed 1-26-2004) Penalty, see§ 150.99

§ 150.09 MINIMUM STANDARDS FOR CONTROL OF INSECTS, RODENTS AND INFESTATIONS.

(A) *Screens*. In every dwelling unit for protection against mosquitoes, flies and other insects, every door opening directly from a dwelling unit to outdoor space shall have supplied and installed screens and a self-closing device; and every window or other device with openings to outdoor space, used or intended to be used for ventilation, shall likewise be supplied with screens installed.

(B) *Rodent control*. Every basement or cellar window used or intended to be used for ventilation, and every other opening to a basement which might provide an entry for rodents, shall be supplied with screens installed or such other approved device as will effectively prevent their entrance.

(C) *Infestation*. Every occupant of a dwelling containing a single dwelling unit shall be responsible for the extermination of any insects, rodents or other pests therein or on the premises; and every occupant of a dwelling unit in a dwelling containing more than one dwelling unit shall be responsible for such extermination whenever his or her dwelling unit is the only one infested. Whenever infestation is caused by failure of the owner to maintain a dwelling in a rodent-proof or reasonably insect-proof condition, extermination shall be the responsibility of the owner. Whenever infestation exists in two or more of the dwelling units in any dwelling or in the shared or public parts of any dwelling containing two or more dwelling units, extermination shall be the responsibility of the owner.

(D) *Rubbish storage and disposal*. Every dwelling and every dwelling unit shall be supplied with approved containers and covers for storage of rubbish as required by town ordinances, and the owner, operator or agent in control of such dwelling or dwelling unit shall be responsible for the removal of rubbish.

(E) *Garbage storage and disposal*. Every dwelling and every dwelling unit shall be supplied with an approved garbage disposal facility, which may be an adequate mechanical garbage disposal, unit (mechanical sink grinder) in each dwelling unit to be approved by the Inspector, in the structure for the use of the occupants of each dwelling unit, or an approved outside garbage can as required by town ordinances.

(Prior Code, § 67.09) (Ord. passed 1-26-2004) Penalty, see§ 150.99

§ 150.10 MINIMUM STANDARDS APPLICABLE TO ROOMING HOUSES; EXCEPTIONS.

All of the provisions of this chapter, and all of the minimum standards and requirements of this chapter, shall be applicable to rooming houses and to every person who operates a rooming house, or who occupies or lets to another for occupancy any rooming unit in any rooming house, except as provided in the following divisions.

(A) *Water closet, hand lavatory and bath facilities.* At least one water closet, lavatory basin and bathtub or shower, properly connected to an approved water and sewer system and in good working condition, shall be supplied for each four rooms within a rooming house wherever said facilities are shared. All such facilities shall be located within the residence building served and shall be directly accessible from a common hall or passageway and shall be not more than one story removed from any of the persons sharing such facilities. Every lavatory basin and bathtub or shower shall be supplied with hot and cold water at all times. Such required facilities shall not be located in a cellar.

(B) *Minimum floor area for sleeping purposes.* Every room occupied for sleeping purposes by one occupant shall contain at least 70 square feet of floor area and every room occupied for sleeping purposes by more than one occupant shall contain at least 50 square feet of floor area for each occupant 12 years of age and over and at least 35 square feet of floor area for each occupant under 12 years of age.

(C) *Sanitary conditions.* The operator of every rooming house shall be responsible for the sanitary maintenance of all walls, floors and ceilings, and for the sanitary maintenance of every other part of the rooming house; and he or she shall be further responsible for the maintenance of the entire premises where the entire structure or building within which the rooming house is contained is leased or occupied by the operator.

(D) *Sanitary facilities.* Every water closet, flush urinal, lavatory basin and bathtub or shower required by division (A) above shall be located within the rooming house and within a room or rooms which afford privacy and are separate from the habitable rooms, and which are accessible from a common hall and without going outside the rooming house or through any other room therein.
(Prior Code, § 67.10) (Ord. passed 1-26-2004) Penalty, see § 150.99

§ 150.11 RESPONSIBILITIES OF OWNERS AND OCCUPANTS.

(A) *Public areas.* Every owner of a dwelling, containing two or more dwelling units shall be responsible for maintaining in a clean and sanitary condition the shared or public areas of the dwelling and premises thereof.

(B) *Cleanliness.* Every occupant of a dwelling or dwelling unit shall keep in a clean and sanitary condition that part of the dwelling, dwelling unit and premises thereof which he or she occupies and controls.

(C) *Rubbish and garbage.* Every occupant of a dwelling or dwelling unit shall dispose of all his or her rubbish and garbage in a clean and sanitary manner by placing it in the supplied storage facilities. In all cases, the owner shall be responsible for the availability of rubbish and garbage storage facilities.

(D) *Supplied plumbing fixtures.* Every occupant of a dwelling unit shall keep all supplied plumbing fixtures therein in a clean and sanitary condition and shall be responsible for the exercise of reasonable care in the proper use and operation of same.

(E) *Care of facilities, equipment and structure.* No occupant shall willfully destroy, deface or impair any of the facilities or equipment, or any part of the structure of a dwelling or dwelling unit. (Prior Code, § 67.11) (Ord. passed 1-26-2004) Penalty, see § 150.99

§ 150.12 DUTIES OF BUILDING INSPECTOR.

(A) The Building Inspector is hereby designated as the officer to enforce the provisions of this chapter and to exercise the duties and powers herein prescribed.

(B) It shall be the duty of the Building Inspector:

(1) To investigate the dwelling conditions, and to inspect dwellings and dwelling units located in the town's jurisdiction, in order to determine which dwellings and dwelling units are unfit for human habitation, and for the purpose of carrying out the objectives of this chapter with respect to such dwellings and dwelling units;

(2) To take such action, together with other appropriate departments and agencies, public and private, as may be necessary to affect rehabilitation of housing which is deteriorated;

(3) To keep a record of the results of inspections made under this chapter and an inventory of those dwellings that do not meet the minimum standards of fitness herein prescribed; and

(4) To perform such other duties as may be herein prescribed.
(Prior Code, § 67.12) (Ord. passed 1-26-2004)

§ 150.13 POWER OF BUILDING INSPECTOR.

The Building Inspector is authorized to exercise such powers as may be necessary or convenient to carry out and effectuate the purpose and provisions of this chapter, including the following powers in addition to others herein granted:

(A) To investigate the dwelling conditions in the town in order to determine which dwellings therein are unfit for human habitation;

(B) To administer oaths and affirmations, examine witnesses and receive evidence;

(C) To enter upon premises for the purpose of making examinations and inspections, provided such entries shall be made in such a manner as to cause the least possible inconvenience to the persons in possession;

(D) To appoint and fix the duties of such officers, agents and employees as he or she deems necessary to carry out the purposes of this chapter; and

(E) To delegate any of his or her functions and powers under this chapter to other officers and other agents.

(Prior Code, § 67.13) (Ord. passed 1-26-2004)

§ 150.14 INSPECTIONS; DUTIES OF OWNERS AND OCCUPANTS.

For the purpose of making inspections, the Inspector is hereby authorized to enter, examine and survey, at all reasonable times, all dwellings, dwelling units, rooming units and premises. The owner or occupant of every dwelling, dwelling unit or rooming unit, or the person in charge thereof, shall give the Inspector free access to such dwelling, dwelling unit or rooming unit, and, its premises at all reasonable times for the purposes of such inspection, examination and survey. Every occupant of a dwelling or dwelling unit shall give the owner thereof, or his or her agent or employee, access to any part of such dwelling or dwelling unit, and its premises, at all reasonable times for the purpose of making such repairs or alternations as are necessary to effect compliance with the provisions of this chapter or with any lawful order pursuant to provisions of this chapter.

(Prior Code, § 67.14) (Ord. passed 1-26-2004)

§ 150.15 PROCEDURE FOR ENFORCEMENT.

(A) *Preliminary investigation; notice; hearing.* Whenever a petition is filed with the Inspector by a public authority or by at least five residents of the town charging that any dwelling or dwelling unit is unfit for human habitation, he or she shall, if his or her preliminary investigation discloses a basis for such charges, issue and cause to be served upon the owner of and parties in interest in such dwelling or dwelling unit a complaint stating the charges and containing a notice that a hearing will be held before the Inspector at a place therein fixed, not less than ten nor more than 30 days after the serving of said complaint. The owner or any party in interest shall have the right to file an answer to the complaint and to appear in person, or otherwise, and give testimony at the place and time fixed in the complaint. Notice of such hearing shall also be given to at least one of the persons signing a petition relating to such dwelling. Any person desiring to do so may attend such hearing and give evidence relevant to the matter being heard. The rules of evidence prevailing in courts of law or equity shall not be controlling in hearings before the Inspector.

(B) *Procedure after hearing.* After such notice and hearing, the Inspector shall state in writing his or her determination whether such dwelling or dwelling unit is unfit for human habitation, and if so,

whether it is deteriorated or dilapidated. If the Inspector determines that the dwelling or dwelling unit is deteriorated, he or she shall state in writing his or her findings of fact in support of such determination, and shall issue and cause to be served upon the owner thereof an order directing and requiring the owner to repair, alter and improve such dwelling or dwelling unit to comply with the minimum standards of fitness established by this chapter within a specified period of time not to exceed 90 days. Such order may also direct and require the owner to vacate and close such dwelling or dwelling unit until such repairs, alterations and improvements have been made. If the Inspector determines that the dwelling is dilapidated, he or she shall state in writing his or her findings of fact to support such determination, and shall issue and cause to be served upon the owner, thereof an order directing and requiring the owner to vacate, and close the dwelling, and to remove or demolish the same within a specified period of time, not to exceed 90 days.

(C) *Failure to comply with order.* If the owner of any deteriorated dwelling or dwelling unit shall fail to comply with an order of the Inspector issued pursuant to this chapter, the Inspector shall secure the issuance of a warrant charging such owner with a violation of the minimum standards of fitness established by this chapter, as provided in § 150.21, and shall cause to be served upon such owner another order directing the owner to repair, alter or improve same within a specified period of time, not to exceed 90 days. If such owner shall fail to comply with such order within the time specified therein, the Inspector shall submit to the Town Council an ordinance ordering the Inspector to cause such dwelling or dwelling unit to be repaired, altered or improved to comply with the minimum standards of fitness established by this chapter. If the owner of a dilapidated dwelling shall fail to comply with an order of the Inspector to vacate and close, and remove or demolish the same within the time specified in the order, the Inspector shall secure the issuance of a warrant charging, such owner with a violation of the minimum standards of fitness established by this chapter, as provided in § 150.21, and shall submit to the Town Council an ordinance ordering the Inspector to cause such dwelling to be vacated and closed, and removed or demolished, and pending such removal or demolition, to placard such dwelling as provided by G.S. § 160A-443 and § 150.17 of this chapter. No such ordinance shall be adopted to require demolition of a dwelling until the owner has first been given a reasonable opportunity to bring it into conformity with the Housing Code. The ordinance shall be recorded in the County Register of Deeds and shall be indexed in the name of the property owner in the grantor index.

(D) *Appeal.* Where compliance with an order of the Inspector, or where the literal application of the provisions of this chapter would appear to cause undue hardship on an owner or other party in interest, or when it is claimed that the true intent and meaning of this chapter or any of the minimum standards or requirements herein have been wrongly interpreted, the owner or other party in interest may appeal from the order of the Inspector to the Zoning Board of Adjustment in accordance with G.S. § 160A-446.

(1) Notice of appeal shall be in writing and filed in the office of the Town Clerk within ten days after service of the order of the Inspector and shall be on forms provided by the Inspector. The appeal shall be placed on the agenda for hearing by the Board of Adjustment at its next regular meeting.

(2) The Board of Adjustment upon such appeal, and after a hearing, may extend the time for compliance with the Inspector's order, or vary the application of any provision of this chapter in hardship cases, when, in its opinion, the enforcement thereof would do manifest injustice and would be

contrary to the spirit and purpose of this chapter or the public interest, or when, in its opinion the interpretation of the Inspector was wrong and should be modified or reversed. In hardship cases, a hardship peculiar to the appellant must be shown.

(3) A decision of the Board of Adjustment to extend the time for compliance with an order of the Inspector, or to vary the application of any provision of this chapter, or to modify an order of the Inspector, shall specify in what manner such extension, variation or modification is made, the conditions upon which it is made, and the reasons therefor.

(4) Every such decision of the Board of Adjustment shall be in writing and shall be promptly filed in the office of the Inspector, and shall be open to public inspection; a certified copy shall be sent by mail or otherwise, to the appellant.

(5) If a decision of the Board of Adjustment reverses or modifies a refusal, order or disallowance of the Inspector, or varies the application of any provision of this chapter, the Inspector shall immediately take action in accordance with such decision.

(6) Nothing in this division (D) shall be construed to prevent an owner or other party in interest from exercising the right of petition for judicial review of an order of the Inspector, as provided by G.S. § 160A-446 and division (E) below.

(E) *Petition to Superior Court.* The owner or any other person affected by an order of the Inspector shall have the right, within 60 days following service of such order, to petition the Superior Court for a temporary injunction restating enforcement of such order and for a hearing and determination of the validity thereof, as provided by G.S. § 160A-446.

(Prior Code, § 67.15) (Ord. passed 1-26-2004)

§ 150.16 METHODS OF SERVICE OF COMPLAINTS AND ORDERS.

Complaints or orders issued by the Inspector shall be served upon persons either personally or by registered or certified mail, but if the identities of any owners or the whereabouts of such persons are unknown and the same cannot be ascertained by the Inspector in the exercise of reasonable diligence, the Inspector shall make an affidavit to that effect, and the serving of such complaint or order upon such person may be made by publication in a newspaper having general circulation in the town at least once no later than the time at which personal service would be required under the provisions of G.S. §§ 160A-441 through 160A-450. A copy of such complaint or order shall be posted in a conspicuous place on premises affected by the complaint or order. A copy of such complaint or order shall also be filed in the proper office for the filing of lis pendens notices in the county, and such filing of the complaint shall have the same force and effect as other lis pendens notices provided by law.

(Prior Code, § 67.16) (Ord. passed 1-26-2004)

§ 150.17 IN REM ACTION BY INSPECTOR; PLACARDING.

After failure of an owner of a dwelling or dwelling unit to comply with an order of the Inspector issued pursuant to the provisions of this chapter, and upon adoption by the Town Council of an ordinance authorizing and directing him or her to do so as provided by G.S. § 160A-443 and § 150.15(C) of this chapter, the Inspector shall proceed to cause such dwelling or dwelling unit to be repaired, altered or improved to comply with the minimum standards of fitness established by this chapter, or to be vacated and closed, and removed or demolished, as directed by the ordinance of the Town Council and shall cause to be posted on the main entrance of such dwelling or dwelling unit a placard with the following words: "This building is unfit for human habitation; the use or occupation of this building for human habitation is prohibited and unlawful."

(Prior Code, § 67.17) (Ord. passed 1-26-2004)

§ 150.18 COSTS A LIEN ON PREMISES.

As provided by G.S. § 160A-443, the amount of the cost of any repairs, alteration or improvements, or vacating and closing, or removal or demolition, caused to be made or done by the Inspector pursuant to § 150.17 of this chapter shall be a lien against the real property upon which such cost was incurred. (Prior Code, § 67.18) (Ord. passed 1-26-2004)

§ 150.19 ADDITIONAL AND ALTERNATIVE REMEDIES.

(A) In accordance with G.S. § 160A-441, the town may require the repair, closing or demolition of any abandoned structure which the Town Council finds to be a health or safety hazard as a result of the attraction of insects or rodents, conditions creating a fire hazard, dangerous conditions constituting a threat to children or frequent use by vagrants as living quarters in the absence of sanitary facilities. The same provisions and procedures shall be used as are prescribed in this chapter for the repair, closing or demolition of dwellings found to be unfit for human habitation.

(B) Neither this chapter nor any of its provisions shall be construed to impair or limit in any way the power of the town to define and declare nuisances and to cause their abatement by summary action or otherwise, and the enforcement of any remedy provided herein shall not prevent the enforcement of any other remedy or remedies provided herein or in other ordinances or laws.

(Prior Code, § 67.19) (Ord. passed 1-26-2004)

§ 150.20 CONFLICT WITH OTHER PROVISIONS.

In the event any provision, standard or requirement of this chapter is found to be in conflict with any provision of any other ordinance or code of the town, the provision which establishes the higher standard or more stringent requirement for the promotion of the health and safety of the residents of the town shall prevail.

(Prior Code, § 67.20) (Ord. passed 1-26-2004)

§ 150.21 VIOLATIONS.

It shall be unlawful for the owner of any dwelling or dwelling unit to fail, neglect or refuse to repair, alter, or improve the same, or to vacate and close and remove or demolish the same, upon order of Inspector duly made and served as herein provided, within the time specified in such order, and each day that any such failure, neglect or refusal to comply with such order continues shall constitute a separate and distinct offense. It shall be unlawful for the owner of any dwelling or dwelling unit, with respect to which an order has been issued pursuant to § 150.15 of this chapter, to occupy or permit the occupancy of the same after the time prescribed in such order for its repair, alteration or improvement or its vacation and closing, and each day that such occupancy continues after such prescribed time shall constitute a separate and distinct offense. The violation of any provision of this chapter shall constitute a misdemeanor, as provided by G.S. § 14-4. If any occupant fails to comply with an order to vacate a dwelling, the Inspector may file a civil action in the name of the town to remove such occupant in accordance with G.S. § 160A-443(7).

(Prior Code, § 67.21) (Ord. passed 1-26-2004) Penalty, see§ 150.99

§ 150.99 PENALTY.

(A) (1) Any violation of any provision of this chapter shall subject the violator to a civil penalty in the sum of not more than \$50 per day.

(a) A citation for said civil penalty, shall be issued by the Police Chief or by a law enforcement official of the County Sheriff.

(b) Each citation for a civil penalty must be paid within 168 hours of issuance.

(2) Each and every day that the violator continues in violation shall be a separate and distinct offense.

(B) The municipality may also, and in addition, seek any and all appropriate equitable remedies, injunctions and/or abatement orders from the appropriate court of competent jurisdiction.

(C) Neglecting or failure to repair, improve or remove property shall be subject to a penalty of \$50. (Prior Code, § 67.99) (Ord. passed 1-26-2004; Ord. passed 8-10-2017)

CHAPTER 151: FLOOD DAMAGE PREVENTION

Section

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STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND OBJECTIVES

§ 151.001 STATUTORY AUTHORIZATION.

The Legislature of the State of North Carolina has in G.S. Chapter 143, Article 21, Part 6; G.S. Chapter 160A, Article 19, Parts 3, 5 and 8; and G.S. Chapter 160A, Article 8, delegated to local governmental units the responsibility to adopt regulations designed to promote the public health, safety and general welfare of its citizenry. Therefore, the Town Council does ordain as follows.
(Ord. passed 9-6-2006)

§ 151.002 FINDINGS OF FACT.

(A) The flood prone areas within the jurisdiction of the town are subject to periodic inundation which results in loss of life, property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures of flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.

(B) These flood losses are caused by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities and by the occupancy in flood prone areas of uses vulnerable to floods or other hazards.

(Ord. passed 9-6-2006)

§ 151.003 STATEMENT OF PURPOSE.

It is the purpose of this chapter to promote public health, safety and general welfare and to minimize public and private losses due to flood conditions within flood prone areas by provisions designed to:

(A) Restrict or prohibit uses that are dangerous to health, safety and property due to water or erosion hazards or that result in damaging increases in erosion, flood heights or velocities;

(B) Require that uses vulnerable to floods, including facilities that serve such uses, be protected against flood damage at the time of initial construction;

(C) Control the alteration of natural floodplains, stream channels and natural protective barriers, which are involved in the accommodation of floodwaters;

(D) Control filling, grading, dredging and all other development that may increase erosion or flood damage; and

(E) Prevent or regulate the construction of flood barriers that will unnaturally divert floodwaters or which may increase flood hazards to other lands.
(Ord. passed 9-6-2006)

§ 151.004 OBJECTIVES.

The objectives of this chapter are:

(A) To protect human life and health;

(B) To minimize expenditure of public money for costly flood control projects;

(C) To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

(D) To minimize prolonged business losses and interruptions;

(E) To minimize damage to public facilities and utilities (i.e., water and gas mains, electric, telephone, cable and sewer lines, streets and bridges) that are located in flood prone areas;

(F) To help maintain a stable tax base by providing for the sound use and development of flood prone areas; and

(G) To ensure that potential buyers are aware that property is in a special flood hazard area.
(Ord. passed 9-6-2006)

DEFINITIONS

§ 151.015 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning. Unless specifically defined below, words or phrases used in

this chapter shall be interpreted so as to give them the meaning they have in common usage and to give this chapter its most reasonable application.

ACCESSORY STRUCTURE (APPURTENANT STRUCTURE). A structure located on the same parcel of property as the principal structure and the use of which is incidental to the use of the principal structure. Garages, carports and storage sheds are common urban accessory structures. Pole barns, hay sheds and the like qualify as ***ACCESSORY STRUCTURES*** on farms, and may or may not be located on the same parcel as the farm dwelling or shop building.

ADDITION (TO AN EXISTING BUILDING). An extension or increase in the floor area or height of a building or structure.

APPEAL. A request for a review of the Floodplain Administrator's interpretation of any provision of this chapter.

AREA OF SHALLOW FLOODING. A designated Zone AO on a community's Flood Insurance Rate Map (FIRM) with base flood depths determined to be from one to three feet. These areas are located where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.

AREA OF SPECIAL FLOOD HAZARD. See ***SPECIAL FLOOD HAZARD AREA (SFHA).***

BASE FLOOD. The flood having a 1 % chance of being equaled or exceeded in any given year.

BASE FLOOD ELEVATION (BFE). A determination of the water surface elevations of the base flood as published in the Flood Insurance Study. When the BFE has not been provided in a special flood hazard area, it may be obtained from engineering studies available from a federal or state or other source using FEMA approved engineering methodologies. This elevation, when combined with the freeboard, establishes the regulatory flood protection elevation.

BASEMENT. Any area of the building having its floor subgrade (below ground level) on all sides.

BUILDING. See ***STRUCTURE.***

CHEMICAL STORAGE FACILITY. A building, portion of a building or exterior area adjacent to a building used for the storage of any chemical or chemically reactive products.

DEVELOPMENT. Any human-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

DISPOSAL. As defined in G.S. § 130A-290(a)(6), the discharge, deposit, injection, dumping, spilling, leaking or placing of any solid waste into or on any land or water so that the solid waste or any constituent part of the solid waste may enter the environment or be emitted into the air or discharged into any waters, including groundwaters.

ELEVATED BUILDING. A non-basement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, posts, piers, pilings or columns.

ENCROACHMENT. The advance or infringement of uses, fill, excavation, buildings, structures or development into a floodplain, which may impede or alter the flow capacity of a floodplain.

EXISTING MANUFACTURED HOME PARK OR MANUFACTURED HOME SUBDIVISION. A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) was completed before the original effective date of the floodplain management regulations adopted by the community.

FLOOD or FLOODING. A general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) The overflow of inland or tidal waters; and/or
- (2) The unusual and rapid accumulation of runoff of surface waters from any source.

FLOOD BOUNDARY AND FLOODWAY MAP (FBFM). An official map of a community, issued by the Federal Emergency Management Agency, on which the special flood hazard areas and the floodways are delineated. This official map is a supplement to and shall be used in conjunction with the Flood Insurance Rate Map (FIRM).

FLOOD HAZARD BOUNDARY MAP (FHBM). An official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of the special flood hazard areas have been defined as Zone A.

FLOOD INSURANCE. The insurance coverage provided under the National Flood Insurance Program.

FLOOD INSURANCE RATE MAP (FIRM). An official map of a community, issued by the Federal Emergency Management Agency, on which both the special flood hazard areas and the risk premium zones applicable to the community are delineated.

FLOOD INSURANCE STUDY (FIS). An examination, evaluation, and determination of flood hazards, corresponding water surface elevations (if appropriate), flood hazard risk zones and other flood data in a community issued by the Federal Emergency Management Agency. The ***FLOOD INSURANCE STUDY*** report includes Flood Insurance Rate Maps (FIR.Ms) and Flood Boundary and Floodway Maps (FBFMs), if published.

FLOODPLAIN. Any land area susceptible to being inundated by water from any source.

FLOODPLAIN ADMINISTRATOR. The individual appointed to administer and enforce the floodplain management regulations.

FLOODPLAIN DEVELOPMENT PERMIT. Any type of permit that is required in conformance with the provisions of this chapter, prior to the commencement of any development activity.

FLOODPLAIN MANAGEMENT. The operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing, where possible, natural resources in the floodplain, including, but not limited to, emergency preparedness plans, flood control works, floodplain management regulations and open space plans.

FLOODPLAIN MANAGEMENT REGULATIONS. This chapter and other zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances and other applications of police power which control development in flood prone areas. This term describes federal, state or local regulations, in any combination thereof, which provide standards for preventing and reducing flood loss and damage.

FLOOD PRONE AREA. See ***FLOODPLAIN.***

FLOODPROOFING. Any combination of structural and nonstructural additions, changes or adjustments to structures, which reduce or eliminate flood damage to real estate or improved real property, water and sanitation facilities, structures and their contents.

FLOODWAY. The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

FLOOD ZONE. A geographical area shown on a Flood Hazard Boundary Map or Flood Insurance Rate Map that reflects the severity or type of flooding in the area.

FREEBOARD. The height added to the base flood elevation (BFE) to account for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings and the hydrological effect of urbanization on the watershed. The base flood elevation plus the freeboard establishes the ***REGULATORY FLOOD PROTECTION ELEVATION.***

FUNCTIONALLY DEPENDENT FACILITY. A facility which cannot be used for its intended purpose unless it is located in close proximity to water, such as a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding or ship repair. The term does not include long-term storage, manufacture, sales or service facilities.

HAZARDOUS WASTE FACILITY. As defined in G.S. Chapter 130A, Article 9, a facility for the collection, storage, processing, treatment, recycling, recovery or disposal of hazardous waste.

HIGHEST ADJACENT GRADE (HAG). The highest natural elevation of the ground surface, prior to construction, immediately next to the proposed walls of the structure.

HISTORIC STRUCTURE.

(1) Any structure that is:

(a) Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminarily determined by the Secretary of Interior as meeting the requirements for individual listing on the National Register;

(b) Certified or preliminarily determined by the Secretary of interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

(c) Individually listed on a local inventory of historic landmarks in communities with a "Certified Local Government (CLG) Program"; or

(d) Certified as contributing to the historical significance of a historic district designated by a community with a "Certified Local Government (CLG) Program".

(2) ***CERTIFIED LOCAL GOVERNMENT (CLG) PROGRAMS*** are approved by the U.S. Department of the Interior in cooperation with the North Carolina Department of Cultural Resources through the State Historic Preservation Officer as having met the requirements of the National Historic Preservation Act of 1966, as amended in 1980.

LOWEST ADJACENT GRADE (LAG). The elevation of the ground, sidewalk or patio slab immediately next to the building, or deck support, after completion of the building.

LOWEST FLOOR. Lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or limited storage in an area other than a basement area is not considered a building's ***LOWEST FLOOR***, provided that such an enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this chapter.

MANUFACTURED HOME. A structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term ***MANUFACTURED HOME*** does not include a "recreational vehicle".

MANUFACTURED HOME PARK OR SUBDIVISION. A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

MARKET VALUE. The building value, not including the land value and that of any accessory structures or other improvements on the lot. ***MARKET VALUE*** may be established by independent certified appraisal; replacement cost depreciated for age of building and quality of construction (actual cash value); or adjusted tax assessed values.

MEAN SEA LEVEL. For purposes of this chapter, the National Geodetic Vertical Datum (NGVD) as corrected in 1929, the North American Vertical Datum (NAVD) as corrected in 1988, or other vertical control datum used as a reference for establishing varying elevations within the floodplain, to which base flood elevations (BFEs) shown on a FIRM are referenced. Refer to each FIRM panel to determine datum used.

NEW CONSTRUCTION. Structures for which the "start of construction" commenced on or after the effective date of the original version of the community's flood damage prevention ordinance and includes any subsequent improvements to such structures.

NON-ENCROACHMENT AREA. The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot as designated in the Flood Insurance Study report.

POST-FIRM. Construction or other development for which the "start of construction" occurred on or after the effective date of the initial Flood Insurance Rate Map for the area.

PRE-FIRM. Construction or other development for which the "start of construction" occurred before the effective date of the initial Flood Insurance Rate Map for the area.

PRINCIPALLY ABOVE GROUND. At least 51% of the actual cash value of the structure is above ground.

PUBLIC SAFETY AND/OR NUISANCE. Anything which is injurious to the safety or health of an entire community or neighborhood, or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal or basin.

RECREATIONAL VEHICLE (RV). A vehicle, which is:

- (1) Built on a single chassis;
- (2) Four hundred square feet or less when measured at the largest horizontal projection;
- (3) Designed to be self-propelled or permanently towable by a light duty truck; and
- (4) Designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel or seasonal use.

REFERENCE LEVEL. The top of the lowest floor for structures within special flood hazard areas designated as Zone AI-A30, AE, A, A99 or AO.

REGULATORY FLOOD PROTECTION ELEVATION. The "base flood elevation" plus the "freeboard". In "special flood hazard areas" where base flood elevations (BFEs) have been determined, this elevation shall be the BFE plus two feet of freeboard. In "special flood hazard areas" where no BFE has been established, this elevation shall be at least two feet above the highest adjacent grade.

REMEDY A VIOLATION. To bring the structure or other development into compliance with state and community floodplain management regulations, or, if this is not possible, to reduce the impacts of its noncompliance. Ways that impacts may be reduced include protecting the structure or other affected development from flood damages, implementing the enforcement provisions of the ordinance or otherwise deterring future similar violations, or reducing federal financial exposure with regard to the structure or other development.

RIVERINE. Relating to, formed by or resembling a river (including tributaries), stream, brook and the like.

SALVAGE YARD. Any nonresidential property used for the storage, collection and/or recycling of any type of equipment, and including, but not limited to, vehicles, appliances and related machinery.

SOLID WASTE DISPOSAL FACILITY. As defined in G.S. § 130A-290(a)(35), any facility involved in the disposal of solid waste.

SOLID WASTE DISPOSAL SITE. As defined in G.S. § 130A-290(a)(36), any place at which solid wastes are disposed of by incineration, sanitary landfill or any other method.

SPECIAL FLOOD HAZARD AREA (SFHA). The land in the floodplain subject to 1% or greater chance of being flooded in any given year, as determined in § 151.031.

START OF CONSTRUCTION. Includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement or other improvement was within 180 days of the permit date. The **ACTUAL START** means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the **ACTUAL START OF CONSTRUCTION** means the first alteration of any wall, ceiling, floor or other structural part of the building, whether or not that alteration affects the external dimensions of the building.

STRUCTURE. A walled and roofed building, a manufactured home, or a gas, liquid or liquefied gas storage tank that is principally above ground.

SUBSTANTIAL DAMAGE. Damage of any origin sustained by a structure during any one-year period whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50% of the market value of the structure before the damage occurred. See definition of ***SUBSTANTIAL IMPROVEMENT.*** ***SUBSTANTIAL DAMAGE*** also means flood-related damage sustained by a structure on two separate occasions during a ten-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25% of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT.

(1) Any combination of repairs, reconstruction, rehabilitation, addition or other improvement of a structure, taking place during any one-year period for which the cost equals or exceeds 50 % of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed.

(2) The term does not, however, include either:

(a) Any correction of existing violations of state or community health, sanitary, or safety code specifications which have been identified by the community code enforcement official and which are the minimum necessary to assure safe living conditions; or

(b) Any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure.

VARIANCE. A grant of relief from the requirements of this chapter.

VIOLATION. The failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in §§151.050 through 151.054 and 151.070 through 151.075 is presumed to be in ***VIOLATION*** until such time as that documentation is provided.

WATER SURFACE ELEVATION (WSE). The height, in relation to mean sea level, of floods of various magnitudes and frequencies in the floodplains of riverine areas.

WATERCOURSE. A lake, river, creek, stream, wash, channel or other topographic feature on or over which waters flow at least periodically. ***WATERCOURSE*** includes specifically designated areas in which substantial flood damage may occur.

(Ord. passed 9-6-2006)

GENERAL PROVISIONS

§ 151.030 LANDS TO WHICH TIDS CHAPTER APPLIES.

This chapter shall apply to all special flood hazard areas within the corporate boundaries of the town and within the jurisdiction of any other community whose governing body agrees, by resolution, to such applicability.

(Ord. passed 9-6-2006)

§ 151.031 BASIS FOR ESTABLISHING THE SPECIAL FLOOD HAZARD AREAS.

The special flood hazard areas are those identified under the Cooperating Technical State (CTS) agreement between the state and FEMA in its Flood Insurance Study (FIS) and its accompanying Flood Insurance Rate Maps (FIRM), for Alamance County dated September 6, 2006, which are adopted by reference and declared to be a part of this chapter.

(Ord. passed 9-6-2006)

§ 151.032 ESTABLISHMENT OF FLOODPLAIN DEVELOPMENT PERMIT.

A floodplain development permit shall be required in conformance with the provisions of this chapter prior to the commencement of any development activities within special flood hazard areas determined in accordance with § 151.031.

(Ord. passed 9-6-2006)

§ 151.033 COMPLIANCE.

No structure or land shall hereafter be located, extended, converted, altered or developed in any way without full compliance with the terms of this chapter and other applicable regulations.

(Ord. passed 9-6-2006) Penalty, see § 151.999

§ 151.034 ABROGATION AND GREATER RESTRICTIONS.

This chapter is not intended to repeal, abrogate or impair any existing easements, covenants or deed restrictions. However, where this chapter and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

(Ord. passed 9-6-2006)

§ 151.035 INTERPRETATION.

In the interpretation and application of this chapter, all provisions shall be:

(A) Considered as minimum requirements;

(B) Liberally construed in favor of the governing body; and

(C) Deemed neither to limit nor repeal any other powers granted under state statutes.
(Ord. passed 9-6-2006)

§ 151.036 WARNING AND DISCLAIMER OF LIABILITY.

The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering consideration. Larger floods can and will occur. Actual flood heights may be increased by human-made or natural causes. This chapter does not imply that land outside the special flood hazard areas or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of the town or by any officer or employee thereof for any flood damages that result from reliance on this chapter or any administrative decision lawfully made hereunder.
(Ord. passed 9-6-2006)

ADMINISTRATION**§ 151.050 DESIGNATION OF FLOODPLAIN ADMINISTRATOR.**

The Town Administrator and his or her designee, hereinafter referred to as the Floodplain Administrator, is hereby appointed to administer and implement the provisions of this chapter.
(Ord. passed 9-6-2006)

§ 151.051 FLOODPLAIN DEVELOPMENT APPLICATION, PERMIT AND CERTIFICATION REQUIREMENTS.

(A) *Application requirements.* Application for a floodplain development permit shall be made to the Floodplain Administrator prior to any development activities located within special flood hazard areas. The following items shall be presented to the Floodplain Administrator to apply for a floodplain development permit:

(1) A plot plan drawn to scale which shall include, but shall not be limited to, the following specific details of the proposed floodplain development:

(a) The nature, location, dimensions and elevations of the area of development/disturbance; existing and proposed structures, utility systems, grading/pavement areas, fill materials, storage areas, drainage facilities and other development;

(b) The boundary of the special flood hazard area as delineated on the FIRM or other flood map as determined in § 151.031, or a statement that the entire lot is within the special flood hazard area;

(c) Flood zone(s) designation of the proposed development area as determined on the FIRM or other flood map as determined in § 151.031;

(d) The boundary of the floodway(s) or non-encroachment area(s) as determined in § 151.031;

(e) The base flood elevation (BFE) where provided as set forth in §§ 151.031, 151.052(K) and (L) or 151.073;

(f) The old and new location of any watercourse that will be altered or relocated as a result of proposed development; and

(g) Certification of the plot plan by a registered land surveyor or professional engineer.

(2) Proposed elevation, and method thereof, of all development within a special flood hazard area including, but not limited to:

(a) Elevation in relation to mean sea level of the proposed reference level (including basement) of all structures;

(b) Elevation in relation to mean sea level to which any nonresidential structure in Zone AE, A or AO will be floodproofed; and

(c) Elevation in relation to mean sea level to which any proposed utility systems will be elevated or floodproofed.

(3) If floodproofing, a floodproofing certificate (FEMA Form 81-65) with supporting data and an operational plan that includes, but is not limited to, installation, exercise and maintenance of floodproofing measures;

(4) A foundation plan, drawn to scale, which shall include details of the proposed foundation system to ensure all provisions of this chapter are met. These details include, but are not limited to:

(a) The proposed method of elevation, if applicable (i.e., fill, solid foundation perimeter wall, solid backfilled foundation, open foundation on columns/posts/piers/piles/shear walls); and

(b) Openings to facilitate equalization of hydrostatic flood forces on walls in accordance with § 151.071(D)(3), when solid foundation perimeter walls are used in Zones A, AO, AE and AI-30;

(5) Usage details of any enclosed areas below the regulatory flood protection elevation;

(6) Plans and/or details for the protection of public utilities and facilities such as sewer, gas, electrical and water systems to be located and constructed to minimize flood damage;

(7) Copies of all other local, state and federal permits required prior to floodplain development permit issuance (wetlands, endangered species, erosion and sedimentation control, riparian buffers, mining and the like);

(8) Documentation for placement of recreational vehicles and/or temporary structures, when applicable, to ensure § 151.071(F) and (G) are met; and

(9) A description of proposed watercourse alteration or relocation, when applicable, including an engineering report on the effects of the proposed project on the flood-carrying capacity of the watercourse and the effects to properties located both upstream and downstream; and a map (if not shown on plot plan) showing the location of the proposed watercourse alteration or relocation.

(B) *Permit requirements.* The floodplain development permit shall include, but not be limited to:

(1) A description of the development to be permitted under the floodplain development permit;

(2) The special flood hazard area determination for the proposed development per available data specified in § 151.031;

(3) The regulatory flood protection elevation required for the reference level and all attendant utilities;

(4) The regulatory flood protection elevation required for the protection of all public utilities;

(5) All certification submittal requirements with timelines;

(6) A statement that no fill material or other development shall encroach into the floodway or non-encroachment area of any watercourse, as applicable;

(7) The flood openings requirements, if in Zones A, AO, AE or AI-30; and

(8) Limitations of below BFE enclosure uses (if applicable), (i.e., parking, building access and limited storage only).

(C) *Certification requirements.*

(1) *Elevation certificates.*

(a) An elevation certificate (FEMA Form 81-31) is required prior to the actual start of any new construction. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the elevation of the reference level, in relation to mean sea level. The Floodplain Administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder prior to the beginning of construction. Failure to submit the certification or failure to make required corrections shall be cause to deny a floodplain development permit.

(b) An elevation certificate (FEMA Form 81-31) is required after the reference level is established. Within seven calendar days of establishment of the reference level elevation, it shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the elevation of the reference level, in relation to mean sea level. Any work done within the seven-day calendar period and prior to submission of the certification shall be at the permit holder's risk. The Floodplain Administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further work being permitted to proceed. Failure to submit the certification or failure to make required corrections shall be cause to issue a stop-work order for the project.

(c) A final as-built elevation certificate (FEMA Form 81-31) is required after construction is completed and prior to certificate of compliance/occupancy issuance. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of final as-built construction of the elevation of the reference level and all attendant utilities. The Floodplain Administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to certificate of compliance/occupancy issuance. In some instances, another certification may be required to certify corrected as-built construction. Failure to submit the certification or failure to make required corrections shall be cause to withhold the issuance of a certificate of compliance/occupancy.

(2) *Floodproofing certificate.* If nonresidential floodproofing is used to meet the regulatory flood protection elevation requirements, a floodproofing certificate (FEMA Form 81-65), with supporting data and an operational plan, is required prior to the actual start of any new construction. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the floodproofed design elevation of the reference level and all attendant utilities, in relation to mean sea level. Floodproofing certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same. The Floodplain Administrator shall review the certificate data and plan. Deficiencies detected by such review shall be corrected by the applicant prior to permit approval. Failure to submit the certification or failure to make required corrections shall be cause to deny a floodplain development permit. Failure to construct in accordance with the certified design shall be cause to withhold the issuance of a certificate of compliance/occupancy.

(3) *Manufactured home.* If a manufactured home is placed within Zone A, AO, AE or A1-30 and the elevation of the chassis is more than 36 inches in height above grade, an engineered foundation certification is required per § 151.071(C).

(4) *Watercourse.* If a watercourse is to be altered or relocated, a description of the extent of watercourse alteration or relocation; a professional engineer's certified report on the effects of the proposed project on the flood-carrying capacity of the watercourse and the effects to properties located both upstream and downstream; and a map showing the location of the proposed watercourse alteration or relocation shall all be submitted by the permit applicant prior to issuance of a floodplain development permit.

(5) *Certification exemptions.* The following structures, if located within Zone A, AO, AE or A1-30, are exempt from the elevation/floodproofing certification requirements specified in divisions (C)(1) and (C)(2) above:

- (a) Recreational vehicles meeting requirements of § 151.071(F)(1);
- (b) Temporary structures meeting requirements of § 151.071(G); and
- (c) Accessory structures less than 150 square feet meeting requirements of § 151.071(H). (Ord. passed 9-6-2006)

§ 151.052 DUTIES AND RESPONSIBILITIES OF THE FLOODPLAIN ADMINISTRATOR.

The Floodplain Administrator shall perform, but not be limited to, the following duties:

(A) Review all floodplain development applications and issue permits for all proposed development within special flood hazard areas to assure that the requirements of this chapter have been satisfied;

(B) Advise permittee that additional federal or state permits (wetlands, endangered species, erosion and sedimentation control, riparian buffers, mining and the like) may be required, and require that copies of such permits be provided and maintained on file with the floodplain development permit;

(C) Notify adjacent communities and the North Carolina Department of Crime Control and Public Safety, Division of Emergency Management, State Coordinator for the National Flood Insurance Program prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency (FEMA);

(D) Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished;

(E) Prevent encroachments into floodways and non-encroachment areas unless the certification and flood hazard reduction provisions of § 151.074 are met;

(F) Obtain actual elevation (in relation to mean sea level) of the reference level (including basement) and all attendant utilities of all new or substantially improved structures, in accordance with § 151.051(C);

(G) Obtain actual elevation (in relation to mean sea level) to which all new and substantially improved structures and utilities have been floodproofed, in accordance with § 151.051(C);

(H) Obtain actual elevation (in relation to mean sea level) of all public utilities in accordance with § 151.051(C);

(I) When floodproofing is utilized for a particular structure, obtain certifications from a registered professional engineer or architect in accordance with §§ 151.051(C) and 151.071(B);

(J) Where interpretation is needed as to the exact location of boundaries of the special flood hazard areas (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), make the necessary interpretation. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this subchapter;

(K) When base flood elevation (BFE) data has not been provided in accordance with § 151.031, obtain, review and reasonably utilize any base flood elevation (BFE) data, along with floodway data or non-encroachment area data available from a federal, state or other source, including data developed pursuant to § 151.073(B), in order to administer the provisions of this chapter;

(L) When base flood elevation (BFE) data is provided but no floodway nor non-encroachment area data has been provided in accordance with § 151.031, obtain, review, and reasonably utilize any floodway data or non-encroachment area data available from a federal, state or other source in order to administer the provisions of this chapter;

(M) When the lowest ground elevation of a parcel or structure in a special flood hazard area is above the base flood elevation, advise the property owner of the option to apply for a letter of map amendment (LOMA) from FEMA. Maintain a copy of the letter of map amendment (LOMA) issued by FEMA in the floodplain development permit file;

(N) Permanently maintain all records that pertain to the administration of this chapter and make these records available for public inspection;

(O) Make on-site inspections of work in progress. As the work pursuant to a floodplain development permit progresses, the Floodplain Administrator shall make as many inspections of the work as may be necessary to ensure that the work is being done according to the provisions of the local ordinance and the terms of the permit. In exercising this power, the Floodplain Administrator has a right, upon presentation of proper credentials, to enter on any premises within the jurisdiction of the community at any reasonable hour for the purposes of inspection or other enforcement action;

(P) Issue stop-work orders as required. Whenever a building or part thereof is being constructed, reconstructed, altered or repaired in violation of this chapter, the Floodplain Administrator may order

the work to be immediately stopped. The stop-work order shall be in writing and directed to the person doing the work. The stop-work order shall state the specific work to be stopped, the specific reason(s) for the stoppage and the condition(s) under which the work may be resumed. Violation of a stop-work order constitutes a misdemeanor;

(Q) Revoke floodplain development permits as required. The Floodplain Administrator may revoke and require the return of the floodplain development permit by notifying the permit holder in writing stating the reason(s) for the revocation. Permits shall be revoked for any substantial departure from the approved application, plans or specifications; for refusal or failure to comply with the requirements of state or local laws; or for false statements or misrepresentations made in securing the permit. Any floodplain development permit mistakenly issued in violation of an applicable state or local law may also be revoked;

(R) Make periodic inspections throughout all special flood hazard areas within the jurisdiction of the community. The Floodplain Administrator and each member of his or her inspections department shall have a right, upon presentation of proper credentials, to enter on any premises within the territorial jurisdiction of the department at any reasonable hour for the purposes of inspection or other enforcement action;

(S) Follow through with corrective procedures of § 151.053;

(T) Review, provide input and make recommendations for variance requests;

(U) Maintain a current map repository to include, but not limited to, the FIS report, FIRM and other official flood maps and studies adopted in accordance with § 151.031 of this chapter, including any revisions thereto including letters of map change, issued by FEMA. Notify state and FEMA of mapping needs; and

(V) Coordinate revisions to FIS reports and FIRMs, including letters of map revision based on fill (LOMR-F) and letters of map revision (LOMR).
(Ord. passed 9-6-2006)

§ 151.053 CORRECTIVE PROCEDURES.

(A) *Violations to be corrected.* When the Floodplain Administrator finds violations of applicable state and local laws, it shall be his or her duty to notify the owner or occupant of the building of the violation. The owner or occupant shall immediately remedy each of the violations of law cited in such notification.

(B) *Actions in event of failure to take corrective action.* If the owner of a building or property shall fail to take prompt corrective action, the Floodplain Administrator shall give the owner written notice, by certified or registered mail to the owner's last known address or by personal service, stating:

(1) The building or property is in violation of the flood damage prevention ordinance;

(2) A hearing will be held before the Floodplain Administrator at a designated place and time, not later than ten days after the date of the notice, at which time the owner shall be entitled to be heard in person or by counsel and to present arguments and evidence pertaining to the matter; and

(3) Following the hearing, the Floodplain Administrator may issue an order to alter, vacate or demolish the building; or to remove fill as appears appropriate.

(C) *Order to take corrective action.* If, upon a hearing held pursuant to the notice prescribed above, the Floodplain Administrator shall find that the building or development is in violation of the flood damage prevention ordinance, he or she shall issue an order in writing to the owner, requiring the owner to remedy the violation within a specified time period, not less than 60 calendar days, nor more than 180 calendar days. Where the Floodplain Administrator finds that there is imminent danger to life or other property, he or she may order that corrective action be taken in such lesser period as may be feasible.

(D) *Appeal.* Any owner who has received an order to take corrective action may appeal the order to the local elected governing body by giving notice of appeal in writing to the Floodplain Administrator and the clerk within ten days following issuance of the final order. In the absence of an appeal, the order of the Floodplain Administrator shall be final. The local governing body shall hear an appeal within a reasonable time and may affirm, modify and affirm, or revoke the order.

(E) *Failure to comply with order.* If the owner of a building or property fails to comply with an order to take corrective action for which no appeal has been made or fails to comply with an order of the governing body following an appeal, the owner shall be guilty of a misdemeanor and shall be punished at the discretion of the court.
(Ord. passed 9-6-2006)

§ 151.054 VARIANCE PROCEDURES.

(A) The Town Board of Adjustments as established by the town, hereinafter referred to as the "Appeal Board", shall hear and decide requests for variances from the requirements of this chapter.

(B) Any person aggrieved by the decision of the appeal board may appeal such decision to the Court, as provided in G.S. Chapter 7A.

(C) Variances may be issued for:

(1) The repair or rehabilitation of historic structures upon the determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and that the variance is the minimum necessary to preserve the historic character and design of the structure.

(2) Functionally dependent facilities if determined to meet the definition as stated in § 151.015, provided provisions of divisions (1)(2), (1)(3) and (1)(5) below have been satisfied, and such facilities are protected by methods that minimize flood damages; and

(3) Any other type of development, provided it meets the requirements stated in this section.

(D) In passing upon variances, the Appeal Board shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this chapter and:

(1) The danger that materials may be swept onto other lands to the injury of others;

(2) The danger to life and property due to flooding or erosion damage;

(3) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

(4) The importance of the services provided by the proposed facility to the community;

(5) The necessity to the facility of a waterfront location as defined under § 151.015 of this chapter as a functionally dependent facility, where applicable;

(6) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;

(7) The compatibility of the proposed use with existing and anticipated development;

(8) The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;

(9) The safety of access to the property in times of flood for ordinary and emergency vehicles;

(10) The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and

(11) The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges.

(E) A written report addressing each of the above factors shall be submitted with the application for a variance.

(F) Upon consideration of the factors listed above and the purposes of this chapter, the Appeal Board may attach such conditions to the granting of variances as it deems necessary to further the purposes of this chapter.

(G) Any applicant to whom a variance is granted shall be given written notice specifying the difference between the base flood elevation (BFE) and the elevation to which the structure is to be built and that such construction below the base flood elevation increases risks to life and property, and that the issuance of a variance to construct a structure below the base flood elevation will result in increased premium rates for flood insurance up to \$25 per \$100 of insurance coverage. Such notification shall be maintained with a record of all variance actions, including justification for their issuance.

(H) The Floodplain Administrator shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency and the state upon request.

(I) Conditions for variances.

(1) Variances shall not be issued when the variance will make the structure in violation of other federal, state or local laws, regulations or ordinances.

(2) Variances shall not be issued within any designated floodway or non-encroachment area if the variance would result in any increase in flood levels during the base flood discharge.

(3) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

(4) Variances shall only be issued prior to development permit approval.

(5) Variances shall only be issued upon:

(a) A showing of good and sufficient cause;

(b) A determination that failure to grant the variance would result in exceptional hardship;

and

(c) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety or extraordinary public expense, create nuisance, cause fraud on or victimization of the public or conflict with existing local laws or ordinances.

(J) A variance may be issued for solid waste disposal facilities, hazardous waste management facilities, salvage yards and chemical storage facilities that are located in special flood hazard areas provided that all of the following conditions are met.

(1) The use serves a critical need in the community.

(2) No feasible location exists for the use outside the special flood hazard area.

(3) The reference level of any structure is elevated or floodproofed to at least the regulatory flood protection elevation.

(4) The use complies with all other applicable federal, state and local laws.

(5) The town has notified the Secretary of the North Carolina Department of Crime Control and Public Safety of its intention to grant a variance at least 30 calendar days prior to granting the variance.

(Ord. passed 9-6-2006)

PROVISIONS FOR FLOOD HAZARD REDUCTION

§ 151.070 GENERAL STANDARDS.

In all special flood hazard areas, the following provisions are required.

(A) All new construction and substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse, and lateral movement of the structure.

(B) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

(C) All new construction and substantial improvements shall be constructed by methods and practices that minimize flood damages.

(D) Electrical, heating, ventilation, plumbing, air conditioning equipment and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding. These include, but are not limited to, HVAC equipment, water softener units, bath/kitchen fixtures, ductwork, electric/gas meter panels/boxes, utility/cable boxes, appliances (washers, dryers, refrigerators, freezers and the like), hot water heaters and electric outlets/switches.

(E) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.

(F) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into floodwaters.

(G) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.

(H) Any alteration, repair, reconstruction or improvements to a structure, which is in compliance with the provisions of this chapter, shall meet the requirements of "new construction" as contained in this chapter.

(I) Nothing in this chapter shall prevent the repair, reconstruction or replacement of a building or structure existing on the effective date of this chapter and located totally or partially within the floodway, non-encroachment area or stream setback, provided there is no additional encroachment below the regulatory flood protection elevation in the floodway, non-encroachment area or stream setback, and provided that such repair, reconstruction or replacement meets all of the other requirements of this chapter.

(J) New solid waste disposal facilities and sites, hazardous waste management facilities, salvage yards and chemical storage facilities shall not be permitted, except by variance as specified in § 151.054(J). A structure or tank for chemical or fuel storage incidental to an allowed use or to the operation of a water treatment plant or wastewater treatment facility may be located in a special flood hazard area only if the structure or tank is either elevated or floodproofed to at least the regulatory flood protection elevation and certified according to § 151.051(C) of this chapter.

(K) All subdivision proposals and other development proposals shall be consistent with the need to minimize flood damage.

(L) All subdivision proposals and other development proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.

(M) All subdivision proposals and other development proposals shall have adequate drainage provided to reduce exposure to flood hazards.

(N) All subdivision proposals and other development proposals shall have received all necessary permits from those governmental agencies for which approval is required by federal or state law, including § 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. § 1334. (Ord. passed 9-6-2006)

§ 151.071 SPECIFIC STANDARDS.

In all special flood hazard areas where base flood elevation (BFE) data has been provided, as set forth in § 151.031, or § 151.052(K) and (L), the following provisions, in addition to § 151.070, are required.

(A) *Residential construction.* New construction and substantial improvement of any residential structure (including manufactured homes) shall have the reference level, including basement, elevated no lower than the regulatory flood protection elevation, as defined in § 151.015.

(B) *Nonresidential construction.* New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall have the reference level, including basement, elevated no lower than the regulatory flood protection elevation, as defined in § 151.015. Structures located in A, AE and A1-30 Zones may be floodproofed to the regulatory flood protection elevation in lieu of elevation provided that all areas of the structure, together with attendant utility and sanitary facilities,

below the regulatory flood protection elevation are watertight with walls substantially impermeable to the passage of water, using structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. For AO Zones, the floodproofing elevation shall be in accordance with § 151.075. A registered professional engineer or architect shall certify that the standards of this division (B) are satisfied. Such certification shall be provided to the Floodplain Administrator as set forth in § 151.051(C), along with the operational and maintenance plans.

(C) *Manufactured homes.*

(1) New or replacement manufactured homes shall be elevated so that the reference level of the manufactured home is no lower than the regulatory flood protection elevation, as defined in § 151.015.

(2) Manufactured homes shall be securely anchored to an adequately anchored foundation to resist flotation, collapse, and lateral movement, either by engineer certification, or in accordance with the most current edition of the *State of North Carolina Regulations for Manufactured Homes* adopted by the Commissioner of Insurance pursuant to G.S. § 143-143.15. Additionally, when the elevation would be met by an elevation of the chassis 36 inches or less above the grade at the site, the chassis shall be supported by reinforced piers or engineered foundation. When the elevation of the chassis is above 36 inches in height, an engineering certification is required.

(3) All enclosures or skirting below the lowest floor shall meet the requirements of divisions (D)(1), (D)(2) and (D)(3) below.

(4) An evacuation plan must be developed for evacuation of all residents of all new, substantially improved or substantially damaged manufactured home parks or subdivisions located within flood prone areas. This plan shall be filed with and approved by the Floodplain Administrator and the local Emergency Management Coordinator.

(D) *Elevated buildings.* Fully enclosed areas of new construction and substantially improved structures, which is below the lowest floor:

(1) Shall not be designed or used for human habitation, but shall only be used for parking of vehicles, building access or limited storage of maintenance equipment used in connection with the premises. Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment (standard exterior door), or entry to the living area (stairway or elevator). The interior portion of such enclosed area shall not be finished or partitioned ----into separate rooms, except to enclose storage areas;

(2) Shall be constructed entirely of flood resistant materials below the regulatory flood protection elevation; and

(3) Shall include, in Zones A, AO, AE and A1-30, flood openings to automatically equalize hydrostatic flood forces on walls by allowing for the entry and exit of floodwaters. To meet this

requirement, the openings must either be certified by a professional engineer or architect or meet or exceed the following minimum design criteria:

- (a) A minimum of two flood openings on different sides of each enclosed area subject to flooding;
- (b) The total net area of all flood openings must be at least one square inch for each square foot of enclosed area subject to flooding;
- (c) If a building has more than one enclosed area, each enclosed area must have flood openings to allow floodwaters to automatically enter and exit;
- (d) The bottom of all required flood openings shall be no higher than one foot above the adjacent grade;
- (e) Flood openings may be equipped with screens, louvers or other coverings or devices, provided they permit the automatic flow of floodwaters in both directions; and
- (f) Enclosures made of flexible skirting are not considered enclosures for regulatory purposes, and, therefore, do not require flood openings. Masonry or wood underpinning, regardless of structural status, is considered an enclosure and requires flood openings as outlined above.

(E) *Additions/improvements.*

(1) Additions and/or improvements to pre-FIRM structures when the addition and/or improvements in combination with any interior modifications to the existing structure are:

- (a) Not a substantial improvement, the addition and/or improvements must be designed to minimize flood damages and must not be any more nonconforming than the existing structure; and
- (b) A substantial improvement, both the existing structure and the addition and/or improvements must comply with the standards for new construction.

(2) Additions to post-FIRM structures with no modifications to the existing structure other than a standard door in the common wall shall require only the addition to comply with the standards for new construction.

(3) Additions and/or improvements to post-FIRM structures when the addition and/or improvements in combination with any interior modifications to the existing structure are:

- (a) Not a substantial improvement, the addition and/or improvements only must comply with the standards for new construction; and
- (b) A substantial improvement, both the existing structure and the addition and/or improvements must comply with the standards for new construction.

(4) Where an independent perimeter load-bearing wall is provided between the addition and the existing building, the addition(s) shall be considered a separate building and only the addition must comply with the standards for new construction.

(F) *Recreational vehicles*. Recreational vehicles shall either:

(1) Be on site for fewer than 180 consecutive days and be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities, and has no permanently attached additions); or

(2) Meet all the requirements for new construction.

(G) *Temporary nonresidential structures*. Prior to the issuance of a floodplain development permit for a temporary structure, the applicant must submit to the Floodplain Administrator a plan for the removal of such structure(s) in the event of a hurricane, flash flood or other type of flood warning notification. The following information shall be submitted in writing to the Floodplain Administrator for review and written approval:

(1) A specified time period for which the temporary use will be permitted. Time specified may not exceed three months, renewable up to one year;

(2) The name, address and phone number of the individual responsible for the removal of the temporary structure;

(3) The time frame prior to the event at which a structure will be removed (i.e., minimum of 72 hours before landfall of a hurricane or immediately upon flood warning notification);

(4) A copy of the contract or other suitable instrument with the entity responsible for physical removal of the structure; and

(5) Designation, accompanied by documentation, of allocation outside the special flood hazard area, to which the temporary structure will be moved.

(H) *Accessory structures*.

(1) When accessory structures (sheds, detached garages and the like) are to be placed within a special flood hazard area, the following criteria shall be met:

(a) Accessory structures shall not be used for human habitation (including working, sleeping, living, cooking or restroom areas);

(b) Accessory structures shall not be temperature-controlled;

(c) Accessory structures shall be designed to have low flood damage potential;

(d) Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters;

(e) Accessory structures shall be firmly anchored in accordance with § 151.070(A);

(f) All service facilities such as electrical shall be installed in accordance with § 151.070(D); and

(g) Flood openings to facilitate automatic equalization of hydrostatic flood forces shall be provided below regulatory flood protection elevation in conformance with division (D)(3) above.

(2) An accessory structure with a footprint less than 150 square feet that satisfies the criteria outlined above does not require an elevation or floodproofing certificate. Elevation or floodproofing certifications are required for all other accessory structures in accordance with § 151.051(C). (Ord. passed 9-6-2006)

§ 151.072 STANDARDS FOR FLOODPLAINS WITHOUT ESTABLISHED BASE FLOOD ELEVATIONS.

Within the special flood hazard areas designated as Approximate Zone A and established in § 151.031, where no base flood elevation (BFE) data has been provided by FEMA, the following provisions, in addition to §§ 151.070 and 151.071, shall apply.

(A) No encroachments, including fill, new construction, substantial improvements or new development shall be permitted within a distance of 20 feet each side from top of bank or five times the width of the stream, whichever is greater, unless certification with supporting technical data by a registered professional engineer is provided demonstrating that such encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.

(B) The BFE used in determining the regulatory flood protection elevation shall be determined based on one of the following criteria set in priority order.

(1) If base flood elevation (BFE) data is available from other sources, all new construction and substantial improvements within such areas shall also comply with all applicable provisions of this chapter and shall be elevated or floodproofed in accordance with standards in § 151.052(K) and (L).

(2) All subdivision, manufactured home park and other development proposals shall provide base flood elevation (BFE) data if development is greater than five acres or has more than 50 lots/manufactured home sites. Such base flood elevation (BFE) data shall be adopted by reference per § 151.031 to be utilized in implementing this chapter.

(3) When base flood elevation (BFE) data is not available from a federal, state or other source as outlined above, the reference level shall be elevated to or above the regulatory flood protection elevation, as defined in § 151.015.

(Ord. passed 9-6-2006)

§ 151.073 STANDARDS FOR RIVERINE FLOODPLAINS WITH BFE BUT WITHOUT ESTABLISHED FLOODWAYS OR NON-ENCROACHMENTS AREAS.

Along rivers and streams where BFE data is provided but neither floodway nor non-encroachment areas are identified for a special flood hazard area on the FIRM or in the FIS report, the following requirements shall apply to all development within such areas:

(A) Standards outlined in §§ 151.070 and 151.071; and

(B) Until a regulatory floodway or non-encroachment area is designated, no encroachments, including fill, new construction, substantial improvements, or other development, shall be permitted unless certification with supporting technical data by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.

(Ord. passed 9-6-2006)

§ 151.074 FLOODWAYS AND NON-ENCROACHMENT AREAS.

Areas designated as floodways or non-encroachment areas are located within the special flood hazard areas established in § 151.031. The floodways and non-encroachment areas are extremely hazardous areas due to the velocity of floodwaters that have erosion potential and carry debris and potential projectiles. The following provisions, in addition to standards outlined in §§ 151.070 and 151.071, shall apply to all development within such areas.

(A) No encroachments, including fill, new construction, substantial improvements and other developments shall be permitted unless it has been demonstrated that:

(1) The proposed encroachment would not result in any increase in the flood levels during the occurrence of the base flood, based on hydrologic and hydraulic analyses performed in accordance with standard engineering practice and presented to the Floodplain Administrator prior to issuance of floodplain development permit; or

(2) A conditional letter of map revision (CLOMR) has been approved by FEMA. A letter of map revision (LOMR) must also be obtained upon completion of the proposed encroachment.

(B) If division (A) above is satisfied, all development shall comply with all applicable flood hazard reduction provisions of this chapter.

(C) No manufactured homes shall be permitted, except replacement manufactured homes in an existing manufactured home park or subdivision, provided the following provisions are met:

(1) The anchoring and the elevation standards of § 151.071(C); and

(2) The no encroachment standard of division (A) above.

(Ord. passed 9-6-2006)

§ 151.075 STANDARDS FOR AREAS OF SHALLOW FLOODING (ZONE AO).

Located within the special flood hazard areas established in § 151.031, are areas designated as shallow flooding areas. These areas have special flood hazards associated with base flood depths of one to three feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and determinate. In addition to § 151.070, all new construction and substantial improvements shall meet the following requirements.

(A) The reference level shall be elevated at least as high as the depth number specified on the Flood Insurance Rate Map (FIRM), in feet, plus a freeboard of two feet, above the highest adjacent grade; or at least two feet above the highest adjacent grade plus a freeboard of two feet if no depth number is specified.

(B) Non-residential structures may, in lieu of elevation, be floodproofed to the same level as required in division A) above so that the structure, together with attendant utility and sanitary facilities, below that level shall be watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. Certification is required as per §§ 151.051(C) and 151.071(B).

(C) Adequate drainage paths shall be provided around structures on slopes to guide floodwaters around and away from proposed structures.

(Ord. passed 9-6-2006)

LEGAL STATUS PROVISIONS

§ 151.090 EFFECT UPON OUTSTANDING FLOODPLAIN DEVELOPMENT PERMITS.

Nothing herein contained shall require any change in the plans, construction, size or designated use of any development or any part thereof for which a floodplain development permit has been granted by

the Floodplain Administrator or his or her authorized agents before the time of passage of this chapter; provided, however, that when construction is not begun under such outstanding permit within a period of six months subsequent to the date of issuance of the outstanding permit, construction or use shall be in conformity with the provisions of this chapter.

(Ord. passed 9-6-2006)

§ 151.091 EFFECTIVE DATE.

This chapter shall become effective upon adoption.

(Ord. passed 9-6-2006)

§ 151.999 PENALTY.

Violation of the provisions of this chapter or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance or special exceptions, shall constitute a misdemeanor. Any person who violates this chapter or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than \$150 or imprisoned for not more than 30 days, or both. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the town from taking such other lawful action as is necessary to prevent or remedy any violation.

(Ord. passed 9-6-2006; Ord. passed 8-10-2017)

CHAPTER 152: SUBDIVISIONS

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GENERAL PROVISIONS

§ 152.001 TITLE.

This chapter shall be known as the "Subdivision Regulation of the Town of Green Level, North Carolina".

(Ord. passed - -2005)

§ 152.002 AUTHORITY.

This chapter is hereby adopted under the authority and provision of the G.S. Chapter 160A, Article 19, Part 2.

(Ord. passed - -2005)

§ 152.003 JURISDICTION.

This chapter shall govern all subdivision of land within the corporate limits of the town and within its extraterritorial planning jurisdiction, as it now exists or may hereinafter be established.

(Ord. passed - -2005)

§ 152.004 PURPOSE.

The purpose of this chapter is to promote the public health, safety and general welfare by providing for the orderly subdivision of land in the town. Among other reasons, this chapter is deemed necessary to assure the appropriate layout and use of land; provide safe, convenient and economic circulation of vehicular traffic; provide for the dedication or reservation of street right-of-way, installation of streets and utilities; avoid undue concentrations of population; and ensure proper legal description, identification, monumentation and recordation of property boundaries.

(Ord. passed - -2005)

§ 152.005 APPLICATION OF CHAPTER.

(A) *Generally.* This chapter is applicable to all division of a tract or parcel of land into two or more lots, building sites, or other divisions, for the purpose, whether immediate or future, for sale, or building development, and shall include all divisions of land involving the dedication of new street or a change in existing streets.

(B) *Exemptions.* **SUBDIVISION** means all divisions of a tract or parcel of land into two or more lots, building sites, or other divisions when any one or more of those divisions is created for the purpose of sale or building development (whether immediate or future) and shall include all divisions of land involving the dedication of a new street or a change in existing streets; but the following shall not be included nor be subject to the regulations prescribed by this chapter:

(1) The combination or recombination of portions of previously subdivided and recorded lots where the total number of lots is not increased and the resultant lots are equal to or exceed the standards of the town as shown in its subdivision regulations;

(2) The division of land into parcels greater than ten acres if no street right-of-way dedication is involved;

(3) The public acquisition by purchase of strips of land for widening or opening of streets; and

(4) The division of a tract in single ownership whose entire area is no greater than two acres into not more than three lots, if no street right-of-way dedication is involved, and if the resultant lots are equal to or exceed the standards of the town, as shown in its subdivision regulations.

(Ord. passed - -2005)

§ 152.006 PERQUISITE TO PLAT RECORDATION.

After the effective date of this chapter, each individual subdivider of land within the town's planning jurisdiction shall comply with the requirements specified in this text before any lots can be sold.

(Ord. passed - -2005)

§ 152.007 PERMITS NOT ISSUED.

No administrative agent of the town or the county shall issue any permit for the construction of any building, approval of electrical installation or other improvement requiring a permit, or any part of a subdivision, **until** the requirements of this chapter have been met and a final plat approved in accordance with this chapter.

(Ord. passed - -2005)

§ 152.008 CERTIFICATED OF EXEMPTION.

(A) Before any plat exempt from the provision of this chapter as specified in § 152.005(B) may be recorded, a certificate of exemption shall be obtained from the Subdivision Administrator and presented to the Register of Deeds Office certifying that exemption conditions have been satisfied.

(B) The certificate of exemption shall read as follows:

I (we) hereby certify that I am (we are) the owner(s) of the property shown and described hereon, which was conveyed to me (us) by deed recorded in Book ___, Page ___, and that the subdivision of the property shown on this plat is an exemption to the Subdivision Regulations of the Town of Green Level, North Carolina under § 152.00S(B).	
_____ Owner's signature	_____ Date
_____ Subdivision Administrator	_____ Date

(Ord. passed - -2005)

§ 152.009 CERTIFICATE OF AUTOMATIC APPROVAL.

(A) The following plats shall be approved automatically by the Subdivision Administrator without following the review procedures specified for major or minor subdivision plats:

(1) The division of a tract of land into not more than two lots within a two-year period, if no right-of-way dedication is involved and if the resultant lots are equal to or exceed the standards specified in this chapter of the zoning ordinance of the town; and

(2) The division of a cemetery into grave sites.

(B) Before any plat approved by the automatic approval process is recorded, a certificate of automatic approval shall be obtained from the Subdivision Administrator and presented to the Register of Deeds Office certifying that the automatic approval conditions have been satisfied.

(C) The certificate of automatic approval shall read as follows:

<i>Certificate of Automatic Approval</i>	
<p>I (we) hereby certify that I am (we are) the owner(s) of the property shown and described hereon, which was conveyed to me (us) by deed recorded in Book ____, Page ____, and that the subdivision of the property shown on this plat is eligible for automatic approval under § 152.009 of the Subdivision Regulations of the Town of Green Level, North Carolina.</p>	
<p>_____ Owner(s)</p>	<p>_____ Date</p>
<p>_____ Subdivision Administrator</p>	<p>_____ Date</p>

(Ord. passed - -2005)

§ 152.010 NO STREET RECOMMENDED FOR MAINTENANCE.

No street shall be recommended for maintenance, either by the town if inside the corporate limits, of the State Department of Transportation if the town's extraterritorial planning jurisdiction, in any subdivision until it meets all the requirement specified in this chapter.

(Ord. passed - -2005)

§ 152.011 APPROVAL OF THE SUBDMSION DOES NOT CONSTITUTE AN ACCEPTANCE OF STREETS AND THE LIKE.

The approval of subdivision plat does not constitute the acceptance of any street, utility line or other facility site on the plat by the town, the State Department of Transportation or other public agency for future maintenance.

(Ord. passed - -2005)

§ 152.012 SUBDMSION ADMINISTRATOR.

The Subdivision Administrator shall be appointed by the Town Council. The powers and duties of the Administrator shall be to implement the provisions of this chapter with the assistance of the appropriate technical staff. The specific responsibilities of the Administrator shall include, but not limited to, conferring with the subdividers, reviewing plans and plats, coordinating and collaborating with the appropriate experts on the plan and plats, making field investigations of plans and improvements, and presenting plans and plats with findings and recommendations to the Planning Board.

(Ord. passed - -2005)

REVIEW PROCEDURE FOR MAJOR SUBDIVISION PLATS**§ 152.025 REVIEW PROCEDURE; GENERAL.**

The major subdivision review process involves four steps:

(A) Step 1 - sketch plan review;

(B) Step 2 - preliminary plat review and approval by the Planning Board and the Town Council and request for rezoning to R-E Residential - Exclusive District;

(C) Step 3 - construction plans review; and

(B) Step 4 - final plat review and approval by the Planning Board and Town Council.
(Ord. passed - -2005)

§ 152.026 SKETCH PLAN REVIEW (STEP 1).

(A) The sketch plan review is an informal process that allows an exchange of information between the developer and the town staff. Consequently, no formal application or fee is required. It is suggested, however, that plans should be on the same size paper and scale as required for preliminary and final plats. Two paper copies shall be submitted to the Subdivision Administrator. The Administrator and the developer shall review the project to evaluate its feasibility in light of the town's development practices and requirements. Once the review process has been completed, one copy shall be returned to the subdivider and one copy kept on file in the office of the Subdivision Administrator.

(B) It is important to remember that this review shall not in any way be construed as constituting an official action of approval for recording of the subdivision.
(Ord. passed - -2005)

§ 152.027 PRELIMINARY PLAT (STEP 2).

(A) *Review procedure.*

(1) *Administrative review.* The subdivider or his or her authorized agent shall submit copies of the preliminary plat to the Administrator at least 30 days prior to a regular meeting of the Planning Board. The Administrator shall determine whether or not the plat meets the requirements of §§ 152.075 through 152.082. The Administrator shall also seek comments from various agencies or departments that may include, but not limited to, law enforcement, Fire Departments, Public Works Department as well as the County Board of Health and the State Department Transportation.

(2) *Planning Board review.* The Planning Board shall approve, approve conditionally or disapprove the preliminary plat within 45 days of first consideration. If approve, or approved conditionally, their approval shall be indicated on the plat as specified in division (F) below. If the Planning Board disapproves, the Board shall state in writing its reasons, specifying the provisions of this chapter which the plat does not comply. One copy shall be sent to the subdivider; and one copy shall be maintained in the minutes of the Planning Board. A corrected copy can be resubmitted to the Planning Board for its consideration. If the Planning Board fails to approve or disapprove the final plat within 45 days after the first consideration, such failure shall be deemed approval and shall constitute grounds for the subdivider to apply for approval from the Town Council.

(3) *Town Council review.* The Town Council shall review the preliminary plat with recommendations from the Planning Board and shall approve, approve conditionally or disapprove the final plat within 45 days after the first consideration. If the Town Council approves, or approves conditionally, such approval shall be shown on the plat as specified in division (F) below. If the Town Council disapproves the preliminary plat, the reasons shall be stated in writing, specifying the provisions of this chapter which the plat does not apply. Once copy shall be set to the subdivider; and one copy retained in the official minutes of the Town Council. The plat can be corrected and resubmitted to the Planning Board for their consideration. The Town Council will set a date for a public hearing for rezoning to R-E Residential - Exclusive District.

(B) *Number of copies and graphic media.* Nineteen black or blue line prints of the proposed subdivision shall be submitted.

(C) *Scale and size of sheets.* The preliminary plat shall be at a scale not smaller than one inch to 100 feet and be drawn on a sheet with outside dimensions of not more than 18 inches by 24 inches, (i.e., 1:50 is permitted, but 1:200 is not).

(D) *Authorized preparer of plats.* The preliminary plat shall be prepared by a surveyor or engineer licensed and registered to practice in the state.

(E) *Administrative fees.* At the time of submission of the preliminary plat, the subdivider shall pay the town a filing fee as established by the Town Council.

(F) *Certificates required.* The following certificates shall appear on the preliminary plat:

<i>Certificate of Approval of the Preliminary Plat</i>	
The preliminary plat of the _____ Subdivision is hereby approved or approved conditionally. If approved conditionally, the specific conditions shall be listed and attached to the plat.	
_____ Date	_____ Chairperson, Town Planning Board
_____ Date	_____ Mayor of Green Level

(G) *Contents required.* The preliminary plat shall depict or contain the information specified in § 152.060. (Plats not illustrating or containing the information required in § 152.060 shall be returned to the subdivider or his or her authorized agent for completion and resubmission.)
(Ord. passed - -2005)

§ 152.028 PLAT SUBMITTAL TIME LIMIT.

The final plat shall be submitted not more than 12 months after the preliminary plat has been approved or it shall be null and void. In that case, the preliminary plat shall be resubmitted as if it were a new subdivision plat. However, the Town Council, upon good and sufficient cause, may extend the period for one addition year. The subdivider shall submit a written request stating the specific reasons for the extension to the Town Council.
(Ord. passed - -2005)

§ 152.029 CONSTRUCTION PLAN REVIEW (STEP 3).

All site improvements including grading, drainage, sidewalks, utilities (water and sewer) and streets shall be inspected and approved prior to installation. These improvements shall be in accordance with the town's standards. All plans and drawings shall be reviewed by the town's consulting engineer before approval by the town.
(Ord. passed - -2005)

§ 152.030 PERFORMANCE GUARANTEES.

(A) In lieu of prior to the improvements required by this chapter, the town may, for the purpose of approving a final plat, accept a guarantee from the subdivider that such improvement will be carried out according to the town's specifications at his or her expense. Types of guarantees include:

- (1) A surety bond made by a company licensed to do business in North Carolina;
- (2) A certified check drawn in favor of the town;
- (3) Cash deposited with the town; and
- (4) An irrevocable letter of credit.

(B) Such guarantees shall equal 125% of the estimated cost of the required improvements. Performance guarantees shall be reviewed by the Planning Board and approved by the Town Council. Any renewal shall also be reviewed by the Planning Board and approved by the Town Council. Guarantees shall run for 18 months. As 25%, 50%, 75% and 100% of the project is completed, a corresponding percentage of the guarantee can be released.
(Ord. passed - -2005)

§ 152.031 FINAL PLAT (STEP 4).*(A) Review procedure.*

(1) *Administrative review.* At least seven days prior to the regular meeting of the Town Planning Board, a final plat can be submitted by the subdivider or his or her authorized agent. During this period, the Administrator, with assistance from appropriate technical agencies such as the Public Works Department, the State Department of Transportation shall review the plat. If substantial difference exists between the final and preliminary plat, the plat shall be resubmitted as a new preliminary plat.

(2) *Planning Board review.* The Planning Board shall approve or disapprove the final plat within 45 days of first consideration. If the Planning Board approved the final plat, its approval shall be indicated on each copy as specified in division (F) below. If the Planning Board disapproves the final plat, the Board shall state in writing its reasons, specifying the provisions of this chapter which the plat does not comply. One copy shall be sent to the subdivider; another copy shall be retained in the minutes of the Planning Board for its consideration. If the Planning Board fail to approve or disapprove the final plat within 45 days after first consideration, such failure shall be deemed approval and shall constitute grounds for the subdivider to apply for final approval from the Town Council.

(3) *Town Council review.* The Town Council shall review the final plat with the recommendations of the Planning Board and shall approve or disapprove the plat within 45 days after first consideration. If the Town Council approves the final plat, such approval shall be shown on each copy as specified in Subsection.

(B) Number of copies and graphic media.

(1) Seven copies of the final plat shall be submitted; and

(2) Two ink Mylar copies and five blue line paper prints.

(C) *Scale and size of sheets.* The final plat shall be at a scale not smaller than one inch to 100 feet and be drawn on a sheet with outside dimensions of not more than 18 inches by 24 inches.

(D) *Authorized preparer of plats.* The final plat shall be prepared by a surveyor or engineer licensed and registered to practice in the state. The final plat shall substantially conform to the provisions of plats, subdivisions, and mapping requirements as set forth in G.S. § 47-30, as amended and the *Standard of Practice of Land Surveying in North Carolina*.

(E) *Administrative fees.* At the time of submission of the final plat, the subdivider or his or her authorized agent shall pay the town a filing fee as established by the Town Council.

(F) *Certificates required.* The following certifications shall appear on the final plat. The certificates of ownership and dedication and the survey and accuracy shall be completed before submitting the plat to the Administrator.

(1) *Certificate of ownership and dedication.**Certificate of Ownership and Dedication*

I hereby certify that I am the owner of the property shown and described hereon, which is located in the subdivision ~~jurisdiction of the town and that I hereby~~ adopt this plan of subdivision with my free consent, establish minimum building setback lines, and dedicate all streets, walks, parks and other sites and easements to public or private use as noted. Furthermore, I hereby dedicate all sanitary sewer, storm sewer and water lines to the Town of Green Level.

Date

Owner

(2) *Certificate of survey and accuracy.**Certificate of Survey and Accuracy*

I, _____, certify that this plat was drawn under my supervision from (an actual survey ~~made under my supervision~~) (deed description recorded in Book __, Page __, etc.) (other); that the boundaries not surveyed are shown as ~~broken lines plotted from information found in Book __, Page __~~; that ~~this plat was prepared in accordance with G.S. § 47-30 as amended.~~

Witness my original signature, registration number and seal this day of _____, A.D. 20__

Seal or Stamp

Surveyor

Registration Number

(3) The certificate of the Notary shall read as follows:

I, _____ a Notary Public of the County and State aforesaid, certify that _____ a registered land surveyor/personally appeared before me this day and acknowledged the execution of the foregoing instrument.

Witness my hand and official stamp or seal this day of _____, A.D. 20__.

Seal Stamp

Notary Public

My Commission Expires _____

(4) *Certificate of approval of required improvements.**Certificate of Approval of Required Improvements*

I hereby certify that ~~all streets, utilities, and other required improvements have been installed in an acceptable manner and according to the town's specifications and standards, or that guarantees of installation of the required improvements in amount and manner satisfactory to the town has been received.~~

Date

Town Administrator

Green Level - Land Usage*(5) Certificate of approval of water and sewer. **

<i>Certificate of Approval of Water and Sewer</i>	
I hereby certify that the water supply and sewage disposal system installed or proposed for installation in _____ Subdivision meet necessary public health requirements and are hereby approved.	
_____ Date	_____ Alamance County Health Officer

* This certificate is not required for subdivision which are connected to existing publicly owned and operated water supply and sewage disposal systems.

(6) Certificate of approval for recording.

<i>Certificate of Approval for Recording</i>	
I hereby certify that the _____ Subdivision has been found to comply with the Subdivision Regulations of the Town of Green Level, North Carolina and the plat has been approved by the Planning Board and the Town Council, and can be recorded in the Office of the Register of Deeds of Alamance County.	
_____ Date	_____ Chairperson, Green Level Planning Board
_____ Date	_____ Mayor, Green Level

(G) Contents required. The final plat shall depict or contain the information specified in § 152.060. (Plats not illustrating or containing the information required in § 152.060 shall be returned to the subdivider or his or her authorized agent for completion and resubmission.)

(H) Disposition of final plats. Two inked Mylar copies shall be signed and executed as required for recording by the Register of Deeds of the county. One copy shall be returned to the subdivider; and another copy shall be recorded at the Register of Deeds Office.

(I) Recording final plat. Within 60 days after approval by the Town Council, the final plat shall be recorded in the County Register of Deeds Office. The town shall be responsible for recording the final plat, but the cost of recording shall be incurred by the subdivider.

(J) Resubdivision procedure. For any replatting resubdivision of land, the same procedures, rules and regulations shall apply as prescribed herein for an original subdivision.
(Ord. passed - -2005)

REVIEW PROCEDURE FOR MINOR SUBDIVISION PLATS

§ 152.045 OBJECTIVE.

An abbreviated process shall be permitted to simplify and speed up the review procedure for handling minor subdivision plats without undermining the objectives of the subdivision regulations.
(Ord. passed - -2005)

§ 152.046 MINOR SUBDMSION DEFINED.

A minor subdivision shall include all subdivisions that:

(A) Front on an existing road; and

(B) Contain ten lots or less.

(Ord. passed - -2005)

§ 152.047 REVIEW PROCEDURES.

(A) The subdivider shall submit a sketch development plan to the Subdivision Administrator. At this stage, the Administrator and the subdivider shall informally review the proposed subdivision to ensure it meets the requirements of a minor plat.

(B) After this initial review has been completed, the subdivider shall prepare a final plat as specified in § 152.060 and submit it to the Planning Board for its approval.

(C) The Planning Board shall approve or disapprove the final plat at its next regular meeting.
(Ord. passed - -2005)

§ 152.048 FINAL PLAT REQUIREMENTS.

The abbreviated procedure for minor plats does not change the requirements for final plats as specified in§ 152.060.
(Ord. passed - -2005)

§ 152.049 APPEAL PROCEDURES.

If the subdivider disagrees with the decision of the Planning Board or does not receive a response within 30 days, the subdivider may appeal to the Town Council at its next regular meeting.
(Ord. passed - -2005)

REQUIREMENTS FOR PRELIMINARY AND FINAL PLATS

§ 152.060 REQUIREMENTS FOR PRELIMINARY AND FINAL PLATS.

(A) *Generally.*

		<i>Preliminary Plats</i>	<i>Final Plats</i>
1.	Title block containing:		
	-name of subdivision	X	X
	-name of owner	X	X
	-name of subdivider	X	X
	-name of engineer, registered surveyor and land use planner	X	X
2.	Vicinity map	X	X
3.	North arrow	X	X
4.	Site data:		
	-total acreage	X	X
	-acreage in parks and recreational uses and other nonresidential uses	X	X
	-total number of parcels produced	X	X
	-acreage in smallest lot in subdivision	X	
5.	Boundaries of tract show in bearings and distances	X	X
6.	The location of any natural or human-made features which may affect the suitability of the land for subdivision such as watercourses, rock out-crops, electric transmission line and the like	X	X
7.	The existing and proposed uses on proposed subdivision lots and, if known, on the adjoining parcels	X	X
8.	Name of the owners of adjoining properties	X	X
9.	The name of any adjoining subdivision of record as proposed and under review	X	X
10.	Zoning classification, if any, both on the land to be subdivided and on adjoining land	X	X

		<i>Preliminary Plats</i>	<i>Final Plats</i>
11.	Existing property line on the tract to be subdivided and on adjoining properties	X	X
12.	Minimum building setback	X	X
13.	Existing buildings or other structures such as bridges, culverts, storm drains on the land to be subdivided and on land immediately adjoining	X	X

(B) *Block tie lines.* Each block shall have at least one tie line showing bearing and distance between one established point on each side of the road.
(Ord. passed - -2005)

GENERAL REQUIREMENTS AND MINIMUM STANDARDS

§ 152.075 GENERAL REQUIREMENTS FOR ALL SUBDIVISIONS.

(A) *Compliance with other laws.* All subdivisions and lots created under this chapter must comply with all applicable local and state laws.

(B) *Conformity to existing maps or plans.* The location and width of all proposed roads shall be in conformity with official plans or maps of and existing subdivision within the county.

(C) *Name of subdivision.* The name of a subdivision shall not duplicate nor closely approximate the name of an existing subdivision within the county.

(D) *Contour map.* If, in the opinion of the Planning Board or other local officials or agencies, the topographic or drainage characteristics of the land to be subdivided warrant special consideration, the subdivider shall submit to the Planning Board, upon request, a contour map of the specified interval.

(E) *Sedimentation pollution control.* In order to prevent soil erosion and sedimentation pollution of streams, springs, flat water bodies or other drainage networks, the subdivider shall comply with all requirements of the North Carolina Sedimentation Pollution Control Act and any locally adopted sediment control ordinance.

(Ord. passed - -2005)

§ 152.076 STREET LAYOUT GUIDELINES.

(A) *Street names.* The name of a subdivision street shall not duplicate nor closely approximate the name of an existing street within the county.

(B) *Coordination and continuation of roads.* The proposed road layout within a subdivision shall be coordinated with the existing road system of the surrounding area where possible, existing principal roads shall be extended.

(C) *Collector and local streets.* Collector and local streets shall be so laid out that their use by through traffic will be discouraged. Streets shall be designed or walkways dedicated to assure convenient access to parks, playgrounds, schools and other places of public assembly.

(D) *Marginal access streets.* Where a tract of land to be subdivided adjoins an arterial roadway, the subdivider may be required to provide a marginal access street parallel to the arterial roadway or reverse frontage on a minor street for the lots to be developed adjacent to the roadway. Where reverse frontage is established, private driveways shall be prevented from having direct access to the arterial roadway.

(E) *Access to the proposed subdivision.*

(1) *Generally.* Every subdivision shall have permanent access to a public street. Where it is necessary to cross the lands of private property owners in order to provide access, the subdivider shall provide documentation satisfactory to the Planning Board that he or she has obtained from the property owners a permanent right-of-way to his or her subdivision.

(2) *Full disclosure concerning right-of-way to subdivision.* Full disclosure concerning right-of-way shall be made on the final plat prior to recording at the Register of Deeds Office.

(F) *Temporary turn-around.* Where, in the opinion of the Planning Board, it is necessary to provide for road access to an adjoining property, proposed roads shall be extended by dedication to the boundary of such property and a temporary turn-around shall be provided.

(G) *Intersections.*

(1) Streets shall be laid out so as to intersect as nearly as possible at right angles, and no street shall intersect any other street at an angle less than 60 degrees.

(2) Property lines at street intersections shall be round within a minimum radius of 20 feet. At an angle of intersection of less than 75 degrees, a greater radius may be required. Where a street intersects a highway, the design standards of North Carolina Department of Transportation, Division of Highways shall be followed.

(3) Off-set intersections are to be avoided unless exception is granted by the Planning Board. Intersections which cannot be aligned should be separated by minimum length of 200 feet between surveys centerlines.

(4) Intersections with major or minor thoroughfares shall be at least 1,000 feet apart measured from centerline to centerline.

(H) *Cul-de-sacs*. Permanent dead-end streets shall not exceed 500 feet in length and shall be provided with a turnaround having roadway diameter of at least 80 feet and a right-of-way diameter of at least 100 feet. Temporary dead-end street shall be provided with a roadway diameter of not less than 80 feet.

(Ord. passed - -2005)

§ 152.077 DESIGN STANDARDS FOR ROADS.

(A) *Public roads*. All roads and related storm drainage facilities shall comply with the standards specified in the *North Carolina Division of Highway Minimum Construction Standards for Subdivision Roads* except as modified by 3. Appendix I. It shall be the responsibility of the subdivider to show the documentation to the Planning Board that he or she has met these state standards.

(B) *Private roads*. Private roads in a subdivision may be permitted by the Planning Board if assurances can be given that well-designed and properly maintained roadways will be provided. Before the Planning Board approves private roads, the following criteria shall be met.

(1) The proposed roadways shall serve only local traffic. It shall not be a connector road between two public roads.

(2) The road shall be designed not only to handle local residential traffic, but be able to hand fire trucks, EMS rescue trucks, school buses and garbage collection trucks.

(3) Assurance from the subdivider that a homeowners association (HOA) will be established to assume responsibility for maintenance of the private roads.

(4) A copy of the subdivision street disclosure statement form shall be submitted to the Planning Board which, in accordance with G.S. § 136-1-2.6, shall be signed by the seller and the buyer of any lot in that subdivision. It shall clearly state that the private roads in that subdivision are not built to standards and cannot be dedicated until they are upgraded at the expense of property owners fronting on those roadways.

(C) *Curb and gutter*. Curb and gutter is mandatory on new subdivision streets.
(Ord. passed - -2005)

§ 152.078 BLOCKS.

(A) *Block length*. Block have sufficient width to allow two tiers of lots of minimum depth except were single-tier lots are required to separate residential development from through vehicular traffic or another type of use or when abutting a water area.

(B) *Pedestrian crosswalks.* Where deemed necessary by the Planning Board, a pedestrian crosswalk at least 15 feet in width may be required to provide convenient public access to a public area such as park or school or to a water area such as a stream, river or lake.

(Ord. passed - -2005)

§ 152.079 LOTS.

(A) *Smallest lot.* All lots in new subdivision shall conform to the zoning requirements of the district in which the subdivision is located. Conformation to zoning requirements means, among other things, that smallest lot in the subdivision must meet all dimensional requirements of the zoning ordinance. It is not sufficient merely for the average lot to meet zoning requirements.

(B) *Double frontage lots.* Double frontage lots shall be avoided whenever possible.

(C) *Side lot lines.* Side lot lines shall be substantially at right angles to or radial to street lines.

(D) *Building setback lines.* The building setback lines shall be established by the town zoning ordinance.

(E) *Panhandle lots.* The Planning Board may approve panhandle lots in exceptional cases where it is impractical to serve an isolated lot by a street. The frontage of the panhandle lot shall have a minimum width of 25 feet providing a private drive between two regular lots to the isolated building site. The area of such strip shall be excluded in computing the lot area and lot width. The length of this strip shall not exceed 300 feet.

(Ord. passed - -2005)

§ 152.080 EASEMENTS.

(A) *Utility easements.* Easements for underground or above ground utilities shall be provide where necessary across lots preferably centered on rear or side lot lines and shall be at least 20 feet in width. Town water and sewer lines shall be separated from all other utilities (electricity, telephone, cable television and the like).

(B) *Drainage easements.* Where a subdivision is traversed by a stream or drainage way, an easement shall be provided conforming with the lines of such stream and of sufficient width as will be adequate for the purpose as determined by the best available flood plan maps (i.e., U.S. Department of Agriculture, Soil Conservation Service, FEMA flood hazard maps).

(C) *Buffer strips.* A buffer strip at least ten feet in width may be required by the Planning Board adjacent to a major street or a commercial or industrial development. This strip shall be in addition to the normally required lot dimensions, shall be part of the platted lot and shall be reserved for the planting of trees and shrubs by the owners.

(Ord. passed - -2005)

§ 152.081 STORM WATER DRAINAGE.

(A) As part of the preliminary plat, the subdivider shall present a storm water drainage plan for his or her proposed subdivision to the Planning Board for its review and approval.

(B) This plan shall incorporate the following basic design elements.

(1) No surface water shall be channeled or directed into a sanitary sewer.

(2) Where feasible, the subdivider shall connect to an existing storm drainage system.

(3) When an existing storm drainage system cannot feasibly be extended to the subdivision, a surface drainage system shall be designed to protect the proposed development from water damage as well as other development downstream from project.

(4) Surface drainage courses shall have sides sloped of at least three feet of horizontal distance for each one foot of vertical distance, and courses shall be of sufficient size to accommodate the drainage area without flooding.

(5) The minimum grade along the bottom of a surface drainage course shall be a vertical fall of at least one in each 200 feet of horizontal distance.

(6) Streambanks and channels downstream from any land-disturbing activity shall be protected from increased degradation by accelerated erosion caused by increased velocity of runoff from the land disturbing activity in accordance with the Sedimentation Pollution Control Act, G.S. § 143-34.12, G.S. Chapter 113A, Article 4 and the North Carolina Administrative Code Title 15, Chapter 4.

(7) Any one constructing a dam or impoundment within the subdivision must comply with the North Carolina Dam Safety Law of 1967 and the North Carolina Administrative Code Title 15, Subchapter 2K.

(8) In all areas of special flood hazards, all subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage.
(Ord. passed - 2005)

§ 152.082 WATER AND SEWER SYSTEMS.

(A) New subdivisions shall connect to municipal water and sewer systems according to the guidelines established by the town.

(B) However, if municipal water or sewer systems are not available, the subdivider shall install private systems that have been approved by the appropriate county or state agency.
(Ord. passed - 2005)

CLUSTER DEVELOPMENT**§ 152.095 DEFINITION.**

(A) Cluster development is a variation or exception to the lot size requirements specified in the town zoning ordinance.

(B) If approved, the subdivider can cluster or group dwelling units on part of the tract and allow the remaining part of the lot to remain in open space.

(C) This is strictly a method of transferring density.

(D) *It* does not allow any uses that are not specifically listed in the zoning ordinance.
(Ord. passed - -2005)

§ 152.096 PLAT AND SITE PLAN APPROVAL REQUIRED.

(A) *Plat.* Any proposed cluster project, whether it is a single-family detached dwelling unit, duplex, townhouse or condominium project, shall have a preliminary and final plat approved by the Planning Board and the Town Council.

(B) *Site plan.* Any proposed project shall have a site plan that shows the following information:

(1) The location of the buildings, streets, alleys, walks, parking areas, recreation areas, tree covers and planting;

(2) Number and show the dimensions of all building sites, streets and utility easements to be dedicated to the public; and

(3) All areas on the site plan other than public street, easements or private building sites shall be shown and designed as common areas.

(C) *Landscape plan.* A landscape plan for all projects shall show all existing and proposed plant materials. The plan shall indicate the size and type of existing plant material and the size and type of plants to be planted.

(Ord. passed - -2005)

§ 152.097 MAXIMUM NUMBER OF LOTS.

(A) The maximum number of lots that may be created in a cluster development shall be computed as follows:

(1) From the gross area of land to be developed, subtract 20% which represent the approximate area needed for roadways; and

(2) Divide the remainder by the minimum lot area requirement for single-family dwellings of the zoning district where the development is located.

(B) The result is the maximum number of lots that may be created in the development. The 20% factor shall be constant regardless of the actual amount of land used for the street system.
(Ord. passed - -2005)

§ 152.098 MINIMUM STANDARDS FOR LOTS.

A cluster development with approved utility systems, including wells and septic tank systems, shall be exempt from the minimum lot sizes specified in the zoning ordinance except as required in § 152.099; however, in no case shall the lot size be less than 75% of the minimum zoning lot size. All other dimensional requirements such as front, side and rear yards shall apply.
(Ord. passed - -2005)

§ 152.099 PERIPHERAL LOTS.

The minimum size or the minimum standards of those peripheral lots which will be adjacent to undeveloped property in a single-family zone or developed as single-family houses shall be the same as the minimum size or the minimum standards required in the zoning district where the cluster development is located.
(Ord. passed - -2005)

§ 152.100 OPEN SPACE STANDARDS.

(A) At the discretion of the sub developers, a cluster development may utilized a range of lot sizes not in conflict with the minimum specified above in § 152.098 and provided further, that all land saved shall be designated as parks or open space. Such parks or open space shall be deeded to the town or held in non-profit corporate ownership by the owners of lots within the development.

(B) In consideration of the purposes served by a cluster development, the title of such areas as provided shall be preserved to the perpetual benefit of the public generally or the private properties in the development and shall be restricted against private ownership for any other purposes. Improvements

clearly incidental to the purpose of these provisions may be made within the open space provided that the maximum coverage of such improvements shall not exceed 25 % of the open space.

(Ord. passed - -2005)

§ 152.101 ACCESS TO OPEN SPACE.

All lots created within the development shall have direct access to all parks or open spaces as provided by means of public streets, dedicated walkways, fact of physical contiguity, other public lands or lands in common ownership by all residents.

(Ord. passed - -2005)

§ 152.102 OPEN SPACE PROVISIONS.

(A) Where the open space is to be deeded to a homeowner's association or other such non-profit ownership, the developer shall file a declaration of covenants and restrictions that will govern the open space and the association of non-profit organizations.

(B) This declaration shall be submitted with preliminary plat approval and shall include, but not be limited to, the following:

(1) The homeowner's association or the non-profit organization shall be established before any lots are sold;

(2) Membership shall be mandatory for each lot buyer and any successive buyer;

(3) The association shall provide for liability insurance, any truces and the maintenance of all grounds and facilities;

(4) Any sums levied by the association that remain unpaid shall become a lien upon the lot owner's property; and

(5) If all of any portion of the property held by the association is to be disposed of or if the association is dissolved, all such property shall be deeded in fee simple absolute title to the town at no cost to the town.

(Ord. passed - -2005)

§ 152.103 EXPIRATION.

In any case where a cluster development has been approved and construction not begun within one year from the date of such approval, approval shall automatically terminate and be of no farther effect

provided, however, the Town Council may, upon good and sufficient cause shown, extend this period for one additional year upon written request of the applicant.
(Ord. passed - -2005)

§ 152.104 PHASE DEVELOPMENTS.

A cluster development may be developed in phases provided that:

(A) The entire project receive approval before any phase development begins;

(B) All open space or common areas for the entire project be recorded and/or provided for in the homeowner's association with the development of the first phase. However, cluster developments which do not involve a required homeowner's association and which contain open spaces deeded to the town may be recorded provided that the open space or park land is deeded to and accepted by the town prior to development of the first phase, or a contract to give the town the land is executed, or any combination; and

(C) If a corporation or association is established for the open space, it will provide for total project membership.
(Ord. passed - -2005)

CONDOMINIUM AND TOWNHOUSE DEVELOPMENTS

§ 152.115 REQUIREMENTS FOR CONDOMINIUM DEVELOPMENTS.

(A) Before a declaration establishing a condominium development can be recorded in the Office of the Register of Deeds as prescribed in the North Carolina Unit Ownership Act, the declaration and plan shall conform to all applicable subdivision requirements as specified in this chapter.

(B) In addition, the following requirements shall be met.

(1) The declaration shall be a complete legal document prepared strictly in accordance with the North Carolina Unit Ownership Act and shall be submitted in final form in five copies to the Planning Board at least ten days prior to a regular scheduled Planning Board meeting along with a plan drawing described below.

(2) The final plan of the proposed development shall contain the following particulars:

(a) The unit designation of each unit and a statement of it location, approximate area, number of rooms and/or immediate common area to which it has access, and any other data necessary for its proper identification;

(b) Description of the general common areas and facilities as defined in the North Carolina Unit Ownership Act and the proportionate interest of each owner therein;

(c) Description of boundary lines between portions of the structures designed for different ownership;

(d) Description of all garages, balconies, patios and the like which form a part of any *unit*;

(e) Description of any special common areas and/or facilities stating what *units* shall share in the same and in what proportion; and

(f) Statement of the purpose for which the building and each of the units are intended and restrict as to use.

(3) The recordation of the declaration and plan shall be completed by the developer within 30 days after approval by the Planning Board.
(Ord. passed - -2005)

§ 152.116 REQUIREMENTS FOR TOWNHOUSES.

(A) The design standards for any townhouses project shall comply with this chapter.

(B) In addition; the following requirements shall be met.

(1) *Residential sites.* The site plan shall number and show the location and dimensions of residential sites within the development. A residential site shall be that property intended for conveyance to a fee simple owner after the construction of a single-family attached residence and shall be sufficient in size to contain the residence to be constructed any other proposed components of the property that is to be conveyed provided that for the purpose of the zoning ordinance, such townhouse residential sites shall be considered to be buildings for the purpose of determining buildings setbacks, yards, site coverage and other dimensional requirements.

(2) *Common areas.* All areas on the site plan, other than residential sites and public right-of-way, shall be shown and designed as common areas, the fee simple title to which shall be conveyed by the developer to the homeowner's association as defined below. All common areas shall be designed as a single parcel regardless of the proximity of each common areas to one or all of the other common areas, and such areas shall not be subdivided or conveyed by the homeowner's association. The title to the common area shall be preserved to the perpetual benefit of the homeowner's association.

(3) *Covenants and restrictions.* The developer shall file, along with the application for preliminary approval, a declaration of covenants and restrictions governing the common areas, the homeowner's association and the residential sites. The restrictions shall contain, but not be limited to, provisions for the following.

(a) The homeowner's association shall be organized and in legal existence prior to the sale of any residences in the development.

(b) Membership in the homeowner's association shall be mandatory for each original purchaser and each successive purchaser of a residential site.

(c) The homeowner's association shall be responsible for the provision of liability insurance, any taxes, maintenance of recreational and other facilities located on the common areas, and maintenance and repair to the exterior of all residences location within the development. It shall be further provided that upon default by the homeowner's association in the payment to the governmental authority entitled of any ad valorem taxes levied against the common areas, which default shall continue for a period of six months, each owner of a residential site in the development shall become personally obligated to pay to the taxing assessing governmental authority a portion of such taxes or assessments in an amount determined by dividing the total taxes and/or assessments due by the total number of residential sites in the development. If such sum is not paid by the owner, his or her heirs, devisees, personal representatives, and assignees, and the taxing or assessing governmental authority may either bring and action at law against the own personally obligated to pay the same or may elect to foreclose the lien against the property of the owner.

(d) The homeowner's association shall be empowered to levy assessments against the owners of residential sites within the development for the payment of expenditures may by the homeowner's association for the items set forth indivision (B)(3)(c) above and any such assessments not paid by the owner against whom such are assessed shall constitute a lien on the residential site of the owner.

(e) Easements over the common areas for access, ingress and egress from and to public streets and walkways, easements for enjoyment of the common areas, and for parking areas shall be granted to each owner or a residential site.

(f) All common walls between individual residences shall be party walls and provisions for the maintenance and restoration and the event of destruction or damage shall be established.
(Ord. passed - -2005)

DEDICATION OF PUBLIC RECREATION SITE

§ 152.130 INTENT.

Every person who subdivides land for residential purposes shall at the time of final approval of the subdivision plat agree to dedicate a portion of such land, as set forth in this chapter for the purpose of providing park, or recreation area to serve the future residents of the neighborhood within which the subdivision is located. As an alternative to the dedication of a portion of such land by the subdivider and/or where it is determined by the Planning Board and the Town Council that a dedication of land is

not feasible in a given plat or incompatible with the town's land development plan, the subdivider may make provisions for an equitable amount of land in another location, or pay to the town a fee in lieu of dedication as provided herein.

(Ord. passed - -2005)

§ 152.131 RESTRICTED USE OF LAND.

(A) The land received under this chapter shall be used only for the purpose of providing neighborhood park and recreational areas, but shall not be so restricted should the town determine to sell such land as provided by this subchapter. The town shall have the right to sell any land dedicated to the town for neighborhood park and recreational purposes on finding by the Planning Board that a particular piece of property is not appropriate for recreational development or incompatible with the town's land development plan. Fees collected in lieu of dedications and any proceeds from such transactions or sales shall be held in special fund by the town, and the funds shall be used by the town for the purpose of acquiring and developing neighborhood recreation areas as shown of the land development plan, and for no other purposes. The depository for such funds may be the same as permitted other funds of the town, and pending their expenditure in accordance with the terms of this act, such funds may be invested as other funds of the town. The town may at its discretion, add additional monies to the fund for the purposes of purchasing neighborhood recreational land to be used for neighborhood recreational purpose. On all matters not specifically provided for in this subchapter, the Municipal Fiscal Control Act, as amended, shall be controlling.

(B) The land dedicated under this chapter or any provisions made under this chapter shall be used only for the purpose of providing parks or recreation areas, and the location of the land shall bear a reasonable relationship to the use of the area by future inhabitants of the subdivision or residential development.

(Ord. passed - -2005)

§ 152.132 CRITERIA FOR PRIVATE RECREATION AREA.

When land for private park and recreational purposes is provided in a proposed subdivision and such space is to be privately owned and maintained by all of the future residents of the subdivision, such areas may not be credited against the requirement of dedication for park and recreation purposes, as set forth in this chapter, provided the Town Council, upon recommendation of the Planning Board, finds it is in the public interest to do so, and that the following standards are met.

(A) The yards, court area, setbacks and other open areas required to be maintained by the zoning and building regulations, shall not be included in the computation of such private recreation areas.

(B) The private ownership and maintenance of the recreation areas is adequately provided for by written agreement.

(C) The use of the private recreational areas is restricted for park and recreational purposes by recorded covenants which run with the land in favor of the future owners of property within the tract and which cannot be defeated or eliminated without the consent of the Town Council.

(D) The proposed private park or recreational area is reasonably adaptable for use for park and recreational purposes, taking into consideration such factors as size, shape, topography, soil conditions, access and location; and is in substantial accordance with the provisions of the park and recreational elements of the comprehensive plan as interpreted by the Planning Board.

(E) All land set aside for privately controlled park and recreational area be made available to all residents of the residential development against which the site obligation was originally assessed.
(Ord. passed - -2005)

§ 152.133 CRITERIA FOR HOMEOWNER'S ASSOCIATION.

(A) Where park or recreation space is deeded to a homeowner's association or any non-profit ownership in lieu of public dedication or fee payment, the subdivider or owner shall record a declaration of covenants and restrictions that will govern the open space of the association or non-profit organization. This shall be submitted with the application for the preliminary plat approval.

(B) Provisions shall include, but not be limited to the following.

(1) The homeowner's association shall be established before the homes are sold.

(2) Membership shall be mandatory for each home buyer and all successive buyers.

(3) The association shall be responsible for the liability insurance, local taxes and the maintenance of recreational and other facilities.

(4) Any sums levied by this association that remain unpaid shall become a lien on the individual homeowner's property which shall be subordinate only to tax mortgagee liens.

(5) If all or any portion of property held by the association being disposed, or if the association is dissolved, adequate open space shall be deeded to the town to satisfy the requirements for public recreation facilities under this section.

(C) Nothing herein shall be construed to limit the amount of privately controlled open space land which may be included under this agreement, over and above the recreation and park site obligation.
(Ord. passed - -2005)

§ 152.134 CRITERIA FOR RECREATION AND PARK DEVELOPMENT.

All land dedication for recreation and park development shall substantially meet the following criteria.

(A) *Unity*. The dedication land shall be a single parcel of land except where the Planning Board determines that two parcels or more would be in the public interest and may also determine that a connecting corridor of open space is in the public interest, and in which case the path shall not be less than 30 feet wide for the purpose of accommodating a path or trail.

(B) *Shape*. The shape of the parcel of land dedicated for recreation and park purposes shall be sufficiently round or square to be usable for recreational activities such as softball, tennis, croquet and the like. Open space that is provided needs to meet this requirements. Moreover, such lands should be linear in shape and so located as to provide for linkage between recreation and park areas, dwelling structures and other open space networks.

(C) *Location*. The dedicated recreation or park land shall be located so as to reasonably serve the recreation needs of the subdivision for which the dedication is made. As a general criteria, such areas should be located so that every dwelling unit is within one-quarter mile of one or more recreation or park areas.

(D) *Access*. Public access to the dedicated land shall be provided either by adjoining street frontage or public easement at least 20 feet in width.

(E) *Topography*. Slope on areas dedicated for recreation shall not exceed 5%.

(F) *Usableness*. The dedicated land shall be usable for recreation; lakes may not be included in computing dedicated land area. Where the Planning Board determines that recreational needs are being adequately met, either by other dedicated parcels of land or existing recreational facilities, then land that in not usable for recreation may be dedicated as open space.

(G) *Plans*. Municipal and county plans shall be taken into consideration when evaluating land proposals for dedication.

(Ord. passed - -2005)

§ 152.135 PROCEDURE.

The procedure for determine whether the subdivider is to dedicate land, pay a fee or both, shall be as follows.

(A) *Subdivider*. At the time of filing a preliminary plat for approval, the owner of the property shall, as a part of such filing, indicate whether he or she desires to dedicate property for park and recreational

purposes, or whether he or she desires to pay a fee in lieu thereof. If he or she desires to dedicate land for this purpose, he or she shall designate the area thereon the preliminary plat as submitted.

(B) *Action of the town.* At the time of the preliminary plat approval, the Planning Board shall recommend and the Town Board shall determine as a part of such approval, whether to require a dedication of land within the subdivision, payment of a fee in lieu thereof, or combination of both.

(C) *Prerequisites for approval of final plat.* Where dedication is required such dedication shall be shown upon the final plat submitted for approval. Where fees are required the same shall be deposited with the town prior to the recording of the final plat. Open space covenants for private park or recreational facilities shall be submitted to the town prior to approval of the final plat and shall be recorded contemporaneously with the final plat.

(Ord. passed - -2005)

§ 152.136 GUIDELINES FOR TOWN COUNCIL.

Whether the Town Council accepts the land dedication or elects to require payment of a fee in lieu thereof or a combination of both, shall be determined by consideration of the following:

(A) Recreational element of the town's land development plan;

(B) Topography, geology, access, shape, location and other criteria mentioned above relating to land in the subdivision available; and

(C) Size and shape of the subdivision and land available for dedication.

(Ord. passed - -2005)

§ 152.137 AMOUNT OF LAND DEDICATED.

(A) The determination of the Town Council as to whether land shall be dedicated, or whether a fee shall be charged, or a combination of both, shall be final and conclusive. On subdivisions involving 20 dwelling units or lots or less, only the payment of fees shall be required.

(B) The amount of land required to be dedicated shall be computed on the basis of the following formula:

$$\text{Area to be dedicated (in acres)} = (.02) \times (\text{number of dwelling units or lots})$$

(Ord. passed - -2005)

§ 152.138 FEE PAID IN LIEU OF DEDICATION.

Where a fee is paid in lieu of land dedication, the fee paid shall be the product of the number of acres to be dedicated as determined in § 152.137 and the average fair market value of the entire tract being subdivided at the time of submission of the preliminary plat.
(Ord. passed - -2005)

§ 152.139 LAND VALUE DISAGREEMENT PROCEDURE.

In the case of disagreement between the town and the subdivider over fair market value, such determination shall be made by a special appraisal committee made up of one professional appraiser appointed by the subdivider, one professional appraiser appointed by the Town Council and one professional appraiser appointed by the initial two committee appointees. The committee shall view the land and hear the contentions of both the town and the subdivider. The findings of the committee shall be by majority vote and shall be certified to the Town Council in writing within 45 days of the time of appointment of the third members of the committee. The costs of the professional land appraiser appointed by the subdivider shall be borne entirely by the subdivider. All other costs shall be borne by the town. (A professional appraiser is an individual who can show by credentials and experience that he or she has a knowledge of land appraisals of a similar type.)
(Ord. passed - -2005)

DEFINITIONS**§ 152.150 SUBDIVISION DEFINED.**

For the purpose of this chapter, the following definition shall apply unless the context clearly indicates or requires a different meaning.

SUBDIVISION. All division of a tract or parcel of land into two or more lots, building sites, or other divisions for the purpose of sale or building development (whether immediate or future) and includes all division of land involving the dedication of a new street or a change in existing streets; however, the following is not included within this definition and is not subject to any regulations enacted pursuant to this chapter:

(1) The combination or recombination of portions of previously subdivided and recorded lots where the total number of lot is not increased and resultant lots are equal to or exceed the standards of the town as shown in its subdivision regulations;

(2) The division of land into parcels greater than ten acres where no street right-of-way dedication is involved;

(3) The public acquisition by purchase of strips of land for the widening or opening of streets;
and

(4) The division of a tract in single ownership whose entire area is not greater than two acres into not more than three lots, where no street right-of-way dedication is involved and where the resultant lot are equal to or exceed the standards of the town as shown in this chapter.
(Ord. passed - -2005)

§ 152.151 OTHER DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ALLEY. A strip of land, owned publicly or privately, set aside primarily for vehicular service access to the back or side of properties otherwise abutting on a street.

BUFFER STRIP. Provides a visual barrier between incompatible land uses. An undisturbed natural area may be used if it provides an effective screen. When a buffer is planted, it shall consist of deciduous or evergreen trees, space not more than ten feet apart, planted so that one tree is offset from the next one, and not less than one row of dense shrubs spaced not more than five feet apart. Regardless of which type of buffer used, it shall be at least ten feet in width. If the property owner desires, a solid fence may be installed if the design is approved by the Enforcement Officer.

BUILDING, SETBACK LINE. A line establishing the minimum allowable distance between the nearest portion of any building and the street right-of-way line or any other lot line when measured perpendicularly.

DEDICATION. A gift, by the owner, or a right to use of land for a specified purpose or purposes. Because a transfer of property right is entailed, **DEDICATION** must be made by written instrument, and is completed with an acceptance.

CONDOMINIUM. A building, or group of buildings, in which units are owned individually, and the structure, common areas and facilities are owned by all the owners on a proportional, undivided basis.

EASEMENT. A grant by the property owner of a strip of land for a specified purpose and use by the public, a corporation or persons.

LOT. A portion of a subdivision or any other parcel of land, intended as a unit for transfer of ownership or for development or both.

LOT OF RECORD. A lot which is part of a subdivision, a plat of which has been recorded in the Office of the Register of Deeds of the county prior to the adoption of this chapter, or a lot described by metes and bounds, the description of which has been so recorded prior to the adoption of this chapter.

LOT TYPE.

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

(2) ***INTERIOR LOT.*** A lot other than a corner lot with only one frontage on a street.

(3) ***LOT REVERSE FRONTAGE.*** A lot which is not accessible from one of the parallel or nonintersecting streets upon which it fronts.

(4) ***LOT THROUGH (DOUBLE-FRONTAGE).*** A lot which fronts upon two parallel streets, or which fronts upon two streets which do not intersect at the boundaries of the lot.

MUNICIPAL SEWER SYSTEM. Green Level Sewer System.

MUNICIPAL WATER SYSTEM. Green Level Water System.

OFFICIAL MAPS OR PLANS. Any maps or plans officially adopted by the town as a guide to the development of the community.

OPEN SPACE. An area (land and/or water) generally lacking any human-made structures and reserved for enjoyment in its unaltered state.

PLAN. Any documented and approved program of recommended action, policy, intention and the like, which sets for goals and objectives along with criteria, standards and implementing procedures necessary for effectively guiding and controlling decisions relative to facilitating development and growth management. The ***PLAN*** is sometimes referred to as the ***LAND DEVELOPMENT PLAN.***

PLANNING BOARD. The Planning Board of the Town of Green Level.

PLAT. A map or plan of a parcel of land which has to be, or has been subdivided, and meeting the requirements of G.S. § 47-30, as amended.

PRIVATE DRIVEWAY. A roadway serving two or fewer lots, building sites or other division of land and not intended to be public ingress or egress.

PUBLIC STREET. Dedicated and accepted by the North Carolina Department of Transportation or the town for future maintenance.

RECREATION AREA or PARK. An area of land or combination of land and water resources that is developed for active and/or passive recreation pursuits with various human-made features that accommodate such activities.

RESERVE STRIP. A strip of land (usually only a foot or two wide) owned privately, and set aside around a subdivision in order to prevent access to adjacent property by way of subdivision streets.

SUBDIVIDER. Any person, firm or corporation who subdivides or develops any land deemed to be a subdivision as herein defined.

TOWNHOUSE. A one-family dwelling in a row of at least three such units in which each unit has its own front and rear access to the outside, no unit is located over another unit and each unit is separated from any other unit by one or more common fire resistant walls.

URBAN STREETS.

(1) **LOCAL STREET.** Any link not a high-order urban system and serves primarily to provide direct access to abutting land and access to higher systems. It offers the lowest level of mobility and through traffic is usually deliberately discouraged.

(2) **MAJOR THOROUGHFARES.** Consist of interstate, other freeway and expressway links, and major streets that provide for the expeditious movement of volumes of traffic within and through urban areas.

(3) **MINOR THOROUGHFARES (COLLECTOR).** Important streets in the city system and perform the function of collecting traffic from local access streets and carrying it to the major thoroughfare system. **MINOR THOROUGHFARES** may be used to supplement the major thoroughfare system by facilitating a minor through-traffic movement and may also serve abutting property.

(4) **SPECIFIC TYPE OF URBAN STREETS.**

(a) **CUL-DE-SAC.** A short street having but one end open to traffic and the other end being permanently terminated and a vehicular turnaround provided.

(b) **FRONTAGE ROAD.** A local street or road that is parallel to a full or partial access controlled facility and functions to provide access to adjacent land.
(Ord. passed - -2005)

§ 152.152 WORD INTERPRETATION.

For the purpose of this chapter, certain words shall be interpreted as follows.

(A) Words used in the present tense include the future tense.

(B) Words used in the singular number include the plural, and words used in the plural number include the singular, unless the natural construction of the wording indicates otherwise.

(C) The word **PERSON** includes a firm, association, corporation, trust, and company, as well as an individual.

(D) The words "used for" shall include meaning "designed for".

(E) The word "structure" shall include the word "building".

(F) The word "lot" shall include the words, "plot," "parcel," or "tract".

(G) The word "shall" is always mandatory and not merely directory.
(Ord. passed - -2005)

LEGAL PROVISIONS

§ 152.165 PROCEDURE FOR PLAT APPROVAL.

(A) After the effective date of this chapter, no subdivision plat of land within the town's jurisdiction shall be filed or recorded until it has been submitted to and approved by the appropriate agencies, and until this approval is entered in writing on the face of the plat by the Chairperson or head of that agency.

(B) A plat shall not be filed or recorded by the County Register of Deeds of any subdivision located with the town planning jurisdiction that has not been approved in accordance with this chapter, no shall the Clerk of Superior Court order or direct the recording of a plat if the recording would be in conflict with the requirements of this chapter.
(Ord. passed - -2005)

§ 152.166 EFFECT OF PLAT APPROVAL ON DEDICATIONS.

(A) Pursuant to G.S. § 160A-374, the approval of a plat shall not be deemed to constitute or effect the acceptance by the town or public of the dedication of any street or other ground, public utility line or other public facility shown on the plat.

(B) However, the Town Council may, by resolution, accept any dedication made to the public of lands or facilities for streets, parks, public utility lines or other pubic purposes when lands or facilities are located within its corporate limits.
(Ord. passed - -2005)

§ 152.167 SEPARABILITY.

Should any section or provision of this chapter be decided by a court of competent jurisdiction to be unconstitutional or invalid, such decisions shall not affect the validity of the chapter as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

(Ord. passed - -2005)

§ 152.168 VARIANCES.

Where, because of severe topographical or other conditions peculiar to the site, strict adherence to the provisions of this chapter would cause an unnecessary hardship, the Town Council may authorize a variance to the terms of this chapter only to the extent that is absolutely necessary and not to an extent which would violate the intent of the chapter.

(Ord. passed - -2005)

§ 152.169 AMENDMENTS.

The Town Council may from time to time amend the terms of this chapter after a public hearing has been held. However, any proposed amendment shall be submitted to the Planning Board for review and recommendation. The Planning Board shall have 30 days within which to submit its reports. If the Planning Board fails to submit a report within the specified time, it shall be deemed to have approved the amendment.

(Ord. passed - -2005)

§ 152.170 ABROGATION.

It is not intended that this chapter repeal, abrogate, annual, impair, or interfere with any existing easements, covenants, deed restrictions, agreements, rules, regulations or permits previously adopted or issued pursuant to law. However, where this chapter imposes greater restrictions, the provisions of this chapter shall govern.

(Ord. passed - -2005)

§ 152.171 EFFECTIVE DATE.

This chapter shall take effect and be in force from and after the _____ day of ____, 2000.

(Ord. passed - -2005)

§ 152.999 PENALTY.

(A) *Generally.* After the effective date of this chapter, any person who, being the owner or agent of the owner of any land located within the territorial jurisdiction of this chapter, thereafter subdivides his or her land in violation of this chapter or transfers or sells land by reference to, exhibition of or any other use of a plat showing a subdivision of the land before the plat has been approved under the terms of this chapter and recorded in the Office of the Register of Deeds of the county shall be guilty of a Class 1 misdemeanor. The descriptions by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring land shall not exempt the transaction from this penalty. The town, through its Attorney or other official designated by the town, may enjoin illegal subdivision, transfer, conveyance or sale of land by action for injunction. The court shall, upon appropriate findings, issue an injunction and order requiring the offending party to comply with the subdivision regulations. Building permits required pursuant to G.S. § 160A-417 may be denied for lots that have been illegally subdivided. Further, violators of this chapter will be subject, upon conviction, to fine and/or imprisonment as provided by G.S. § 14-4. The town may institute any appropriate action or proceedings to prevent the unlawful subdivision of land, to restrain, correct or abate the violation, or to prevent any illegal act or conduct.

(B) *Pre-sale contracts.* The provisions of this section shall not prohibit any owner or his, her or its agent from entering into contracts to sell or lease by reference to an approved preliminary plat for which a final plat has not yet been properly approved under the subdivision regulations or recorded with the Register of Deeds, provided the contract does all of the following:

(1) Incorporates as an attachment a copy of the preliminary plat referenced in the contract and obligates the owner to deliver to the buyer a copy of the recorded plat prior to closing and conveyance;

(2) Plainly and conspicuously notifies the prospective buyer or lessee that a final subdivision plat has not been approved or recorded at the time of the contract, that no governmental body will incur any obligation to the prospective buyer or lessee with respect to the approval of the final subdivision plat, that changes between the preliminary and final plats are possible, and that the contract or lease may be terminated without breach by the buyer or lessee if the final recorded plat differs in any material respect from the preliminary plat;

(3) Provides that if the approved and recorded final plat does not differ in any material respect from the plat referred to in the contract, the buyer or lessee may not be required by the seller or lessor to close any earlier than five days after the delivery of a copy of the final recorded plat; and

(4) Provides that if the approved and recorded final plat differs in any material respect from the preliminary plat referred to in the contract, the buyer or lessee may not be required by the seller or lessor to close any earlier than 15 days after the delivery of the final recorded plat, during which 15-day period the buyer or lessee may terminate the contract without breach or any further obligation and may receive a refund of all earnest money or prepaid purchase price.

(C) *Prohibition.* The provisions of this section shall not prohibit any owner or its agent from entering into contracts to sell or lease land by reference for an approved preliminary plat for which a final plat has not been properly approved under the subdivision chapter or recorded with the Register of Deeds where the buyer or lessee is any person who has contracted to acquire or lease the land for the purpose of engaging in the business of construction of residential, commercial or industrial buildings on the land, or for the purpose of resale or lease of the land to persons engaged in that kind of business, provided that no conveyance of that land may occur and no contract to lease it may become effective until after the final plat has been properly approved under the subdivision chapter and recorded with the Register of Deeds.

(Ord. passed - -2005)

APPENDIX A: DESIGN STANDARDS FOR SUBDIVISION STREETS

§ 1 STREET.

(A) *General.* In every new subdivision, the street system shall conform to the town thoroughfare plan. In areas where the thoroughfare plan does not apply, streets shall be designed and located in proper relation to existing and proposed streets, to the topography, to such natural features as streams and tree growth, to public safety and convenience, and to the proposed use of land to be served by such streets. All proposed streets shall provide for the approximate projection of principal streets in surrounding areas and provide reasonable access for surrounding acreage tracts.

(B) *Right-of-way width.* Minimum street right-of-way widths shall be in accordance with the thoroughfare plan and shall not be less than the following:

Cul-de-sac	50 feet with curb and gutter
Cul-de-sac turnaround	100 feet diameter with curb and gutter
Frontage road	50 feet with curb and gutter
Local street	50 feet with curb and gutter
Major thoroughfare	100 feet
Minor thoroughfare	70 feet

(C) *Pavement widths.* Minimum pavement width, measured from back of curb to back of curb, shall not be less than the following and shall be in accordance with cross-sections designated in the thoroughfare plan.

Cul-de-sac	32 feet
Cul-de-sac turnarounds	75 feet diameter
Frontage road	32 feet
Local street	32 feet
Major thoroughfare	52 feet
Minor thoroughfare	45 feet

(D) *Pavement standards.*

(1) Shown below are minimum thickness of base and surface course to be used. Design should be chosen from Group 1 or Group 2 depend on sub-grade soil type.

<i>Group 1</i>		
<i>Good to Excellent</i>		
<i>Sub-Grade Soil Types</i>	<i>Base Course</i>	<i>Pavement Surface</i>
A-1-a, A-1-b, A-3	6 in. ABC, Type B--	A-1/2 1-2
A-2-4, A-2-5, A-2-6, A-27-7		
<i>Group 2</i>		
<i>Poor to Fair</i>		
<i>Sub-Grade Soil</i>	<i>Base Course</i>	<i>Pavement Surface</i>
Type A-4, A-5, A-6, A-7, A-7-5, A-7-6	8 in. ABC, Type B--	1-1/2 1-2
Note:		
Sub-grade - No base course shall be placed on muck, pipe clay, vegetable matter or other unsuitable material.		
ABC - Aggregate Base Course, No. 7		
1-2 - Bituminous Concrete Surface Course, Type 1-2		

(2) Other base courses such as various cement treated material may be used in lieu of those shown above. These materials shall be of a sufficient thickness to provide equivalent strength. However, any design other than those shown above must be approved prior to use. The total thickness of the pavement structure shall in no case be less than five inches.

(E) *Grades.* Unless necessitated by exceptional topography and subject to the approval of the consulting engineer and Planning Board, street grades shall not be more than 7 % nor less than 0.5 % on any street.

(1) Grades approach intersections shall not exceed 5 % for a distance of not less than 100 feet from the centerline of said intersection.

(2) Street grades shall be established wherever practicable in such a manner as to avoid excess grading, the removal of ground cover and tree growth, and general leveling of the topography.

(3) All changes in street grades shall be connected by a vertical curve of at least 100 feet, or the equivalent, in feet, rounded upward to even multiples of 50, of the value of **K** (a constant) times the absolute value of arithmetic difference of the two grades in percent, whichever is greater. Values of K are determined from the following table.

<i>Street Type</i>	<i>Sag</i>	<i>Crest</i>
Cul-de-sac	50	50
Frontage road	70	80
Local street	50	50
Major thoroughfare	140	240
Minor thoroughfare	100	150

(F) *Radii of curvature.* Where a street centerline deflection of more than five degrees occurs, a curve shall be introduced having a radius of curvature on said centerline of not less than the following:

Major thoroughfare	850 feet
Minor thoroughfare	500 feet
Minor street	300 feet

(G) *Tangents.* A tangent of not less than 100 feet shall be provided between reverse curves on all streets.

(H) *Superelevation.* Superelevation for shoulder section shall not exceed .08 feet/foot of width and for curb and gutter section shall not be less than .02 feet/foot of width nor more than .06 feet/foot of width.

(I) *Curb and gutter.*

(1) When curb and gutter are installed they shall meet the Division of Highways' standards.

(2) The standard two foot six inch concrete curb and gutter is the preferred type to be used. Shapes of other curb may be used provided the six-inch height is maintained.

(J) *Intersections.* Street intersections shall be laid out in the following manner.

(1) No more than two street shall intersect at a point.

(2) Street shall intersect as nearly as possible at right angles, and no street shall intersect any other street at an angle of less than 60 degrees.

(3) Intersections with major thoroughfares shall be at least 800 feet apart, measured from centerline to centerline. This requirement may be waived by the Planning Board if such requirement would prevent a property owner fronting on a major thoroughfare from having access to such a facility.

(4) Street jogs with centerline offset of less than 125 feet shall be prohibited.

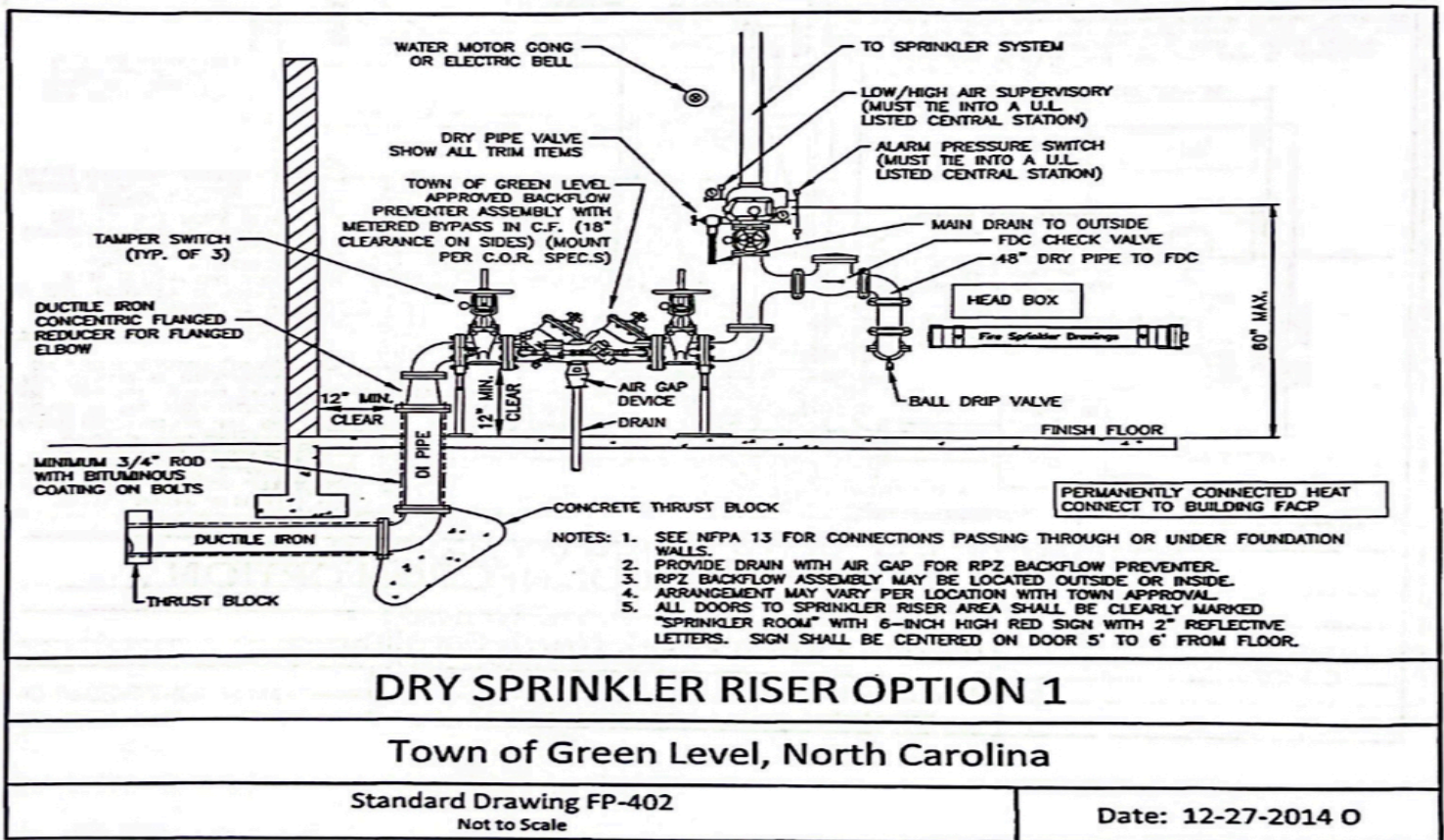
(K) *Cul-de-sac*. Permanent dead-end streets or cul-de-sac shall be no longer than 500 feet. In general, streets with one end permanently closed shall be avoided unless the design of the subdivision and the existing or proposed street system in the surrounding area clearly indicate that a through street is not essential in the location of the proposed cul-de-sac.

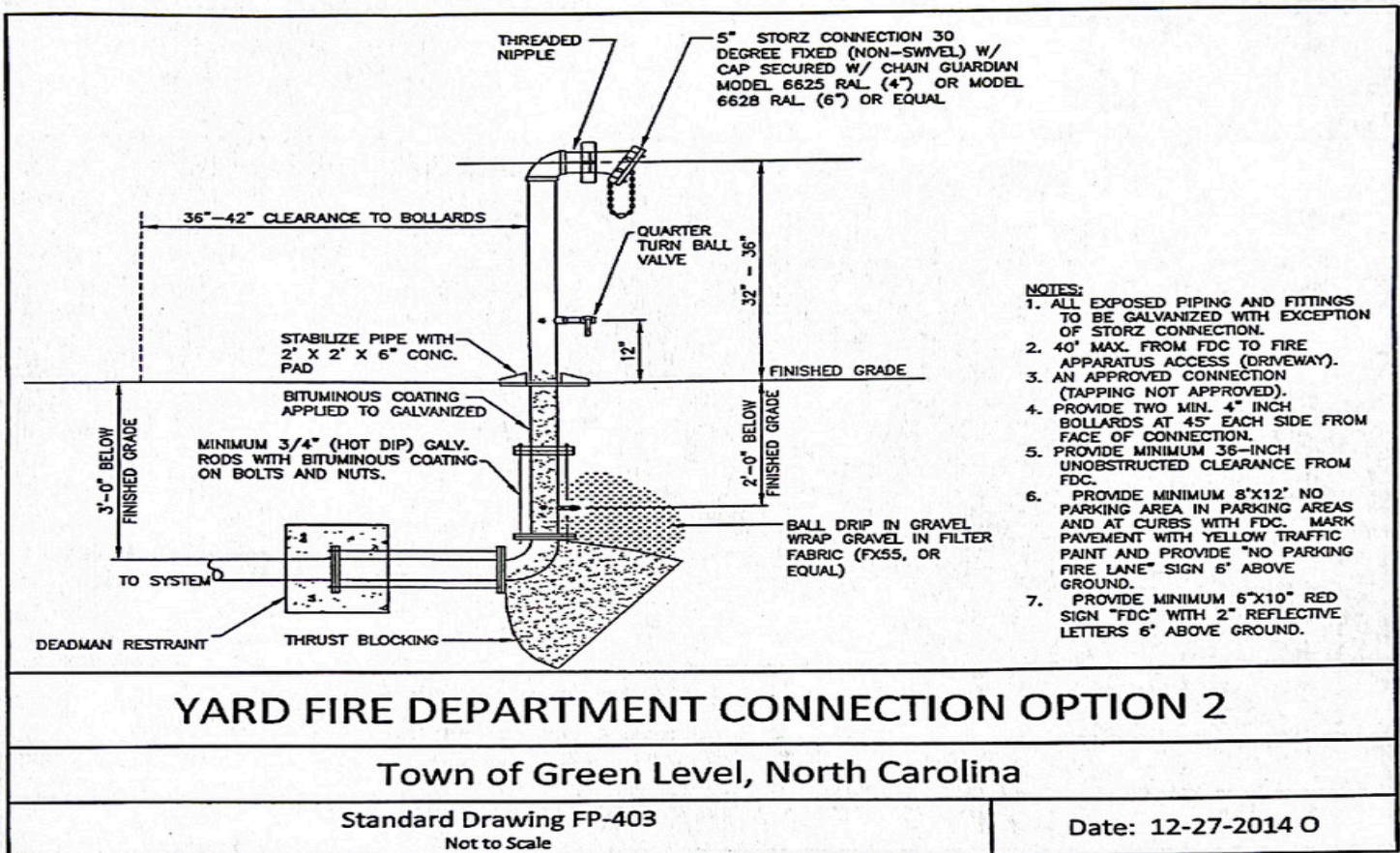
(L) *Alleys*. The Planning Board may require the subdivider to construct alleys in commercial and industrial zoning districts. When so required, or proposed by the subdivider, alleys shall conform to the following specifications:

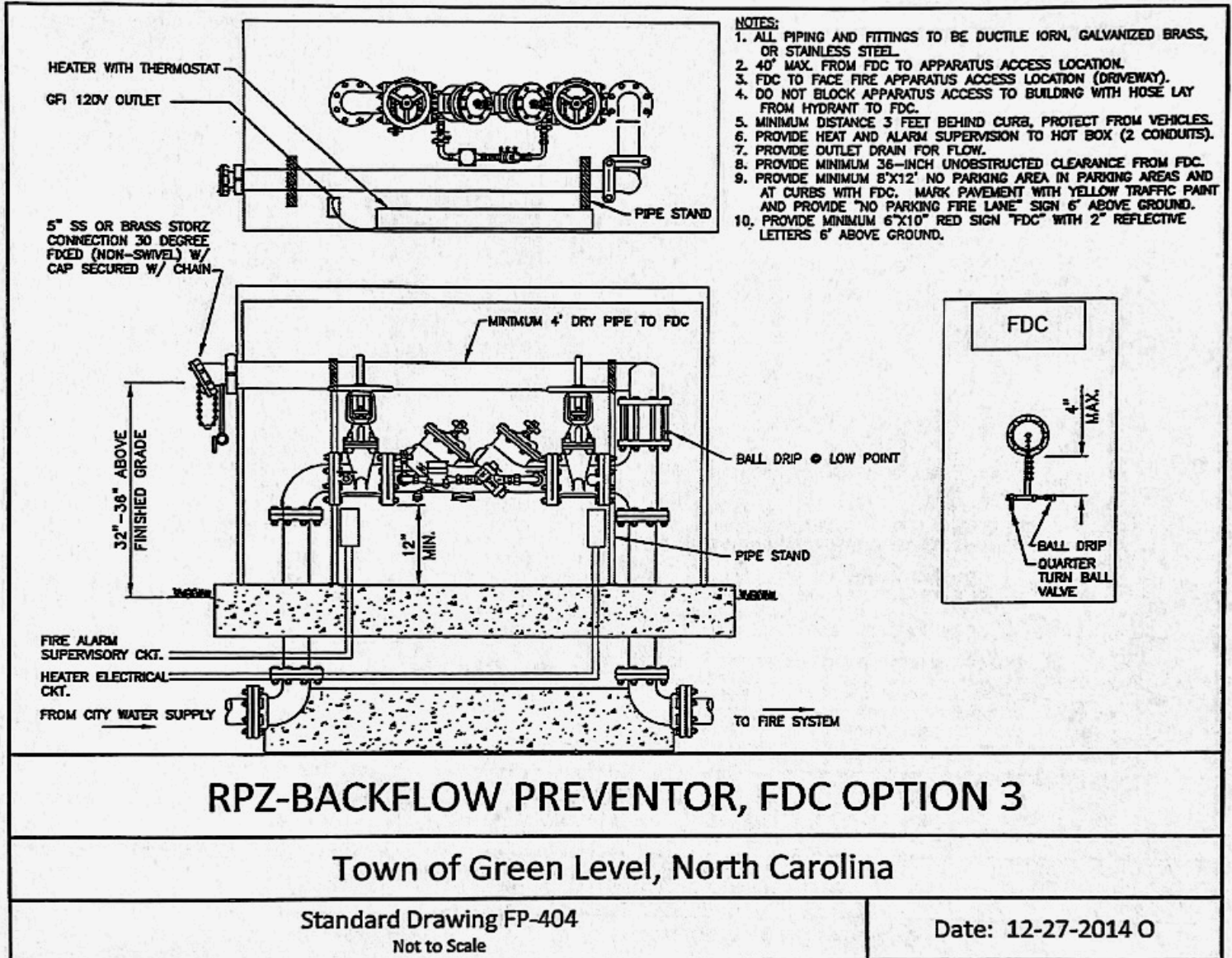
Minimum radius to center line when deflection angle of more than ten degree occurs	20 feet
Property line radius at alley intersections	20 feet
Right-of-way width	20 feet

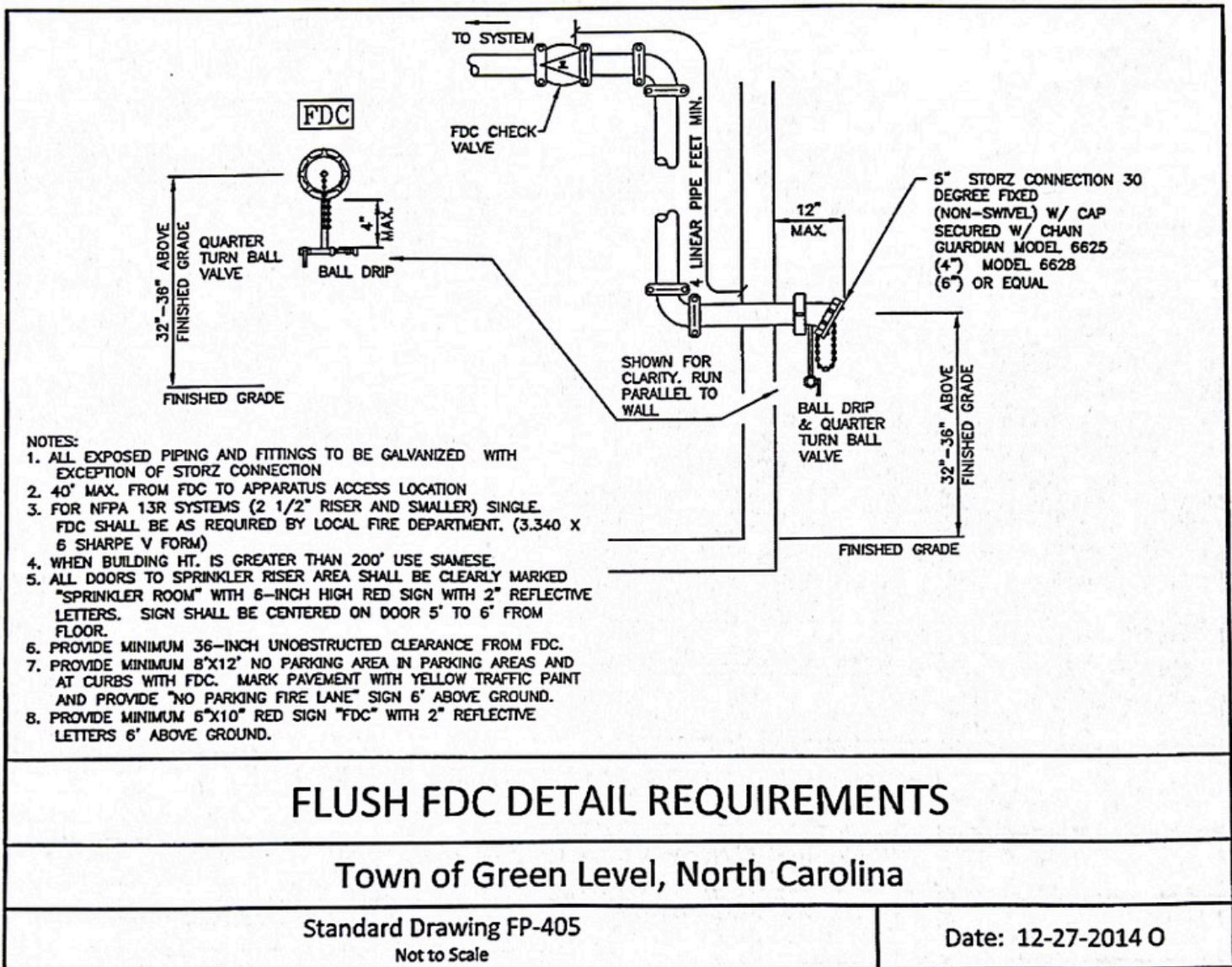
(Ord. passed - -2005)

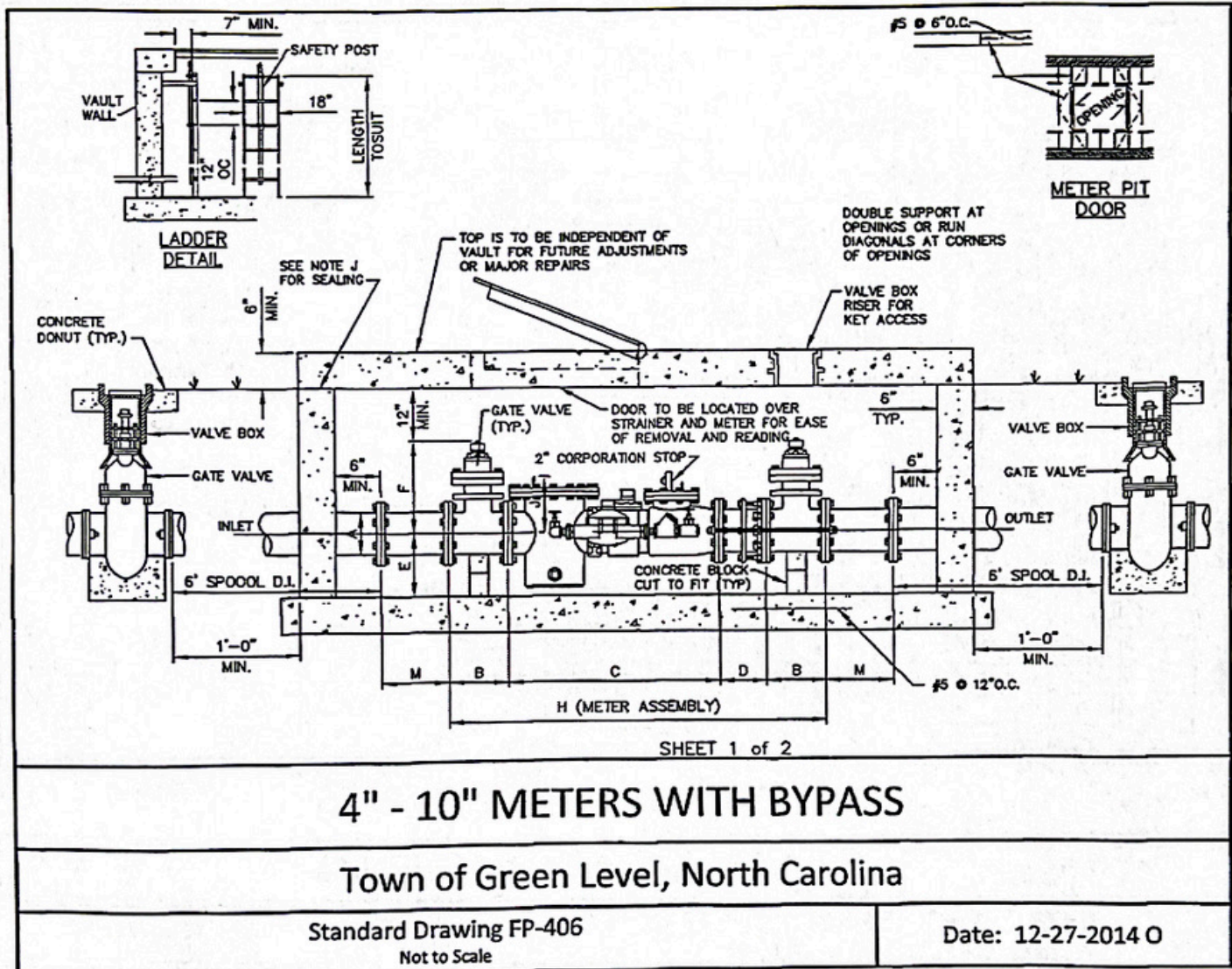
APPENDIX B: STANDARD DRAWINGS

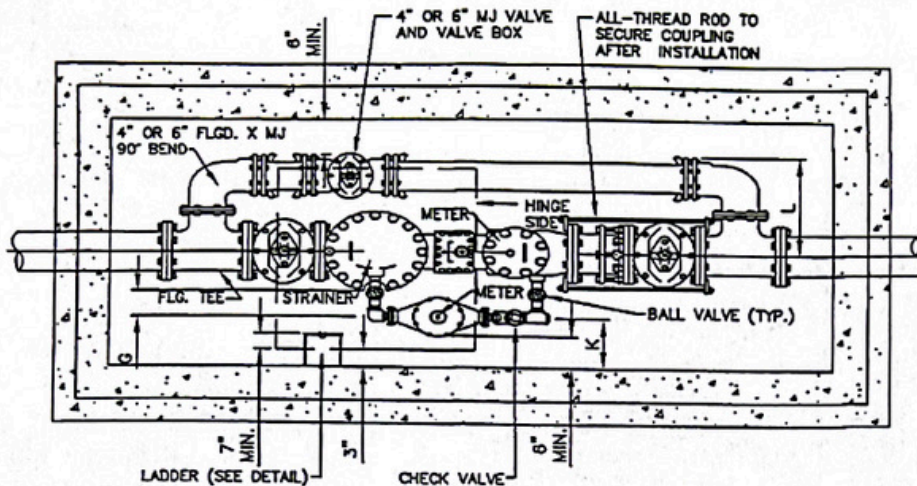












DIMENSION	4"	6"	8"	10"	DIMENSION	4"	6"	8"	10"
A	4.80"	6.90"	9.05"	11.10"	H	62"	77"	87"	105"
B	9"	10.5"	11.5"	13"	I	12"	16"	17"	18"
C	33"	45"	53"	68"	J	12.625"	14.625"	13.6825"	13.5625"
D	11"	11"	11"	11"	K	3.25"	3.5"	4.75"	4.5"
E	13"	14"	15"	18"	L	17.8"	21.7"	22.7"	24.7"
F	16.5"	20.125"	23.25"	26.126"	M	13"	16"	18"	22"
G	19"	25.5"	29.5"	31.75"					

NOTES

1. DIMENSION MAY VARY WITH MANUFACTURER AND TYPES OF FITTINGS USED.
2. VAULT SHALL BE CONSTRUCTED WITH 4000 PSI REINFORCED CONCRETE. USE OF BLOCK MUST BE APPROVED IN WRITING BY CPW BEFORE CONSTRUCTION.
3. USE ALUMINUM LIGHT TRAFFIC (300 PSI) DOOR IN NON-TRAFFIC AREAS. USE AASHTO-H20 LOAD RATING ALUMINUM DOOR IN ALL TRAFFIC AREAS.
4. DOORS ARE TO BE LOCATED SO METER CAN BE READ AND STRAINER CAN BE LIFTED STRAIGHT OUT. HINGES SHALL BE LOCATED ON OUTLET SIDE OF DOOR OPENING.
5. USE ALUMINUM LADDER WITH SAFETY POST IN VAULTS 5' DEEP OR DEEPER. LADDER MUST BE PLACED ON OPPOSITE SIDE FROM BYPASS.
6. USE: 3' x 3' DOOR ON 4" METERS 3'-6" x 3'-6" DOOR ON 6" METERS 4' x 6" DOOR ON 8" AND 10" METERS USE USP FABRICATION, BILCO, HALLIDAY, O/E DOORS.
7. VALVE AND DOOR STATUS AFTER INSTALLATION IS AS FOLLOWS: - VALVE BETWEEN MAIN AND VAULT FULLY OPEN - METER INLET VALVE FULLY CLOSED - BYPASS METER BALL VALVES FULLY OPEN - BYPASS GATE VALVE FULLY CLOSED - METER OUTLET VALVE FULLY OPEN - DOOR LOCKED USING STAR-SHAPED LOCKING BOLT.
8. SEAL VAULT PENETRATIONS WITH NON-SHRINKING HYDRAULIC CEMENT-WATER STOP.
9. ANY DEVIATION FROM THESE PLANS MUST BE APPROVED IN WRITING PRIOR TO INSTALLATION.
10. WALLS SHALL BE A SINGLE POUR. SEAL WITH RAM-HEX OR CONSEAL BETWEEN WALLS AND BOTTOM AND WALLS AND LID CONTINUOUS AROUND PERIMETER.
11. NO VAULT IS TO BE INSTALLED WITHOUT PRIOR CONSENT OF TOWN OF SPRING LAKE. 12. PROVIDE DRAIN IN BOTTOM OR SUMP PUMP BASED ON GROUND WATER ELEVATION.

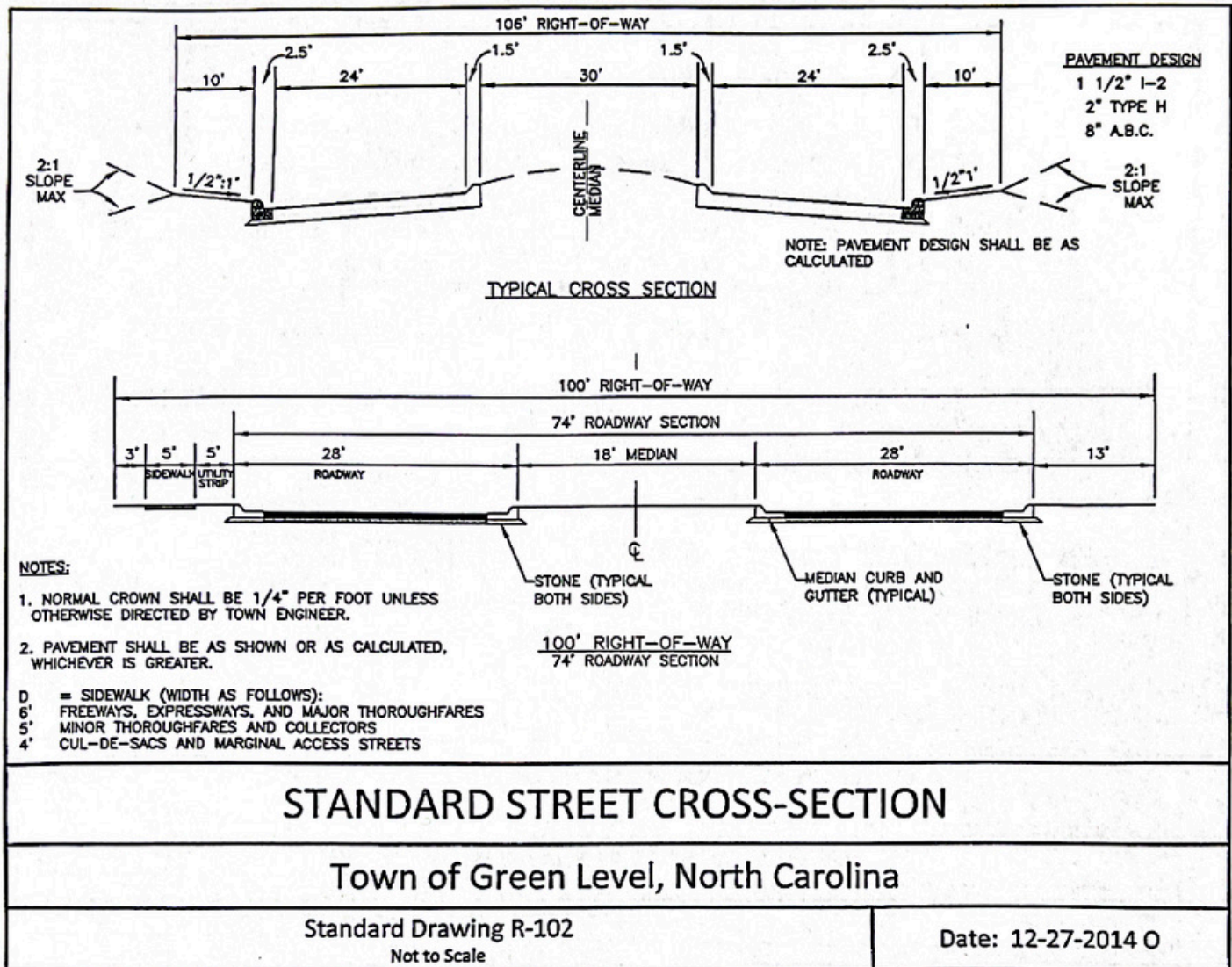
SHEET 2 of 2

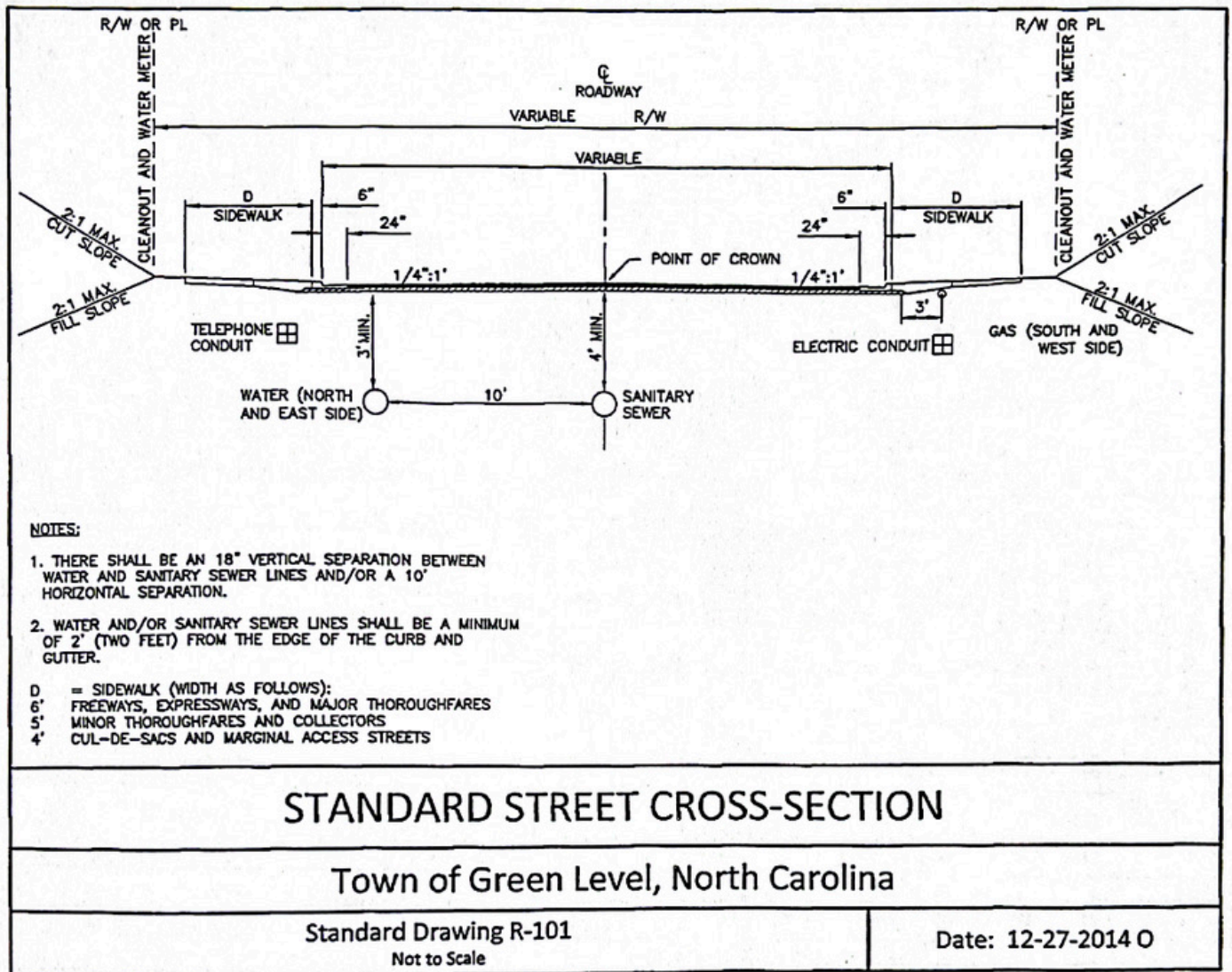
4" - 10" METERS WITH BYPASS

Town of Green Level, North Carolina

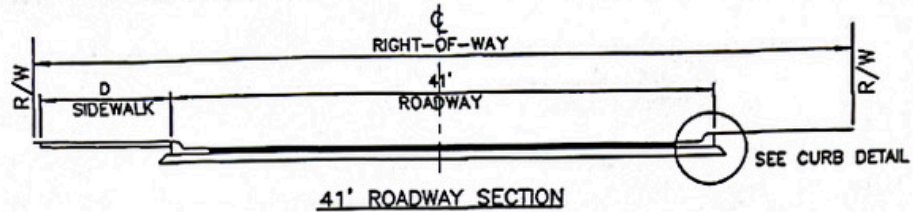
Standard Drawing FP-407
Not to Scale

Date: 12-27-2014 O

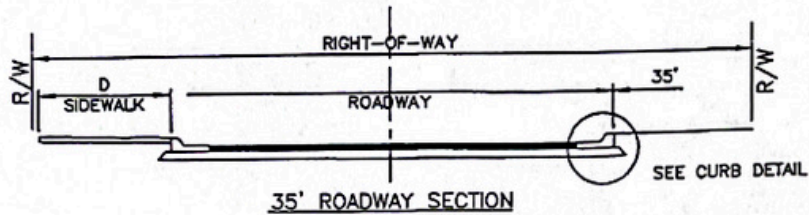




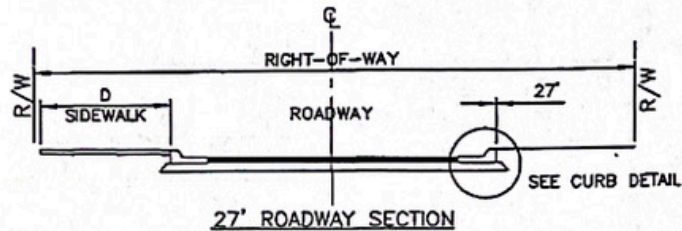
PAVEMENT DESIGN
2 1/2" I-2
8" A.B.C.



PAVEMENT DESIGN
2" I-2
8" A.B.C.



PAVEMENT DESIGN
2" I-2
8" A.B.C.



NOTES:

1. PAVEMENT DESIGN SHALL BE AS SHOWN OR AS CALCULATED ACCORDING TO LOADING, WHICHEVER IS GREATER.
2. NORMAL CROWN OF 1/4" PER FOOT UNLESS OTHERWISE DIRECTED BY TOWN ENGINEER.

STANDARD STREET SECTIONS

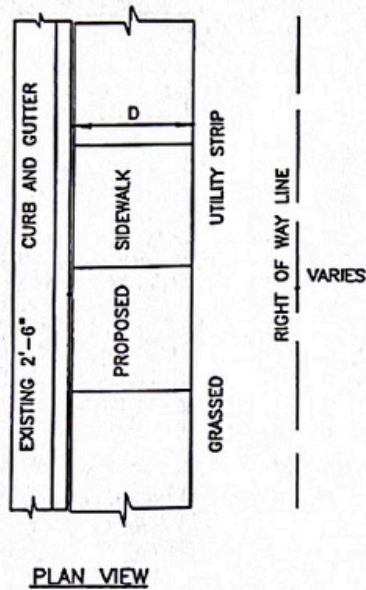
Town of Green Level, North Carolina

Standard Drawing R-103
Not to Scale

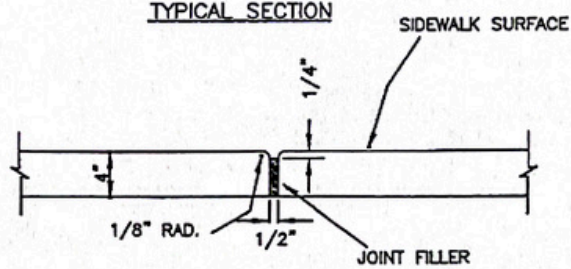
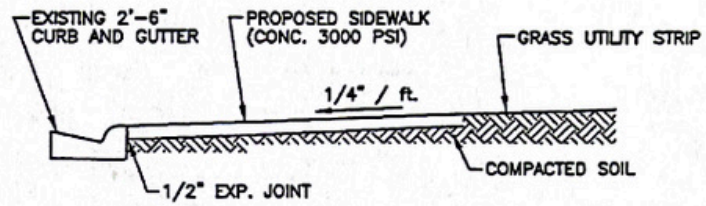
Date: 12-27-2014 O

NOTES:

1. TRANSVERSE EXPANSION JOINT TO BE A MAX OF 50 FEET.
2. ALL CONCRETE TO BE FINISHED WITH CURING COMPOUND



D = SIDEWALK-WIDTH AS FOLLOWS:
 6' FREEWAYS EXPRESSWAYS & MAJOR THOROUGHFARES
 5' MINOR THOROUGHFARES & COLLECTORS
 4' CUL-DE-SACS & MARGINAL ACCESS STREETS

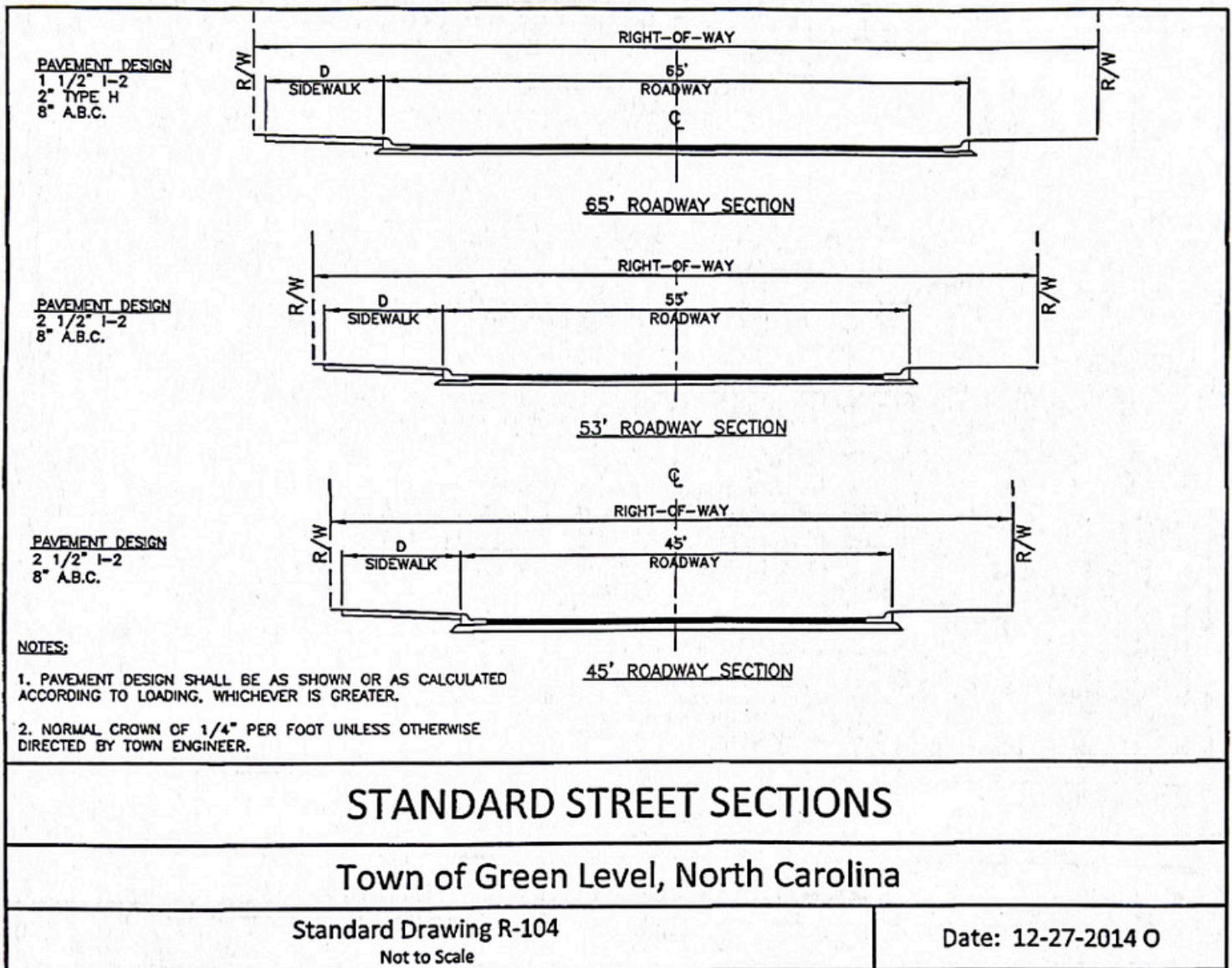


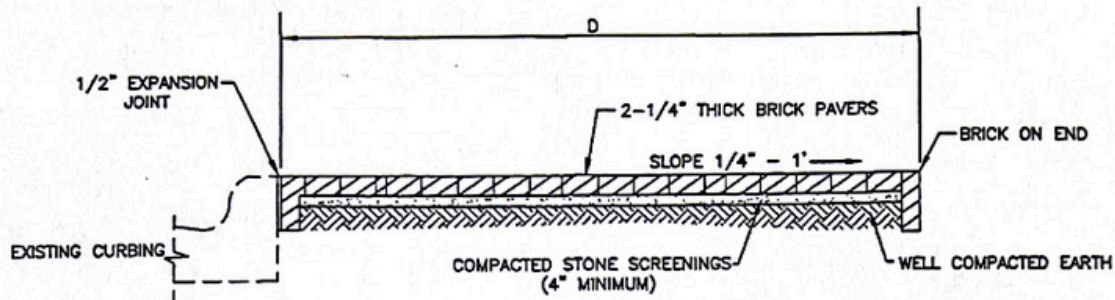
STANDARD CONCRETE SIDEWALK

Town of Green Level, North Carolina

Standard Drawing R-105
 Not to Scale

Date: 12-27-2014 O





1. Complete grading as shown in sketch and place screenings between forms to approximate required depth, using screed to spread uniformity over area. Moisten screenings and compact with hand or mechanical equipment. Rescreen as required to smooth screenings base and bring base to exact grade.
 2. Start laying pavers to allow for 1/2" expansion joint, using specified bonding pattern, and continue until all pavers are laid. Remove temporary form. Install row of edge brick tightly along final row of pavers by removing groups of five or six pavers from outer row and excavating trench for edge brick in this area. Place edge brick in trench, backfill and tamp on both sides, replenish and smooth screenings and replace paving brick.
 3. Scatter sand or screenings over completed work and sweep into cracks.
- (NOTE: brick should confirm to ASTM C-62, grade SW.)
4. D = SIDEWALK-WIDTH AS FOLLOWS:
 - 6' FREEWAYS EXPRESSWAYS & MAJOR THOROUGHFARES
 - 5' MINOR THOROUGHFARES & COLLECTORS
 - 4' CUL-DE-SACS & MARGINAL ACCESS STREETS

STANDARD BRICK SIDEWALK

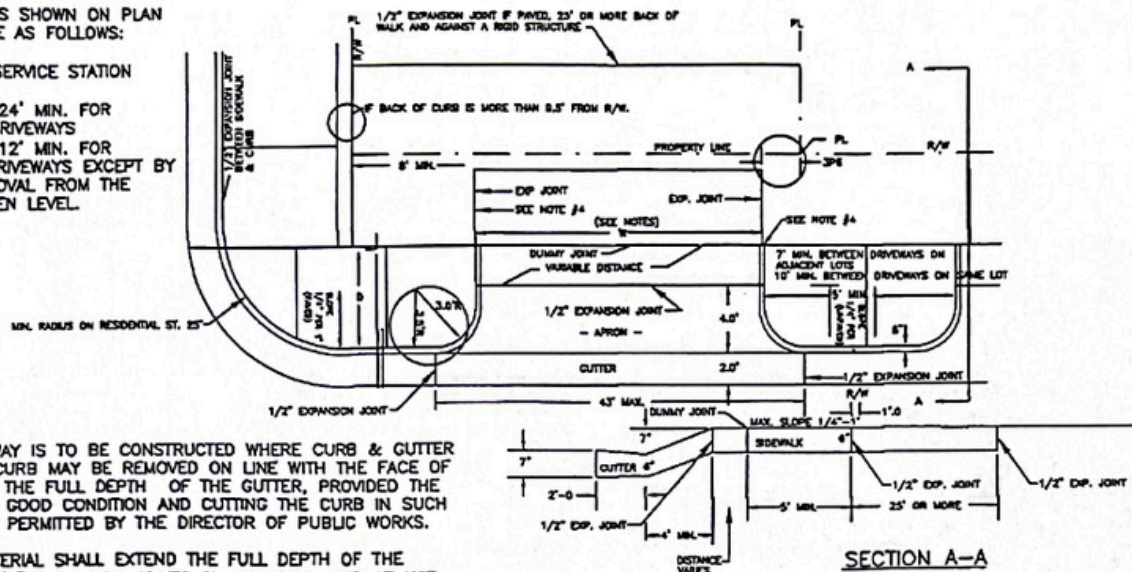
Town of Green Level, North Carolina

Standard Drawing R-106
Not to Scale

Date: 12-27-2014 O

W = DIMENSION AS SHOWN ON PLAN
VIEW SHALL BE AS FOLLOWS:

1. 36' MIN. FOR SERVICE STATION DRIVEWAYS
2. 36' MAX. AND 24' MIN. FOR COMMERCIAL DRIVEWAYS
3. 24' MAX. AND 12' MIN. FOR RESIDENTIAL DRIVEWAYS EXCEPT BY WRITTEN APPROVAL FROM THE TOWN OF GREEN LEVEL



NOTES:

1. WHEN A DRIVEWAY IS TO BE CONSTRUCTED WHERE CURB & GUTTER EXISTS, THE CURB MAY BE REMOVED ON LINE WITH THE FACE OF THE CURB & THE FULL DEPTH OF THE GUTTER, PROVIDED THE GUTTER IS IN GOOD CONDITION AND CUTTING THE CURB IN SUCH A MANNER IS PERMITTED BY THE DIRECTOR OF PUBLIC WORKS.
2. EXPANSION MATERIAL SHALL EXTEND THE FULL DEPTH OF THE CONCRETE. 1/2" EXPANSION JOINTS SHALL BE LOCATED AT NOT MORE THAN 40' INTERVALS & DUMMY CONSTRUCTION JOINTS AT 5' INTERVALS DUMMY JOINTS SHALL BE AT LEAST 1/3 THE SLAB THICKNESS IN DEPTH.
3. SLOPE ON PAVED AREAS BETWEEN BACK OF CURB & SIDEWALK SHALL BE 1/4" PER. FT
4. SLOPE ON UNPAVED AREAS BETWEEN BACK OF CURB & SIDEWALK SHALL BE 1/2" PER. FT SIDEWALK ELEVATION AT THESE POINTS SHALL BE CONTROLLED, BY THE 1/4" PER FOOT SLOPE ACROSS THE AREA BETWEEN CURB AND SIDEWALK.

D = SIDEWALK-WIDTH AS FOLLOWS:

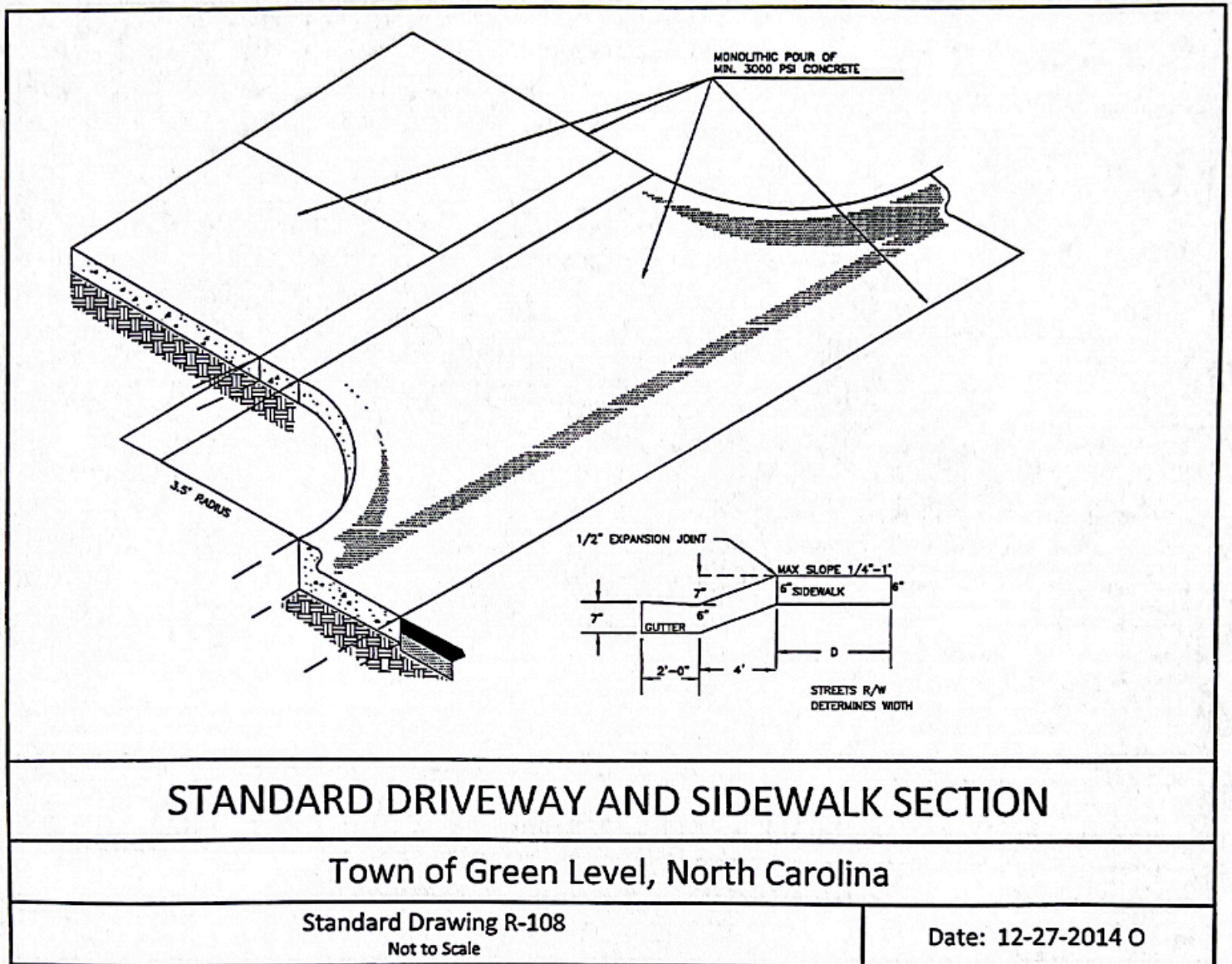
- 6' FREEWAYS, EXPRESSWAYS & MAJOR THOROUGHFARES
- 5' MINOR THOROUGHFARES, & COLLECTORS
- 4' CUL-DE-SACS & MARGINAL ACCESS STREETS

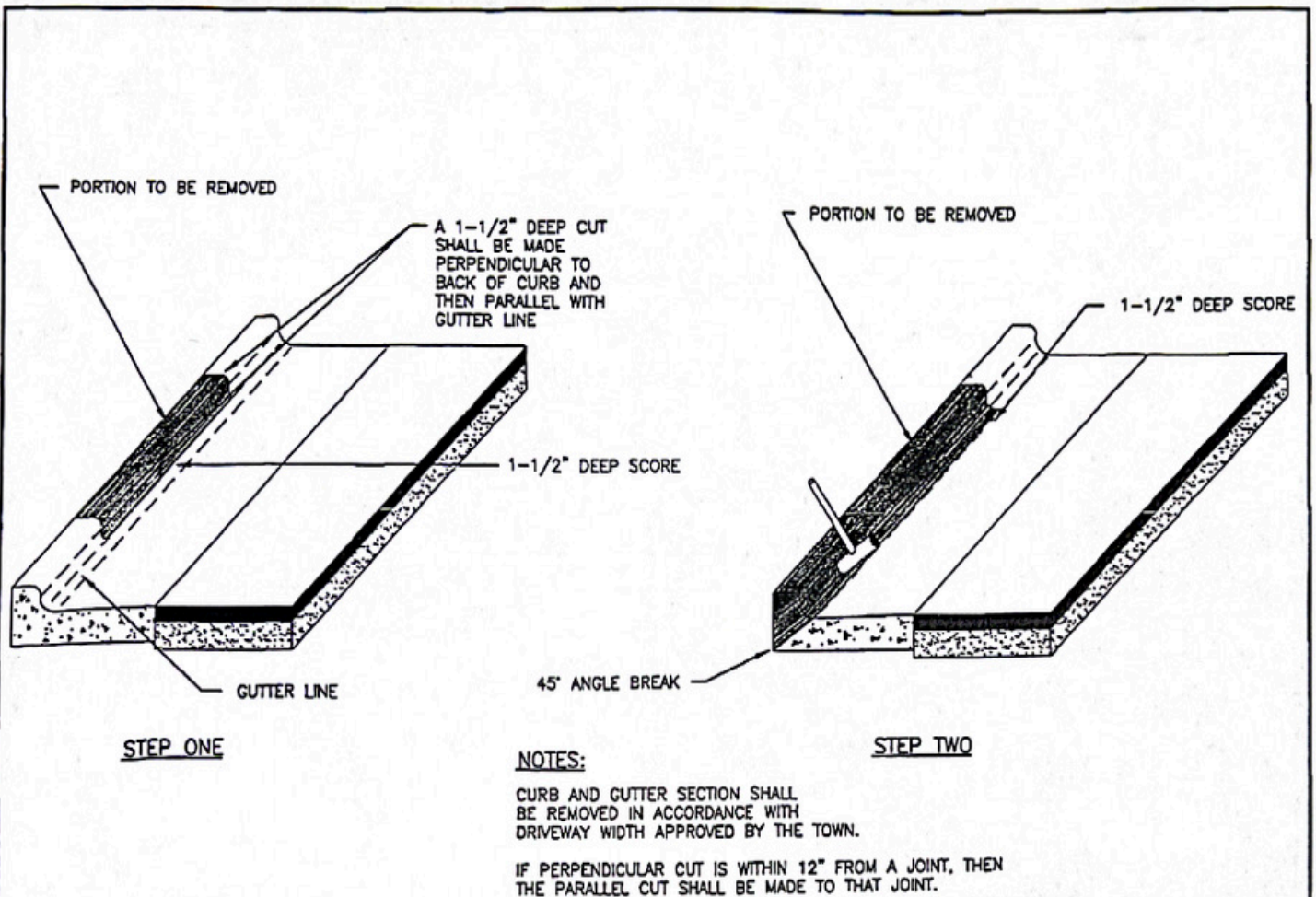
STANDARD DRIVEWAY AND SIDEWALK SECTION

Town of Green Level, North Carolina

Standard Drawing R-107
Not to Scale

Date: 12-27-2014 O





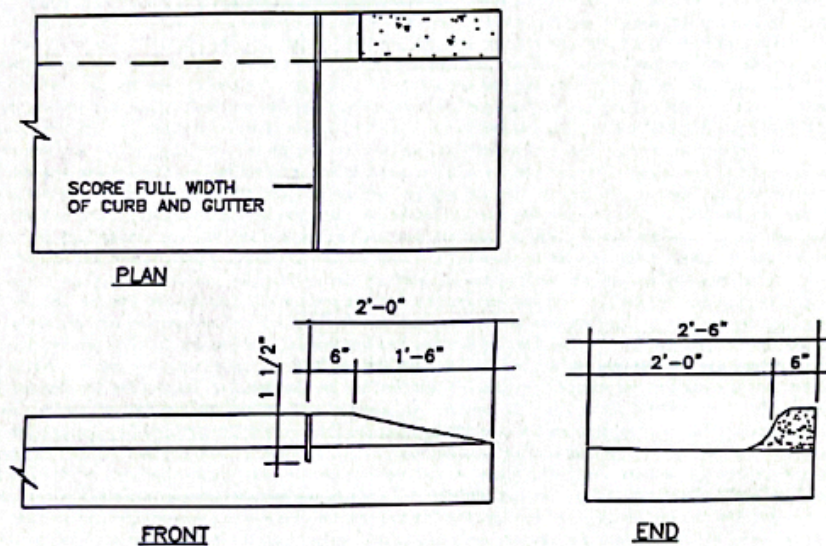
STANDARD EXISTING CURB REMOVAL FOR DRIVEWAY APRON INSTALLATION

Town of Green Level, North Carolina

Standard Drawing R-109

Not to Scale

Date: 12-27-2014 O



TYPICAL ENDING OF CURB AND GUTTER

Town of Green Level, North Carolina

Standard Drawing R-110
Not to Scale

Date: 12-27-2014 O

LOCATION OF WHEELCHAIR RAMP

1. NORTH CAROLINA GENERAL STATUTE 136-44 44 REQUIRES THAT ALL STREET CURBS BEING CONSTRUCTED OR RECONSTRUCTED FOR MAINTENANCE PROCEDURES, TRAFFIC OPERATIONS REPAIRS, CORRECTION OF UTILITIES OR ALTERED FOR ANY REASON AFTER SEPTEMBER 1, 1973 SHALL PROVIDE WHEEL CHAIR RAMPS FOR THE PHYSICALLY HANDICAPPED AT ALL INTERSECTIONS WHERE BOTH CURB AND GUTTER AND SIDEWALKS ARE PROVIDED AND AT OTHER POINTS OF PEDESTRIAN FLOW. IN ADDITION SECTION 228 OF THE 1973 FEDERAL AND HIGHWAY SAFETY ACT REQUIRES PROVISION OF CURB RAMPS ON ANY CURB CONSTRUCTION AFTER JULY 1, 1976 WHETHER A SIDEWALK IS PROPOSED INITIALLY OR IS PLANNED FOR FUTURE DATE
2. WHEEL CHAIR RAMPS SHALL BE PROVIDED AT LOCATIONS AS SHOWN ON THE PLANS OR AS DIRECTED BY THE ENGINEER. WHEELCHAIR RAMPS SHALL BE LOCATED AS INDICATED IN THESE DETAILS. HOWEVER THE LOCATION MAY BE ADJUSTED BY THE ENGINEER WHERE EXISTING LIGHT POLES, FIRE HYDRANTS, DROP INLETS ETC. AFFECT PLACEMENT.

CONSTRUCTION NOTES

3. NO SLOPE ON THE WHEELCHAIR RAMP SHALL EXCEED 1"/1' (12:1) IN RELATIONSHIP TO THE GRADE OF THE STREET.
4. IN NO CASE SHALL THE WIDTH OF WHEELCHAIR RAMPS BE LESS THAN 40" (3'-4"). WIDTH MAY EXCEED 40" IF NECESSARY.
5. USE CLASS "B" CONCRETE WITH A SIDEWALK FINISH IN ORDER TO OBTAIN A ROUGH NON-SKID TYPE SURFACE.
6. A 1/2" EXPANSION JOINT WILL BE REQUIRED WHERE THE CONCRETE WHEELCHAIR JOINS ANY RIGID PAVEMENT OR STRUCTURE.

ADDITIONAL NOTES

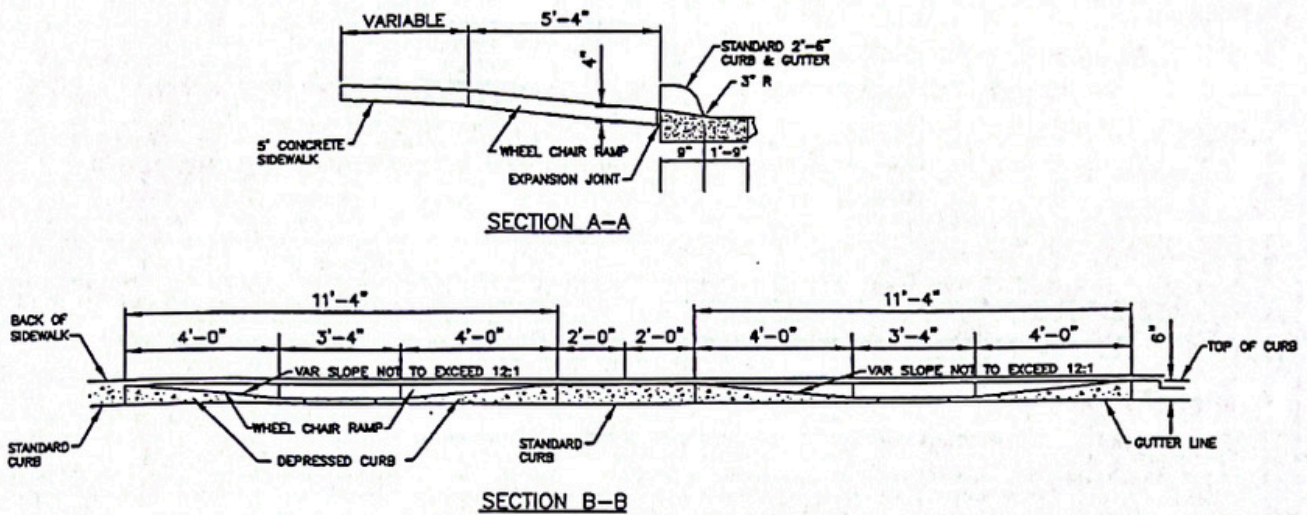
7. THE INSIDE PEDESTRIAN CROSSWALK LINES SHALL BE ESTABLISHED BY BISECTING THE INTERSECTION RADII WHERE MARKED (SEE NOTE 12).
8. THE WHEELCHAIR RAMP SHALL BE LOCATED SO THAT THE BEGINNING OF THE WHEELCHAIR RAMP WILL BE TWO FEET FROM THE INSIDE PEDESTRIAN CROSSWALK LINE.
9. THE WIDTH OF THE PEDESTRIAN CROSSWALK SHALL BE 10 FEET UNLESS A GREATER WIDTH IS REQUIRED TO ACCOMMODATE THE PEDESTRIAN TRAFFIC.
10. STOP BARS SHALL BE USED WHERE IT IS IMPORTANT TO INDICATE THE POINT BEHIND WHICH VEHICLES ARE REQUIRED TO STOP IN COMPLIANCE WITH A TRAFFIC SIGNAL, STOP SIGN, OR OTHER LEGAL REQUIREMENT.
11. PARKING SHALL BE ELIMINATED A MINIMUM OF 20 FEET BACK OF PEDESTRIAN CROSSWALK.
12. ALL PAVEMENT MARKINGS SHALL BE IN ACCORDANCE WITH THE LATEST EDITION OF THE MANUAL OF UNIFORM TRAFFIC DEVICES PUBLISHED BY THE FEDERAL HIGHWAY ADMINISTRATION. ALL PAVEMENT MARKINGS SHALL BE DONE BY OTHERS. REQUEST FOR CLARIFICATION OR ASSISTANCE ON SPECIAL PROBLEMS MAY BE DIRECTED TO THE TOWN OF GREEN LEVEL OR:

DEPT. OF TRANSPORTATION
DIVISION OF HIGHWAYS
HIGHWAY DESIGN BRANCH
HIGHWAY BUILDINGS
RALEIGH, NC 27611

STANDARD WHEELCHAIR RAMP**Town of Green Level, North Carolina****Standard Drawing R-111**

Not to Scale

Date: 12-27-2014 O

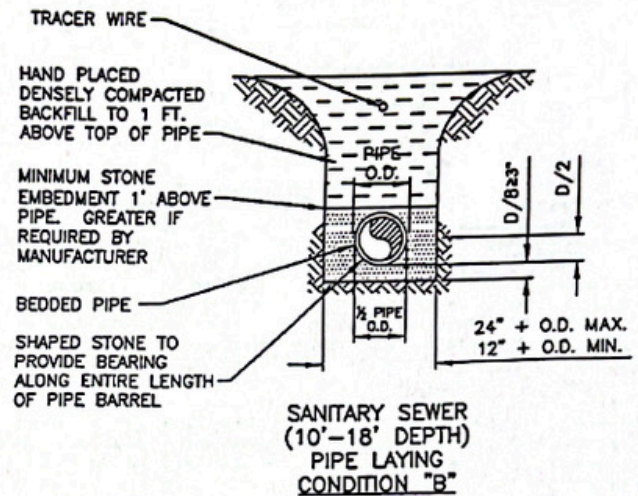
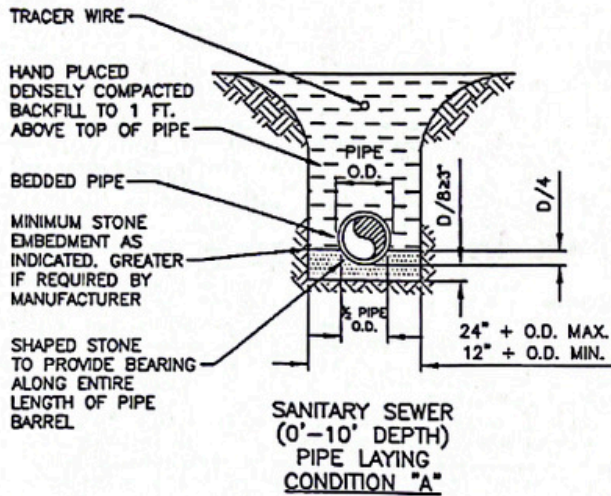


DOUBLE WHEELCHAIR RAMP SECTIONS FOR INTERSECTIONS

Town of Green Level, North Carolina

Standard Drawing R-117
Not to Scale

Date: 12-27-2014 O



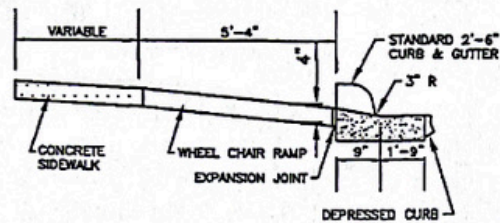
NOTE:
C-900 MUST BE USED FOR DEPTHS OF 14 -
18 FEET OR DUCTILE IRON PIPE AT DEPTHS
OF 18 FEET AND GREATER.

PIPE LAYING CONDITIONS FOR SANITARY SEWER

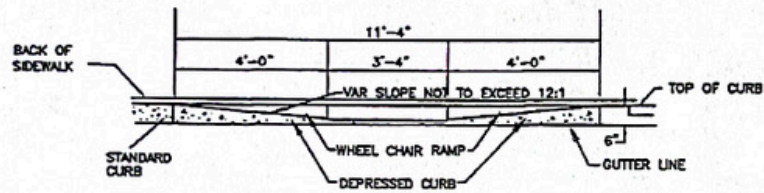
Town of Green Level, North Carolina

Standard Drawing S-306
Not to Scale

Date: 12-27-2014 O



SECTION A-A



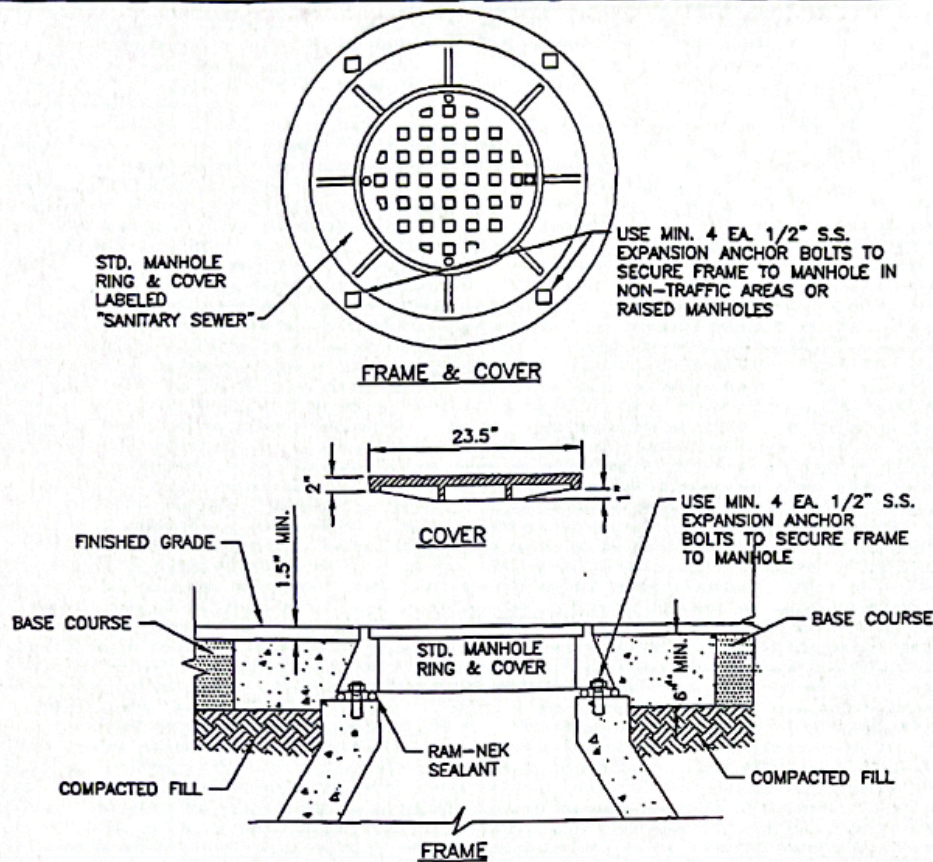
SECTION B-B

HANDICAP RAMP CURB-OUT DETAILS

Town of Green Level, North Carolina

Standard Drawing R-116
Not to Scale

Date: 12-27-2014 O

**NOTES:**

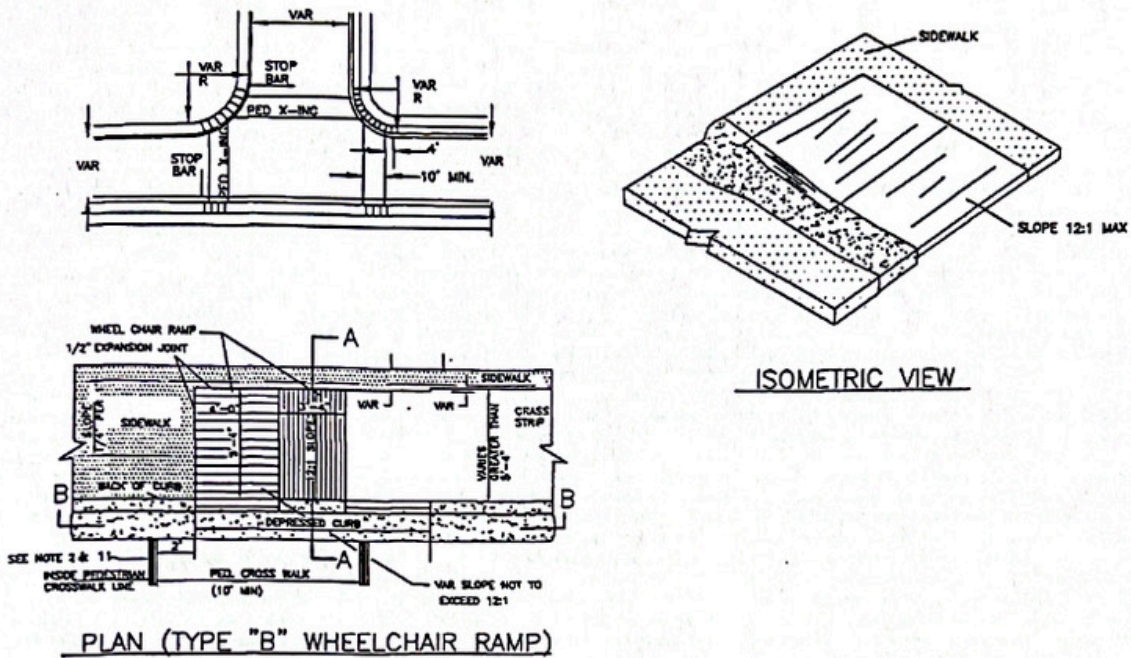
1. CONCRETE ENCASEMENT SHALL ONLY BE USED IN AREAS WHERE COVER IS TO BE FLUSH WITH PAVEMENT OR CONCRETE. CONCRETE ENCASEMENT SHALL NOT BE USED IN NON-TRAFFIC AREAS AND ABOVE GRADE INSTALLATIONS. MANHOLES IN STREETS TO HAVE NO HOLE LIDS.
2. ALL SERVICE OPENINGS SHALL BE A MINIMUM OF 24 INCHES UNLESS OTHERWISE SHOWN.
3. ALL JOINTS (MID-SEAM, TOP SEAM) SHALL BE SEALED USING CONCRETE SEALANTS BUTYL SEALANT #CS-102 MEETING ASTM C-990.
4. VEGETATIVE COVER SHALL BE ESTABLISHED IMMEDIATELY AFTER FIELD INSTALLATION. (NON-PAVEMENT APPLICATION).
5. CONCRETE SHALL HAVE A MINIMUM 4500 PSI RATING AT 28 DAYS. CONCRETE SHALL BE WATERPROOFED WITH BITUMINOUS MASTIC OR OTHER APPROVED COATING SYSTEM.

STANDARD MANHOLE FRAME and COVER

Town of Green Level, North Carolina

Standard Drawing S-305
Not to Scale

Date: 12-27-2014 O

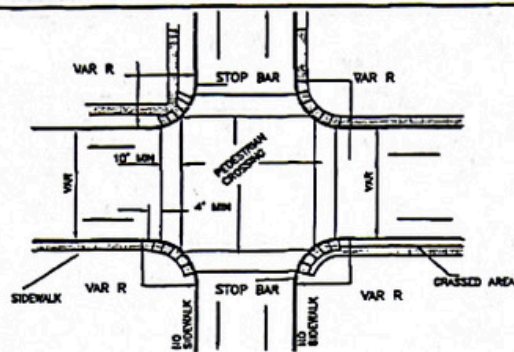


LOCATION OF WHEELCHAIR RAMPS, PEDESTRIAN CROSSWALKS, and STOP BARS for TEE INTERSECTIONS

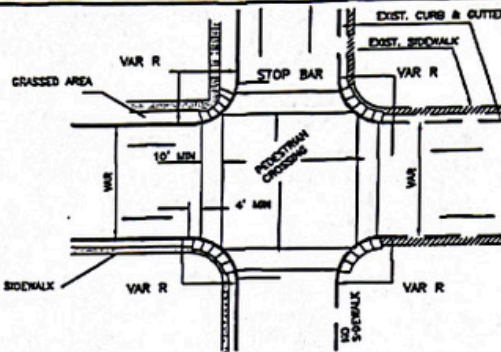
Town of Green Level, North Carolina

Standard Drawing R-115
Not to Scale

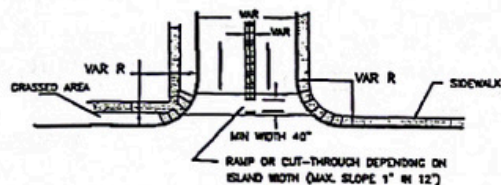
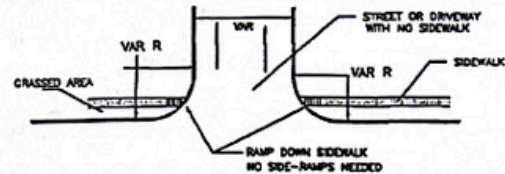
Date: 12-27-2014 O



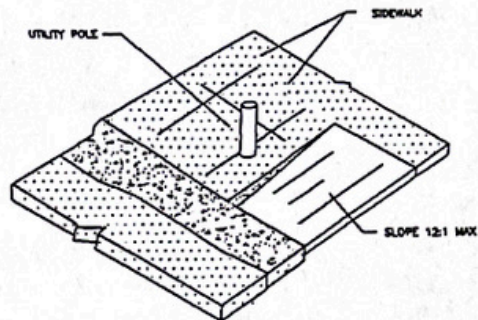
TYPICAL EXAMPLE OF WHEELCHAIR RAMP LOCATIONS WHEN CROSS ROAD DOES OR DOES NOT HAVE SIDEWALK



LOCATION OF WHEELCHAIR RAMPS WHEN EXISTING CURB & GUTTER AND SIDEWALK IS BEYOND END OF PROPOSED CONSTRUCTION



WHERE AN OBSTRUCTION ISLAND IS PRESENT THE PROVISION OF A RAMP OR CUT-THRU SHALL BE PROVIDED.



NOTE: USE THE METHOD SHOWN ABOVE WHEN OBSTRUCTIONS, WHICH ARE NOT TO BE REMOVED, ARE ENCOUNTERED ON EITHER SIDE OF WHEELCHAIR RAMPS.

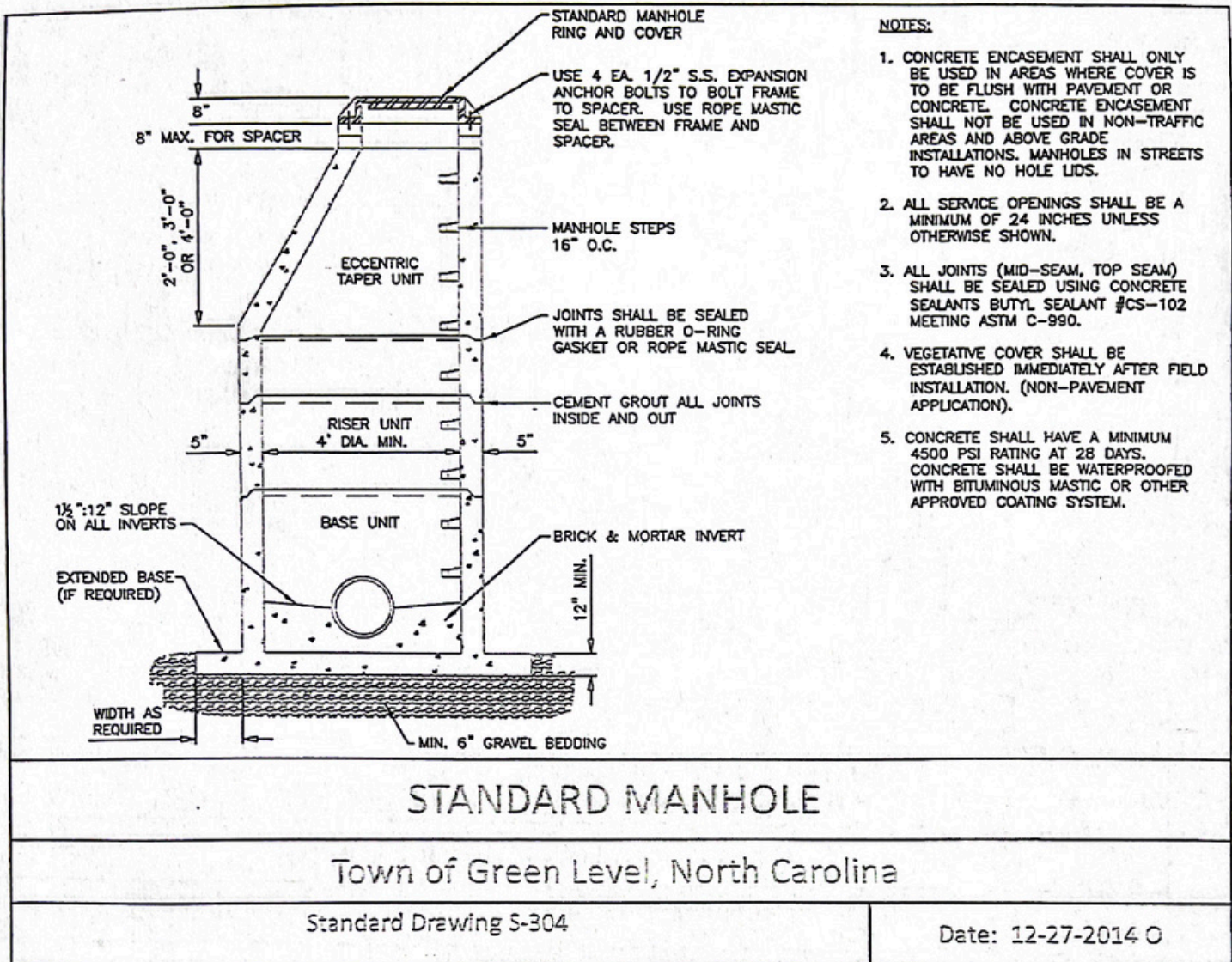
ISOMETRIC VIEW

EXAMPLES OF SPECIAL SITUATIONS FOR WHEELCHAIR RAMPS and DEPRESSED CURBS

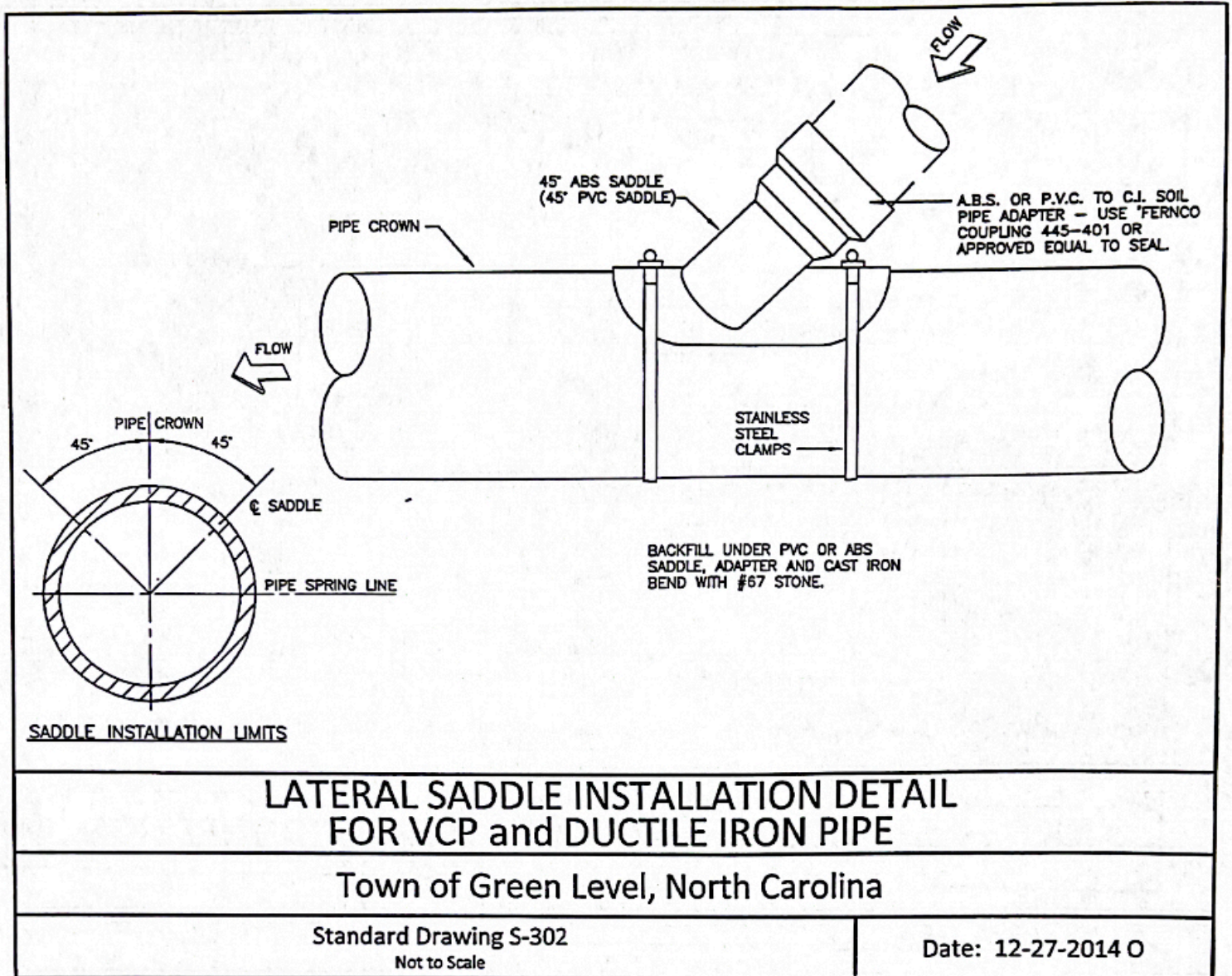
Town of Green Level, North Carolina

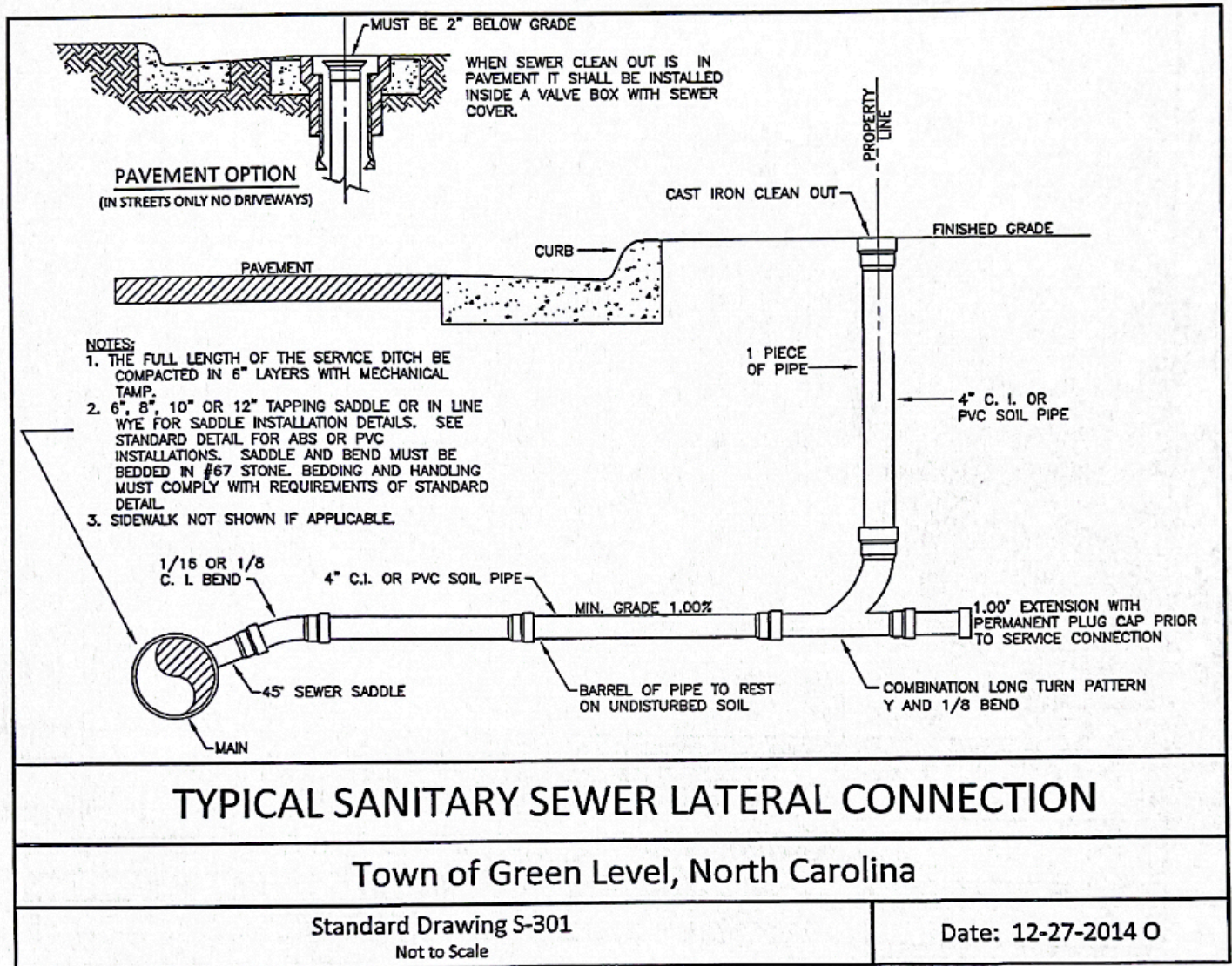
Standard Drawing R-114
Not to Scale

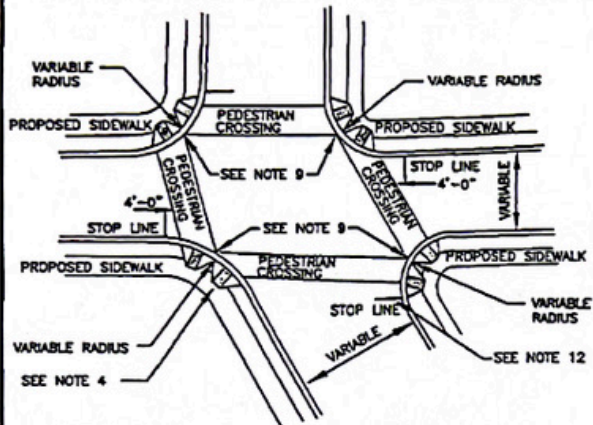
Date: 12-27-2014 O

**NOTES:**

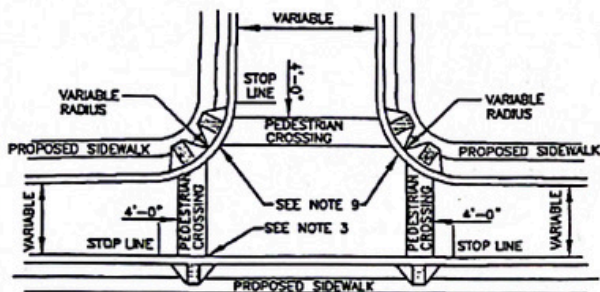
1. CONCRETE ENCASEMENT SHALL ONLY BE USED IN AREAS WHERE COVER IS TO BE FLUSH WITH PAVEMENT OR CONCRETE. CONCRETE ENCASEMENT SHALL NOT BE USED IN NON-TRAFFIC AREAS AND ABOVE GRADE INSTALLATIONS. MANHOLES IN STREETS TO HAVE NO HOLE LIDS.
2. ALL SERVICE OPENINGS SHALL BE A MINIMUM OF 24 INCHES UNLESS OTHERWISE SHOWN.
3. ALL JOINTS (MID-SEAM, TOP SEAM) SHALL BE SEALED USING CONCRETE SEALANTS BUTYL SEALANT #CS-102 MEETING ASTM C-990.
4. VEGETATIVE COVER SHALL BE ESTABLISHED IMMEDIATELY AFTER FIELD INSTALLATION. (NON-PAVEMENT APPLICATION).
5. CONCRETE SHALL HAVE A MINIMUM 4500 PSI RATING AT 28 DAYS. CONCRETE SHALL BE WATERPROOFED WITH BITUMINOUS MASTIC OR OTHER APPROVED COATING SYSTEM.







DETAIL SHOWING TYPICAL LOCATION OF WHEELCHAIR RAMPS, PEDESTRIAN CROSSWALKS AND STOP BARS



DETAIL SHOWING TYPICAL LOCATION OF WHEELCHAIR RAMPS, PEDESTRIAN CROSSWALKS AND STOP BARS FOR TEE INTERSECTION

NOTES:

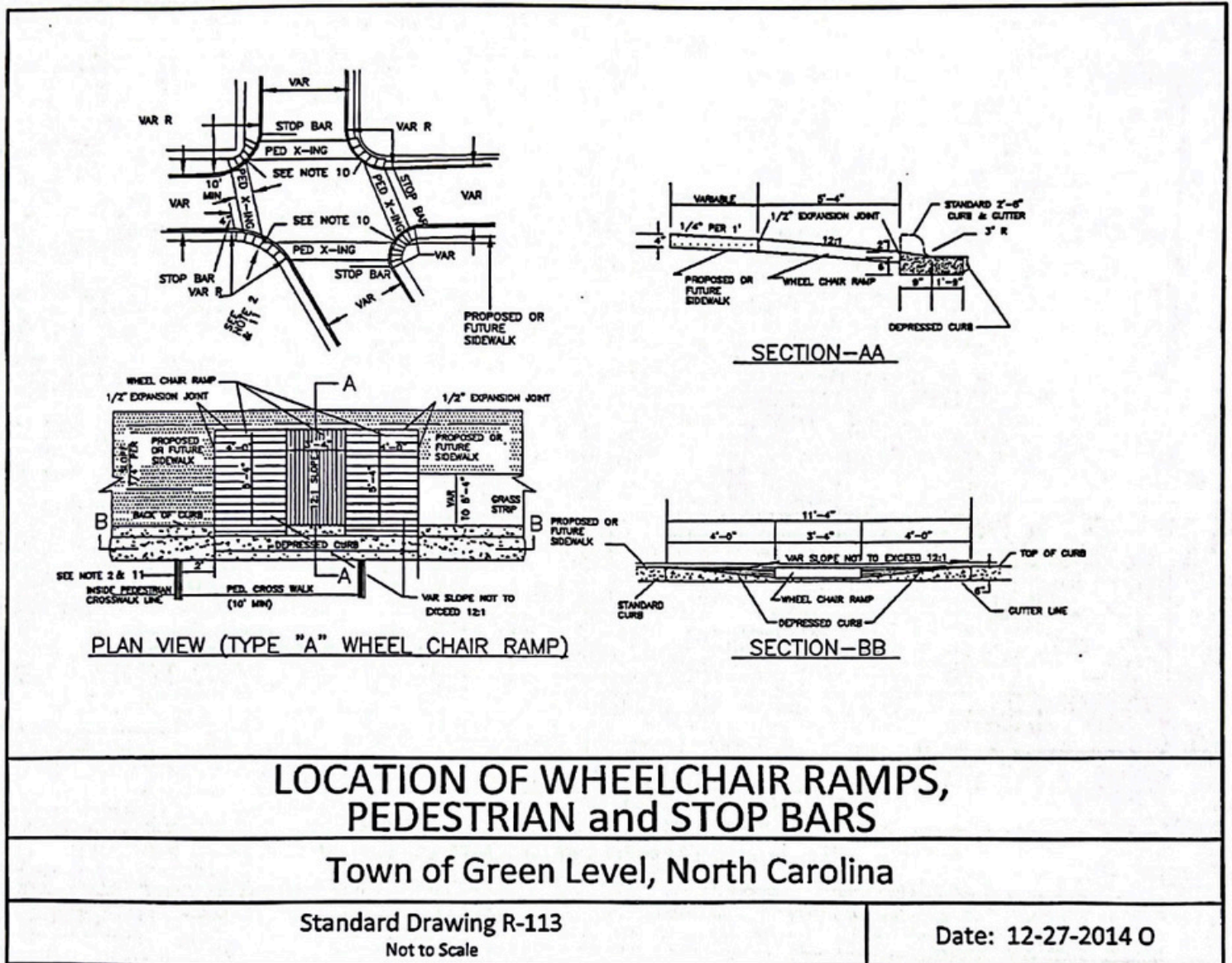
1. THE WALKING SURFACE SHALL BE SLIP RESISTANT. DETECTABLE WARNING DOMES SHALL COVER THE FULL WIDTH AND DEPTH OF THE RAMP FLOOR. THE DETECTABLE WARNINGS SHALL CONSIST OF RAISED TRUNCATED DOMES WITH A DIAMETER OF NOMINAL 0.9", A HEIGHT OF 0.2" AND CENTER-TO-CENTER SPACING OF NOMINAL 2.35". THE RAMP MAY BE YELLOW IN COLOR OR ANY COLOR WITH A 70% CONTRAST RATIO.
2. CROSSWALK WIDTHS AND CONFIGURATION VARY; MUST CONFORM TO TRAFFIC DESIGN STANDARDS.
3. NORTH CAROLINA GENERAL STATUTE 136-44.44 REQUIRES THAT ALL STREET CURBS BEING CONSTRUCTED OR RECONSTRUCTED FOR MAINTENANCE PROCEDURES, TRAFFIC OPERATIONS REPAIRS, CORRECTION UTILITIES OR ALTERED FOR ANY REASON AFTER SEPTEMBER 1, 1973 SHALL PROVIDE WHEEL CHAIR RAMPS FOR THE PHYSICALLY HANDICAPPED AT ALL INTERSECTIONS WHERE BOTH CURB AND GUTTER AND SIDEWALKS ARE PROVIDED AND AT OTHER POINTS OF PEDESTRIAN FLOW. IN ADDITION SECTION 228 OF THE 1973 FEDERAL AND HIGHWAY SAFETY ACT REQUIRES PROVISION OF CURB RAMPS ON ANY CURB CONSTRUCTION AFTER JULY 1, 1978 WHETHER A SIDEWALK IS PROPOSED INITIALLY OR IS PLANNED FOR FUTURE DATE THE AMERICANS WITH DISABILITY ACT (ADA) OF 1990 EXTENDS TO INDIVIDUALS WITH DISABILITIES. COMPREHENSIVE CIVIL RIGHTS PROTECTIONS SIMILAR TO THOSE PROVIDED TO PERSONS ON THE BASIS OF RACE, SEX, NATIONAL ORIGIN AND RELIGION UNDER THE CIVIL RIGHTS ACT OF 1964. THESE CURB RAMPS HAVE BEEN DESIGNED TO COMPLY WITH TITLE 111 OF THE ADA, BECOMING EFFECTIVE ON JANUARY 26, 1992.
4. WHEELCHAIR RAMPS SHALL BE PROVIDED AT LOCATIONS AS SHOWN ON THE PLANS OR AS DIRECTED BY THE ENGINEER. WHEELCHAIR RAMPS SHALL BE LOCATED AS INDICATED IN THESE DETAILS. HOWEVER THE LOCATION MAY BE ADJUSTED BY THE ENGINEER WHERE EXISTING LIGHT POLES, FIRE HYDRANTS, DROP INLETS ETC. MAY AFFECT PLACEMENT. AT ALL LOCATIONS, NOT LESS THAN 2 FEET OF FULL HEIGHT CURB SHALL BE PLACED BETWEEN THE RAMPS.
5. NO SLOPE ON THE WHEELCHAIR RAMP SHALL EXCEED 1"/1' (12:1) IN RELATIONSHIP TO THE GRADE OF THE STREET.
6. IN NO CASE SHALL THE WIDTH OF THE WHEELCHAIR RAMP BE LESS THAN 40" (3'-4"). HOWEVER WIDTH MAY EXCEED 40".
7. USE CLASS "B" CONCRETE WITH A SIDEWALK FINISH IN ORDER TO OBTAIN A ROUGH NON-SKID TYPE SURFACE.
8. A 1/2" EXPANSION JOINT WILL BE REQUIRED WHERE THE CONCRETE WHEELCHAIR RAMP JOINS THE CURB.
9. THE INSIDE PEDESTRIAN CROSSWALK LINES SHALL BE SET NO CLOSER IN THE INTERSECTION THAN WOULD BE ESTABLISHED BY BISECTING THE INTERSECTION RADIUS. (SEE NOTE 14)
10. THE CURB CUT AND THE PEDESTRIAN CROSSWALK LINES SHALL BE COORDINATED SO THAT THE BEGINNING OF THE WHEELCHAIR RAMP WILL FALL WITHIN THE PEDESTRIAN CROSSWALK LINES.
11. THE MINIMUM WIDTH OF THE PEDESTRIAN CROSSWALK SHALL BE 6 FEET. A CROSSWALK WIDTH OF 10' OR GREATER IS DESIRABLE.
12. STOP LINES, NORMALLY PERPENDICULAR TO THE LANE LINES, SHALL BE USED WHERE IT IS IMPORTANT TO INDICATE THE POINT BEHIND WHICH VEHICLES ARE REQUIRED TO STOP IN COMPLIANCE WITH A TRAFFIC SIGNAL STOP SIGN OR OTHER LEGAL REQUIREMENT. AN UNUSUAL APPROACH SKEW MAY REQUIRE THE PLACEMENT OF THE STOP LINE TO BE PARALLEL TO THE INTERSECTING ROADWAY.
13. PARKING SHALL BE ELIMINATED A MINIMUM OF 20 FEET BACK OF PEDESTRIAN CROSSWALK.
14. ALL PAVEMENT MARKINGS SHALL BE IN ACCORDANCE WITH THE LATEST EDITION OF THE MANUAL OF UNIFORM TRAFFIC CONTROL DEVICES (MUTCD) PUBLISHED BY THE FEDERAL HIGHWAY ADMINISTRATION AND THE NORTH CAROLINA SUPPLEMENT TO THE MUTCD.

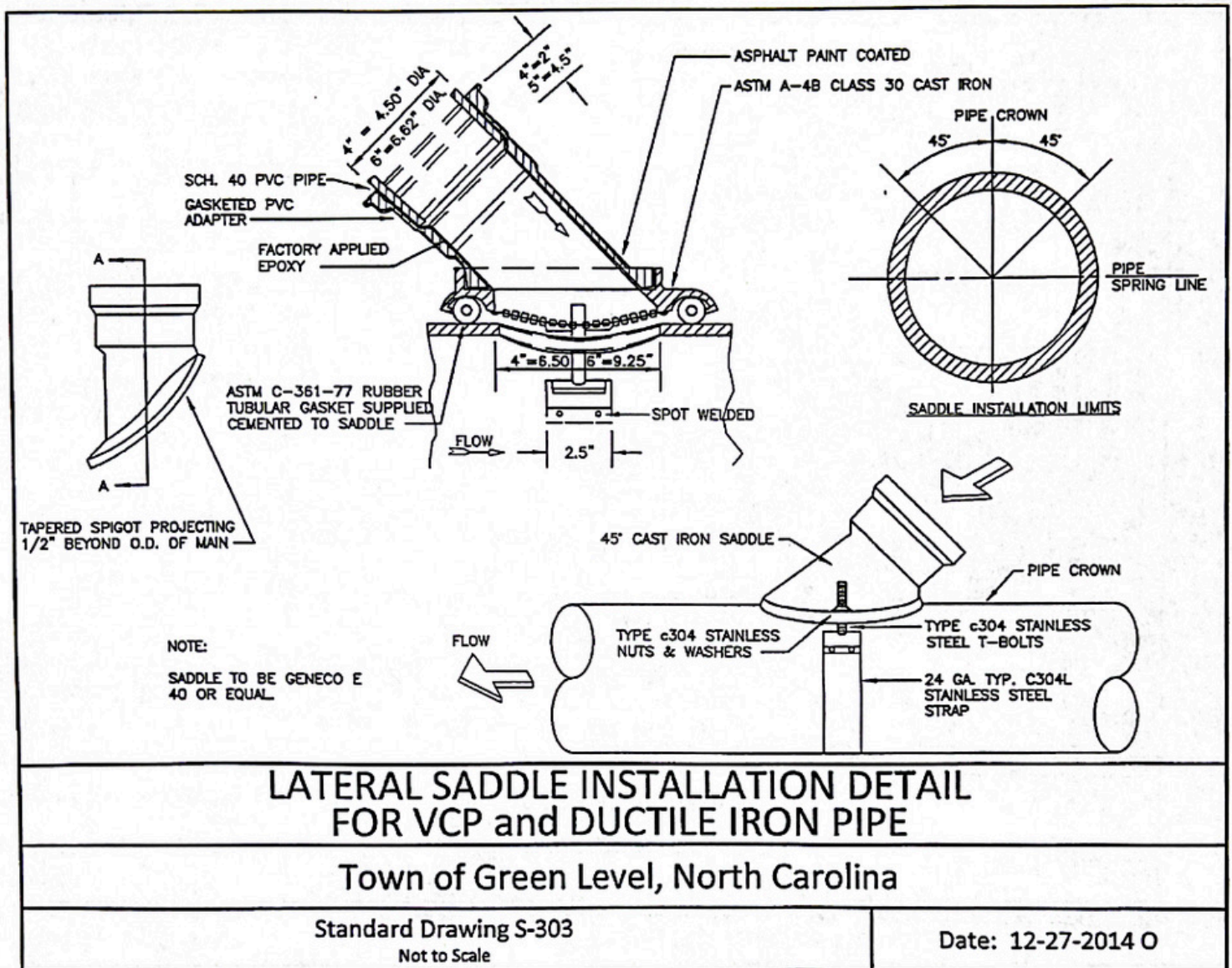
STANDARD WHEELCHAIR RAMP

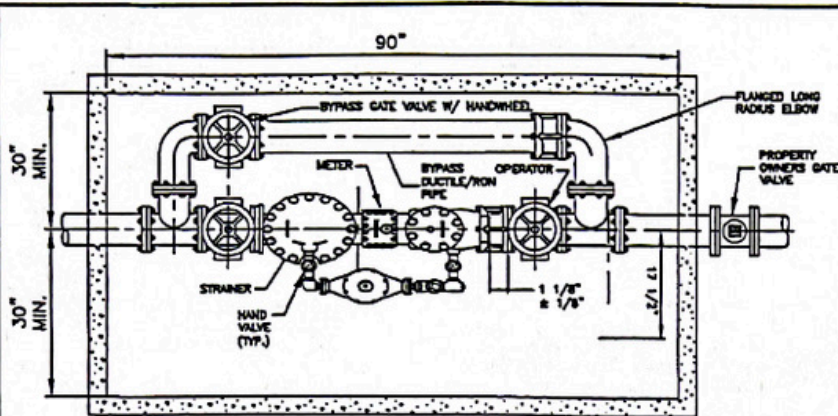
Town of Green Level, North Carolina

Standard Drawing R-112
Not to Scale

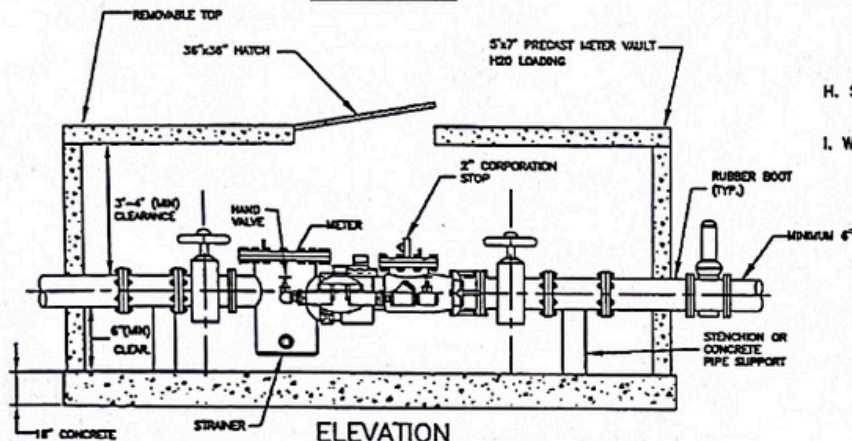
Date: 12-27-2014 O







PLAN VIEW



ELEVATION

NOTES

- A. DIMENSION "C" VARIES W/TYPES OF METER & FITTINGS.
- B. VAULT SHALL BE CONSTRUCTED WITH 4000 PSI REINFORCED CONCRETE. USE OF BLOCK MUST BE APPROVED IN WRITING BY CPW BEFORE CONSTRUCTION.
- C. USE ALUMINUM LIGHT TRAFFIC (300 PSI) DOOR IN NON-TRAFFIC AREAS. USE AASHTO-H20 LOAD RATING ALUMINUM DOOR IN ALL TRAFFIC AREAS. SEE DETAILS.
- D. DOORS ARE TO BE LOCATED SO METER CAN BE READ AND STRAINER CAN BE LIFTED STRAIGHT OUT. HINGES SHALL BE LOCATED ON OUTLET SIDE OF DOOR OPENING.
- E. USE ALUMINUM LADDER WITH SAFETY POST IN VAULTS 5' DEEP OR DEEPER. LADDER MUST BE PLACED ON OPPOSITE SIDE FROM BYPASS.
- F. USE: 3' x 3' DOOR ON 4" METERS 3'-6" x 3'-6" DOOR ON 6" METERS 4' x 6' DOOR ON 8" AND 10" METERS USE ONLY USF FABRICATION OR BILCO DOORS.
- G. VALVE AND DOOR STATUS AFTER INSTALLATION IS AS FOLLOWS: - VALVE BETWEEN MAIN AND VAULT FULLY OPEN - METER INLET VALVE FULLY CLOSED - BYPASS METER BALL VALVES FULLY OPEN - BYPASS GATE VALVE FULLY CLOSED - METER OUTLET VALVE FULLY OPEN - DOOR LOCKED USING STAR-SHAPED LOCKING BOLT
- H. SEAL VAULT PENETRATIONS WITH NON-SHRINKING HYDRAULIC CEMENT-WATER STOP.
- I. WALLS SHALL BE A SINGLE POUR. SEAL WITH RAM-NEK OR CONSEAL BETWEEN WALLS AND BOTTOM AND WALLS AND LID CONTINUOUS AROUND PERIMETER.

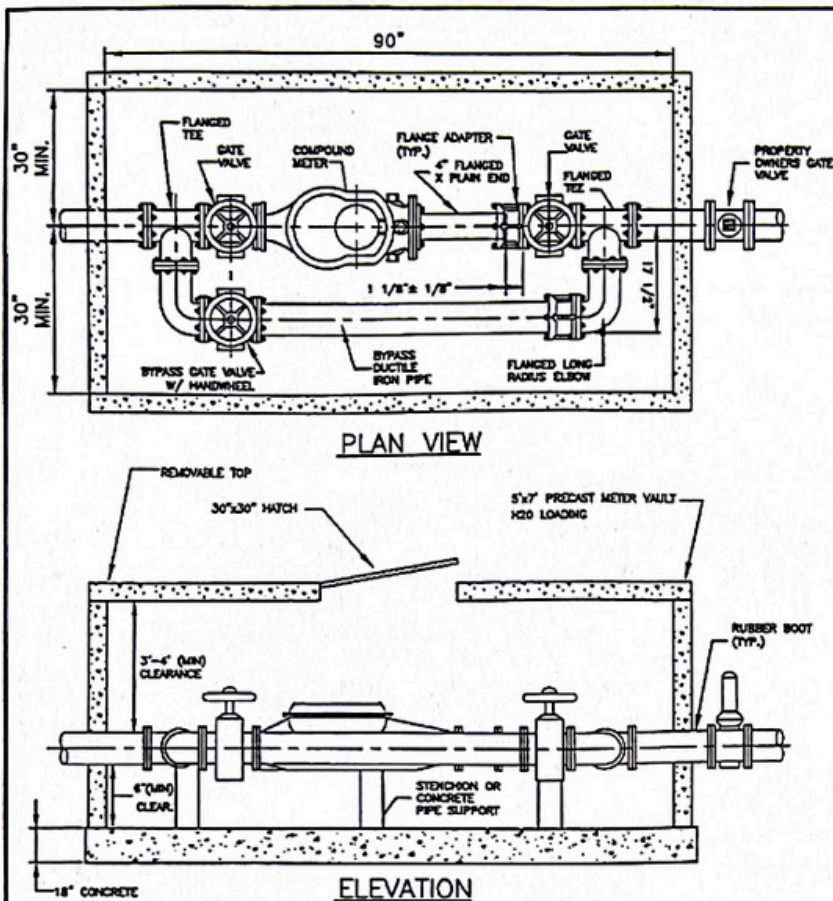
NOTE:
EACH METER REQUIRES AN ELECTRONIC DIGITAL ENCODER OR MECHANICALLY ENCODED REGISTER WITH AN ITRON ERT EXCEPT FOR MASTER METER DISTRIBUTORS DENVER WATER WILL DETERMINE TYPE OF ERT AND LOCATION PRIOR TO VAULT INSTALLATION.

6" METER WITH BYPASS

Town of Green Level, North Carolina

Standard Drawing W-204
Not to Scale

Date: 12-27-2014 O

**NOTES:**

1. PIPE AND METER SIZE SHALL BE AS DETERMINED BY OWNER; APPROVAL BY ENGINEER.
2. METER VAULT MUST BE BEHIND CURB AND/OR WALK AND OUT OF VEHICULAR TRAFFIC.
3. MAIN LINE AND BYPASS VALVES WILL BE RESILIENT SEAT GATE TYPE WITH CORROSION RESISTANT FUSION BONDED EPOXY COATING INSIDE AND OUTSIDE, NON-RISING STEM. MAIN LINE VALVES SHALL HAVE SQUARE OPERATING NUTS. BYPASS VALVE WILL HAVE A HANDWHEEL. PROPERTY OWNER'S VALVE MUST BE LOCATED OUTSIDE OF THE METER VAULT.
4. HATCH OPENING WILL BE 36" X 36" MINIMUM.
5. DOUBLE HARNESS MJ WITH TIE RODS. ALL OTHER FITTINGS INSIDE VAULT WILL BE FLANGED.
6. THE TOP OF THE METER VAULT SHALL BE AT AN ELEVATION SUCH THAT SURROUNDING GROUND SLOPES AWAY FROM THE VAULT.

NOTE:

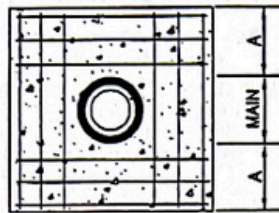
EACH METER REQUIRES AN ELECTRONIC DIGITAL ENCODER OR MECHANICALLY ENCODED REGISTER WITH AN IRON ERT EXCEPT FOR MASTER METER DISTRIBUTORS DENVER WATER WILL DETERMINE TYPE OF ERT AND LOCATION PRIOR TO VAULT INSTALLATION.

COMPOUND METER INSTALLATION 3" and GREATER

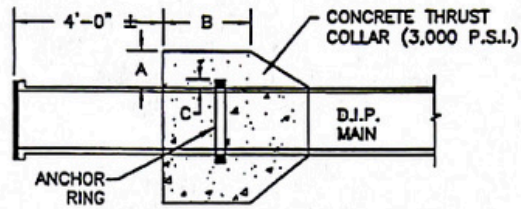
Town of Green Level, North Carolina

Standard Drawing W-203
Not to Scale

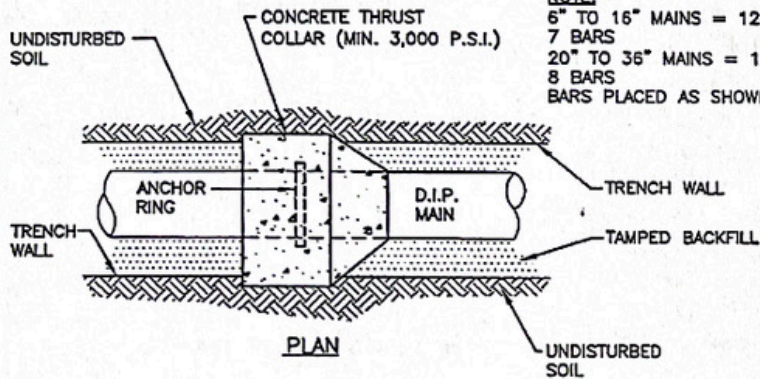
Date: 12-27-2014 O



REINFORCING



SECTION



PLAN

NOTE:
 6" TO 16" MAINS = 12-NO.
 7 BARS
 20" TO 36" MAINS = 12-NO.
 8 BARS
 BARS PLACED AS SHOWN

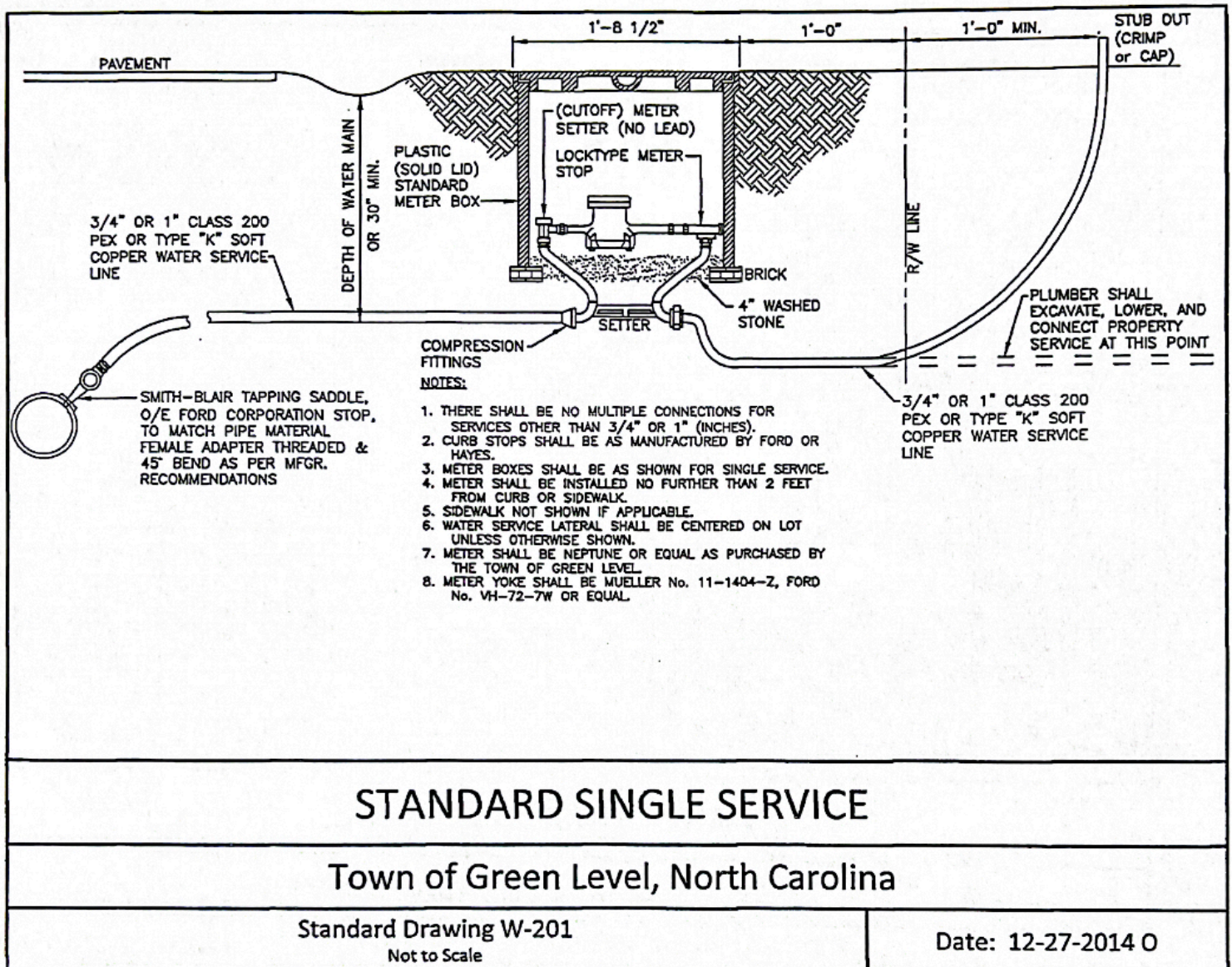
SCHEDULE				
PIPE DIAMETER	CONCRETE THRUST COLLAR		ANCHOR COLLAR	RINGS REQUIRED
	A	B	C	
6", 8", 12"	1'-0"	1'-0"	2"	ONE
16"	1'-4"	1'-0"	2"	ONE
20"	1'-4"	1'-0"	3"	ONE
24"	1'-4"	1'-0"	3"	TWO
30"	1'-4"	1'-2"	4"	TWO
36"	1'-4"	1'-4"	4"	TWO

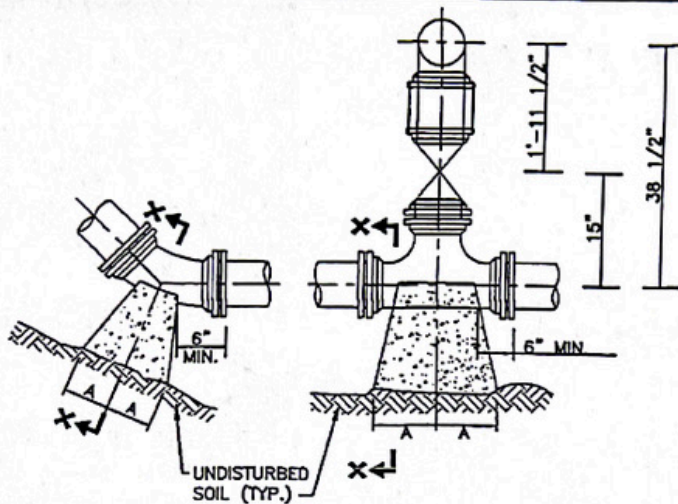
THRUST COLLAR DETAILS

Town of Green Level, North Carolina

Standard Drawing W-209
 Not to Scale

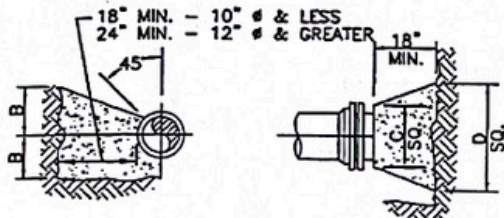
Date: 12-27-2014 O





PLAN BENDS

PLAN TEES

SECTION X-X
BENDS & TEESPLAN & ELEV.
PLUGS**NOTES:**

1. CONCRETE SHALL BE 3,000 PSI MIN.
2. CONCRETE FOR THRUST BLOCKING SHALL BE KEPT FAIRLY DRY, THUS MAKING THE CONCRETE WEDGE SHAPE MORE EASILY FORMED WITH THE WIDEST PART (BLOCKING AREA) AGAINST UNDISTURBED SOIL.
3. NO CONCRETE SHALL COVER ANY BOLTS OR GLANDS.
4. ALL FITTING AND ACCESSORIES TO BE WRAPPED WITH 10 MIL POLYETHYLENE PRIOR TO POURING BLOCKING.
5. VOLUME OF THRUST BLOCKING SHALL BE AS SHOWN ON THE THRUST BLOCKING SCHEDULE.

PIPE SIZE	90° BEND		45° BEND		22 1/2° BEND		11 1/4° BEND		TEE		PLUG	
	A	B	A	B	A	B	A	B	A	B	C	D
4"	8"	12"	8"	8"	8"	8"	8"	8"	8"	8"	10"	16"
6"	10"	12"	8"	10"	8"	8"	8"	8"	10"	10"	12"	18"
8"	15"	13"	10"	10"	8"	8"	8"	8"	10"	12"	12"	24"
10"	16"	14"	10"	12"	6"	10"	6"	10"	11"	14"	14"	25"
12"	20"	16"	12"	14"	8"	12"	8"	12"	14"	16"	16"	30"
14"	22"	18"	14"	16"	10"	14"	10"	14"	16"	18"	18"	34"
16"	28"	20"	16"	18"	12"	16"	12"	16"	18"	20"	20"	36"
20"	36"	28"	24"	18"	16"	13"	12"	8"	19"	18"	24"	48"
24"	48"	33"	30"	21"	16"	18"	15"	11"	21"	21"	28"	56"

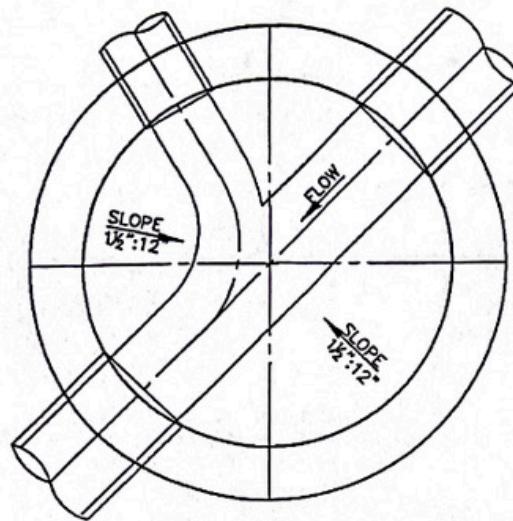
THRUST BLOCK DETAILS

Town of Green Level, North Carolina

Standard Drawing W-208

Not to Scale

Date: 12-27-2014 O



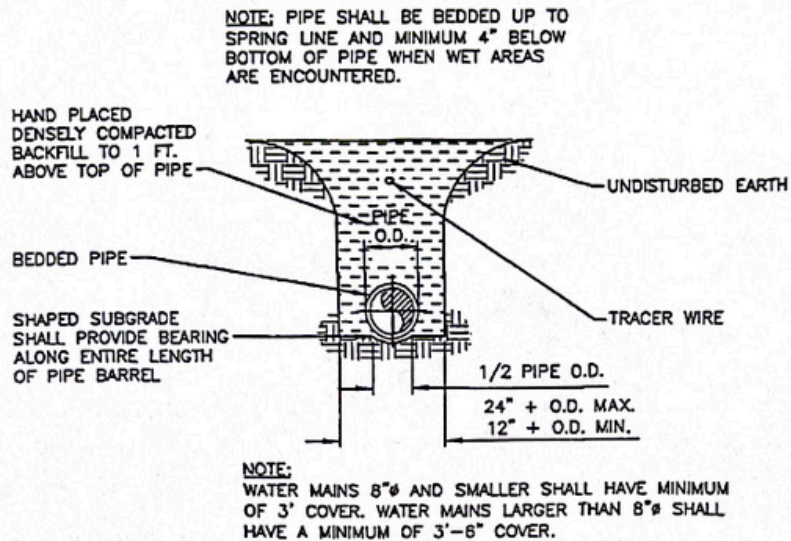
PLAN

MANHOLE INVERT

Town of Green Level, North Carolina

Standard Drawing S-309
Not to Scale

Date: 12-27-2014 O



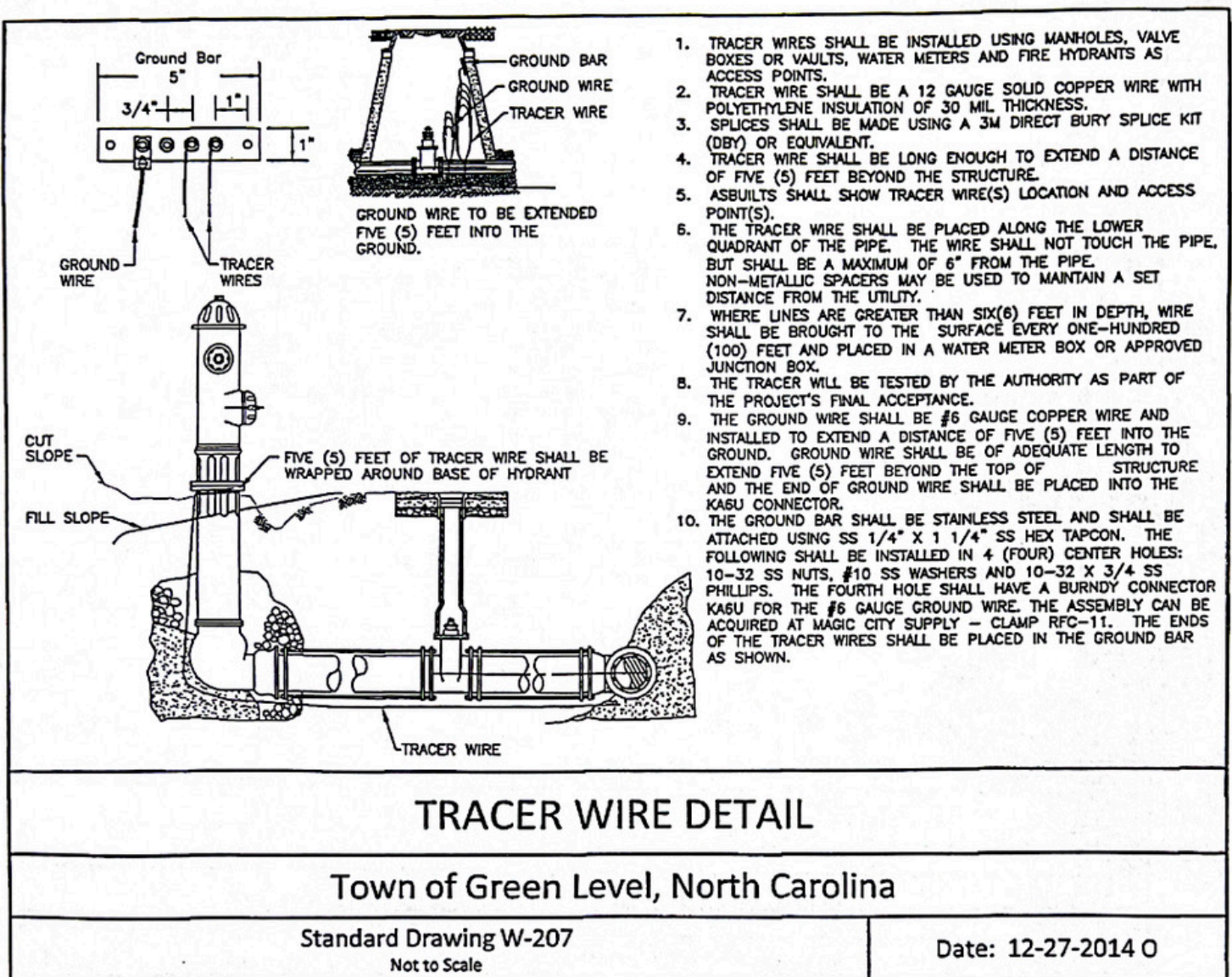
WATER MAIN
PIPE LAYING
CONDITION

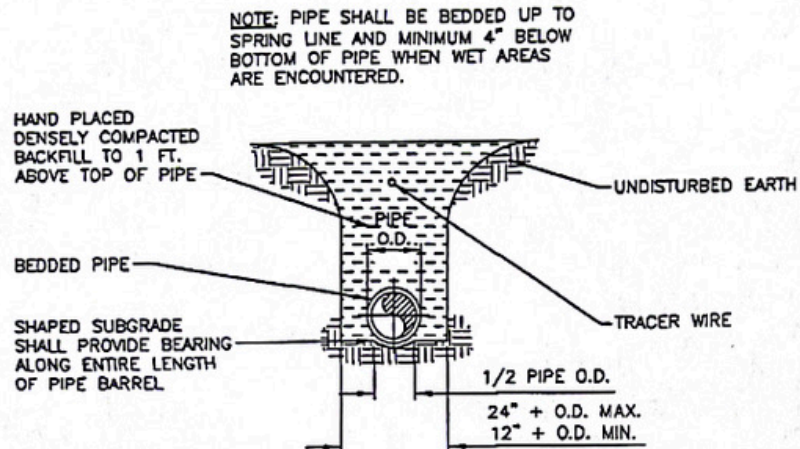
PIPE LAYING CONDITIONS FOR WATER

Town of Green Level, North Carolina

Standard Drawing W-206
Not to Scale

Date: 12-27-2014 O





NOTE:
FORCE MAINS 8"Ø AND SMALLER SHALL HAVE MINIMUM OF 3' COVER. FORCE MAINS LARGER THAN 8"Ø SHALL HAVE A MINIMUM OF 3'-6" COVER.

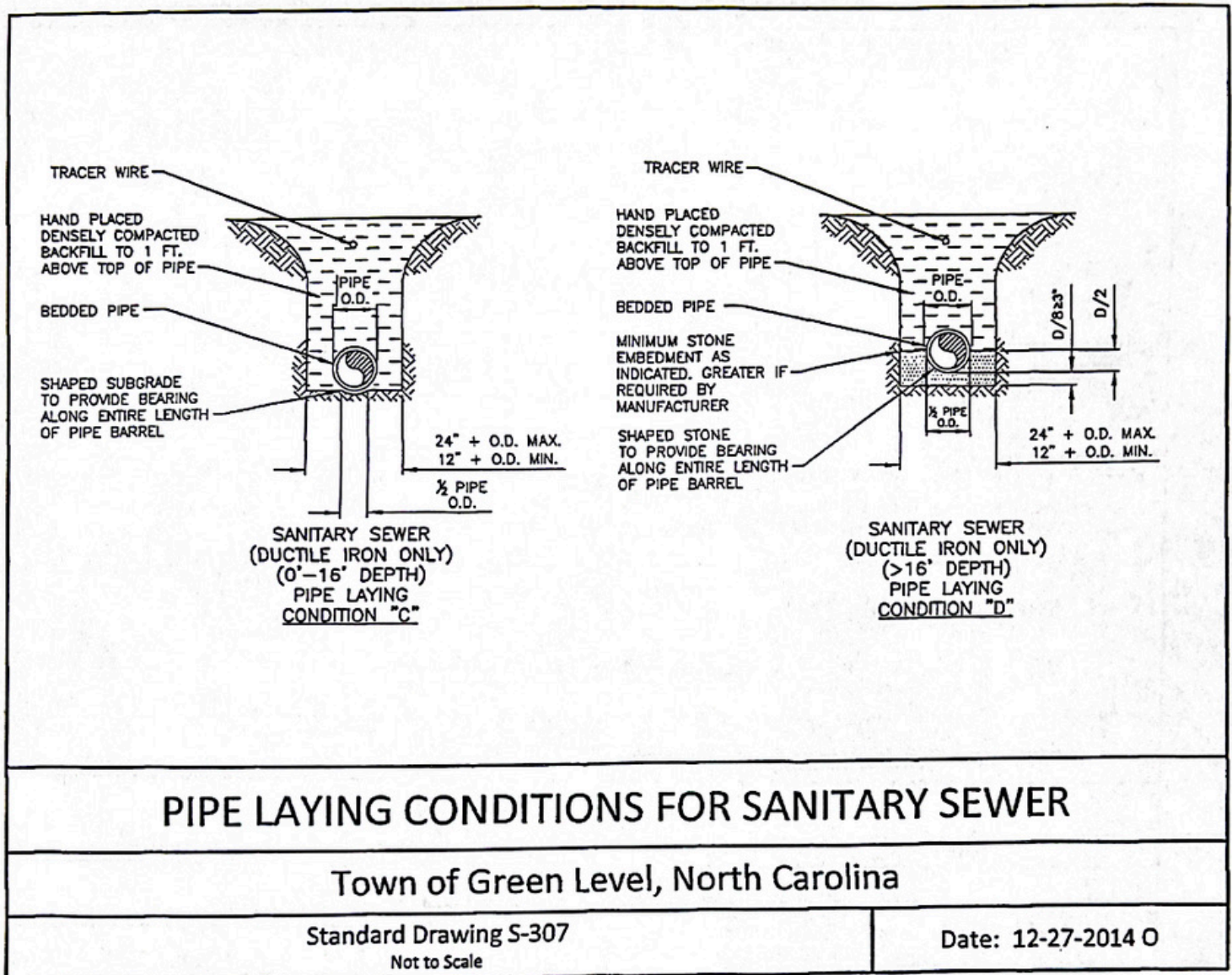
FORCE MAIN
PIPE LAYING
CONDITION "E"

PIPE LAYING CONDITIONS FOR SANITARY SEWER

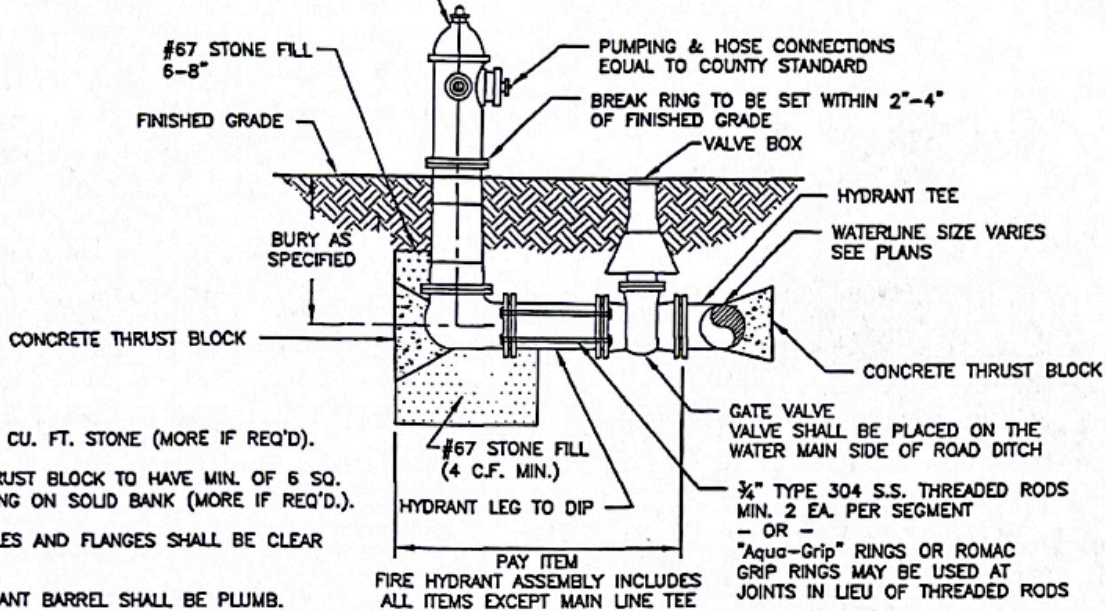
Town of Green Level, North Carolina

Standard Drawing S-308
Not to Scale

Date: 12-27-2014 O



COAT HYDRANT BONNET AND NOZZLE CAPS
W/ "ALERT" REFLECTIVE FIRE HYDRANT PAINT
SILVER MODEL #1440



NOTES:

1. MIN. OF 4 CU. FT. STONE (MORE IF REQ'D).
2. CONC. THRUST BLOCK TO HAVE MIN. OF 6 SQ. FT. BEARING ON SOLID BANK (MORE IF REQ'D).
3. DRAIN HOLES AND FLANGES SHALL BE CLEAR OF CONC.
4. FIRE HYDRANT BARREL SHALL BE PLUMB.

FIRE HYDRANT ASSEMBLY

****FIRE HYDRANTS INSTALLED ON EXISTING 6" WATER MAINS, MUST BE INSTALLED USING A 6"x6" TEE CUT INTO THE EXISTING WATER MAIN. FIRE HYDRANTS INSTALLED ON EXISTING WATER MAINS LARGER THAN 6", CAN BE INSTALLED USING A TAPPING SLEEVE AND VALVE ON THE EXISTING WATER MAIN.**

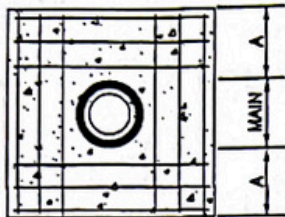
FIRE HYDRANT

Town of Green Level, North Carolina

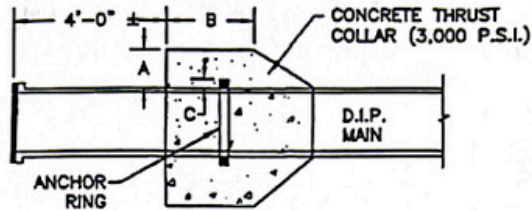
Standard Drawing W-205

Not to Scale

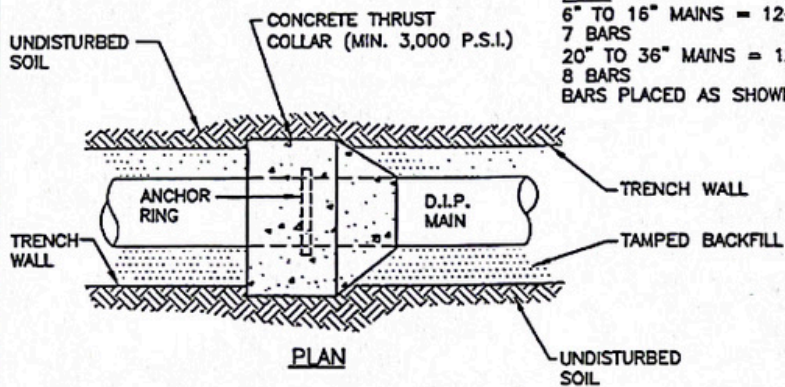
Date: 12-27-2014 O



REINFORCING



SECTION



PLAN

NOTE:
 6" TO 16" MAINS = 12-NO.
 7 BARS
 20" TO 36" MAINS = 12-NO.
 8 BARS
 BARS PLACED AS SHOWN

SCHEDULE				
PIPE DIAMETER	CONCRETE THRUST COLLAR		ANCHOR COLLAR	RINGS REQUIRED
	A	B	C	
6", 8", 12"	1'-0"	1'-0"	2"	ONE
16"	1'-4"	1'-0"	2"	ONE
20"	1'-4"	1'-0"	3"	ONE
24"	1'-4"	1'-0"	3"	TWO
30"	1'-4"	1'-2"	4"	TWO
36"	1'-4"	1'-4"	4"	TWO



THRUST COLLAR DETAILS

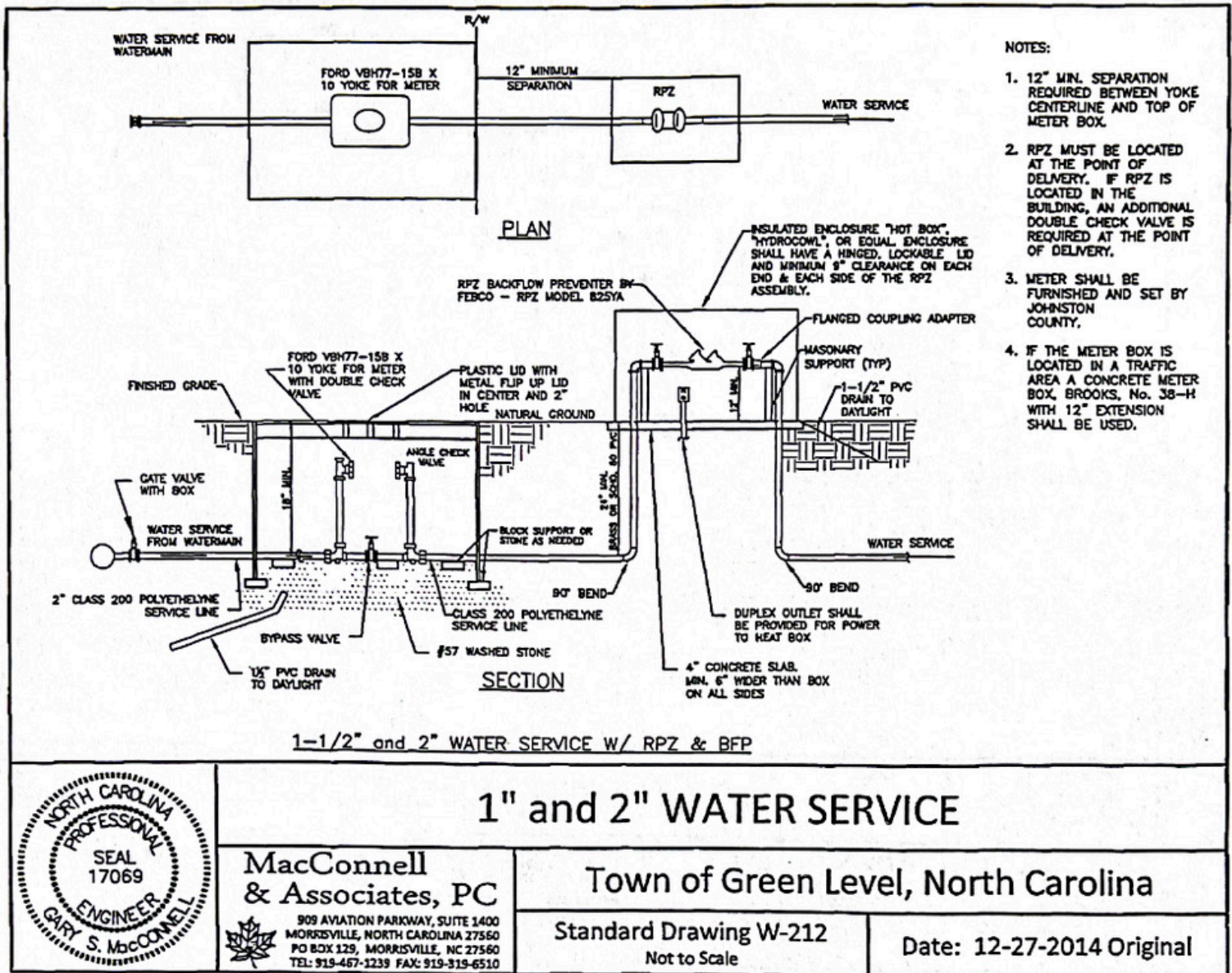
MacConnell
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Town of Green Level, North Carolina

Standard Drawing W-211
 Not to Scale

Date: 12-27-2014 Original



**MacConnell
& Associates, PC**



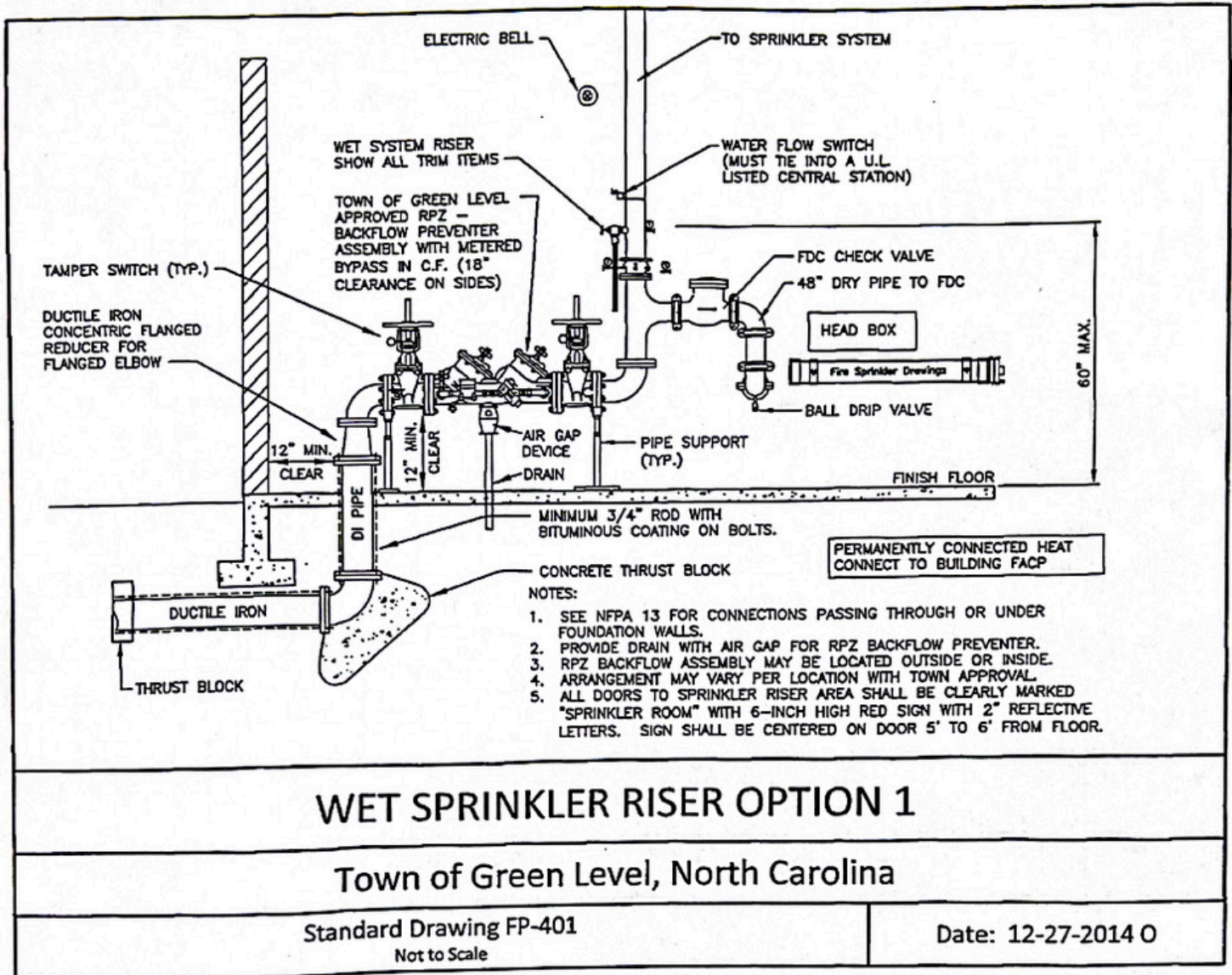
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1" and 2" WATER SERVICE

Town of Green Level, North Carolina

Standard Drawing W-212
Not to Scale

Date: 12-27-2014 Original



CHAPTER 153: ZONING

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GENERAL PROVISIONS

§ 153.001 AUTHORITY AND INTENT.

In accordance with G.S. Chapter 160A, Article 19, Part 3, the town has the authority to adopt and enforce a zoning ordinance. The general intent of this chapter shall be to promote the general health, safety, morals and welfare of the community. More specifically, it shall be to promote the orderly

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development of the town; lessen congestion of its streets and roads; protect citizens and their property from fire, panic and other dangers; provide adequate light and air; prevent overcrowding of the land; and facilitate the adequate provisions of transportation, water, sewerage, schools, parks and other public requirements.

(Ord. passed 2-14-1991; Ord. passed 10-14-1993; Ord. passed 4-10-1997; Ord. passed - -2002)

§ 153.002 SHORT TITLE.

This chapter shall be known as the "Zoning Ordinance of Green Level, North Carolina", and shall consist of this text and the "Official Zoning Map".

(Ord. passed 2-14-1991; Ord. passed 10-14-1993; Ord. passed 4-10-1997; Ord. passed - -2002)

§ 153.003 JURISDICTION.

This chapter shall apply to all territory within the corporate limits of the town and its extraterritorial planning jurisdiction as the planning jurisdiction of the town may be modified from time to time in accordance with G.S. § 160A-360, as amended.

(Ord. passed 2-14-1991; Ord. passed 10-14-1993; Ord. passed 4-10-1997; Ord. passed - -2002; Ord. passed 5-7-2005)

§ 153.004 BONA FIDE FARMS EXEMPT.

The provisions of this chapter shall not apply to bona fide farms. This chapter does not exercise controls over crop lands, timber land, pasture lands, idle or other farm lands, nor over any farm house, barn, poultry house, other farm building including tenant or other houses for persons working on said farms, as long as such houses shall be in the same ownership as the farm and located on the farm. Such agricultural uses maintain the openness of the land and achieve the purposes of this chapter without the need for regulation. Residences for non-farm use or occupancy and other non-farm uses shall be subject to the provisions of this chapter.

(Ord. passed 2-14-1991; Ord. passed 10-14-1993; Ord. passed 4-10-1997; Ord. passed - -2002)

§ 153.005 EXCEPTIONS TO APPLICABILITY.

(A) Nothing contained herein shall repeal, modify or amend any federal or State law or regulation, or any ordinance or regulation pertaining thereto except any ordinance which these regulations specifically replace; nor shall any provision of this chapter amend, modify or restrict any provisions of the code of ordinances of the town; however, the adoption of this chapter shall and does amend any and all ordinances, resolutions and regulations in effect in the town at the time of the adoption of this chapter that may be construed to impair or reduce the effectiveness of this chapter or to conflict with any of its provisions.

(B) It is not intended that these regulations interfere with any easement, covenants or other agreements between parties. However, if the provision of these regulations impose greater restrictions or higher standards of the use of a building or land, then the provisions of these regulations shall control.

(C) Existing development, as defined in this chapter, is not subject to the requirements of this chapter. Expansions to structures classified as existing development must meet the requirements of this chapter; however, the built-upon area of the existing development is not required to be included in the density calculations.

(D) If a nonconforming lot of record is not contiguous to any other lot owned by the same party, then that lot of record shall not be subject to the development restrictions of this chapter if it is developed for single-family residential purposes. Any lot or parcel created as part of a family subdivision after the effective date of these rules shall be exempt from local subdivision regulation. Any lot or parcel created as part of any other type of subdivision that is exempt from a local subdivision ordinance shall be subject to the land use requirements (including impervious surface requirements) of these rules, except that such a lot or parcel must meet the minimum buffer requirements to the maximum extent practicable.

(E) Note: this section states the watershed protection ordinance will not affect existing ordinances or agreements between parties unless those ordinances or agreements are less restrictive than the watershed protection ordinance. In those situations the watershed protection ordinance will take precedence.

(F) If a nonconforming lot is contiguous to another nonconforming lot or lots, the local government may require the lots to be combined in order to make a conforming lot or one that is more conforming than each lot individually. If a local government does not enforce subdivision regulations, then that local government may or may not allow the exemption for family subdivisions.
(Ord. passed 2-14-1991; Ord. passed 10-14-1993; Ord. passed 4-10-1997; Ord. passed - -2002)

DEFINITIONS

§ 153.020 INTERPRETATION OF COMMONLY USED TERMS AND WORDS.

(A) Words used in the present tense include the future tense.

(B) Words used in the singular number include the plural, and words used in the plural number include the singular unless the natural construction of the wording indicates otherwise.

(C) The word ***PERSON*** includes a firm, association, corporation, trust and company as well as an individual.

(D) The words "used for" shall include the meaning "designed for".

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(E) The word "structure" shall include the meaning "building".
(Ord. passed 2-14-1991; Ord. passed 10-14-1993; Ord. passed 4-10-1997; Ord. passed - -2002)

§ 153.021 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

AGRICULTURAL USE. The use of waters for stock watering, irrigation and other farm purposes.

ANIMAL UNITS. A unit of measurement developed by the U.S. Environmental Protection Agency that is used to compare different types of animal operations. One hundred units equates to 70 dairy cows, 100 beef cattle, 250 hogs, 50 horses, 1,000 sheep, 5,500 turkeys, 3,000 chickens with liquid manure systems, 10,000 chickens with continuous overflow waters or 500 ducks.

BEST MANAGEMENT PRACTICES (BMPs). A structural or nonstructural management-based practice used singularly or in combination to reduce nonpoint source inputs to receiving waters in order to achieve water quality protection goals.

BONA FIDE FARM. Crop lands, timber lands, pasture lands, apple orchards, idle or other farm lands as well as any farm houses, barns, poultry houses and tenant houses for workers, as long as such houses shall be in the same ownership as the farm and located on the farm.

BUFFER STRIP. Consists of a strip of at least ten feet in width, consisting of a compact evergreen hedge or other type of evergreen foliage screening, or shall be a screening fence or wall so constructed to provide at least equivalent screening from adjoining properties. If a screening fence is used, the ten foot width shall not be required. A buffer shall be at least five feet but not greater than seven feet in height. Hedges or planting shall have an initial height that an average height of six feet could be expected by normal growth within two years from the time of planting. No building, driveway or parking area shall occupy any part of the ***BUFFER STRIP.***

BUFFER, WATERSHED. An area of natural or planted vegetation through which storm water runoff flows in a diffuse manner so that the runoff does not become channelized and which provides for infiltration of the runoff and filtering of pollutants. The buffer is measured landward from the normal pool elevation of impounded structures and from the bank of each side of streams or rivers.

BUILDING. Any structure having a roof supported by columns or walls used or intended to be used for the shelter or enclosure of persons, animals, equipment and materials. The connection of two or more buildings by means of an open structure, with or without a roof, shall be deemed to make them one ***BUILDING.*** This term does not apply to camping trailers, motorized homes, pick-up coaches, travel trailers or to self-contained travel trailers.

BUILDING, ACCESSORY. A use or structure customarily incidental and subordinate to the main or principal building and located on the same lot.

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

BUILDING LINE. A line parallel to the front property line running from side yard to side yard where the principal building will be located.

BUILDING, PRINCIPAL. A building where the principal use of the lot is situated.

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

BUILT-UPON AREA (IMPERVIOUS AREA). Includes that portion of a development project that is covered by impervious or partially impervious cover including buildings, pavement, gravel roads, recreation facilities (e.g., tennis courts) and the like. (Note: wooden slatted decks and the water area of a swimming pool are considered pervious.)

CERTIFICATE OF ZONING COMPLIANCE. A statement, signed by the Zoning Enforcement Officer, stating that the plans for a building, structure or use of land complies with the zoning chapter.

CLUSTER DEVELOPMENT. The grouping of buildings in order to conserve land resources and provide for innovation in the design of the project. This term includes nonresidential development as well as single-family residential subdivisions and multi-family developments that do not involve the subdivision of land.

CRITICAL AREA. The area adjacent to a water supply intake or reservoir where risk associated with pollution is greater than from the remaining portions of the watershed. The **CRITICAL AREA** is defined as extending one mile from the normal pool elevation of the reservoir in which the intake is located or the ridge line of the watershed (whichever comes first). Local governments may extend the **CRITICAL AREA** as needed. Major landmarks such as highways or property lines may be used to delineate the outer boundary of the **CRITICAL AREA**, if these landmarks are immediately adjacent to the appropriate outer boundary of one mile.

DAY-CARE FACILITY. Any day-care center or child-care arrangement that provides day care for more than five children unrelated to the operator and for which a payment, fee or grant is received, excluding foster home, public or private schools which provide a course of grade school instructions to children of public school age, summer day or residence camps, or bible schools.

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DEVELOPMENT. Any land disturbing activity which adds to or changes the amount of impervious or partially impervious cover on a land area or which otherwise decreases the infiltration or precipitation into the soil.

DISCHARGING LANDFILL. A landfill which discharges treated leachate and which requires a National Pollution Discharge Elimination System (NPDES) permit.

DWELLING UNIT. A building or part of a building providing complete and permanent living facilities for one family. The term **DWELLING** shall not be deemed to include a motel, hotel, tourist home or structure designed for transient residence.

DWELLING, MULTI-FAMILY. A building or portion of that building used or designed as residence for three or more families living independently of each other, including apartment houses, apartment hotels and group housing projects.

DWELLING, SINGLE-FAMILY. A detached building designed for or occupied exclusively by one family.

DWELLING, TWO-FAMILY. A building arranged or designed to be occupied by two families living independently of each other.

EASEMENT. A grant by a property owner of a strip of land for specified purpose and use by the public, a corporation or individual.

EXISTING DEVELOPMENT. Those projects that are built or those projects that at a minimum have established a vested right under state zoning law as of the effective date of this chapter based on at least one of the following criteria:

(1) Substantial expenditures of resource (time, labor, money) based on a good faith reliance upon having received a valid local government approval to proceed with the project;

(2) Having an outstanding valid building permit as authorized by the General Statutes (G.S. § 160A-385.1); or

(3) Having an approved site specific or phased development plan as authorized by the General Statutes (G.S. § 160A-385.1).

FAMILY. One or more individuals occupying a premises and living as a single, non-profit housekeeping unit.

FAMILY CARE HOME. A domiciliary home licensed by the state pursuant to G.S. § 168-21, is to be interpreted as home with support and supervisory personnel that provides room and board, personal care and habilitation services in a family environment for not more than six resident handicapped persons.

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

GREENHOUSE, PRIVATE. A temperature controlled building used for the raising of plants for the personal enjoyment of the property owner or his or her tenant.

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

HANDICAPPED PERSON. A person with temporary or permanent physical, emotional or mental disability including, but not limited to, mental retardation, cerebral palsy, epilepsy, autism, hearing and sight impairments, emotional disturbances and orthopedic impairments, but not including mentally ill persons who are dangerous to others as defined in G.S. § 122-58.2(l)b. No such home may be established within a one-half mile radius of an existing family care home.

HAZARDOUS MATERIAL. Any substance listed as such in: Superfund Amendments and Reauthorization Act, (SARA)§ 302, Extremely Hazardous Substances, Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA) Hazardous Substances, or§ 311 of Clean Water Act (CWA) (oil and hazardous substances).

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

INCIDENTAL HOME OCCUPATION. Any profession or occupation carried on by a member of a family or member of a recognized profession residing on the premises, providing that no merchandise or commodity is sold or offered for sale on the premises and that no mechanical equipment is installed or used except such that is normally used for domestic or professional purposes, and provided further that not over 25 % of the total actual floor area of any structure is used for home occupation (work within the home) or professional purposes and that all parking generated by the conduct of such home occupation be off the street and other than in a required front yard.

INDUSTRIAL DEVELOPMENT. Any nonresidential development that requires an NPDES permit for an industrial discharge and/or requires the use or storage of any hazardous material for the purpose of manufacturing, assembling, finishing, cleaning or developing any product or commodity.

JUNKED OR WRECKED MOTOR VEHICLES. Motor vehicles which are not registered with the state, do not have current state inspection stickers or either:

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- (1) Are incapable of operation; or
- (2) Are partially dismantled.

JUNK YARD. An establishment operated or maintained for the purpose of storing, dismantling, salvaging, recycling, buying or selling scrap or used material such as paper products or articles such as machinery, vehicles, appliances and the like.

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

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

LANDFILL. A facility for the disposal of solid waste on land in a sanitary manner in accordance with G.S. Chapter 130A, Article 9. For the purpose of this chapter, this term does not include composting facilities.

LOT. A parcel of land in single ownership occupied or intended for occupancy by a principal building together with its accessory buildings including the open space required under this chapter. For the purpose of this chapter, the word **LOT** shall mean any number of contiguous lots or portions of lots upon which one principal building and its accessory buildings are located or are intended to be located.

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

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

LOT, INTERIOR. A lot other than a corner lot.

LOT, THROUGH. An interior lot have frontage on two streets.

LOT WIDTH. The distance between side lot lines measured at the building setback line.

V,ANUFACTU.W,D H0111E.

- (1) A dwelling unit that is:
 - (a) Not constructed in accordance with the standards set forth in the North Carolina State Building Code;

(b) Composed of one or more components each of which was substantially transported to the home site on its own chassis; and

(c) Exceeds 40 feet in length and eight feet in width.

(2) A **MANUFACTURED HOME** can be used for residential purposes only. It can not be used for any commercial activity such as an office.

MANUFACTURED HOME, CLASS A. 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 and that satisfy the following additional criteria:

(1) The unit has a length not exceeding four times its width, with the length measured along the axis and width measured at the narrowest part of the other axis;

(2) Each unit shall contain 1,200 square feet of heated living area;

(3) The pitch of the roof has a minimum vertical rise of two and two-tenths feet for each 12 feet of horizontal run (2.2 to 12 feet) and the roof is finished with a type of shingle that is commonly used in standard residential construction;

(4) All roof structures shall provide an eave projection of not less the six inches, which may include a gutter;

(5) The exterior siding consists predominately of vinyl or aluminum horizontal lap siding (whose reflectivity does not exceed that of gloss white paint), wood or hardboard, comparable in composition, appearance and durability to the exterior siding commonly used in standard residential construction;

(6) The home is set up in accordance with the standards set by the North Carolina Department of Insurance and a continuous permanent masonry foundation or masonry curtain wall, unpierced except for required ventilation and access, is installed under the perimeter of the unit;

(7) 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 firmly to the primary structure and anchored securely to the ground; and

(8) The moving hitch, wheels, and axles and transporting lights have been removed.

MANUFACTURED HOME, CLASS B. A unit 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. In addition, a **CLASS B UNIT** satisfies the appearance criteria of Class A units, except for criteria:

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- (1) The unit has a length not exceeding four times its width, with the length measured along the longest axis and width measured at the narrowest part of the other axis; and
- (2) Each unit shall contain 1,200 square feet of heated living space.

MANUFACTURED HOME, CLASS C. Any mobile home that does not meet the definitional criteria of a Class A or Class B manufactured home.

MANUFACTURED HOME PARK. Any tract of land set up and maintained as a parking place for two or more manufactured homes and a rental fee is paid to the landowner or park operator.

MANUFACTURED HOME SPACE. Any parcel of ground within a manufactured home park designed for the exclusive use of one manufactured home.

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

MODULAR HOME. Any building or closed construction which is made or assembled in manufacturing facilities on or off the building site for installation or assembly and installation on the building site other than mobile homes or recreational vehicles. **MODULAR BUILDINGS** shall comply with all codes applicable to residential construction. **MODULAR UNITS** shall be considered the same as any conventional, site-built home.

NONCONFORMING LOT OF RECORD. A lot described by a plat or a deed that was recorded prior to the effective date of this chapter (or its amendments) that does not meet the minimum lot size or other development requirements of this chapter.

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

NONRESIDENTIAL DEVELOPMENT. All development other than residential development, agriculture and silviculture.

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

OPEN SPACE. Unroofed storage area, whether fenced or not.

PARKING SPACE. A storage of not less than eight and one-half feet by 18 feet for one automobile, plus the necessary access space. It shall be always located outside the dedicated street right-of-way.

RESIDENTIAL DEVELOPMENT. Buildings for residence such as attached and detached single-family dwellings, apartment complexes, condominiums, townhouses, cottages and the like and their associated outbuildings such as garages, storage buildings, gazebos and the like and incidental home occupations.

RESIDENTIAL DEVELOPMENT, SINGLE-FAMILY.

(1) Any development where:

- (a) No building contains more than one dwelling unit;
- (b) Every dwelling unit is on a separate lot; and
- (c) Where no lot contains more than one dwelling unit.

(2) See **DWELLINGS, SINGLE-FAMILY.**

RESTAURANT, DRIVE-THROUGH. An establishment where food and drink is prepared and consumed primarily within the principal building. However, a drive-through window and outside tables may be provided for the consumption of food or drink outside or away from the principal building.

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

SIGN. Any words, letters, figures, numerals, phrases, sentences, emblems, devices, designs, trade names or trade marks used to promote an individual, firm, association, corporation, profession, business, commodity or product.

SIGN AREA. The entire face of a sign and all wall work including illuminating tubing incidental to its decoration shall be included for measurement of sign areas excluding architectural trim and structural embellishments. In the case of an open sign made up of individual letters, figures or designs, the spaces between such letters, figures or designs shall be included as part of the **SIGN AREA**. In computing **SIGN AREA**, only one side of a double-face sign structure shall be considered.

SIGN, DIRECT ILLUMINATION. A sign lighted with an internal light source.

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

SIGN, INDIRECT ILLUMINATION. A sign with an external lighting source.

SIGN, LOCAL INTEREST. A sign of a temporary nature used to advertise or announce a particular event of normally local concern.

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SIGN, OFF-SITE (BILLBOARD). One advertising device used to disseminate information concerning a person, place or thing not pertaining to the use of the land upon which it is located.

SIGN, ON-SITE. Signs relating in subject matter to the premises where located, or to products, accommodations, services or activities on the premises.

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

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

SMALL-SCALE ZONING. The zoning of a relatively small area of land differently from the way the majority of the surrounding land is zoned. ***SMALL-SCALE*** is legal only if the government establishes that it is reasonable. Reasonableness is determined by considering the size of the area, any special conditions or factors regarding the area, the consistency of the zoning with the land use plan, the degree change in zoning, the degree it allows uses different from the surrounding area and the relative benefits and detriments for the owner, the neighbors and the surrounding community.

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

STRUCTURE. Anything constructed or erected, including, but not limited to, buildings, which requires location on the land or attachment to something having permanent location on the land.

TOXIC SUBSTANCE. Any substance or combination of substances (including disease causing agents), which after discharge and upon exposure, ingestion, inhalation or assimilation into any organism, either directly from the environment or indirectly by ingestion through food chains, has the potential to cause death, disease, behavioral abnormalities, cancer, genetic mutations, physiological malfunctions (including malfunctions or suppression in reproduction or growth) or physical deformities in such organisms or their offspring or other adverse health effects.

VARIANCE. A modification of the existing zoning ordinance by the which strict enforcement of this chapter would cause undue hardship owing to the circumstances unique to the individual property where the variance is granted.

VARIANCE, MAJOR WATERSHED. Variances of a significant nature in unique circumstances on a case by case basis shall be reviewed by the and approved by the North Carolina Environmental Management Commission. More specifically, major variances would completely eliminate a management requirement, or reduce a management requirement with a numerical standard by more than 10%.

VARIANCE, MINOR WATERSHED. Any variance not considered a major one shall be reviewed and approved by the Board of Adjustment.

WATER DEPENDENT STRUCTURE. Any structure for which the use requires access to or proximity to or siting within surface waters to fulfill its basic purpose, such as boat ramps, boat houses, docks and bulkheads. Ancillary facilities such as restaurants, outlets for boat supplies, parking lots and commercial boat storage areas are not ***WATER DEPENDENT STRUCTURES.***

WATERSHED. The entire land area contributing surface drainage to a specific point (e.g., the water supply intake).

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

YARD, FRONT. An open, unoccupied space extending the full width of the lot and situated between the right-of-way line of the street and the building setback line.

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

YARD, SIDE. An open, unoccupied space situated between the side line of the building and the adjacent side line of the lot and extending from the rear line of the front yard to the front line of the rear yard.
(Ord. passed 2-14-1991; Ord. passed 10-14-1993; Ord. passed 4-10-1997; Ord. passed - -2002; Ord. passed 4-10-2008)

APPLICATION OF REGULATIONS

§ 153.035 ZONING AFFECTS EVERY BUILDING AND USE.

After adoption and enforcement of this chapter, no building or land shall be used and no building or part shall be erected, moved or altered except in conformity with the regulations specified for the district in which it is located, except as provided in this chapter.
(Ord. passed 2-14-1991; Ord. passed 10-14-1993; Ord. passed 4-10-1997; Ord. passed - -2002) Penalty, see § 153.999

§ 153.036 REDUCTION OF LOT AND YARD AREAS PROHIBITED.

No yard or lot existing at the time of passage of this chapter shall be reduced in size of area below the minimum requirements set forth, except for street widening. Yards or lots created after the effective date of this chapter shall meet at least the minimum requirements established by this chapter.
(Ord. passed 2-14-1991; Ord. passed 10-14-1993; Ord. passed 4-10-1997; Ord. passed - -2002) Penalty, see § 153.999

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§ 153.037 RELATIONSHIP OF A 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 specially designed group development of institutional, residential, commercial or industrial buildings in an appropriate zoning district (i.e., school campus, cluster housing, shopping center, industrial park and so forth).

(Ord. passed 2-14-1991; Ord. passed 10-14-1993; Ord. passed 4-10-1997; Ord. passed - -2002)

§ 153.038 VISIBILITY AT INTERSECTIONS.

(A) On a corner lot, nothing shall be erected, placed, planted or allowed to grow that would materially block vision between a height of three feet and ten feet above the center grade of the two intersecting roads that form the sight triangle.

(B) The sight triangle shall have sides of ten feet and 70 feet. The smaller side shall be measured from the intersection of the two right-of-way lines back ten feet along the right-of-way of the road with the yield or stop sign. The larger side shall be measured from the intersection of the two right-of-way lines outward 70 feet along the road that does not have a yield or stop sign.

(Ord. passed 2-14-1991; Ord. passed 10-14-1993; Ord. passed 4-10-1997; Ord. passed - -2002) Penalty, see § 153.999

§ 153.039 LOT REQUIREMENTS CANNOT BE TRANSFERRED TO ANOTHER USE.

The minimum yards, open spaces or off-street parking and loading requirements can not be encroached upon. For each new building or altered existing one, the requirements can not be met by using existing areas established for another use. A common facility such as a parking lot can be shared by two buildings if it is large enough to accommodate the requirements of both uses.

(Ord. passed 2-14-1991; Ord. passed 10-14-1993; Ord. passed 4-10-1997; Ord. passed - -2002) Penalty, see § 153.999

§ 153.040 EVERY LOT SHALL ABUT A STREET.

No building, structure or use of land, other than for agricultural purposes, shall be established on a lot which does not abut a dedicated public street.

(Ord. passed 2-14-1991; Ord. passed 10-14-1993; Ord. passed 4-10-1997; Ord. passed - -2002) Penalty, see § 153.999

§ 153.041 LOCATIONS OF BUILDING LINES ON IRREGULARLY SHAPED LOTS.

Locations of front, side and rear building lines on irregularly shaped lots shall be determined by the Zoning Enforcement Officer. Such determination shall be based on the spirit and intent of the district regulations to achieve spacing and location of buildings or groups of buildings on individual lots. (Ord. passed 2-14-1991; Ord. passed 10-14-1993; Ord. passed 4-10-1997; Ord. passed - -2002)

§ 153.042 MIXED USES.

When two or more uses occupy the same building, the use that has the largest yard requirements shall apply to the building. The off-street parking and loading requirements shall be met for each use in any building containing more than one permitted use or activity. (Ord. passed 2-14-1991; Ord. passed 10-14-1993; Ord. passed 4-10-1997; Ord. passed - -2002)

§ 153.043 FRACTIONAL REQUIREMENT UNDER THIS CHAPTER.

When any requirement of this chapter results in a fraction of a unit, a fraction of one-half or more shall be considered a whole unit and a fraction of less than one-half shall be disregarded. When the determination of the number of dwelling units permitted on a lot results in a fraction of a dwelling unit, a fraction of one-half or more shall be considered a dwelling unit and a fraction of less than one-half shall be disregarded. (Ord. passed 2-14-1991; Ord. passed 10-14-1993; Ord. passed 4-10-1997; Ord. passed - -2002)

ADMINISTRATIVE MECHANISM**§ 153.055 TOWN COUNCIL.*****(A) Duties.***

(1) The Town Council shall have the following duties in relation to the zoning ordinance:

(a) Adopt and repeal the zoning ordinance;

(b) Amend the zoning ordinance; or

(c) Approve, modify or deny applications for conditional uses after review and comment has been made by the Planning Board. When deciding conditional use permits, the Town Council or Planning Board shall follow quasi-judicial procedures. No vote greater than a majority vote shall be required for the Town Council to issue conditional use permits. For the purposes of this section, vacant

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positions on the Council and members who are disqualified from voting on a quasi-judicial matter shall not be considered "members of the Council" for calculation of the requisite majority.

(2) The Town Council shall approve, modify or deny the application. In granting a permit, the Town Council shall find that:

(a) The use requested is listed among the conditional uses in the district for which application is made;

(b) The requested use is essential or desirable to the public convenience;

(c) The requested use will not impair the integrity or character of the surrounding or adjoining district, nor be detrimental to the health, morals or welfare of the community;

(d) Due consideration has been given to the effect of the proposed use upon the community; requirements for transportation, schools, parks, playgrounds, recreational areas, conservation of natural resources, preservation of floodplains and encouraging the most appropriate use of the land;

(e) Adequate utilities, access, road, drainage, sanitation and/or other necessary facilities have been or are being provided; and

(f) Adequate measures have been or will be taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets.

(B) *Amendment procedure.*

(1) *Submission of application.*

(a) Any person seeking a zoning amendment shall initially submit a request to the enforcement officer at least 15 days prior to the regular meeting of the Planning Board. After review and comments by the Planning Board, the request shall be submitted to the Town Council for action.

(b) The Planning Board shall have 30 days to review the request. If no written report is received from the Planning Board within 30 days of referral of the amendment to that Board, the Town Council may proceed in its consideration of the amendment without the Planning Board report. The Town Council is not bound by the recommendations, if any, of the Planning Board.

(2) *Newspaper notice.* Before action on the amendment, the Town Council shall hold a public hearing. A notice of the hearing shall be given once a week for two consecutive calendar weeks in a newspaper have general circulation in the area. The notice shall be published the first time not more than 25 nor less than ten days before the date fixed for the hearing. In computing such period, the day of publication is not to be included, but the day of the hearing shall be included.

(3) *First-class mail notice.* When property is rezoned, the parcel owner and the adjoining parcel owners, as shown on the county tax listing, shall be notified by first-class mail. The person giving notice shall certify to the Town Council that the property owners have been notified. The certificate is conclusive in the absence of fraud. In the case of large scale rezoning involving more than 50 parcels and at least 50 different landowners, the town has the option of forgoing individual mailed notices in favor of publishing in a newspaper of general circulation in the town area, a half-page notice at least once a week for two successive calendar weeks prior to the hearing. Property owners living outside of the circulation of the newspaper must still receive mailed notice.

(4) *Posting property.* The property shall also be posted at least one week before the public hearing. When multiple parcels are included within a proposed zoning map amendment, a posting on each individual parcel is not required, but the town shall post sufficient notices to provide reasonable notice to interested persons.

(5) *Protest petition requirements.* Zoning ordinances may from time to time be amended, supplemented, changed, modified or repealed. In case, however, of a qualified protest against a zoning map amendment, that amendment shall not become effective except by favorable vote of three-fourths of all the members of the Town Council. For the purposes of this division (B)(5), vacant positions on the Council and members who are excused from voting shall not be considered members of the Council for calculation of the requisite supermajority.

(a) No protest against any change in or amendment to the zoning ordinance or map shall be valid or effective 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 Officer in sufficient time to allow the community at least two 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. A person who has signed a protest petition may withdraw his or her name from the petition at any time prior to the vote on the proposed zoning amendment. Only those protest petitions that meet the qualifying standards set forth in G.S. § 160A-385 at the time of the vote on the zoning amendment shall trigger the supermajority voting requirement.

(b)1. To qualify as a protest under this section, the petition must be signed by the owners of either:

- a. Twenty percent or more of the area included in the proposed change; or
- b. Five percent of a 100-foot-wide buffer extending along the entire boundary of each discrete or separate area proposed to be rezoned.

2. A street right-of-way shall not be considered in computing the 100-foot buffer area as long as that street right-of-way is 100 feet wide or less. When less than an entire parcel of land is subject to the proposed zoning map amendment, the 100-foot buffer shall be measured from the property line of that parcel. In the absence of evidence to the contrary, the city may rely on the county tax listing to determine the owners of potentially qualifying areas.

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(6) *Small-scale rezoning.* A statement analyzing the reasonableness of the proposed rezoning shall be prepared for each petition for a small-scale rezoning. The statement must be prepared and presented to the Town Council in writing by the (petitioner, Planning Board, Zoning Administrator) prior to the hearing on the rezoning petition. The statement must address the following:

- (a) Size of area and its particular characteristics;
- (b) Consistency of rezoning with the comprehensive plan or other officially adopted town plans that are applicable;
- (c) Degree of change in uses allowed in relation to surrounding uses; and
- (d) Relative harm and benefit to owner, neighbors and the community.

(7) *Voting requirements.* A Town Council member shall not vote on any zoning map or text amendment where the outcome of the matter being considered is reasonably likely to have a direct, substantial and readily identifiable financial impact on the member.

(8) *Town Council statement.* Prior to adopting or rejecting any zoning amendment, the Town Council shall adopt a statement describing whether its action is consistent with an adopted comprehensive plan and explaining why the Town Council considers the action taken to be reasonable and in the public interest.

(9) *Appeals.* The Town Council shall not hear any appeals from the Zoning Enforcement Officer or the Board of Adjustment. Any appeal shall be taken to the North Carolina Superior Court within 30 days.

(C) *Amendments in the Back Creek Watershed.* All amendments to the watershed regulations shall be handled as specified in division (B) above. Under no circumstances shall the Town Council amend, supplement or change the watershed regulations that would cause the regulations to violate the watershed protections rules as adopted by the North Carolina Environmental Management Commission. All amendments shall be filed with the North Carolina Division of Water Quality, North Carolina Division of Environmental Health and the North Carolina Division of Community Assistance.

(Ord. passed 2-14-1991; Ord. passed 10-14-1993; Ord. passed 4-10-1997; Ord. passed - -2002; Ord. passed 5-7-2005)

§ 153.056 PLANNING BOARD.

(A) *Organization and administrative procedure.*

(1) The Planning Board shall operate under the rules established in its by-laws.

(2) The members of the Planning Board shall be appointed by the Town Council and the County Board of Commissioners. Five members of the Planning Board shall be citizens and residents

of the town and shall be appointed by the Town Council; any other members shall be citizens and residents of the area lying outside the corporate limits of the town but within the town planning area and shall be appointed in accordance with G.S. § 160A-362. All members of the Planning Board may participate in and vote on all issues before the Planning Board.

(B) *Duties.*

(1) *Generally.* The duties of the Planning Board in relation of this chapter shall be as follows:

- (a) Certify the original ordinance to the Town Council;
- (b) Review and comment on all amendments;
- (c) Function as the Board of Adjustment; and
- (d) Review and comment on all conditional uses.

(2) *Conflict of interest.* Members of the Planning Board, or other appointed boards providing advice to the Town Council, shall not vote on recommendations regarding any zoning map or text amendment where the outcome of the matter being considered is reasonably likely to have a direct, substantial and readily identifiable financial impact on the member.

(3) *Consistency with adopted plans.* The Planning Board shall advise and comment on whether the proposed amendment is consistent with any comprehensive plan that has been adopted and any other officially adopted plan that is applicable. The Planning Board shall provide a written recommendation to the Town Council that addresses plan consistency and other matters as deemed appropriate by the Planning Board, but a comment by the Planning Board that a proposed amendment is inconsistent with the comprehensive plan shall not preclude consideration or approval of the proposed amendment by the Town Council.

(Ord. passed 2-14-1991; Ord. passed 10-14-1993; Ord. passed 4-10-1997; Ord. passed - -2002; Ord. passed 5-7-2005)

§ 153.057 BOARD OF ADJUSTMENT.

(A) *Establishment of the Board.*

(1) The Planning Board shall function as the Board of Adjustments.

(2) The Town Council may, in its discretion, appoint and provide compensation for alternate members to serve on the Board in the absence or temporary disqualification of any regular member or to fill a vacancy pending appointment of a member. Alternate members shall be appointed for the same term, at the same time, and in the same manner as regular members. Each alternate member, while attending any regular or special meeting of the Board and serving on behalf of any regular member, shall have and may exercise all the powers and duties of a regular member.

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(1) The Board of Adjustment shall operate under the organizational and administrative procedures established in its by-laws and the state.

(2) All members seated for a meeting may participate in and vote on all issues before the Board of Adjustments regardless of whether the property involved is located within the town or within its extraterritorial area.

(C) *Powers and duties.***(1) *Appeal.***

(a) Any person aggrieved by any decision, order, requirement or determination by the Zoning Enforcement Officer in the administration of this chapter may appeal to the Board of Adjustment. An appeal shall specify the reason for the appeal and be submitted within a reasonable time. The Zoning Enforcement Office shall transmit to the Board all papers and other records of the case.

(b) An appeal stays all proceedings unless the Zoning Enforcement Officer certifies that a stay would, in his or her opinion, cause imminent peril to life or property. In such cases, proceedings shall not be stayed other than by a restraining order granted by the Board of Adjustment or by a court. The Board of Adjustment shall fix a reasonable time to hear and decide the appeal. At the hearing, any party may appear in person, by agent or by attorney.

(c) Any appeal from the decision of the Board of Adjustment shall be taken to the Superior Court within 30 days.

(d) The Board of Adjustment shall refuse to hear any case it has previously denied if it finds that there has been no substantial change in the conditions or circumstances.

(2) *Variance.* To authorize, in specific cases, variances from the terms of the ordinance which will not be contrary to the public interest. Before a variance is granted, the following conditions must exist.

(a) It shall be known that there are extraordinary and exceptional conditions pertaining to the particular piece of property because of its size, shape or topography that are not applicable to other lands or structures in the same districts.

(b) Granting the variance requested will not confer upon the applicant any special privileges that are denied to other residents in the district where the property is located.

(c) The requested variance will be in harmony with the purpose and intent of this chapter and will not be injurious to the neighborhood or to the general welfare.

(d) A literal interpretation of the provisions of this chapter would deprive the applicant of rights commonly enjoyed by other residents of the district where the property is located.

(e) The special circumstances are not the result of the actions of the applicants.

(f) The variance requested is the minimum variance that will make possible the legal use of the land, building or structure.

(g) The variance is not a request to permit a use of the land, buildings or structures which is not permitted by right, by special exceptions or conditional use in the district involved.

(3) *Variances in Back Creek Watershed.*

(a) The Board of Adjustment shall handle minor variances (see definition) as specified in division (C)(2) above.

(b) 1. If a major variance (see definition) is requested, the Board of Adjustment, after making a favorable decision in granting the request, shall prepare a preliminary record of the hearing with all deliberate speed. The preliminary record of the hearing shall include:

- a. The variance application;
- b. The hearing notices;
- c. The evidence presented;
- d. Motions, offers of proof, objections to evidence and rulings on them;
- e. Proposed findings and exceptions; and
- f. The proposed decision, including all conditions proposed to be added to the

permit.

2. a. The information shall be sent to the Environmental Management Commission for its review as follows: The Commission shall review the preliminary record and determine whether or not:

1. The request qualifies as a major variance;
- ii. The property owner can secure no reasonable return from, more make any practical use of the property unless the proposed variance is granted; and
- iii. The variance, if granted, will not result in a serious threat to the water supply.

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b. Based on its findings the Commission shall approve the variance as proposed or approve the proposed variance with conditions and stipulations, or disapprove it. The Commission shall prepare a decision and send it to the Board. The Board of Adjustment shall prepare a final recommendation, based on the decision of the Commission.

(c) In the designated drinking water supply watershed, the Administrator shall notify any jurisdictions within the watershed of a proposed variance to the watershed regulations. Local governments may submit any comments to the Zoning Enforcement Officer before the public hearing by the Board of Adjustment.

(D) *Four-fifths rule.* The concurring vote of four-fifths of the members of the Board of Adjustment shall be necessary:

- (1) To reverse any order, requirement, decision or determination of the Enforcement Officer;
- (2) To decide in favor of the applicant any matter upon which it is required to pass under this chapter; or
- (3) To effect any variance authorized by this chapter.

(E) *Procedure to be used in processing appeals and variances authorized by the Board of Adjustment.* The following procedures are to be followed by the Board of Adjustment when processing appeals and variances and by the Town Council for conditional use permits.

(1) *Submission of application.* Any request for an appeal, variance or conditional use permit shall be made in writing at least 15 days prior to the established meeting date of the Board of Adjustment or Town Council. The request shall be on a form provided by the Zoning Enforcement Officer.

(2) *Public notice.* The town shall post on the property a notice of public hearing concerning the application at least ten days prior to the hearing. This sign shall be removed within 30 days after the meeting. In addition, a notice advertising the event shall be placed in a local newspaper once at least ten days prior to the date of the hearing.

(3) *Action by the Board.* After conducting the public hearing, the Board shall approve, approve conditionally or disapprove the request. The Board of Adjustment shall follow the guidelines for appeals and variances as specified in this division (E).

(a) *Conflicts of interest.* A member of the Board or any other body exercising the functions of a Board of Adjustment shall not participate in or vote on any quasi-judicial matter in a manner that would violate affected person's constitutional rights to an impartial decision maker. Impermissible conflicts include, but are not limited to, a member having a fixed opinion prior to hearing the matter that is not susceptible to change, undisclosed ex parte communications, a close familial, business or other associational relationship with an affected person, or a financial interest in the outcome of the matter. If an objection is raised to a member's participation and that member does not recuse himself or herself, the remaining members shall by majority vote rule on the objection.

(b) *Voting.* Vacant positions on the Board and members who are disqualified from voting on a quasi-judicial matter shall not be considered members of the Board for calculation of the requisite supermajority if there are no qualified alternates available to take the place of such members. (Ord. passed 2-14-1991; Ord. passed 10-14-1993; Ord. passed 4-10-1997; Ord. passed - -2002; Ord. passed 5-7-2005)

§ 153.058 ZONING ENFORCEMENT PROGRAM.

(A) *Zoning Enforcement Officer.* The Town Council may assume the duties of the Zoning Enforcement Officer or appoint someone to the position. The Zoning Enforcement Officer shall enforce and administer the provisions of this chapter. If a ruling of the Zoning Enforcement Officer is questioned, the aggrieved party or parties may appeal the ruling to the Board of Adjustment.

(B) *Building and Zoning permit required.* No building, sign or other structure shall be erected, moved, extended, enlarged or structurally altered, nor shall any excavation or filling of any lot for the construction of any building be commenced until the zoning permit and the County Inspections Department has issued a building permit.

(C) *Application for Zoning permit.* Each application to the Zoning Enforcement Officer for a zoning permit shall be accompanied by plans in duplicate showing the following:

- (1) The actual dimensions of the lot to be built upon;
- (2) The size of the building to be erected;
- (3) The location of the building structures on the lot;
- (4) The location of existing structures on the lot, if any;
- (5) The number of dwelling units the building is designed to accommodate;
- (6) The approximate setback lines of buildings on adjoining lots;
- (7) The intended use of the property; and

(8) Any other information that may be essential for determining whether the provisions of this chapter are being observed.

(D) *Certificate of occupancy required.*

(1) A certificate of occupancy issued by the Zoning Enforcement Officer is required in advance of the occupancy or use of a building hereafter erected or changes of use of any building or land.

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(2) A certificate of occupancy, either for the whole or a part of a building, shall be applied for coincident with the application for a zoning permit and shall be issued within ten days after the erection or structural alteration of such buildings, or part, shall have been completed in conformity with the provisions of this chapter. A certificate of occupancy shall not be issued unless the proposed use of a building or land conforms to the applicable provisions of this chapter. If the certificate of occupancy is denied, the Zoning Enforcement Officer shall state in writing the reasons for refusal and the applicant shall be notified of the refusal. A record of all certificates shall be kept on file in the office of the Zoning Enforcement Officer.

(E) *Recordkeeping in the Back Creek Watershed.* The Zoning Enforcement Officer shall enforce the provisions of the zoning ordinance as specified in division (A) above. Within the Back Creek Watershed, he or she shall have the following additional duties:

(1) Submit copies of all amendments upon adoption to the Supervisor of the Classification and Standards Group, Division of Water Quality;

(2) Keep records of variances to the watershed regulations. This record shall be submitted to the Supervisor of the Classification and Standards Group, Division of Water Quality on or before January 1 of each year and shall provide a description of each project receiving a variance and the reasons for granting the variance;

(3) Keep records of the jurisdiction's utilization of the provision that a maximum of 5% of the balance of the watershed of the Back Creek Watershed (WS-m may be developed with nonresidential development to a maximum of 70% built-upon area;

(4) Maintain files for each watershed that include the total acres of balance of watershed area, total acres eligible to be developed in the 5/70 option, and individual records for each project with the following information: location, acres, site plan and use; and

(5) Monitor land use activities in the watershed to identify situations that may threaten water quality. He or she shall report these situations to the agency with direct regulatory responsibility for these activities.

(Ord. passed 2-14-1991; Ord. passed 10-14-1993; Ord. passed 4-10-1997; Ord. passed - -2002)

ESTABLISHMENT OF DISTRICTS

§ 153.070 USE OF DISTRICTS NAMED.

For the purpose of this chapter, the town is divided into the following use districts:

R-80 (0)	Watershed - Critical Area Overlay District
R-40 (0)	Watershed - Non-Critical Area Overlay District
R-WS	Residential - Watershed District
R-A	Residential - Agricultural
R-12	Residential - General District
R-E	Residential - Exclusive District
R-MF	Residential - Multi-Family District
R-MHP	Residential - Manufactured Home/Mobile Home Park District
H-B	Highway - Business District
M-1	Limited Manufacturing District
M-2	General Manufacturing District

(Ord. passed 2-14-1991; Ord. passed 10-14-1993; Ord. passed 4-10-1997; Ord. passed - -2002)

§ 153.071 DISTRICT BOUNDARIES SHOWN ON ZONING MAP.

The boundaries of the district as shown on the map accompanying this chapter are entitled "Official Zoning Map, Green Level, North Carolina". The zoning map and all the notations, references, amendments and other information shown are a part of this chapter the same as if the information set forth on the map was all fully described. The zoning map properly attested is posted at the Town Office and is available for inspection by the public.

(Ord. passed 2-14-1991; Ord. passed 10-14-1993; Ord. passed 4-10-1997; Ord. passed - -2002)

§ 153.072 DUE CONSIDERATION TO DISTRICT BOUNDARIES.

Where uncertainty exists as to the boundaries of any of the districts as shown on the zoning map, the following rules shall apply.

(A) Where the district boundaries are indicated as approximately following streets, alley or highways, the centerline shall be construed to be the boundaries.

(B) Where district boundaries are indicated as approximately following lot lines, the lot lines shall be construed to be the boundaries.

(C) Where district boundaries are indicated as approximately being parallel to the centerlines of street, alleys, highways or the rights-of-way of the same, the district boundaries shall be construed as being parallel and at the distance indicated on the zoning map.

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(D) Where a district boundary line divides a lot or tract in single ownership, the district requirements for the least restricted portion of the lot or tract shall be deemed to apply to the whole provided such extensions shall not include a part of a lot or tract more than 35 feet beyond the district boundary line. The term ***LEAST RESTRICTED*** shall refer to use restrictions, not lot or tract size. (Ord. passed 2-14-1991; Ord. passed 10-14-1993; Ord. passed 4-10-1997; Ord. passed - -2002)

§ 153.073 ONLY ONE OFFICIAL MAP.

The final authority for the current zoning status of land, building or other structures in the affected territory shall be the official zoning map, which is located in the Town Hall. If any copies of the official map are different from the original map, the official map shall be the final authority. (Ord. passed 2-14-1991; Ord. passed 10-14-1993; Ord. passed 4-10-1997; Ord. passed - -2002)

USES BY DISTRICTS

§ 153.085 R-80 (0) WATERSHED- CRITICAL AREA OVERLAY DISTRICT.

(A) *Intent.* The Watershed - Critical Area Overlay District is the land located adjacent to the shoreline of the Graham-Mebane Raw Water Reservoir at normal level extending to a point either to the ridge line of the watershed or approximately one mile from the normal pool level whichever is shorter. By controlling density and the type of development, future development around the reservoir will not pollute this drinking water supply.

(B) *Permitted uses.*

(1) Accessory uses and structures including, but not limited to, private garage, utility buildings or swimming pools;

(2) Agriculture subject to the provisions of the Food Security Act of 1985 and the Food, Agriculture, Conservation and Trade Act of 1990 conducted after January 1, 1993 shall maintain a minimum ten-foot vegetative buffer, or equivalent control, as determined by the Soil and Water Conservation Commission, along all perennial waters indicated on the most recent versions of U.S.G.S. 1:24,000 (7.5 minutes) scale topographic maps or as determined by local government studies. Animal operations greater than 100 animal units shall employ BMPs by July 1, 1994 recommended by the Soil and Water Conservation Commission;

(3) Churches and their customary related uses, including cemeteries, provided all buildings and graves shall be set back at least 20 feet from any property line;

(4) Day-care facilities, licensed by the state;

(5) Dwellings, single-family, including site-built, modular units and Class A manufactured homes;

(6) Incidental home occupations;

(7) Parks, playground, community centers;

(8) Public safety facilities, such as fire, rescue, police or emergency medical vehicles, provided:

(a) All vehicles and equipment shall be stored indoors;

(b) All buildings shall be set back at least 20 feet from all property lines; and

(c) The facilities shall be designed and landscaped to blend in with the surrounding area.

(9) Family care homes licensed by the state;

(10) Public works and public utility facilities such as transformer stations, pumping stations, water towers, telephone exchanges and relay towers provided:

(a) No materials or vehicles shall be stored on the premises; and

(b) All buildings and apparatus shall be set back at least 20 feet from the property lines and shall be designed and landscaped in such a way as to blend in to the surrounding area.

(11) Schools, public and private;

(12) Silviculture, using best management practices required to implement the provisions of the *Forest Practices Guidelines Related to Water Quality* (15 NCAC 11.6101-.0209);

(13) Off-street parking subject to §§ 153.140 and 153.141; and

(14) Signs subject to §§ 153.155 through 153.166.

(C) *Prohibited uses.*

(1) Landfills;

(2) Land application sites for sludge/residuals or petroleum contaminated soils;

(3) Metal salvage facilities including junkyards; and

(4) The storage of toxic materials unless a spill containment plan is implemented.

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(D) *Conditional uses.* None specified.

(E) *Dimensional requirements.*

(1) *Density/built-upon limits.* Single-family residential development shall not exceed one dwelling unit per two acres on a project by project basis. No residential lot shall be less than two acres, except in an approved cluster development. All other residential and nonresidential development shall not exceed 6% built-upon area on a project by project basis.

(2) *Lot width.* Each lot shall be at least 100 feet wide at the building line.

(3) *Front yard setback.* The principal building shall have a minimum front yard setback of 30 feet, measured from the building setback line and the right-of-way.

(4) *Side yard setback.* The principal building shall have a minimum side yard setback of at least 15 feet on both sides. When a side yard abuts a street or highway, it shall be at least 20 feet in width.

(5) *Rear yard setback.* The principal building shall have a minimum rear yard setback of 20 feet, measured from the nearest point of the building and the rear lot line.

(6) *Building height.* Every principal use or accessory use shall not exceed 35 feet in height.

(7) *Accessory buildings.* Accessory buildings shall not be located in a front yard of a principal building, or within 20 feet of any street right-of-way, or within five feet of any lot line not a street.

(F) *Clustering.* Clustering of development is allowed in all drinking water supply watershed areas under the following conditions.

(1) Minimum lot sizes are not applicable to single-family cluster development projects; however, the total number of lots shall not exceed the number of lots allowed for single-family detached developments in the Back Creek Watershed. Built-upon area or storm water control requirements of the project shall not exceed that allowed for the critical area or balance watershed, whichever applies.

(2) All built-upon area shall be designed and located to minimize storm water runoff impact to the receiving waters and minimize concentrated storm water flow.

(3) The remainder of the tract shall remain in a vegetated or natural state. The title to the open space areas shall be conveyed to an incorporated homeowner's association for management; to a local government for preservation as a park or open space; or to a conservation organization for preservation in a permanent easement. Where a property association is not incorporated, a maintenance agreement shall be filed with the property deeds.

(G) *Buffers.*

(1) A minimum 50-foot undisturbed vegetative buffer is required along all perennial waters indicated on the most recent versions of U.S.G.S. 1:24,000 (7.5 minute) scale topographic maps or as determined by local government studies, and as shown on the Official Zoning Map. Desirable artificial stream bank or shoreline stabilization is permitted.

(2) No new development is allowed in the buffer except for water dependent and public projects such as federal or state highways, public utilities and greenways where no practical alternative exist. These activities should minimize built-upon surface area, direct runoff away from the surface waters and maximize the utilization of storm water best management practices.
(Ord. passed 2-14-1991; Ord. passed 10-14-1993; Ord. passed 4-10-1997; Ord. passed - -2002)

§ 153.086 R-40 (0) WATERSHED-NON-CRITICAL AREA OVERLAY DISTRICT.

(A) *Intent.* To protect the remaining part of the drinking water supply watershed from pollution. Uses and density of development are restricted, but not as severe as in the critical area.

(B) *Permitted uses.*

(1) Accessory uses and structures including, but not limited to, private garage, utility buildings or swimming pools;

(2) Agriculture subject to the provisions of the Food Security Act of 1985 and the Food, Agriculture, Conservation and Trade Act of 1990 conducted after January 1, 1993 shall maintain a minimum ten-foot vegetative buffer, or equivalent control as determined by the Soil and Water Conservation Commission, along all perennial waters indicated on the most recent versions of U.S.G.S. 1:24,000 (7.5 minutes) scale topographic maps or as determined by local government studies. Animal operations greater than 100 animal units shall employ best management practices (BMPs) by July 1, 1994 recommended by the Soil and Water Conservation Commission;

(3) Churches and their customary related uses including cemeteries, provided all buildings and graves shall be set back at least 20 feet from any property line;

(4) Day-care facilities, licensed by the state;

(5) Dwellings, single-family, including site-built, modular units and Class A manufactured homes;

(6) Incidental home occupations;

(7) Parks, playground, community centers;

Green Level - Land Usage

(8) Public safety facilities, such as fire, rescue, police or emergency medical vehicles, provided:

- (a) All vehicles and equipment shall be stored indoors;
- (b) All buildings shall be set back at least 20 feet from all property lines; and
- (c) The facilities shall be designed and landscaped to blend in with the surrounding area.

(9) Family care homes licensed by the state;

(10) Public works and public utility facilities such as transformer stations, pumping stations, water towers, telephone exchanges and relay towers provided:

- (a) No materials or vehicles shall be stored on the premises; and
- (b) All buildings and apparatus shall be set back at least 20 feet from the property lines and shall be designed and landscaped in such a way as to blend in to the surrounding area.

(11) Schools, public and private;

(12) Silviculture, using best management practices required to implement the provisions of the *Forest Practices Guidelines Related to Water Quality* (15 NCAC 11.6101-.0209);

(13) Off-street parking subject to §§ 153.140 and 153.141; and

———— (14) Signs subject to §§ 153.155 through 153.166.

(C) *Prohibited uses.*

- (1) Landfills;
- (2) Land application sites for sludge/residuals or petroleum contaminated soils;
- (3) Metal salvage facilities including junkyards; and
- (4) The storage of toxic materials unless a spill containment plan is implemented.

(D) *Conditional uses (Town Council).*

(1) *Generally.* The Town Council shall approve, modify or deny a permit for nonresidential uses permitted in the R-40 Overlay District to increase its built-upon surface area limits from 12 % up to a maximum of 70%. However, nonresidential development may not occupy more than 5 % of the balance of the Back Creek Watershed in the town's jurisdiction with a 70% built-upon surface area.

(2) *Bed and breakfast inn.*

(a) The applicant must submit a plat showing the location of parking, buildings, adjacent uses, accessibility to thoroughfares and buffering. The plat shall show or state the type of buffering.

(b) No bed and breakfast inn or other similar use shall locate within 400 feet of a rooming house, boarding house or another bed and breakfast inn.

(E) *Dimensional requirements.*

(1) *Density/built-upon limits.* Single-family residential development shall not exceed one dwelling unit per acre on a project by project basis. No residential lot shall be less than one acre, except in an approved cluster development. All other residential and nonresidential development shall not exceed 12% built-upon area on a project by project basis except up to 5% of the balance of the watershed may be developed for nonresidential uses to 70% built-upon area.

(2) *Lot width.* Each lot shall be at least 100 feet wide at the building line.

(3) *Front yard setback.* The principal building shall have a minimum front yard setback of 30 feet, measured from the building setback line and the right-of-way.

(4) *Side yard setback.* The principal building shall have a minimum side yard setback of at least 15 feet on both sides. When a side yard abuts a street or highway, it shall be at least 20 feet in width.

(5) *Rear yard setback.* The principal building shall have a minimum rear yard setback of 20 feet, measure from the nearest point of the building and the rear lot line.

(6) *Building height.* Every principal use or accessory use shall not exceed 35 feet in height.

(7) *Accessory buildings.* Accessory buildings shall not be located in a front yard of a principal building, or within 20 feet of any street right-of-way, or within five feet of any lot line not a street.

(F) *Clustering.* Clustering of development is allowed in all drinking water supply watershed areas under the following conditions.

(1) Minimum lot sizes are not applicable to single-family cluster development projects; however, the total number of lots shall not exceed the number of lots allowed for single-family detached developments in the Back Creek Watershed. Built-upon area or storm water control requirements of the project shall not exceed that allowed for the critical area or balance watershed, whichever applies.

(2) All built-upon area shall be designed and located to minimize storm water runoff impact to the receiving waters and minimize concentrated storm water flow.

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(3) The remainder of the tract shall remain in a vegetated or natural state. Where the development has an incorporated property owners association, title of the open space areas shall be conveyed to the association for management. Where a property association is not incorporated, a maintenance agreement shall be filed with the property deeds.

(G) Buffers.

(1) A minimum 50-foot undisturbed vegetative buffer is required along all perennial waters indicated on the most recent versions of U.S.G.S. 1:24,000 (7.5 minute) scale topographic maps or as determined by local government studies, and as shown on the Official Zoning Map. Desirable artificial stream bank or shoreline stabilization is permitted.

(2) No new development is allowed in the buffer except for water dependent and public projects such as federal or state highways, public utilities and greenways where no practical alternative exist. These activities should minimize built-upon surface area, direct runoff away from the surface waters and maximize the utilization of storm water best management practices.

(Ord. passed 2-14-1991; Ord. passed 10-14-1993; Ord. passed 4-10-1997; Ord. passed - -2002)

§ 153.087 R-WS RESIDENTIAL WATERSHED DISTRICT.

(A) *Intent.* To protect the drinking water supply watershed from pollution, by restricting the uses and density of development.

(B) Permitted uses.

(1) Accessory uses and structures including, but not limited to, private garage, utility buildings or swimming pools;

(2) Agriculture subject to the provisions of the Food Security Act of 1985 and the Food, Agriculture, Conservation and Trade Act of 1990 conducted after January 1, 1993 shall maintain a minimum ten-foot vegetative buffer, or equivalent control as determined by the Soil and Water Conservation Commission, along all perennial waters indicated on the most recent versions of U.S.G.S. 1:24,000 (7.5 minutes) scale topographic maps or as determined by local government studies. Animal operations greater than 100 animal units shall employ best management practices (BMPs) by July 1, 1994 recommended by the Soil and Water Conservation Commission;

(3) Churches and their customary related uses including cemeteries, provided all buildings and graves shall be set back at least 20 feet from any property line;

(4) Day-care facilities, licensed by the state;

(5) Dwellings, single-family, including site-built, modular units and Class A manufactured homes;

(6) Incidental home occupations;

(7) Parks, playground, community centers;

(8) Public safety facilities, such as fire, rescue, police or emergency medical vehicles, provided:

(a) All vehicles and equipment shall be stored indoors;

(b) All buildings shall be set back at least 20 feet from all property lines; and

(c) The facilities shall be designed and landscaped to blend in with the surrounding area.

(9) Family care homes licensed by the state;

(10) Public works and public utility facilities such as transformer stations, pumping stations, water towers, telephone exchanges and relay towers provided:

(a) No materials or vehicles shall be stored on the premises; and

(b) All buildings and apparatus shall be set back at least 20 feet from the property lines and shall be designed and landscaped in such a way as to blend in to the surrounding area.

(11) Schools, public and private;

(12) Silviculture, using best management practices required to implement the provisions of the *Forest Practices Guidelines Related to Water Quality* (15 NCAC 11.6101-.0209);

(13) Off-street parking subject to §§ 153.140 and 153.141; and

(14) Signs subject to §§ 153.155 through 153.166.

(C) *Prohibited uses.*

(1) Landfills;

(2) Land application sites for sludge/residuals or petroleum contaminated soils;

(3) Metal salvage facilities including junkyards; and

(4) The storage of toxic materials unless a spill containment plan is implemented.

Green Level - Land Usage*(D) Conditional uses (as approved by the Town Council).*

(1) *Generally.* The Town Council shall approve, modify or deny a permit for nonresidential uses permitted in the R-WS District, to increase its built-upon surface area limits from 12% up to a maximum of 70%. However, nonresidential development may not occupy more than 5 % of the balance of the Back Creek Watershed in the town's jurisdiction with a 70% built-upon surface area.

(2) Bed and breakfast inn.

(a) The applicant must submit a plat showing the location of parking, buildings, adjacent uses, accessibility to thoroughfares and buffering. The plat shall show or state the type of buffering.

(b) No bed and breakfast inn or other similar use shall locate within 400 feet of a rooming house, boarding house or another bed and breakfast inn.

(E) Dimensional requirements.

(1) *Density/built-upon limits.* Single-family residential development shall not exceed one dwelling unit per acre on a project by project basis. No residential lot shall be less than one acre, except in an approved cluster development. All other residential and nonresidential development shall not exceed 12 % built-upon area on a project by project basis except up to 5 % of the balance of the watershed may be developed for nonresidential uses to 70% built-upon area.

(2) *Lot width.* Each lot shall be at least 100 feet wide at the building line.

(3) *Front yard setback.* The principal building shall have a minimum front yard setback of 30 feet, measured from the building setback line and the right-of-way.

(4) *Side yard setback.* The principal building shall have a minimum side yard setback of at least 15 feet on both sides. When a side yard abuts a street or highway, it shall be at least 20 feet in width.

(5) *Rear yard setback.* The principal building shall have a minimum rear yard setback of 20 feet, measure from the nearest point of the building and the rear lot line.

(6) *Building height.* Every principal use or accessory use shall not exceed 35 feet in height.

(7) *Accessory buildings.* Accessory buildings shall not be located in a front yard of a principal building, or within 20 feet of any street right-of-way, or within five feet of any lot line not a street.

(F) *Clustering.* Clustering of development is allowed in all drinking water supply watershed areas under the following conditions.

(1) Minimum lot sizes are not applicable to single-family cluster development projects; however, the total number of lots shall not exceed the number of lots allowed for single-family detached

developments in the Back Creek Watershed. Built-upon area or storm water control requirements of the project shall not exceed that allowed for the critical area or balance watershed, whichever applies.

(2) All built-upon areas shall be designed and located to minimize storm water runoff impact to the receiving waters and minimize concentrated storm water flow.

(3) The remainder of the tract shall remain in a vegetated or natural state. Where the development has an incorporated property owners association, title of the open space areas shall be conveyed to the association for management. Where a property association is not incorporated, a maintenance agreement shall be filed with the property deeds.

(G) *Buffers.*

(1) A minimum 30-foot undisturbed vegetative buffer is required along all perennial waters indicated on the most recent versions of U.S.G.S. 1:24,000 (7.5 minute) scale topographic maps or as determined by local government studies, and as shown on the Official Zoning Map. Desirable artificial stream bank or shoreline stabilization is permitted.

(2) No new development is allowed in the buffer except for water dependent and public projects such as federal or state highways, public utilities and greenways where no practical alternative exist. These activities should minimize built-upon surface area, direct runoff away from the surface waters and maximize the utilization of storm water best management practices.

(Ord. passed 2-14-1991; Ord. passed 10-14-1993; Ord. passed 4-10-1997; Ord. passed - -2002)

§ 153.088 R-A RESIDENTIAL AGRICULTURAL DISTRICT.

(A) *Intent.* The intent of this zoning district is primarily for agricultural uses, the preservation of important natural areas, outdoor recreation space or other very low intensity uses. These areas are usually not served by public water or sewer facilities are not yet appropriate for development at higher densities.

(B) *Permitted uses.*

(1) Agricultural or horticultural, including the retail sale of products produced on the property;

(2) Churches and their customary uses including cemeteries, provided that all building an graves are set back at least 20 feet from any property line;

(3) Parks, playgrounds and community center;

(4) Site built and modular home;

(5) Family care home;

- (6) Schools;
- (7) Municipal building;
- (8) Family care homes;
- (9) Public safety facilities; and
- (10) Prohibited uses, refer to Use Table.

(C) *Conditional* uses; *bed and breakfast* inn.

(1) The applicant must submit a plat showing the location of parking, buildings, adjacent uses, accessibility to thoroughfares and buffering. The plat shall show or state the type of buffering.

(2) No bed and breakfast inn nor other similar use shall locate within 400 feet of a rooming house, boarding house or another bed and breakfast inn.

(D) *Dimensional* requirements.

(1) *Lot size*. More than 12,000 square feet.

(2) *Lot width*. Eighty feet at the building line.

(3) *Front yard setback*. Thirty feet at the building line.

(4) *Side yard setback*. Principal building shall have a minimum rear yard setback of ten feet on both sides. When a side yard abuts a street or highway, it shall be at least 15 feet in width.

(5) *Rear yard setback*. The principal building shall have a minimum rear yard setback of 20 feet, measured from the nearest point of the building rear lot line.

(6) *Building height*. Every principal use or accessory use shall not exceed 35 feet in height.

(7) *Accessory buildings*. Accessory buildings shall not be located in a front yard of a principal building, or within 20 feet of any street right-of-way, or within five feet of any lot line not a street. (Ord. passed 2-14-1991; Ord. passed 10-14-1993; Ord. passed 4-10-1997; Ord. passed 2002)

§153.089 R-12 RESIDENTIAL-GENERAL DISTRICT.

- (A) A medium density residential district inside the corporate limits Where the primary uses are single-family dwelling units and other compatible uses such as churches and schools. New development is required to have both public water and sewer services provided at the developer's expense.

(B) *Permitted uses.*

- (1) Accessory uses and structures including, but not limited to, private garage, utility buildings or swimming pools;
- (2) Agriculture or horticulture, including the retail sale of products produced on the property;
- (3) Churches and their customary related uses including cemeteries, provided that all building and graves are set back at least 20 feet from any property line;
- (4) Day-care facilities, licensed by the state;
- (5) Dwellings, single-family, including site-built, modular units; ~~and Class A manufactured homes;~~ (Ord. passed 05/26/2022)
- (6) Incidental home occupations;
- (7) Parks, playground, community centers;
- (8) Public safety facilities, such as fire, rescue, police or emergency medical vehicles, provided:
 - (a) All vehicles and equipment shall be stored indoors;
 - (b) All buildings shall be set back at least 20 feet from all property lines; and
 - (c) The facilities shall be designed and landscaped to blend in with the surrounding area.
- (9) Family care homes licensed by the state;
- (10) Public works and public utility facilities such as transformer stations, pumping stations, water towers, telephone exchanges and relay towers provided:
 - (a) No materials or vehicles shall be stored on the premises; and
 - (b) All buildings and apparatus shall be set back at least 20 feet from the property lines and shall be designed and landscaped in such a way as to blend into the surrounding area.
- (11) Schools, public and private;
- (12) Off-street parking subject to 88 153.140 and 153.141; and
- (13) Signs subject to §§ 153.155 through 153.166.

(C) *Prohibited* uses.

- (1) Landfills;
- (2) Land application sites for sludge/residuals or petroleum contaminated soils;
- (3) Metal salvage facilities including junkyards; and
- (4) The storage of toxic materials unless a spill containment plan is implemented.
- (5) Class A, B or C manufactured homes. (Ord. passed 05/26/2022)

(D) *Conditional* uses; *bed and breakfast* inn.

(1) The applicant must submit a plat showing the location of parking, buildings, adjacent uses, accessibility to thoroughfares and buffering. The plat shall show or state the type of buffering.

(2) No bed and breakfast inn or other similar use shall locate within 400 feet of a rooming house, boarding house or another bed and breakfast inn.

(E) *Dimensional* requirements.

(1) Lot size. Each single-family dwelling unit or other permitted use shall be located on a lot with at least 12,000 square feet.

(2) Lot width. Each lot shall be at least 80 feet wide at the building line.

(3) Front yard setback. The principal building shall have a minimum front yard setback of 30 feet, measured from the building setback line and the right-of-way.

(4) Side yard setback. The principal building shall have a minimum side yard setback of at least ten feet on both sides. When a side yard abuts a street or highway, it shall be at least 15 feet in width.

(5) Rear yard setback. The principal building shall have a minimum rear yard setback of 20 feet, measured from the nearest point of the building and the rear lot line.

(6) Building height. Every principal use or accessory use shall not exceed 35 feet in height.

(7) Accessory buildings. Accessory buildings shall not be located in a front yard of a principal building, or within 20 feet of any street right-of-way, or within five feet of any lot line not a street.

(8) New residential buildings. All new residential buildings shall be a minimum of 1,200 square feet in size.

(Ord. passed 2-14-1991; Ord. passed 10-14-1993; Ord. passed 4-10-1997; Ord. passed--2002)

§ 153.090 R-E RESIDENTIAL- EXCLUSIVE DISTRICT.

(A) *Intent.* A single-family residential district to accommodate new subdivisions of site built or modular units that comply with the North Carolina Building Code along with a limited number of compatible nonresidential uses. For the purpose of this section, a new subdivision is one that the final plat has not been approved before September 12, 1997. New development is required to have both public water and sewer services provided at the developer's expense.

(B) *Permitted uses.*

(1) Accessory uses and structures including, but not limited to, private garage, utility buildings or swimming pools;

(2) Agriculture or horticulture, including the retail sale of products produced on the property;

(3) Churches and their customary related uses including cemeteries, provided that all building and graves are set back at least 20 feet from any property line;

(4) Day-care facilities, licensed by the state;

(5) Dwellings, single-family, including site-built and modular units;

(6) Incidental home occupations;

(7) Parks, playgrounds and community centers;

(8) Public safety facilities, such as fire, rescue, police or emergency medical vehicles, provided:

(a) All vehicles and equipment shall be stored indoors;

(b) All buildings shall be set back at least 20 feet from all property lines; and

(c) The facilities shall be designed and landscaped to blend in with the surrounding area.

(9) Family care homes licensed by the state;

(10) Public works and public utility facilities such as transformer stations, pumping stations, water towers, telephone exchanges and relay towers provided:

(a) No materials or vehicles shall be stored on the premises; and

(b) All buildings and apparatus shall be set back at least 20 feet from the property lines and shall be designed and landscaped in such a way as to blend in to the surrounding area.

Green Level - Land Usage

- (11) Schools, public and private;
- (12) Off-street parking subject to §§ 153.140 and 153.141; and
- (13) Signs subject to §§ 153.155 through 153.166.

(C) *Prohibited uses.*

- (1) Landfills;
- (2) Land application sites for sludge/residuals or petroleum contaminated soils;
- (3) Metal salvage facilities including junkyards;
- (4) The storage of toxic materials unless a spill containment plan is implemented; and
- (5) Class A, B or C manufactured homes.

(D) *Conditional uses; bed and breakfast inn.*

- (1) The applicant must submit a plat showing the location of parking, buildings, adjacent uses, accessibility to thoroughfares and buffering. The plat shall show or state the type of buffering.
- (2) No bed and breakfast inn or other similar use shall locate within 400 feet of a rooming house, boarding house or another bed and breakfast inn.

(E) *Dimensional requirements.* New subdivisions shall comply with the following requirements.

- (1) *Lot size.* Each single-family dwelling unit or other permitted use shall be located on a lot with at least 12,000 square feet.
- (2) *Lot width.* Each lot shall be at least 80 feet wide at the building line.
- (3) *Front yard setback.* The principal building shall have a minimum front yard setback of 30 feet, measured from the building setback line and the right-of-way.
- (4) *Side yard setback.* The principal building shall have a minimum side yard setback of at least ten feet on both sides. When a side yard abuts a street or highway, it shall be at least 15 feet in width.
- (5) *Rear yard setback.* The principal building shall have a minimum rear yard setback of 20 feet, measured from the nearest point of the building and the rear lot line.
- (6) *Building height.* Every principal use or accessory use shall not exceed 35 feet in height.

(7) *Accessory buildings.* Accessory buildings shall not be located in a front yard of a principal building, or within 20 feet of any street right-of-way, or within five feet of any lot line not a street.

(8) *New residential buildings.* All new residential buildings shall be a minimum of 1,400 square feet in size.
(Ord. passed 2-14-1991; Ord. passed 10-14-1993; Ord. passed 4-10-1997; Ord. passed 9-11-1997; Ord. passed - -2002)

§ 153.091 R-MF RESIDENTIAL-MULTI-FAMILY DISTRICT.

(A) *Intent.* A high density residential district inside the corporate limits. The primary uses are single-family duplex, and multi-family dwelling units and other compatible uses such as churches and schools. Site-built and modular units are permitted. New multi-family dwelling are required to have both public water and sewer services provided at the developer's expense.

(B) *Permitted uses.*

(1) Bona fide farms, subject to other federal, state and local regulations;

(2) Churches and their customary related uses including cemeteries, provided that all buildings and graves shall be set back at least 20 feet from any property line;

(3) Dwellings, multi-family units;

(4) Dwellings, single-family;

(5) Incidental home occupations;

(6) Parks (public or private), playgrounds, community centers;

(7) Public safety facilities, such as fire, rescue, police or emergency medical stations, provided:

(a) All vehicles and equipment shall be stored indoors:

(b) All buildings shall be set back at least 20 feet from all property lines; and

(c) The facilities shall be designed and landscaped to blend in with the surrounding area.

(8) Public works and public utility facilities such as transformer stations, pumping stations, water towers, telephone exchanges and relay towers, provided:

(a) No materials or vehicles shall be stored on the premises;

Green Level - Land Usage

(b) All buildings and apparatus shall be set back at least 20 feet from the property lines and shall be designed and landscaped in such a way as to blend in the surrounding area; and

(c) Facilities that present a danger to the public shall be surrounded by a chain-link fence six feet in height.

(9) Off-street parking, subject to the regulations in §§ 153.140 and 153.141; and

(10) Signs, subject to the regulations of §§ 153.155 through 153.166.

(C) *Conditional uses.* None specified.

(D) *Prohibited uses.*

(1) Landfills;

(2) Land application sites for sludge/residuals or petroleum contaminated soils;

(3) Metal salvage facilities including junkyards; and

(4) The storage of toxic materials unless a spill containment plan is implemented.

(E) *Dimensional requirements.*

(1) *Multifamily dwellings.*

(a) *Lot size.* A multi-family building shall have 6,000 square feet for the first dwelling unit and 3,000 for each additional dwelling unit in the same building. For each building, the calculations must start over. For an example, in an apartment complex with two buildings and four apartments in each building the total lot size shall be at least 30,000 square feet (building #1 = 6,000 + 3,000 + 3,000 = 15,000 square feet; building #2 = 15,000 square feet).

(b) *Lot width.* Each lot shall be at least 80 feet wide at the building line.

(c) *Setbacks.* The principal building nearest the property lines shall comply with setbacks (front, side and rear) specified in the R-12 Residential - General District.

(d) *Building height.* Every principal building or accessory building shall not exceed 35 feet in height.

(2) *Other uses.* All other permitted uses in the **R-MF** District shall comply with the lot requirements specified for the R-12 District.

(F) Supplemental development standards.

(1) *Definition.* A multi-family development consists of two or more multi-family buildings or three or more duplexes on a single tract of land.

(2) *Open space.* A minimum of 15 % of the gross acreage shall be reserved as open space.

(3) *Recreation facilities.*

(a) Family-oriented multi-family projects shall provide recreational space based on the number of bedrooms as established in the following table.

<i>Number of Bedrooms Per Apartment</i>	<i>Minimum Space per Bedroom (square feet)</i>
I-bedroom apartment	0
2-bedroom apartment	25
3-bedroom apartment	50
4-bedroom apartment	100

(b) These recreational areas shall be reasonably located to assure safe and convenient access. These areas shall not be less than 30 feet times 30 feet or 900 square feet in area. Projects which would provide less than 900 square feet based on the above formula shall be exempt from this requirement.

(4) *Spacing between circulation system and buildings.* Automobile parking spaces and drives shall not be located closer than ten feet to the front, side or rear of any building.

(5) *Building relationships.* One building wall that has both window and door openings shall be located no closer than 50 feet to another building. Two building walls that have only window openings or only door openings shall be located not closer than 25 feet to another building.

(6) *Courtyard.* Any group of buildings forming a courtyard shall have at least 25 feet of the perimeter of such courtyard open for access by emergency vehicles.

(7) *Landscaping.* Adequate landscaping (as determined by the Planning Board) may be included to buffer the development from its neighbors.

(8) *Perimeter requirement.* No building shall be erected, reconstructed, altered or moved nearer the exterior project property lines than 20 feet or the applicable district yard requirements, whichever is greater.

(9) *Solid waste disposal.* A plan for solid waste storage collection and disposal shall be submitted to the Zoning Enforcement Officer and approval obtained prior to issuance of a zoning permit.

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(10) *Streets.* Streets shall either be public or private. However, all streets shall be paved and built to the minimum construction standards of the North Carolina Department of Transportation, Division of Highways.

(Ord. passed 2-14-1991; Ord. passed 10-14-1993; Ord. passed 4-10-1997; Ord. passed - -2002)

§ 153.092 R-11HP MANUFACTURED HOME/MOBILE HOME PARK DISTRICT.

(A) *Intent.* The purpose of this section is to define and regulate manufactured/mobile home parks in the following manner: to establish minimum standards governing the construction and maintenance of manufactured/mobile home parks; to establish minimum standards governing utilities and facilities; to make manufactured/mobile home parks safe and sanitary for human habitation; to establish the responsibilities and duties of owners and operators of manufactured/mobile home parks; to authorize the inspection of manufactured/mobile home parks and establish penalties for violations; and to establish procedures for the town review of all manufactured/mobile home parks maintenance. If any section of this section should conflict with other sections of the town code, the division that provides the highest level of protection for the town's citizens shall prevail.

(B) *Permitted uses.*

(1) *Mobile home.* **MOBILE HOME** means a structure, transportable on its on chassis, permanently equipped to travel on the public highways, that is used either temporarily or permanently as a residence or living quarters. Such unit shall be considered a mobile home whether or not the wheels have been removed and whether it is set on jacks, skits, masonry blocks or other foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning and electrical system;

(2) *Manufactured home.* **MANUFACTURED HOME** means a structure transportable in one or more sections, in traveling mode which is built on a permanent chassis and designated to be used as dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning and electrical system;

(3) *Mobile home park.* **MOBILE HOME PARK** is defined as a parcel of land owned by an individual, partnership or corporation which is used for or set apart for the purpose of supplying rental of two or more mobile homes or mobile home spaces;

(4) *Mobile home lot.* **MOBILE HOME LOT** is defined as that portion of a mobile home park reserved for occupancy by a single mobile home unit and its accessory building, structures and uses;

(5) *Dwelling.* Single-family including site build, modular and Class A and B manufactured home;

(6) *Public works and public utility facilities.* Such as transformer stations, pumping stations and telephone exchange and relay towers;

(7) *Facilities.* That present a danger to the public shall be surrounded by a chain-link fence six feet in height;

(8) *Off-street parking.* Subject to §§ 153.140 and 153.141; and

(9) *Signs.* Subject to §§ 153.155 through 153.166.

(C) *Prohibited uses.*

(1) Materials or vehicles shall be stored on the premises;

(2) Landfills;

(3) Land application for sludge/residuals or petroleum contaminated soils;

(4) Metal salvage facilities including junkyards;

(5) Storage of toxic materials unless a spill containment plan is implemented;

(6) Structure constructed before June 15, 1976; and

(7) Any additional manufactured/mobile homes parks.

(D) *Dimensional and supplemental development requirements.*

(1) *Compliance with regulations.* Existing manufactured/mobile homes parks in areas zoned R-MHP should comply with all regulations in effect at the time the home was manufactured. Any homes already placed will be grandfathered with regard to newer regulations. All manufactured homes must comply with the relevant sections of the town code regarding habitability standards for residential buildings.

(2) *Age and minimum requirements.*

(a) No mobile home older than 1976 shall be allowed to move into the town. Mobile homes which, at the time of construction, were not built to the standards of the National Manufactured Housing Construction and Safety Standards Act of 1974 (effective 1976) are prohibited within the town.

(b) Skirting is required within 120 days of the date of mobile home installation. The skirting shall be of solid curtain wall material (such as, treated wood, vinyl, metal, masonry). Materials are to be erected in a fashion as not to create a fire hazard or harbor trash or rodents. Skirting shall have an access door and be properly vented in accordance with state regulations. Skirting shall be maintained in a good state of repair.

(c) All manufactured/mobile homes must have stairs at all entry points that pass inspection. Manufactured homes must meet or exceed the construction standards promulgated by the U.S.

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Department of Housing and Urban Development that were in effect at the time of construction and that satisfies the following additional criteria:

1. The manufactured home shall have a pitched roof and the roof shall be finished;
and

2. The exterior siding consists predominately of vinyl or aluminum horizontal siding,
wood or hardboard.

(3) *Size of mobile home space.* Each manufactured/mobile home in a park shall occupy a designated space of at least 12,000 square feet in an area with a width of at least 80 feet, exclusive of a common driveway.

(4) *Driveway.* Each manufactured/mobile home shall have a paved driveway at least 25 feet in width, exclusive of any required parking spaces. This driveway shall be built according to the minimum construction standards of the North Carolina Department of Transportation, Division of Highways.

(5) *Parking spaces.* Two off-street parking spaces shall be provided for each manufactured/mobile home space, and shall comply with the minimum construction standards of the North Carolina Department of Transportation, Division of Highways specified above for driveways.

(6) *Spacing.* Manufactured/mobile homes or other structures within a park shall not be closer to each other than 30 feet, with the exception of storage or other auxiliary structures for the exclusive use of a manufactured/mobile home.

(7) *Spacing from exterior boundary.* Manufactured/mobile homes shall not be located closer than 30 feet to the exterior boundary for the park or a bounding street or highway right-of-way of a boundary street or highway.

(8) *Flood prevention.* Parks shall be located on ground not susceptible to flooding and graded so as to prevent any water from ponding or accumulating on the premises.

(a) *Drainage.* The ground surface in all parts of the mobile home park shall be graded and equipped to drain all surface or storm water in a safe and efficient manner.

(b) *Erosion control.* Exposed ground surfaces in all parts of every mobile home park shall be protected with a cover that is capable of preventing soil erosion and eliminating objectionable dust.

(9) *Lighting.* All parks shall be adequately lighted.

(10) *Tie downs.* All manufactured/mobile homes shall have tie downs which comply with state regulations for manufactured/mobile homes.

(11) *Underpinning.* All manufactured/mobile homes shall be underpinned (skirted by a solid, nonflammable material on all sides).

(12) *Water.* The town's water supply shall be readily available at each space. Each park shall obtain water from the town's water supply adequate for the park requirements. The drinking, cooking, laundry and general bathroom water supply for each individual manufactured/mobile home shall be obtained from faucets or other plumbing connections located within each unit.

(13) *Sewer.* An adequate and safe sewage disposal hookup shall be readily available at each space. Each park shall be provided with an adequate sewage disposal system, through connections to the town's sewage system provided at the developer's expense. All sewage waste from toilets, showers, bathtubs, lavatories, water basins, refrigerator drains, sinks, faucets and water-using appliances not mentioned shall be piped into the park's sewage system.

(14) *Electricity.* Each manufactured/mobile home located in a park shall be provided with electricity sufficient enough to safely meet the maximum anticipated requirements of all units. All wiring connections from the meter to the manufactured/mobile home must comply with the State Electrical Codes.

(15) *Solid waste disposal.* The solid waste disposal shall be approved by the Zoning/Code Enforcement Officer before any zoning permit shall be issued.

(16) *Concrete pads.* Each manufactured/mobile home shall be provided with a minimum ten-foot by ten-foot pad at the front entrance.

(17) *Paved roads.*

(a) *Generally.* All roads and related storm drainage facilities shall be public and all right-of-way must be cleared of all obstructions and structures.

(b) *Entrances and exits.* The manufactured/mobile home parks entrance and exit streets shall be designed to provide safe access between the public streets and the park.

(18) *Numbering.* Each manufactured/mobile home shall be numbered by a means to provide ready visibility from an interior roadway.

(19) *On-site management.* Each park shall have professional management to operate day to day operations of the park.

(20) *Mobile homeownership.* Operators shall be required to comply with G.S. § 105-316(a)(1), which requires that each year each operator of a park renting lots for three or more mobile homes furnish the County Tax Supervisor with the name of the owner of and a description of each mobile home located in the park.

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(E) *Nonconforming manufactured/mobile home parks.* Manufactured/mobile home parks that become nonconforming uses shall be permitted to continue operation, and existing spaces within the park may continue to be occupied by manufactured/mobile homes even after a space has been vacated; however, these parks shall not be expanded or increased in size, provide additional space for occupancy by more manufactured/mobile homes and shall not replace any spaces with a manufactured/mobile home without proper approval by the town. (All manufactured/mobile home parks shall be in total compliance with this section before approval of occupying any empty spaces in park with a new/used manufactured/mobile home will be granted.) A park that is discontinued for 180 days shall not be re-established.

(F) *Continuation of manufacture/mobile homes on individual lots.* Manufactured/mobile homes located on individual lots which become nonconforming uses may be continued indefinitely. However, if a lot where a nonconforming manufactured/mobile home is located is subsequently abandoned, the re-establishment of a new nonconforming manufactured/mobile home on the lot shall not be permitted.

(G) *Partial invalidity and conflict.* If any provision or clause of these rules shall be declared invalid, such declaration shall not invalidate any other provision or clause of the rules. When other applicable rules, regulations, ordinances or statutes impose more restrictive standards regulations than those contained in these rules, the more restrictive rules, regulations, ordinances or statutes shall govern. (Ord. passed 11-12-2015; Ord. passed 5-11-2017) Penalty, see§ 153.999

§ 153.093 H-B IDGHWAY -BUSINESS DISTRICT.

(A) *Intent.* To accommodate commercial activity areas (including retail sales and services) along the major thoroughfares in the community (e.g., Highway NC 49). Commercial activities that are conducted inside and outside a building are located here.

(B) *Permitted uses.*

- (1) Financial services, including banks, savings and loans;
- (2) Offices, including, but not limited to, doctors, lawyers, real estate and insurance companies;
- (3) Public recreational facilities, such as putt-putt golf courses, driving ranges and the like; and
- (4) Retailing of goods or services, such as, but not limited to, auto service stations, convenient stores, including the sale of gasoline, motels, restaurants, including drive-through facilities.

(C) *Prohibited uses.*

- (1) Landfills;
- (2) Land application sites for sludge/residuals or petroleum contaminated soils;

- (3) Metal salvage facilities including junkyards; and
- (4) The storage of toxic materials unless a spill containment plan is implemented.

(D) *Conditional uses.*

- (1) Shopping centers;
- (2) Office and professional centers, one or more principal offices; and
- (3) Mixed uses.

(E) *Dimensional requirements.*

- (1) *Lot size.* None specified for commercial activities.
- (2) *Lot width.* None specified for commercial activities.
- (3) *Front yard setback.* Thirty feet from the right-of-way line to the edge of the building.
- (4) *Side yard setback.* Ten feet from the property line to the side wall of the building.
- (5) *Rear yard setback.* Twenty feet measured from the rear lot line to the rear wall of building.
- (6) *Building height.* No building shall exceed 50 feet in height.
- (7) *Residential lot requirements.* Any residential use in the H-B - Highway - Business District shall comply with the dimensional requirements specified in the R-12 Residential - General District.
- (8) *Buffers.* Buffers shall be provided subject to §§ 153.125 through 153.127.

(F) *Supplemental development standards.*

- (1) *Shopping centers.*

(a) *Definition.* Two or more commercial operations located in a single building and sharing a common wall or in separate buildings on a single tract of land.

(b) *Perimeter yards.* Interior lot requirement may be waived, but the exterior setbacks of all building shall comply with the requirements of the zoning district where the shopping center is located.

(c) *Buffering.* A buffer shall be provided on all exterior property lines which abut residential property.

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(d) *Solid waste disposal.* A plan for solid waste storage, collection and disposal shall be submitted to the Zoning Enforcement Officer and approved by him or her before a zoning permit can be issued.

(e) *Utilities.* Shopping centers shall be located where public water, sanitary sewer and storm drainage utilities are available.

(2) *Office and professional centers.*

(a) *Definition.* Two or more principal offices or professional buildings on a single tract or lot, whether or not the site will be subdivided or maintained in single ownership.

(b) *Site area.* Minimal lot area shall be determined by the zoning district where the use is located.

(c) *Perimeter yards.* Lot requirements for the individual buildings shall be waived, but the perimeter setbacks shall comply with the setback requirements of the zoning district where the buildings are located.

(d) *Buffering.* A buffer approved by the Planning Board shall be provided on all exterior property lines which abut a residential zoning district.

(e) *Solid waste disposal.* A plan for solid waste disposal shall be approved by the Zoning Enforcement Officer before any zoning permit shall be issued.

(f) *Utilities.* Public water and sewer shall be available to the site.

(3) *Industrial parks.*

(a) *Definition.* Two or more principal industrial buildings on a single tract or lot, whether or not the site will be subdivided or maintained in single ownership.

(b) *Other requirements.* All the dimensional requirements specified for office and professional centers (see division (F)(2) above) shall apply to industrial parks.
(Ord. passed 2-14-1991; Ord. passed 10-14-1993; Ord. passed 4-10-1997; Ord. passed - -2002; Ord. passed 10-6-2011)

§ 153.094 M-1 LIMITED MANUFACTURING DISTRICT.

(A) *Intent.* The intent of this district is to provide for a limited number of low-moderate intensity manufacturing, wholesaling and warehousing activities, while specifically excluding heavy impact activities such as auto salvage yards, metal fabrication companies and mining operations. Some essential governmental services are also permitted. Generally, these low-moderate impact uses are contained inside a building and do not generate any significant negative impacts (noises, smoke, odors or unusual

fire or explosion hazard) that may create a safety or health danger to people living or working nearby. Because this district is intended to accommodate low-moderate intensity activities not located on a thoroughfare, the variety of uses are more limited and the scale of operations smaller than in the M-2 General Manufacturing District.

(A) *d uses.*

- (1) y uses and structures;
- (2) g activities including:
 - (a) Apparel and finished fabric products;
 - (b) Audio, video and communication equipment;
 - (c) Bakery products;
 - (d) Beverage products (non-alcoholic);
 - (e) Computer and office equipment;
 - (f) Dairy products;
 - (g) Electrical and electronics equipment;
 - (h) Food and related products;
 - (i) Furniture and fixtures;
 - (j) Heating, equipment and plumbing fixtures;
 - (k) Leather and leather products (no tanning);
 - (l) Motor vehicle parts and accessories;
 - (m) Paper products (no coating or laminating); and
 - (n) Printing and publishing.
- (3) tile products;
- (4) t parking and loading, subject to §§ 153.140 and 153.141;
- (5) , pertaining to any permitted use;

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(6) safety facilities (police or fire stations);

(7) works (excluding sewer treatment plant) and public utilities, including service and storage yards, provided they are surrounded by a fence not less than six feet in height;

(8) , subject to §§ 153.155 through 153.166; and

(9) houses (including mini-warehouses).

(B) *prohibited uses.*

(1) ills;

(2) application sites for sludge/residuals or petroleum contaminated soils;

(3) 1 salvage facilities including junkyards; and

(4) storage of toxic materials unless a spill containment plan is implemented.

(C) *conditional uses.*

(1) Office and professional centers and industrial parks subject to supplemental development standards, as set forth in § 153.093(F)(2) and (F)(3); and

(2) Other uses that meet the general intent of the limited manufacturing district.

(D) *requirements.*

(1) *lot size.* The maximum lot size shall not exceed five acres.

(2) *building coverage (% of lot).* All buildings shall not cover more the 50% of a lot.

(3) *width.* None specified.

(4) *yard setback.* Fifty feet, measured from the front right-of-way line and the front of the building.

(5) *yard setback.* Fifteen feet minimum side yard on each side of every principal building.

(6) *yard setback.* Twenty feet minimum rear yard, measured from the building to the property line.

(7) *height.* No building shall exceed 50 feet in height.

(8) . Buffer may be required subject to §§ 153.125 through 153.127.

(Ord. passed 2-14-1991; Ord. passed 10-14-1993; Ord. passed 4-10-1997; Ord. passed - -2002; Ord. passed 10-6-2011)

§ 153.095 M-2 GENERAL MANUFACTURING DISTRICT.

(A) *Intent.* The intent of this district is to provide for a wider variety of low-moderate intensity manufacturing, wholesaling and warehousing activities, while specifically excluding heavy intensity uses such as auto salvage yards, metal fabrication companies or mining operations. Some retail sales/services that are appropriate in either business or industrial districts and essential governmental services are also permitted. Generally, these low-moderate intensity uses are contained inside a building and do not generate significant negative impacts (noises, smoke, orders or unusual fire or explosion hazard) that may create a safety or health danger to people living or working nearby. Because this district is intended to accommodate low-moderate intensity activities located on thoroughfares, the variety of uses are wider and the scale of operation greater than in the M-1 Limited Manufacturing District.

(A) *uses.*

(1) uses and structures;

(2) rental or leasing;

(3) repair services;

(4) supply sales with or without storage yard, provided all open storage is surrounded by a fence not less than six feet in height;

(5) wash;

(6) tractors offices and storage yards, provided all open storage is surrounded by a fence not less than six feet in height;

(7) cleaning and laundry plants;

(8) equipment, rental, leasing and repair;

(9) center or retail nursery;

(10) all supplies and equipment, sales and service, provided all open storage shall be surrounded by a fence not less than six feet in height;

(11) and horticultural services;

(12) or dry cleaning plan;

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- (13) activities including:
 - (a) Apparel and finished fabric products;
 - (b) Audio, video and communication equipment;
 - (c) Bakery products;
 - (d) Beverage products (non-alcoholic);
 - (e) Computer and office equipment;
 - (f) Dairy products;
 - (g) Electrical and electronics equipment;
 - (h) Food and related products;
 - (i) Furniture and fixtures;
 - (j) Heating, equipment and plumbing fixtures;
 - (k) Leather and leather products (no tanning);
 - (l) Motor vehicle parts and accessories;
 - (m) Paper products (no coating or laminating);
 - (n) Printing and publishing; and
 - (o) Textile products.
- (14) quarrying, asphalt and ready mix concrete plants;
- (15) parking and loading, subject to §§ 153.140 and 153.141;
- (16) pertaining to any permitted use;
- (17) safety facilities (police or fire stations);
- (18) public works (excluding sewer treatment plants) and public utilities, including service and storage yards, provided they are surrounded by a fence not less than six feet in height;
- (19) including drive-through;

(20) subject to §§ 153.155 through 153.166; and

(21) houses (including mini-warehouse).

(B) *Prohibited Uses.* The storage of toxic materials unless a spill containment plan is implemented.

(C) *Conditional Uses.*

(1) Office and professional centers and industrial parks, subject to supplemental development standards, as set forth in § 153.093(F)(2) and (F)(3); and

(2) Other uses that meet the general intent of the general manufacturing district.

(D) *Parcel requirements.*

(1) *lot size.* None specified.

(2) *building coverage (% of lot).* All buildings shall not cover more than 50% of a lot.

(3) *lot width.* None specified.

(4) *width.* None specified.

(5) *yard setback.* Fifty feet, measured from the front right-of-way line and the front of the building.

(6) *yard setback.* Fifteen feet minimum side yard on each side of every principal building.

(7) *yard setback.* Twenty feet minimum rear yard, measured from the building to the property line.

(8) *height.* No building shall exceed 50 feet in height.

(9) Buffers may be required subject to §§ 153.125 through 153.127.
(Ord. passed 2-14-1991; Ord. passed 10-14-1993; Ord. passed 4-10-1997; Ord. passed - -2002)

[illegible]

Permitted Uses	Zoning Districts										
	R-80 (O)	R-40 (O)	R-WS	R-A	R-12	R-E	MF	MHP	HB	M-1	M-2
Offices, for permitted uses									X	X	X
Offices, including, but not limited to, doctors, lawyers, real estate and insurance companies									X		
Public recreational facilities, such as putt-putt golf courses, driving ranges and the like									X		
Public safety facilities (police and fire stations)										X	X
Public works (excluding sewer treatment plant) and public utilities, including service and storage yards, provided they are surrounded by a fence not less than 6 ft. in height										X	X
Restaurants, including drive-through											X
Retailing of goods or services, such as, auto services stations, convenient stores, including sale of gasoline, motels, restaurants, including drive-through facilities									X		
Signs, subject to §§ 153.155 through 153.166									X	X	X
Textile products										X	
Warehouses or mini-warehouses										X	X
Residential Uses											
Accessory uses and structures including, but not limited to, private garages, utility buildings or swimming pools	X	X	X	X	X	X				X	X
Agriculture or horticulture, including retail sale of products produced on the property				X	X	X					
Agriculture, subject to provisions of the Food Security Act of 1985 and the Food, Agriculture, Conservation and Trade Act of 1990 conducted after January 1, 1993 (See Note #1 in § 153.098)	X	X	X								
Bed and breakfast inn	X	X	X	X	X	X					

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Permitted Uses	Zoning Districts										
	R-80 (O)	R-40 (O)	R-WS	R-A	R-12	R-E	MF	MHP	HB	M-1	M-2
Bona fide farms, subject to other federal, state and local regulations							X				
Churches and their customary related uses including cemeteries, provided all buildings and graves shall be set back at least 20 ft. from any property line	X	X	X	X	X	X	X				
Class A manufactured homes	X	X	X	X	X			X			
Class B manufactured homes								X			
Day-care facilities, licensed by the state	X	X	X	X	X	X					
Dwellings, multi-family units							X				
Dwellings, single-family site-built or modular units	X	X	X	X	X	X		X			
Family care homes licensed by the state	X	X	X	X	X	X					
Incidental home occupations	X	X	X	X	X	X	X	X			
Manufactured home parks, subject to the requirements of § 153.092								X			
Off-street parking subject to §§ 153.140 and 153.141	X	X	X	X	X	X	X				
Parks, playgrounds, community centers	X	X	X	X	X	X	X	X			
Public safety facilities, such as fire, rescue, police or emergency medical vehicles	X	X	X	X	X	X	X	X	X	X	X
Public works and public utility facilities such as transformer stations, pump stations, water towers, telephone exchanges and relay towers	X	X	X	X	X	X	X	X			
Schools, public and private	X	X	X	X	X	X					
Signs subject to §§ 153.155 through 153.166	X	X	X	X	X	X	X				
Silviculture, using BMP required to implement the provisions of <i>Forest Practices Guidelines Related to Water Quality</i>	X	X	X								

(Ord. passed 2-14-1991; Ord. passed 10-14-1993; Ord. passed 4-10-1997; Ord. passed - -2002; Ord. passed 10-7-2004)

[illegible]

§ 153.098 TABLE OF CONDITIONAL USES.

[illegible]

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Notes for Preceding Tables:	
#1	Agricultural - Subject to the provisions of the Food Security Act of 1985 and the Food, Agriculture, Conservation and Trade Act of 1990 conducted after January 1, 1993 shall maintain a minimum 10-ft. vegetative buffer, or equivalent control as determined by the Soil and Water Conservation Commission, along all perennial waters indicated on the most recent versions of the U.S.G.S. 1:24,000 scale topographic maps as determined by local government studies. Animal operations greater than 100 animal units shall employ BMP by July 1, 1994 recommended by the Soil and Water Conservation Commission.
#2	Subject to § 153.093(F)(3)
#3	Subject to § 153.093(F)(2)
#4	Subject to § 153.093(F)(1)

(Ord. passed 2-14-1991; Ord. passed 10-14-1993; Ord. passed 4-10-1997; Ord. passed - -2002)

§ 153.099 TABLE OF DIMENSIONAL REQUIREMENTS.

[illegible]

<i>Table of Dimensional Requirements</i>							
<i>Zoning District</i>	<i>Lot Size</i>	<i>Lot Width</i>	<i>Front Yard Setback</i>	<i>Side Yard Setback</i>	<i>Rear Yard Setback</i>	<i>Height</i>	<i>Accessory Buildings</i>
H-B Highway - Business	Not specified	Not specified	See R-80	10 ft.	20 ft.	50 ft.	
M-1 Limited Manufacturing	Not specified	Not specified	50 ft.	15 ft.	20 ft.	See H-B	
M-2 General Manufacturing	Not specified	Not specified	50 ft.	15 ft.	20 ft.	See H-B	
For nonconforming vacant lots, see § 153.196.							
When existing buildings within 100 ft. of either side of the proposed building lot, on the same side of the street, in the same block and in the same zoning district have setbacks less lot apply. In such cases, the front yard on such lots may be less than the existing front yards, or a distance of 10 ft. from the street right-of-way, whichever is greater.							
Height limitations do not apply to church spires, belfries, cupolas and domes not intended for human occupancy; and water towers, observation towers, transmission towers, chimneys, towers, television towers, masts, aerials and similar structures.							
No residential lot shall be less than 2 acres, except in an approved cluster development. See § 153.085(F).							
When the side yard abuts a street the side yard set back shall be 20 ft.							
No residential lot shall be less than 1 acre, except in an approved cluster development. See § 153.086(F).							
When the side yard abuts a street, the side yard set back shall be 15 ft.							

(Ord. passed 2-14-1991; Ord. passed 10-14-1993; Ord. passed 4-10-1997; Ord. passed - -2002)

EXCEPTIONS AND MODIFICATIONS

§ 153.110 HEIGHT LIMITATION.

The height limitations of this chapter shall not apply to church spires, belfries, cupolas and domes not intended for human occupancy; and monuments, water, towers, observation towers, transmission towers, chimneys, smokestacks, conveyors, flagpoles, radio towers, television towers, masts, aerials and similar structures, except as otherwise provided in the vicinity of airports.

(Ord. passed 2-14-1991; Ord. passed 10-14-1993; Ord. passed 4-10-1997; Ord. passed - -2002)

§ 153.111 FRONT YARD FOR DWELLINGS.

When existing buildings within 100 feet of either side of the proposed building lot, on the same side of the street, in the same block and in the same use district have setbacks less than those required, the

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requirements of this chapter shall not apply. In such cases, the front yard on such lots may be less than the existing front yards, or a distance of ten feet from the street right-of-way, whichever is greater. (Ord. passed 2-14-1991; Ord. passed 10-14-1993; Ord. passed 4-10-1997; Ord. passed - -2002)

§ 153.112 REZONING PROPERTY IN THE BACK CREEK WATERSHED DISTRICTS.

The R-80 Watershed - Critical Area and R-40 Watershed - Outside Critical Area are designed to incorporate the North Carolina Drinking Water Supply Protection Rules. If any property in the R-80 or R-40 Residential Districts are rezoned to another zoning district such as highway business or a manufacturing district which have less restrictive development standards, the development standards of the R-80 and R-40 shall still apply. Under no circumstances shall the North Carolina Drinking Water Supply Rules be violated in the Back Creek Watershed.

(Ord. passed 2-14-1991; Ord. passed 10-14-1993; Ord. passed 4-10-1997; Ord. passed - -2002)

§ 153.113 EXPANSION OF USES IN THE BACK CREEK WATERSHED.

Existing development is not subject to the requirements of the Water Supply Watershed Protection Rules. Redevelopment is allowed, if the rebuilding activity does not have a net increase in built-upon area or provides equal or greater storm water control than the previous development, except that there are no restrictions on single-family residential redevelopment. Expansion to structures classified as existing development must meet the requirements of the rules; however, the built-upon area of existing development is not required to be included in the density calculation.

(Ord. passed 2-14-1991; Ord. passed 10-14-1993; Ord. passed 4-10-1997; Ord. passed - -2002)

BUFFER REQUIREMENTS

§ 153.125 PURPOSE.

The buffer yard standards are designed to provide for visual separation of different land uses in order to reduce potential nuisances, such as glare, dirt, noise, unsightly views and other adverse impacts of one land use upon another.

(Ord. passed 2-14-1991; Ord. passed 10-14-1993; Ord. passed 4-10-1997; Ord. passed - -2002)

§ 153.126 WHEN BUFFERS ARE REQUIRED.

Where business and industrial districts or uses abuts a residential district or land occupied by any residential use permitted by the chapter, a continuous buffer shall be provided along the property line. (Ord. passed 2-14-1991; Ord. passed 10-14-1993; Ord. passed 4-10-1997; Ord. passed - -2002)

§ 153.127 BUFFER STANDARDS.

(A) A buffer shall consist of a strip at least ten feet in width, consisting of compact evergreen hedge, or other type of evergreen foliage screening, or a screening fence, or wall constructed to provide at least the equivalent screening from adjoining properties. If a fence is used, the ten foot width shall be waived.

(B) A buffer shall be at least five feet, but not more than seven feet in height. Hedges or planting shall have an initial height of six feet or be of such variety that an average height of six feet could be expected by normal growth within two years from the time of planting. No building, driveway or parking area shall occupy any part of the buffer strip.

(Ord. passed 2-14-1991; Ord. passed 10-14-1993; Ord. passed 4-10-1997; Ord. passed - -2002)

PARKING AND LOADING REQUIREMENTS**§ 153.140 PARKING.**

(A) *Off-street parking required.* Off-street automobile parking shall be provided on every lot as specified. When a building is erected or a principal building is enlarged or increased in capacity by adding dwelling units, seats, floor area or before conversion from one type of use to another, permanent off-street parking shall be provided in a parking garage or on a graded open space.

(B) *Parking design criteria.*

(1) Each parking space shall not be less than eight and one-half by 18 feet, exclusive of adequate egress and ingress drives, landscaping and maneuvering space.

(2) Parking spaces shall be permanent and shall not be used for any other purposes.

(3) The required parking space for any number of separate uses may be combined in one lot. The required space assigned to only one use may not be assigned to another use except that one-half of the parking space required for churches, theaters or assembly halls where attendance will be at night or on Sundays may be assigned to a use which will be closed at night and on Sundays.

(4) If the off-street parking space required by this chapter cannot reasonably be provided on the same lot where the principal use is located, such space may be provided on any land within 500 feet of the main entrance to such principal use provided the land is in the same ownership as the principal use. This land cannot be used for any other purpose as long as the on-site parking requirements are not met.

(5) The following provisions must be met where parking lots for more than five automobiles are permitted in residential districts.

Green Level - Land Usage

(a) The lot may be used only for parking in relation to the principal use of the lot and not for any type of loading, sales, repair work, dismantling or servicing.

(b) All entrances, exits, barricades at sidewalks and drainage works shall be approved by the Zoning Enforcement Officer prior to construction.

(c) Only one entrance and one exit sign no larger than four square feet in area prescribing parking regulations may be erected at each entrance or exit. No other signs shall be permitted.

(C) *Enforcement.*

(1) Each application for a zoning permit or certificate of occupancy shall include information regarding location and dimensions of off-street parking space. This information shall be in sufficient detail to enable the Zoning Enforcement Officer to determine whether or not the requirements for this chapter are met.

(2) The certificate of occupancy of the use of any structure of land where off-street parking space is required shall be withheld by the Zoning Enforcement Officer until the provisions of this chapter are fully met. If at any time such compliance ceases, any certificate of occupancy which has been issued for the use of the property shall immediately become void.

(D) *Schedule of parking spaces.* Off-street parking spaces shall be provided and permanently maintained by the owners and occupants of the following types of uses on the basis indicated:

<i>Use</i>	<i>Parking Spaces Required</i>
Automobile sales and repair garages	1 space for each 2 employees at maximum employment on a single shift, plus 2 spaces for each 300 sq. fl. of repair or maintenance space
Bowling alleys	2 spaces for each lane, plus 1 additional space for each 2 employees
Day-care centers	1 space for each 600 sq. ft. of gross area
Funeral homes	1 space for each 4 seats in the main chapel, plus 1 space for each 2 employees, plus 1 space for each vehicle used in the operation
Medical and dental clinics and offices	4 spaces for each doctor practicing at the clinic, plus 1 space for each employee
Motels, tourist homes and hotels	1 space for each room or unit to be rented, plus 1 space for each 2 employees on the shift of the largest employment
Nursing homes	1 space for each 6 patient beds, plus 1 space for each staff or visiting doctor, plus 1 space for each 4 employees
Offices, business, professional or public, including banks	1 space for each 200 sq. ft. of gross floor area

<i>Use</i>	<i>Parking Spaces Required</i>
Places of public assembly, including private clubs, lodges, community centers and churches	1 space for each 4 fixed seats provided for patron use, plus 1 space for each 100 sq. ft. of floor or ground area use for amusement or assembly, but not included fixed seats, plus 1 space for each employee
Public libraries	1 space for each 4 seats provided for patron use
Residences, including single-family and multi-family units as well as mobile homes on individual lots or in parks	2 spaces for each dwelling unit
Restaurants, drive-through	Parking space equivalent to five times the gross floor area
Retail business and consumer service facilities	1 space for each 200 ft. of gross floor area in the main building
School, elementary (both public and private)	1 space for each employee, plus adequate parking for buses
School, high school (both public and private)	1 space for each teacher or administrative staff member, plus 1 space for each four pupils and adequate bus parking spaces
Service stations	5 parking spaces for each grease rack or work rack
Shopping centers	1 space for each 200 sq. ft. of gross floor area
Wholesale and industrial uses	1 space for each 2 employees at maximum employment of a single shift

(Ord. passed 2-14-1991; Ord. passed 10-14-1993; Ord. passed 4-10-1997; Ord. passed -2002) Penalty, see § 153.999

§ 153.141 LOADING AND UNLOADING.

(A) *Area to be required.*

(1) At the time of the erection or expansion of any main building or part which is used for commercial or industrial use, off-street loading and unloading space shall be required as specified in this section.

(2) Off-street loading and unloading spaces shall be designed and constructed so that all maneuvering to park vehicles for loading and unloading can take place entirely within the premises. These spaces shall be provided so as not to interfere with the free, normal movement of vehicles and pedestrians on the public right-of-way.

(B) *Schedule of loading spaces.*

(1) For purposes of this section, an off-street loading berth shall have minimum dimensions of 12 feet by 30 feet and 14 feet overhead clearance with adequate means of ingress and egress.

Green Level - Land Usage

(2) For any structure containing less than 20,000 square feet of gross floor area, no berth shall be required. Larger structures, however, shall provide berths as specified below:

<i>Square Feet of Floor Area of Commercial and Industrial Uses</i>	<i>Required Number of Berths</i>
0-19,999	0
20,000-39,999	1
40,000-59,999	2
60,000-109,999	3
110,000-159,999	4
160,000+	Add 1 berth for each additional 80,000 sq. ft.

(C) Enforcement.

(1) Each application for a zoning permit or certificate of occupancy shall include information as to the location and dimensions of off-street loading and unloading space and the means of ingress and egress between such space and a street. This information shall be in sufficient detail to enable the Zoning Enforcement Officer to determine whether or not the requirement of this chapter are met.

(2) The certificate of occupancy for the use of a structure or land where off-street loading and unloading space is required shall be withheld by the Zoning Enforcement Officer until the provision of this chapter are fully met. If at any time such compliance ceases, any certificate of occupancy which had been is used for the use of the property shall immediately become void and of no effect.

(Ord. passed 2-14-1991; Ord. passed 10-14-1993; Ord. passed 4-10-1997; Ord. passed -2002) Penalty, see § 153.999

SIGN REGULATIONS

§ 153.155 PERMIT REQUIRED.

With the exception of those signs specifically authorized in § 153.164, no sign shall be erected without a permit from the Zoning Enforcement Officer.

(Ord. passed 2-14-1991; Ord. passed 10-14-1993; Ord. passed 4-10-1997; Ord. passed -2002) Penalty, see § 153.999

§ 153.156 PERMIT APPLICATION.

(A) Applications for permits shall be submitted on forms obtained at the office of the Zoning Enforcement Officer.

(B) Each application shall be accompanied by plans which shall:

(1) Indicate the proposed site by identifying the property by ownership, location and use;

(2) Show the location of the sign on the lot in relation to the property lines and buildings, zoning district boundaries, right-of-way lines and existing signs;

(3) Show size, character, complete structural specifications and methods of anchoring and support; and

(4) If warranted, the Zoning Enforcement Officer may require additional information to determine whether or not the sign will be erected in conformance with this subchapter.

(Ord. passed 2-14-1991; Ord. passed 10-14-1993; Ord. passed 4-10-1997; Ord. passed - -2002)

§ 153.157 STRUCTURAL REQUIREMENTS.

Structural requirements for signs shall be those required in the State Building Code.

(Ord. passed 2-14-1991; Ord. passed 10-14-1993; Ord. passed 4-10-1997; Ord. passed - -2002)

§ 153.158 SIGN AREA COMPUTATION.

Sign area shall be computed by the smallest square, triangle, rectangle, circle or any combination thereof which will encompass the entire sign, including wall work, frame or supports incidental to its decoration. In computing the area, only one side of the structure shall be considered.

(Ord. passed 2-14-1991; Ord. passed 10-14-1993; Ord. passed 4-10-1997; Ord. passed - -2002)

§ 153.159 MAINTENANCE.

All signs, together with all supports and braces, shall be kept in good repair and in a neat and clean condition. No sign shall be continued which becomes, in the opinion of the Zoning Enforcement Officer, structurally unsafe and endangers the safety of the public or property. The Zoning Enforcement Officer may order the removal of any sign that is not maintained in accordance with the provisions of this section. Such removal shall be at the expense of the owner or lessee and shall occur within ten days after written notification has been issued. If the order is not implemented within 30 days, the Zoning Enforcement Officer shall remove the sign at the expense of the owner or lessee. Any temporary sign shall be removed within 30 days from the date the purpose ceases to exist.

(Ord. passed 2-14-1991; Ord. passed 10-14-1993; Ord. passed 4-10-1997; Ord. passed - -2002)

§ 153.160 LOCATION.

(A) No sign shall be erected or constructed so as to interfere with visual clearance along any street or at any intersection of two or more streets or highways. No sign shall be located in a street right-of-way.

(B) No sign attached to a building shall project beyond the street curb or hang lower than eight feet from the sidewalk, or ground level.

(Ord. passed 2-14-1991; Ord. passed 10-14-1993; Ord. passed 4-10-1997; Ord. passed -2002) Penalty, see § 153.999

§ 153.161 TRAFFIC SAFETY.

(A) No sign shall be allowed that would, by its location, color or nature, be confused with or obstruct the view of traffic signs or signals, or would be confused with a flashing light of an emergency vehicle.

(B) No sign shall use the admonitions such as "Stop", "Go", "Slow" or "Danger" which might be confused with traffic directional signals.

(Ord. passed 2-14-1991; Ord. passed 10-14-1993; Ord. passed 4-10-1997; Ord. passed -2002) Penalty, see § 153.999

§ 153.162 ILLUMINATION.

Except for time or temperature units, no flashing or intermittent illuminated sign shall be permitted on any sign or structure, illumination devices such as, but not limited to, flood spotlights shall be so placed and so shielded as to prevent the rays of illumination being cast upon neighboring buildings and/or vehicles approaching from either direction.

(Ord. passed 2-14-1991; Ord. passed 10-14-1993; Ord. passed 4-10-1997; Ord. passed -2002)

§ 153.163 NONCONFORMING SIGNS.

Nonconforming signs shall be allowed to remain in good repair or an indefinite period. However, under the following conditions, nonconforming signs shall comply with the regulations of this chapter.

(A) Any nonconforming sign on a lot where the principal structure is vacant for a period of 180 days shall be altered to conform to the regulations of this section.

(B) Any alteration of a nonconforming sign shall make that sign conform to the regulations of this section.

(C) Any nonconforming sign damaged over 60% by any means either shall be removed or repaired in a manner to conform with the regulations of this section. This does not include signs that have deteriorated over an extended period of time. Although the cost of repairing these signs may exceed 60% of their original value, they may be repaired without conforming to the requirements.

(D) Nonconforming signs, when removed for other than normal maintenance, may not be erected again.

(Ord. passed 2-14-1991; Ord. passed 10-14-1993; Ord. passed 4-10-1997; Ord. passed - -2002)

§ 153.164 SIGNS PERMITTED IN ALL DISTRICTS WITHOUT A PERMIT.

The signs listed below shall be allowed in all zoning districts without a permit from the Zoning Enforcement Officer. However, all signs using electrical wiring and connections shall require an electrical permit.

(A) *Occupant and house number.* Signs not exceeding one square foot in area and bearing only property numbers, box numbers, names of occupants or other identification not have commercial connotations. Such signs shall not be illuminated.

(B) *Public directional and information.* Signs erected and maintained by public agencies which direct the public to specific sites or provide general information about a structure. Included in this category are historic markers, street and traffic control signs and entrance and exit signs. Entrance and exit signs shall not exceed two square feet in total area. They may be directly or indirectly illuminated.

(C) *Private directional.* Freestanding entrance and exit signs may be allowed on any lot, regardless of lot frontage and number of existing business signs or billboards, provided they do not exceed two square feet in area. Such signs shall not be illuminated.

(D) *Professional and home occupation.* One professional or home occupation sign per dwelling not to exceed three square feet in area, which must be mounted flat against a wall or door or hung from a mailbox or lamp post. Such signs may be directly or indirectly illuminated except in a residential district.

(E) *Church or non-profit organization bulletin board.* These signs shall not exceed 18 square feet in area. Such signs may be directly or indirectly illuminated.

(F) *Temporary lease, rent or sale.* One temporary real estate sign shall not exceed four square feet in area may be placed on property that is for sale, lease, rent or barter. When the property fronts on more than one street, one sign shall be allowed on each street frontage. Such signs shall not be illuminated.

(G) *Construction.* During the construction, repair or alteration of a structure, temporary signs which indicate builder, or other participants in the project, or its occupant to be, may be placed within the

required yard setbacks as ground, wall or roof signs. The total area of such signs shall not exceed 50 square feet. Such signs shall not be illuminated.

(Ord. passed 2-14-1991; Ord. passed 10-14-1993; Ord. passed 4-10-1997; Ord. passed - -2002)

§ 153.165 SIGNS REQUIRING A ZONING PERMIT.

(A) *Identification signs.*

- (1) *'Zoning districts where permitted.* All residential districts.
- (2) *Number of signs.* One per entrance or two smaller matching pillars per entrance.
- (3) *Location.* Such signs shall not be located in a public right-of-way.
- (4) *Maximum size.* Any one sign shall not exceed 24 square feet in area. If matching entrance pillars are constructed at the entrance of a subdivision, neighborhood, school or similar use, the total sign area shall not exceed 24 square feet.
- (5) *Lighting.* Such signs may be directly or indirectly illuminated.
- (6) *Height.* Such signs shall not exceed 12 feet in height.

(B) *Business signs - wall mounted.*

- (1) *'Zoning districts where permitted.* H-B - Highway - Business District, M-1 and M-2.
- (2) *Number of signs.* None specified.
- (3) *Location.* Wall signs shall be located on the front of the building. However, they may be located on a side or rear of a building that is adjacent to an off-street parking area. Such signs shall be mounted parallel to the building and project no more than 18 inches from the building.
- (4) *Sign area.* The total area of all attached signs shall not exceed 20% of the total wall area. However, the total sign area shall not exceed 200 square feet.
- (5) *Lighting.* Such signs may be directly or indirectly illuminated.
- (6) *Height.* No sign shall extend beyond the roof line of the building to which it is attached.

(C) *Business signs - freestanding.*

- (1) *'Zoning district where permitted.* H-B - Highway - Business District, M-1 and M-2.

(2) *Number of signs.* Any business may erect one freestanding sign for each frontage on a public street.

(3) *Location.* Any freestanding sign shall be set back at least five feet from the property line.

(4) *Area.* Sign area shall be one and one-half square feet per linear foot of business frontage. However, the maximum size per sign shall not exceed 120 square feet. Signs covered by the Outdoor Advertising Act shall be exempt from these restrictions.

(5) *Lighting.* Such signs may be directly or indirectly illuminated.

(6) *Height.* Any sign shall not exceed 20 feet in height.

(D) *Business signs - projecting.*

(1) *'Zoning district where permitted.* H-B - Highway - Business District, M-1 and M-2.

(2) *Number of signs permitted.* One projecting sign per principal building.

(3) *Location.* Such signs may project horizontally a maximum of six feet, but shall be back at least two feet from the back face of the curb or out edge of the pavement where there is not curb. Setback distances for projecting signs which front on state roads must be approved by the North Carolina Department of Transportation. They shall be erected at a height of not less than nine feet above the sidewalk or other pedestrian passageway. Also, a projecting sign shall not extend above the roof line of the building.

(4) *Area.* Projecting signs shall not exceed 16 square feet.

(E) *Multi-unit signs (shopping centers, industrial parks and the like).*

(1) *'Zoning district where permitted.* H-B - Highway - Business District, M-1 and M-2.

(2) *Number of signs.* One sign per each main street frontage.

(3) *Location.* Such signs shall not be located in any street right-of-way.

(4) *Area.* Each sign shall not exceed 75 square feet in the H-B - Highway - Business District on 150 square feet in the M-1 and M-2 Districts.

(5) *Lighting.* Such signs may be directly or indirectly illuminated.

(6) *Height.* Any sign shall not exceed 20 feet above the pavement or ground surface.

(7) *Design criteria.* Each individual identification sign shall be designed to reflect a unified graphic appearance (e.g., color, script, type) and other design matters as determined by the Zoning

Enforcement Officer. Individual commercial logos are permitted on multi-unit signs so long as they do not constitute more than 25% of the area of the applicable individual occupancy identification sign.

(F) *Billboards (off-site business signs).*

- (1) *Zoning district where permitted.* H-B - Highway - Business District and M-2.
- (2) *Maximum size of a single sign.* Three hundred square feet.
- (3) *Spacing between signs.* Each billboard shall be at least a 1,000-foot radius from another one.

(G) *Portable signs.*

- (1) *'Zoning district where permitted:* H-B - Highway - Business District, M-1 and M-2.
- (2) *Setbacks.* At least five feet from the street curb.
- (3) *Limits on advertisement.* Advertise only goods or services provided on the site of the sign. (Ord. passed 2-14-1991; Ord. passed 10-14-1993; Ord. passed 4-10-1997; Ord. passed - -2002) Penalty, see § 153.999

§ 153.166 SIGN REGULATIONS TABLE.

Type of Sign	Districts Where Permitted	Number of Signs	Location	Maximum Size	Lighting	Height	Permit Required	
							Yes	No
Church or non-profit organization bulletin board	All districts			18 sq. ft.	Maybe directly or indirectly illuminated			
Construction	All districts		Maybe placed within the required yard setbacks as ground, wall or roof signs	50 sq. ft.	Shall not be illuminated			
Identification signs	All residential districts	1 per entrance or 2 smaller, matching pillars per entrance	Not in public right-of-way	Any 1 sign shall not exceed 24 sq. ft. in matching pillars total area not to exceed 24 sq. ft.	Maybe directly or indirectly illuminated	Not to exceed 12 ft.	X	

<i>Type of Sign</i>	<i>Districts Where Permitted</i>	<i>Number of Signs</i>	<i>Location</i>	<i>Maximum Size</i>	<i>Lighting</i>	<i>Height</i>	<i>Permit Required</i>	
							<i>Yes</i>	<i>No</i>
Occupant and house number	All districts			1 sq. ft.	Shall not be illuminated			
Private directional	All districts			2 sq. ft.	Shall not be illuminated			
Professional and home occupation	All districts	1.00	Mounted flat against a wall or door or hung from a mailbox or lap post	3 sq. ft.	Maybe directly or indirectly illuminated, except in residential district			
Public directional and information	All districts			2 sq. ft.	Maybe directly or indirectly illuminated			
Temporary lease, rent or sale	All districts	1.00		4 sq. ft.	Shall not be illuminated			
Business Signs								
Billboards (off-site); business signs	H-B and M-2			300 sq. ft.			X	
Freestanding	H-B, M-1 and M-2	1 sign for each frontage on a street	Set back 5 ft. from property line	1-1/2 sq. ft. per linear foot of business frontage; shall not exceed 120 sq. ft.	Maybe directly or indirectly illuminated	Shall not exceed 20 ft. in height	X	
Multi-unit signs shopping centers, industrial parks and the like	H-B, M-1 and M-2	1 sign per each main street frontage	Shall not be located in any street right-of-way	Shall not exceed 75 sq. ft. in the H-B District or 150 sq. ft. in the M-1 and M-2 Districts	Maybe directly or indirectly illuminated	Shall not exceed 20 ft. above the pavement or ground	X	
Portable	H-B, M-1 and M-2		Shall be at least 5 ft. from street curb				X	

Green Level - Land Usage

<i>Type of Sign</i>	<i>Districts Where Permitted</i>	<i>Number of Signs</i>	<i>Location</i>	<i>Maximum Size</i>	<i>Lighting</i>	<i>Height</i>	<i>Permit Required</i>	
							<i>Yes</i>	<i>No</i>
Projecting	H-B, M-1 and M-2	1 per principal building	May project horizontally a maximum of 6 ft., but must be 2 ft. from curb not less than 9 ft. above the sidewalk or pedestrian passageway; shall not extend above the roof line of the building	Shall not exceed 16 sq. ft.	Maybe directly or indirectly illuminated		X	
Wall mounted	H-B, M-1 and M-2	None specified	Shall be located on the front of the building; may be on a side or rear that it adjacent to parking; mounted parallel to the building and project no more than 18 in.	Shall not exceed 20% of total wall area; total area shall not exceed 200 sq. ft.	May be directly or indirectly illuminated	Shall not exceed beyond the roof line of the building	X	

(Ord. passed 2-14-1991; Ord. passed 10-14-1993; Ord. passed 4-10-1997; Ord. passed - -2002)

SUPPLEMENTAL DEVELOPMENT STANDARDS

§ 153.180 DEFINITION.

For the purpose of this subchapter, the following definition shall apply unless the context clearly indicates or requires a different meaning.

SUPPLEMENTAL DEVELOPMENT STANDARDS. Projects that involve multiple uses of a tract of land (even though they may be subdivided among many individual owners after development is completed). They are generally larger and more complex than a single use on a tract of land. Examples are shopping centers, apartment complexes and industrial parks.

(Ord. passed 2-14-1991; Ord. passed 10-14-1993; Ord. passed 4-10-1997; Ord. passed - -2002)

§ 153.181 DEVELOPMENT PLAN.

Because of the complex nature of these projects the community must review and approve a site development plan for these projects, containing the following information:

- (A) Location, arrangement and dimensions of truck loading and unloading spaces and docks;
 - (B) Location, arrangement and dimensions of automobile parking spaces, width of aisles, width of bays and angle parking;
 - (C) Location and dimensions of vehicular entrances, exits and drives;
 - (D) General drainage systems;
 - (E) Location and materials of walls and fences;
 - (F) Ground cover, topography, slopes, banks and ditches;
 - (G) The location and general exterior dimensions of main and accessory buildings;
 - (H) Architectural plans for proposed buildings;
 - (I) The location, dimensions and arrangements of areas to be devoted to plantings, lawns, trees and other plants;
 - (J) The plans for proposed utility layouts, including sanitary sewers, storm sewers, water distribution lines, natural gas, telephone and electric service (all utilities shall be constructed to local government body standards, if applicable);
 - (K) An analysis of anticipated traffic volume;
 - (L) Sediment control plan;
 - (M) Evidence that the North Carolina Department of Transportation has been made aware of the proposed development and that the developer will coordinate his or her project with this agency;
 - (N) Plans for refuse disposal equipment and method of disposal (compactors, dumpsters); and
 - (O) Delineation of area to be constructed in phases and sequential order.
- (Ord. passed 2-14-1991; Ord. passed 10-14-1993; Ord. passed 4-10-1997; Ord. passed - -2002)

§ 153.182 BOARDING AND ROOMING HOUSES.

(A) *Definition.* For the purpose of this section, the following definition shall apply unless the context clearly indicates or requires a different meaning.

BOARDING OR ROOMING HOUSE. A single-family house that has been converted in order to rent individual rooms within the property to separate persons or families. This will also include single-family houses that are shared and occupied by more than four unrelated persons 18 years or older. These rooms can be rented weekly, monthly or yearly. This definition is to be used in conjunction with the definition found in Chapter 67.02 of the Minimum Housing Standards.

(B) *Regulations.*

(1) In this section, boarding house and rooming house shall refer to the same type of multi-family occupancy.

(2) No two rooming houses shall be within one square mile of each other.

(3) The rooming house must comply with Chapter 67 of the Minimum Housing Standards, along with any applicable county and state building code regulations and habitability standards.

(4) Boarding and rooming houses shall submit to an inspection prior to granting of an operating permit.

(5) An application for a permit must include the following information:

(a) Any person that wants to open a boarding house has to be approved by the town and has to obtain a permit (\$50) and complete a registration form; and

(b) A \$150 administrative fee must be paid prior to opening.

(6) Each boarding house must be inspected prior to opening and will be inspected annually.

(7) Each boarding house must provide adequate parking spaces for its tenants.

(8) Each boarding house must provide individual mailboxes for its tenants.

(9) In the event an entire boarding house is vacant for more than 30 days, the property owner or its designee has to reapply to the town to reopen as a boarding house.

(10) No boarding house shall be within one mile of another boarding house. (This will be determined by driving the quickest most direct route from one boarding house to another boarding house.)

(11) A floor plan must be on file with the town.

- (12) An emergency contact must be on file with the town.
 - (13) All bedrooms shall be secured by locks to prevent unauthorized entry when unoccupied.
 - (14) There shall be no cooking in individual rooms.
 - (15) All rooms must be numbered or lettered for identification.
 - (16) All boarding houses must meet minimum housing requirements.
 - (17) All boarding houses must be properly addressed for easy identification and location by Fire and EMS.
 - (18) All exits must be identified with a lighted exit sign.
 - (19) Smoke detectors are required in the common area and in each room used for sleeping.
 - (20) A fire evacuation plan must be permanently displayed.
 - (21) No signs shall be permitted outside the residence advertising the business as a boarding/rooming house.
 - (22) Must provide the number of sleeping units.
- (Ord. passed 8-27-2015)

NONCONFORMING USES AND BUILDINGS

§ 153.195 GENERALLY.

Any parcel of land, use of land, building or structure existing at the time of the adoption of this chapter, or any amendment, that does not conform to the use or dimensional requirements of the district in which it is located, may be continued and maintained subject to the following categories listed in §§ 153.196 through 153.200 of nonconforming uses.
(Ord. passed 2-14-1991; Ord. passed 10-14-1993; Ord. passed 4-10-1997; Ord. passed - -2002)

§ 153.196 NONCONFORMING VACANT LOTS.

(A) Nonconforming vacant lots are vacant lots that have been platted and recorded in the office of the Register of Deeds of the county, which fail to comply with the minimum area and/or dimensional requirements of the districts where they are located at the time of adoption of this chapter.

(B) Such nonconforming lots may be used for the uses permitted in the district provided that:

(1) Where the lot area is not more than 20% below the minimum specified in this chapter, and other dimensional requirements are met, the Zoning Enforcement Officer is authorized to issue a zoning permit;

(2) Where the lot area is more than 20% below the minimum specified in this chapter or other dimensional requirements cannot be met, the Board of Adjustment is authorized to approve as a variance such dimensions as shall conform as closely as possible to the required dimensions; and

(3) Notwithstanding the foregoing, whenever two or more adjoining vacant lots of record are in single ownership at the time after the adoption of this chapter and such lots individually have less area or width than the minimum requirements of the district where such lots are located, such lots shall be considered as a single lot or several lots which meet the minimum requirements of this chapter. (Ord. passed 2-14-1991; Ord. passed 10-14-1993; Ord. passed 4-10-1997; Ord. passed - -2002)

§ 153.197 NONCONFORMING OCCUPIED LOTS.

Lots occupied by buildings or structures at the time of the adoption of this chapter, that fail to comply with the minimum requirements for area, width, yard and setbacks for the district where they are located may continue to be used without complying with the specific requirements for use or dimensional requirements.

(Ord. passed 2-14-1991; Ord. passed 10-14-1993; Ord. passed 4-10-1997; Ord. passed - -2002)

§ 153.198 NONCONFORMING OPEN USES OF LAND.

Lots used for storage yards, used car lots, auto wrecking, junkyards and similar open spaces where the only buildings on the lot are incidental and accessory to the open use of the lot and where such use of the land is not permitted to be established hereafter, under this chapter, in the district in which it is located may be continued except as follows.

(A) When a nonconforming open use of land has been changed to a conforming use, it shall not thereafter revert to any nonconforming use.

(B) Nonconforming open use of land shall be changes only to conforming use.

(C) A nonconforming open use of land shall not be enlarged to cover more land than was occupied by that use when it became nonconforming.

(D) When any nonconforming open use of land is discontinued for a period in excess of 180 days, any future use of the land shall be limited to those uses permitted in the district where the land is located. Vacancy and/or non-use of the land, regardless of the intent of the owner or tenant, shall constitute discontinuance under this section.

(E) In the case of lots used for storage yards, metal salvage facilities or junk yards, all such uses shall be removed within two years of the effective date of this chapter amendment if not otherwise removed earlier in accordance with divisions (A) through (D) above.

(Ord. passed 2-14-1991; Ord. passed 10-14-1993; Ord. passed 4-10-1997; Ord. passed - -2002; Ord. passed 8-2-2007)

§ 153.199 NONCONFORMING USES OF STRUCTURES.

(A) Nonconforming uses of structures are buildings or structures used at the time of enactment of this chapter for purpose or use not permitted in the district in which they are located.

(B) Such uses may be continued as follows:

(1) (a) An existing nonconforming use may be change to another nonconforming use of the same or higher classification provided that the other conditions in this subchapter are met.

(b) For the purpose of this chapter, the rank order of uses from higher to lower shall be:

1. Residential;
2. Public;
3. Commercial; and
4. Industrial.

(2) When a nonconforming use has been changed to a conforming use, it shall not thereafter be used for any nonconforming use; and

(3) A nonconforming use may not be extended or enlarged nor shall a structure containing a nonconforming use be altered except as follows:

(a) Structural alterations as required by law or ordinance to secure the safety of the structure are permissible;

(b) Maintenance and repair necessary to keep a structure containing a nonconforming use in sound condition are permissible;

(c) Expansion of a nonconforming use of building or structure into portions of the structure which, at the time the use became nonconforming, were already erected and arranged or designed for such nonconforming use is permissible; and

(d) When any nonconforming use of a building or structure is discontinued for a period in excess of 180 days, the building or structure shall not hereafter be used except in conformance with the regulations of the district where it is located.

(Ord. passed 2-14-1991; Ord. passed 10-14-1993; Ord. passed 4-10-1997; Ord. passed - -2002)

§ 153.200 RECONSTRUCTION OF DAMAGED BUILDINGS OR STRUCTURES.

Any nonconforming use, which has been damaged by fire, wind, flood or other causes, may be repaired and used as before provided:

(A) Repairs are initiated within 12 months and completed within two years of such damage; and

(B) The total amount of space devoted to a nonconforming use is not increased, and the reconstructed building is not more nonconforming with respect to dimensional restrictions.

(Ord. passed 2-14-1991; Ord. passed 10-14-1993; Ord. passed 4-10-1997; Ord. passed - -2002)

LEGAL PROVISIONS

§ 153.215 CONFLICTS WITH OTHER REGULATIONS.

(A) This chapter is not intended to interfere with, abrogate or annul any easements, covenants or other agreements between parties.

(B) However, when this chapter imposes a greater restriction, the provisions of this chapter shall govern.

(Ord. passed 2-14-1991; Ord. passed 10-14-1993; Ord. passed 4-10-1997; Ord. passed - -2002)

§ 153.216 VIOLATIONS OF TIDS CHAPTER.

In any case when a building is constructed or used or land is used in violation of this chapter, the town or neighboring property owner who would be affected may institute injunction, mandamus or other appropriate action or proceedings to prevent the occupancy of the building, structure or land.

(Ord. passed 2-14-1991; Ord. passed 10-14-1993; Ord. passed 4-10-1997; Ord. passed - -2002)

§ 153.217 REENACTMENT AND REPEAL OF EXISTING ORDINANCE.

When a new ordinance is adopted, all provisions of the original ordinance shall be repealed except those specifically reenacted. All suits at law or in equity and/or all prosecutions resulting from violations

of the existing ordinance shall not be abandoned or abated even if the ordinance is repealed or amended and a new ordinance adopted.

(Ord. passed 2-14-1991; Ord. passed 10-14-1993; Ord. passed 4-10-1997; Ord. passed - -2002)

§ 153.218 CONSTITUTIONALITY.

If any subchapter, section or division of this chapter is declared by the courts to be unconstitutional or invalid, that decision shall not affect the validity of the chapter as a whole or any part other than the part declared to be unconstitutional or invalid.

(Ord. passed 2-14-1991; Ord. passed 10-14-1993; Ord. passed 4-10-1997; Ord. passed - -2002)

§ 153.219 SCHEDULE OF FEES.

Fees shall be paid at the time an application is presented to the Zoning Enforcement Officer at rates determined by the Town Council.

(Ord. passed 2-14-1991; Ord. passed 10-14-1993; Ord. passed 4-10-1997; Ord. passed - -2002)

§ 153.220 ADOPTION AND EFFECTIVE DATE.

This chapter shall take effect on February 14, 1991.

(Ord. passed 2-14-1991; Ord. passed 10-14-1993; Ord. passed 4-10-1997; Ord. passed - -2002)

§ 153.999 PENALTY.

(A) *Generally.* Any person who violates the provisions of this chapter shall, upon conviction, be guilty of a misdemeanor and shall be fined not more than \$50 or imprisoned for not more than 30 days. Each day a violation continues to exist shall be considered a separate offense provided the violation of this chapter is not corrected within 30 days after notice of the violation has been given.

(B) *R-MHP Manufactured Home/Mobile Home Park District.* Any person, firm or corporation who commits any violation of § 153.092 or provides false information to a town official shall be guilty of a misdemeanor, and upon conviction therefore shall be fined not more than \$500 each day or portion of a day during which any violation occurs or continues shall be a separate offense.

(Ord. passed 2-14-1991; Ord. passed 10-14-1993; Ord. passed 4-10-1997; Ord. passed - -2002; Ord. passed 11-12-2015)

