

CHAPTER 155: ZONING CODE

General Provisions

- 155.001 Title
- 155.002 Authority
- 155.003 Purpose
- 155.004 Definitions

Establishment of Zoning Districts; Application of Regulations

- 155.020 Jurisdiction; establishment of districts
- 155.021 District boundaries established; official zoning map
- 155.022 Rules for interpretation of district boundaries
- 155.023 Expansion of area of extraterritorial jurisdiction
- 155.024 Use of land or structures
- 155.025 Lot reduction prohibited

General Regulations

- 155.035 Street access
- 155.036 Corner lots
- 155.037 One principal building allowed on a residential lot
- 155.038 Double frontage lots
- 155.039 Home occupation
- 155.040 Exception to height limitations
- 155.041 Visibility
- 155.042 Accessory structures
- 155.043 Special front yard requirements
- 155.044 Flood plain regulations
- 155.045 Performance standards
- 155.046 Group housing projects
- 155.047 Site plan
- 155.048 Petroleum products storage

Mobile Homes and Mobile Home Parks

- 155.060 Temporary mobile home conditional use permit
- 155.061 Conditional use permit for manufactured home parks
- 155.062 Manufactured home park conditional use permit application
- 155.063 Manufactured home park standards
- 155.064 Water service; sewage facilities
- 155.065 Screening
- 155.066 Open space and landscaped areas
- 155.067 Recreation areas
- 155.068 Maintaining manufactured home parks
- 155.069 Use of manufactured homes

Zoning District Regulations

- 155.080 R-15 Residential District (single- family)

- 155.081 RA-15 Residential Agricultural District
- 155.082 R-10 Residential District (low density)
- 155.083 R-5 Residential District (medium density)
- 155.084 RMF Residential District (high density)
- 155.085 PO Professional Office District
- 155.086 B-1 Neighborhood Commercial District
- 155.087 B-2 General Commercial District
- 155.088 B-2 Shopping Center
- 155.089 B-3 Central Business District
- 155.090 GI-1 General Industrial District (light)
- 155.091 GI-2 General Industrial District (downtown)
- 155.092 EI-2 Exclusive Industrial District (heavy)
- 155.093 EXI-3 Exclusive Industrial District (floating)
- 155.094 Overlay Districts
- 155.095 MH Manufactured Home Overlay District
- 155.096 PRD Planned Residential Development

Off-Street Parking and Loading Regulations

- 155.110 Parking requirements
- 155.111 Permanent open space
- 155.112 Parking space area requirements
- 155.113 Location on other property
- 155.114 Common off-street parking areas
- 155.115 Use of public right-of-way for maneuvering
- 155.116 Curb cuts and access points
- 155.117 Number, size, and spacing of curb cuts; other access
- 155.118 Parking and storage of certain vehicles
- 155.119 Off-street parking information required on building permit application
- 155.120 Table of minimum parking requirements
- 155.121 Special permit for off-street parking in residential zones
- 155.122 Off-street loading and unloading spaces
- 155.123 Loading spaces adjacent to sidewalks
- 155.124 Maneuvering areas
- 155.125 Screening adjacent to property in residential districts

***Special Exceptions; Nonconforming Uses;
Other Requirements***

- 155.140 Special exceptions
- 155.141 Nonconforming uses; purpose and applicability
- 155.142 Nonconforming uses
- 155.143 Nonconforming structures
- 155.144 Nonconforming accessory structures
- 155.145 Nonconforming lots
- 155.146 Nonconforming off-street parking and loading
- 155.147 Nonconforming building or use discontinuance
- 155.148 Screening walls and landscaping
- 155.149 Outdoor storage; applicability
- 155.150 Storage of junk, salvage, and equipment
- 155.151 Swimming pools to be enclosed by a fence

Sign Regulations

- 155.160 Types of signs
- 155.161 Types of illumination
- 155.162 Conformance with North Carolina State Building Code
- 155.163 Permit required for signs; exceptions
- 155.164 Prohibited signs
- 155.165 Temporary signs
- 155.166 Measurement of display area of sign
- 155.167 Side yard for ground signs and outdoor advertising signs
- 155.168 Projection signs and marquee signs over public rights-of-way
- 155.169 Outdoor advertising signs (billboards)
- 155.170 Regulations for signs in specific zoning districts
- 155.171 Maintenance of signs
- 155.172 Nonconforming signs

***Planning and Zoning Commission;
Board of Adjustments***

- 155.190 Planning and Zoning Commission
- 155.191 Board of Adjustment established
- 155.192 Alternate members
- 155.193 Termination for nonattendance
- 155.194 Appeals to the Board of Adjustment
- 155.195 Special exceptions or variances
- 155.196 Interpretation and disputes; requirement for determination
- 155.197 Nonconformities
- 155.198 Reversal of decision of administration official; review by court
- 155.199 Administration of oaths

Administration

- 155.200 Administration and enforcement
- 155.201 Building permit required
- 155.202 Designation of class A status for placement of manufactured homes on individual lots
- 155.203 Application for compliance and sign permits
- 155.204 Permits issued for approved lots only
- 155.205 Certificates of occupancy for new or altered structures or changes in use
- 155.206 Temporary use permit
- 155.207 Expiration of compliance and sign permits
- 155.208 Complaints regarding violations
- 155.209 Remedies
- 155.210 Appeal from decision of Inspections Superintendent; application
- 155.211 Decision of the Board of Adjustment
- 155.212 Appeals from decision of Board of Adjustment

Amendments; Legal Status Provisions

- 155.225 Initiation of amendments
- 155.226 Advertising
- 155.227 Application
- 155.228 Limit on amendments
- 155.229 Conflict with other laws
- 155.230 Effect of outstanding zoning compliance
- 155.231 Territory within perimeter

***Statutory Vested Right Provisions;
Site Specified Development Plan***

- 155.250 Purpose
- 155.251 Definitions
- 155.252 Establishment of a zoning vested right
- 155.253 Approval procedures and approval authority
- 155.254 Duration
- 155.255 Termination
- 155.256 Voluntary annexation
- 155.257 Limitations
- 155.258 Repealer
- 155.259 Certification
- 155.999 Penalty
- Appendix A: Screen/buffer; illustration
- Appendix B: Schedule of sign regulations
- Appendix C: Certification

Cross reference:

Mobile homes, see Chapter 151

GENERAL PROVISIONS

§ 155.001 TITLE.

This chapter shall be known as and cited as “The Zoning Code of Bessemer City, North Carolina, and its Perimeter.”

(Ord. passed 6-30-81)

§ 155.002 AUTHORITY.

Pursuant to the authority conferred by G.S. §§ 160A-381 through 160A-394, the City Council does hereby ordain and enact into law the following provisions contained in this chapter.

(Ord. passed 6-30-81)

§ 155.003 PURPOSE.

This chapter shall be enacted for the purpose of promoting the health, safety, morals, and welfare of the community; lessening congestion in the streets; securing safety from fire; providing adequate transportation, water, sewerage, schools, parks, and other public improvements; protecting scenic areas; and protecting areas subject to periodic flooding against development, in accordance with a comprehensive plan.

(Ord. passed 6-30-81)

§ 155.004 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning. The words *used for* shall include the words *designed for*; the word *structure* shall include the word *building*; the word *lot* shall include the words *plot* and *tract*.

ABANDONMENT. The voluntary discontinuance of a use with the intent not to re-establish such use. Any of the following shall constitute evidence of abandonment or intent to abandon.

- (1) Any positive act indicating such intent.
- (2) Premises have been devoted to another use.
- (3) When the characteristic equipment and furnishings of nonconforming use have been removed from the premises and have not been replaced by the same or similar equipment.
- (4) Failure to take all positive action to resume the nonconforming use including the failure to advertise the property for sale or lease.

ACCESSORY APARTMENT. A special exception may be granted for an accessory apartment on the same lot as an existing one-family detached dwelling, subject to the following requirements:

- (1) Dwelling unit requirements:
 - (a) Only one accessory apartment may be created on the same lot as an existing one-family dwelling.
 - (b) The accessory apartment must have at least one party wall in common with the main dwelling.
 - (c) The accessory or extension to a main dwelling may be approved in order to add additional floor space to accommodate an accessory apartment. All development standards of the zone apply.
 - (d) The one-family detached dwelling in which the accessory apartment is to be created or to which it is to be added must be at least five years old on the date of the application for the special exception.
 - (e) The accessory apartment must not be located on a lot:
 1. That is occupied by a family of unrelated persons. (The Board of Adjustment may waive this requirement upon a finding that a hardship would otherwise result.)
 2. Where any of the following other residential uses exist: guest room for rent, boarding house.
 3. That contains any rental residential use.
 - (f) Any separate entrance must be located so that the appearance of a single-family dwelling is preserved.
 - (g) All external modifications and improvements must be compatible with the existing dwelling and surrounding properties.
 - (h) The accessory apartment must have the same street address (house number) as the main dwelling.
 - (i) The accessory apartment must be subordinate to the main dwelling.
- (2) Ownership requirements:

(a) The owner of the lot on which the accessory apartment is located must occupy one of the dwelling units, except for bona fide temporary residences not exceeding six months in any 12-month period.

(b) Except in the case of an accessory apartment existing at the time of the acquisition of the home by the applicant, one year must have elapsed between the date when the owner purchased the property (settlement date) and the date when the special exception becomes effective. (The Board of Adjustment may waive this requirement upon a finding that a hardship would otherwise result.)

(c) For purpose of this definition, **OWNER** shall mean an individual who owns, or whose parent or child owns, a legal or equitable interest in the property, excluding a security interest or other non-possessory interest in the property as determined by the Board.

(3) Land-use requirements:

(a) The minimum lot size must be 8,000 square feet, except where the minimum lot size of the zone is greater. All other development standards of the zone must also apply, including setbacks, lot widths, building heights and parking requirements.

(b) There shall be adequate water supply and sewage disposal systems to serve the occupants of both the accessory apartment and the main dwelling.

(c) Accessory apartments shall not be detrimental to the use and peaceful enjoyment of surrounding properties or the general neighborhood, and cause no objectionable noise, traffic or other adverse impacts.

ACCESSORY USE or ACCESSORY STRUCTURE. A use, building, or structure subordinate to the principal use or building located on the same lot and used for purposes incidental to the principle use or building.

AGRICULTURE. Farms and general farming, including horticulture, floriculture, dairying, livestock and poultry raising, farm forestry, and other similar enterprises or uses.

ALLEY. A dedicated way which affords secondary access to side or rear of abutting property. Side yards abutting alleys will meet the same requirements as street side yards on corner lots.

ALTERATION OF BUILDING. Any change in the supporting members of a building (such as bearing walls, columns or girders), any addition or reduction of a building, any change in use or any relocation of a building from one location or position to another.

APARTMENT. A dwelling unit in a multiple dwelling intended for use as a single-family residence.

AUTOMOBILE/VEHICLE. A device or machine intended for providing transportation. As used in this chapter, the term shall include automobiles, trucks, motorcycles and mopeds, and ATVs.

AUTO BODY SHOP. Any building, premises and land in which or upon which a business is conducted that primarily involves the painting of vehicles or external repairing of damaged vehicles.

AUTO HOBBYIST. One who collects, repairs, or alters automobiles to which he holds title for enjoyment, and not for commercial purposes, as an incidental use on the premises where the person resides. An **AUTO HOBBYIST** shall not be deemed a principal use, and under no circumstances may the auto hobbyist activity be conducted in a manner which categorizes it as a **JUNKYARD** as defined in this section. Any accessory structure used in association with the auto hobbyist activity shall meet all such requirements as provided for in this chapter.

AUTOMOBILE PARTS SUPPLY STORE. An establishment which sells new and/or rebuilt automobile

parts and accessories but does not include junkyards, used auto parts sales, or the installation of such parts.

AUTOMOBILE REPAIR SHOP. Any building, premises, and land in which or upon which involves the primary use of land as a business which involves the maintenance or servicing of vehicles, including washing, detailing, and rental, but not body work or painting.

AUTOMOBILE SALES. A use of land or buildings that is used for the retail sale of either new or used automobiles or trucks.

AUTOMOBILE SERVICE STATION. A use where vehicular fuels are sold at the retail level and where the installation of such automotive items as lubricants, tubes, batteries, and similar accessories takes place and where minor automobile repair, maintenance, or servicing of vehicles is conducted, but not bodywork or painting.

BASEMENT. An underground or partly underground story. A ***BASEMENT*** shall be counted as a story for the purposes of height measurement if the vertical distance between its ceiling and the average level of the adjoining level of the adjoining ground is more than five feet.

BOARDING or ROOMING HOUSE. Any dwelling, or that part of any dwelling, containing one or more rooming units, in which space is let by owner or operator to three or more persons who are not husband or wife, son or daughter, mother or father, or sister or brother of the owner or operator.

BUILDABLE AREA. That portion of any lot which may be used or built upon in accordance with the regulations governing the zoning district within which the lot is located when the front, side, and rear yard requirements for the district have been subtracted from the total area. The required front, side, and rear yards shall be measured inward toward the center of the lot from all points along the respective property lines.

BUILDING. Any structure put together for the support, shelter, or enclosure of persons, animals, and property, and having a roof.

BUILDING HEIGHT. The height of a building measured from ground level to the gable of the roof.

BUILDING LINE. That line determined by meeting respective front, side, and rear yard requirements. The required front, side, and rear yards for individual lots shall be measured inward towards the center of the lot from all points along the respective property lines.

BUILDING, PRINCIPAL. A building containing the principal use of the lot on which it is located. In a residential district, any structure containing a dwelling unit shall be deemed to be the principal building on the lot where it is used.

CANOPY. A structure which is supported entirely or partly from the building, and has at least nine feet of clearance between the lowest point or projection and a sidewalk immediately below.

CEMETERY. A parcel of land used for the interment of the dead in the ground or in mausoleums.

CLINIC. An establishment of land where medical or dental patients, who are not lodged overnight, are given examinations or treatments.

COUNTRY CLUB. An organization catering exclusively to members and their guests including buildings and grounds with commercial activities serving the membership only.

CULTURAL or COMMUNITY FACILITIES. Facilities designed to promote cultural advancement and serve the community such as art galleries, libraries, museums, and community centers, such as YMCA and YWCA; and such facilities to house civic or fraternal organizations, (provided that such facilities are not

operated for profit).

DAY CARE CENTER. See **NURSERY SCHOOL.**

DENSITY. The number of dwelling units per acre of land developed or used for residential purposes. Unless otherwise clearly stated, density requirements in this chapter are expressed in dwelling units per net acre; that is, per acre of land devoted to residential use exclusive of land utilized for the general public, water areas, or flood prone lands.

DWELLING. A building or portion of building arranged or designed to provide living quarters for one or more families.

(1) **DWELLING, GROUP.** A building or portion of a building intended for occupancy by several unrelated persons. The term **GROUP DWELLING** includes but is not limited to the terms rooming house, fraternity house and dormitory.

(2) **DWELLING, MULTI-FAMILY.** A dwelling designed for or occupied by three or more families living independently of each other, with separate housekeeping, sleeping, and cooking facilities for each.

(3) **DWELLING, SINGLE-FAMILY.** A detached dwelling of one unit, other than a mobile home, designed for or occupied exclusively by one family.

(4) **DWELLING, TWO-FAMILY.** A detached building including two individual dwelling units, also known as a duplex.

(5) **DWELLING UNIT.** A single unit providing complete, independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, cooking, and sanitation.

(6) **SINGLE FAMILY PATIO HOME (ZERO LOT LINE HOME) DETACHED.** A single family dwelling on a separate lot with one side, front and rear yard and completely detached from any other building.

(7) **SINGLE FAMILY HOME - SEMI DETACHED.** A single family dwelling attached to another one family dwelling by a common vertical wall, with each dwelling located on a separate lot.

(8) **SINGLE FAMILY TOWNHOUSE.** A single family dwelling attached on two sides (one side on end units) to other single family dwellings which are located on separate lots. Each dwelling unit must contain two walls that are directly exposed to the units separate lot. (Town Homes may include triplexes, quadruples, or row houses.)

EDUCATIONAL FACILITY. A facility for the education of children and/or adults including public and private kindergarten, elementary, and secondary schools, colleges, technical institutes, and universities, but excluding specialized trade schools and nursery schools.

FARM. Any parcel of land containing at least five acres which is used for cultivation, grain elevators, pasturing land, or animal husbandry.

FAMILY. One or more persons occupying a single dwelling unit, provided that unless all members are related by blood or marriage, no such family shall contain over six persons, but further provided that domestic servants employed on the premises may be housed in the principal building not to exceed two domestic servants.

FAMILY CARE FACILITY. A facility which provides resident service in a residence to four or fewer individuals who are not related to the resident household, and are handicapped, aged, disabled, or in need of adult supervision in accordance with their individual needs. This category may include foster or boarding homes for children, and group dwelling and family homes. Such facility shall be regulated as a residence in this chapter.

FENCE. A barrier intended to prevent escape or intrusion or to mark a boundary or provide screening.

FLOOR AREA. The total area of all dwelling units measured to the interior surfaces of exterior walls, but excluding common halls and stairways.

FLOOR AREA RATIO. The number of square feet of covered floor area for every square foot of land area exclusive of streets.

FRONTAGE. All the property abutting on one side of a street between two intersecting streets measured along the street line.

GARAGE, PRIVATE. An accessory building or portion of a principal building used for the storage of private motor vehicles and to which no business, occupation, or service for profit is in any way connected. The term **GARAGE** shall include the term carport. No private garage shall exceed 850 sq. ft. of floor space or be used to store six or more vehicles in part of the principal building or in an accessory building, the total building shall not exceed 850 sq. ft. or be used to store four or more vehicles; provided, however, that on individual lots or parcels of land greater than two acres in area, located in the R-15 or RA-15 zones, a private garage shall not exceed 1,500 sq. ft. or be used to store six or more vehicles. Any garage exceeding these standards shall be defined as an Automobile Repair Shop.

GROUP CARE FACILITY. A facility which provides resident services to five or more individuals of whom one or more are unrelated, and who are handicapped, aged, or disabled, are undergoing rehabilitation, and are provided services to meet their needs. This category may include uses licensed or supervised by any federal, state or county health/ welfare agency, such as a group dwelling (all ages), halfway houses, nursing homes, resident schools, resident facilities, and foster or boarding homes.

HOME OCCUPATION. Any use conducted entirely within a dwelling and carried on by the occupants thereof, which use is clearly incidental and secondary to the use of the dwelling for residential purposes and which does not change the character thereof; and where no person, not a resident of the premises is employed specifically in connection with the activity; and that not over 25% of the total floor space of the structure is used for the home occupation.

HOSPITAL. An institution providing health services primarily for human inpatient medical or surgical care for the sick or injured, including related facilities such as laboratories, out-patient facilities, and staff offices which are an integral part of the facility.

HOTEL. Any building containing six or more guest rooms intended to be used, or which used, rented, or hired out to be occupied for sleeping purposes by guests. The term **HOTEL** shall include the term **MOTEL**.

JUNK and SALVAGE YARD. The use of any part of a lot for the storage, keeping, abandonment, sale, or resale of junk, salvage, or scrap materials; or for the dismantling, demolition, or abandonment of automobiles and other vehicles, machinery, equipment, mobile homes, or parts thereof.

LANDSCAPED BUFFER. A 15-foot strip of land along the perimeter of a lot. Such a buffer must be

maintained as a green area, planted with grass, shrubs, trees, or other ornamental vegetation.

LOADING SPACE, OFF-STREET. Space conveniently located for pickups and deliveries, scaled to the delivery vehicles expected to be used, and accessible to such vehicles when required off-street parking spaces are filled.

LOT. An area designated as a separate and distinct parcel of land on a legally recorded subdivision plat or in a legally recorded deed as filed in the official records of the county, as maintained in the county courthouse. The terms **LOT**, lot record, lot of record, plot, property or tract, whenever used in this chapter, are interchangeable.

(1) **LOT, CORNER.** A lot located at the intersection of two or more streets or located where one street makes a sharp angle.

(2) **LOT, DEPTH.** The distance between the midpoint of the street frontage at the front of the lot to the nearest point at the rear of the lot.

(3) **LOT, DOUBLE FRONTAGE.** A lot which has two street frontages; however, no corner lot shall qualify as a double frontage lot unless the corner lot has frontage on three or more streets.

(4) **LOT, INTERIOR.** A lot other than a corner lot, which has frontage on only one street other than an alley.

(5) **LOT WIDTH.** The distance between side lot lines.

MANUFACTURED HOME (MOBILE HOME).

(1) A dwelling unit that:

(a) Is not constructed in accordance with the standards set forth in the State Building Code (uniform residential building code for one- and two-family dwellings).

(b) Is composed of one or more com-ponents, each of which was substantially assembled in a manufacturing plant and designed to be transported to the home site on its own chassis.

(c) Exceeds 40 feet in length and eight feet in width.

(2) A structure that would otherwise be characterized as a **MANUFACTURED HOME** except that it is not used or held ready for use as a dwelling unit (for example, it is used as an office or some other business use) shall not be deemed a **MANUFACTURED HOME**.

MANUFACTURED HOME (MOBILE 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 satisfies each of the following additional criteria:

(1) The minimum width (the width being the narrower of the two overall dimensions) of the main body of the manufactured home as assembled on the site shall be at least 22 feet for a distance extending along the length (the length being the longer of the two overall dimensions) of at least 20 feet.

(2) The manufactured home has a minimum of 960 square feet enclosed living area.

(3) The pitch of the roof of the manufactured home has a minimum vertical rise of 2.2 feet for each 12 feet of horizontal run, the roof is finished with a type of shingle that is commonly used in standard residential construction and which does not exceed the reflectivity of gloss white paint, and the roof has an overhang (eave)

extending at least four inches from each vertical exterior wall.

(4) The exterior siding consists of wood, hardboard, vinyl, brick, or aluminum and shall be comparable in composition, appearance and durability to the exterior siding commonly used in standard residential construction, and which does not exceed the reflectivity of gloss white paint.

(5) A continuous, permanent masonry foundation, or masonry curtain wall, unpierced except for required ventilation and access, shall be installed upon a poured concrete footer after placement on the lot, and before occupancy.

(6) The tongue, axles, transporting lights, and removable towing apparatus are removed after placement on the lot and before occupancy.

(7) The manufactured home is set up on the site in accordance with the standards set by the State Department of Insurance.

(8) Stairs, porches, entrance platforms and other means of entrance and exit to the manufactured home shall be installed and constructed in accordance with the standards set by the State Department of Insurance.

(9) The manufactured home is oriented on the site in such a manner that the side having the main entrance, and by design intended to be the front of the manufactured home is generally parallel to a public street abutting the site.

MANUFACTURED HOME (MOBILE HOME), CLASS B. A manufactured home that meets all of the criteria of a **CLASS A MANUFACTURED HOME**, except (1), (2), (3), (4), (5) and (9).

MANUFACTURED HOME (MOBILE HOME) PARK. A parcel of land under single ownership on which two or more manufactured homes are occupied as residences.

MODULAR HOME. A dwelling unit constructed in accordance with the standards set forth in the State Building Code (uniform residential code for one- and two-family dwellings), and composed of components substantially assembled in a manufacturing plant and transported to the building site for final assembly on a permanent foundation. A modular home shall be deemed a single-family dwelling as defined in this chapter.

MINI-WAREHOUSE. A structure containing separate storage spaces leased or rented on an individual basis with such spaces being used for indoor storage purposes only.

(1) No mini-warehouse shall exceed one story in height.

(2) All internal driveways on a lot containing mini-warehouses shall be at least 15 feet in width.

(3) All lots containing mini-warehouses shall have a chain link fence of at least six feet in height located at the periphery of the lot. Screening is suggested.

(4) In the B-3 zone there shall be a front setback of at least 20 feet.

MOTEL. A hotel that provides guests ready access to their cars.

NET LAND AREA. That portion of a site committed to structures, parking areas, and common areas, but excluding public rights-of-way and submerged land.

NONCOMMERCIAL. The use of a lot or structure by persons for private purposes, not to include a business, occupation, or service for profit.

NONCONFORMING STRUCTURE. A structure which does not conform with the requirements of the zoning district in which it is situated, either at the effective date of this chapter or as the result of subsequent amendments to this chapter.

NONCONFORMING USE. A lawful use of a structure or land which does not conform to the permitted uses of the zoning district in which it is situated, either at the effective date of this chapter or as the result of subsequent amendments to this chapter.

NURSERY SCHOOL. A school designed to provide daytime care or instruction for two or more preschool children, and operated on a regular basis. The term **NURSERY SCHOOL** shall include the term day care center.

NURSING HOME. A facility where persons are housed or lodged and furnished with meals and nursing care for hire. (See **GROUP CARE FACILITY**).

PARK. A public facility for recreation, which may have commercial activities for recreational uses only.

PARKING LOT. Any public or private open area used for the express purpose of parking automobiles and other vehicles, with the exception of areas on the premises of single-family dwellings used for parking purposes incidental to the principal use. Otherwise, **PARKING LOTS** may be the principal use on a given lot or an accessory use to the principal use on a given lot.

PARKING SPACE. A space provided within a parking lot or on a single-family dwelling lot expressly provided for purposes of parking automobiles or other vehicles, excluding access drives.

PLANNED RESIDENTIAL DEVELOPMENT. A unified project containing single family detached, patio homes, semi-detached homes and/or townhouses developed in accordance with § 155.096.

PROFESSIONAL OFFICE. The office of persons performing professional services such as doctors, lawyers, real estate brokers, and insurance salespersons.

RELIGIOUS COMPLEX. A building or group of buildings used for the purpose of religious worship including the sanctuaries, education buildings, recreation buildings, child care facilities, and parsonage.

SETBACK. The distance from the street right-of-way to the closest edge of a structure, sign, pump, or other such permanent improvement.

SIGN.

(1) The term **SIGN** shall mean and include billboard, poster panel, freestanding ground sign, roof sign, projecting sign, pylon sign, illuminated sign, and sign painted on a wall, window, marquee, awning, or canopy, and shall include any announcement, declaration, demonstration, display, ribbon, banner, illustration, or insignia used to advertise or promote the interest of any person when the same is placed in view of the general public.

(2) **BUSINESS IDENTIFICATION**

SIGN. Any sign which advertises an establishment, a service, a commodity, or activity conducted on the premises where such sign is located, including permanent subdivision identification signs conveying only the name of the subdivision.

SPECIALIZED TRAINING SCHOOLS. Commercial establishment offering specialized training such as a business college, barber and beauty college, and voice and dance schools.

STORY. The portion of a building included between the surface of any floor and the surface of the floor

next above it; or if there is no floor above it, then the space between such floor and the ceiling next above it.

STORY, HALF. A story under a gable, hip, or gambrel roof, the wall plates of which on at least two opposite exterior walls are not more than two feet above the floor of such story.

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

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

TELEVISION SATELLITE DISH ANTENNA (SATELLITE DISH). An apparatus capable of receiving communication signal directly from a transmitter relay located in planetary orbit. A **SATELLITE DISH** shall be considered an accessory structure or accessory use.

TRAILER. Any vehicle or structure capable of moving or being moved over streets and highways on its own wheels or on flat beds or other carriers, which is designed or utilized to:

- (1) Provide temporary or permanent quarters for the conduct of a business, profession, trade, occupation;
- (2) Serve as a carrier of people, new or used goods, products, or equipment;
- (3) Be used as a selling, advertising, or display device.

TRANSPORTATION TERMINAL. A base of operations for a common carrier, including freight and passenger stations, docks, loading ramps, yards, storage sheds, management offices, equipment, and maintenance facilities.

USES, PERMITTED. Functions for which property may be utilized, including incidental applications not provided for in that zone and not inconsistent with the primary use.

VARIANCE. A modification of the area regulations of this chapter granted by the Board of Adjustments where such modification will not be contrary to the public interest, and where, owing to conditions peculiar to the property, a literal enforcement of the chapter would result in unnecessary and undue hardship, and where such modification will not authorize a principal or accessory use of the property not permitted by the zoning classification in which it is located.

VETERINARIAN'S OFFICE. A facility where a veterinarian supplies medical care for animals and which may include boarding facilities which are completely enclosed.

YARD. A space on the same lot with a principal building open, unoccupied, and unobstructed by buildings or structures from ground to sky except where encroachments or accessory buildings and structures are expressly permitted.

- (1) **YARD, FRONT.** A yard situated between the front building line and the front lot line extending the full width of the lot.
- (2) **YARD, REAR.** A yard situated between the rear building line and rear lot line extending the full width of the lot.
- (3) **YARD, SIDE.** A yard situated between a side building line and side lot lines from the required front yard to the required rear yard. In determining the situation of accessory structures, the side yard shall be

assumed to extend through the rear yard to the rear lot line.

ZONING DISTRICT. The term applied to various geographical areas of the city for the purpose of interpreting the provisions of the chapter. The districts are designated with the use of symbols. Various districts within the city are set forth in §§ 155.080 through 155.095 of this chapter. The terms district, and **ZONING DISTRICT** are synonymous and are used interchangeably throughout this chapter. (Ord. passed 6-30-81; Am. Ord. TC-96-2, passed 7-8-96)

***ESTABLISHMENT OF ZONING DISTRICTS;
APPLICATION OF REGULATIONS***

§ 155.020 JURISDICTION; ESTABLISHMENT OF DISTRICTS.

(A) The provisions of this chapter shall apply within the territory beyond such corporate limits as now or hereafter fixed, as established on the map entitled “Official Zoning Map of the City of Bessemer City, North Carolina, and the Area of Extraterritorial Jurisdiction.” The map and amendments thereto and all explanatory matter thereon accompanies and is hereby made a part of this chapter. This chapter shall be on file in the office of the City Clerk.

(B) The city and the area comprising its extraterritorial jurisdiction are divided into use districts designated as follows:

Description District

Residential District (Single-Family)R-15
Residential Agricultural DistrictRA-15
Residential District (Low Density)R-10
Residential District (Medium Density)R-5
Residential District (High Density)RMF
Professional Office DistrictPO
Neighborhood Commercial DistrictB-1
General Commercial DistrictB-2
Central Business DistrictB-3
General Industrial District (Light)GI-1
Exclusive Industrial District (Heavy)EI-2
Extractive Industry (Floating)EXI-3
(Ord. passed 6-30-81)

§ 155.021 DISTRICT BOUNDARIES ESTABLISHED; OFFICIAL ZONING MAP.

(A) The boundaries of the zoning districts described in § 155.020(B) of this chapter, hereby established and as shown on the Official Zoning Map of the City of Bessemer City, North Carolina, together with all explanatory matters thereon, are hereby adopted by reference and declared to be a part of this chapter.

(B) The Official Zoning Map shall be identified by the signature of the Mayor attested by the City Clerk, and bearing the seal of the city under the words “Official Zoning Map, City of Bessemer City, North Carolina” together with the date of adoption of this chapter.

(C) If, in accordance with the provisions of this chapter and G.S. §§ 160A-381 through 160A-394, changes are made in district boundaries or other matter portrayed on the Official Zoning Map, such changes shall be entered on the Official Zoning Map by the Inspections Superintendent within seven days after the amendment has been approved by the City Council.

(D) No changes of any nature shall be made on the Official Zoning Map or matter shown thereon except in conformity with the procedures set forth in this chapter. Any unauthorized change of whatever kind by any person or persons shall be considered as a violation of this chapter.

(E) Regardless of the existence of any purported copy of the Official Zoning Map, the zoning map which shall be located in the office of the Manager shall be the final authority as to the current zoning status of land, water areas, buildings, and other structures.

(Ord. passed 6-30-81)

§ 155.022 RULES FOR INTERPRETATION OF DISTRICT BOUNDARIES.

When uncertainty exists as to boundaries of districts shown on the Official Zoning Map, the following shall apply:

(A) Boundaries indicated as approximately following the center lines of streets, highways, alleys, or public utility easements shall be construed as following such center lines.

(B) Boundaries indicated as approximately following platted or tract lines shall be construed as following such lines, whether public or private.

(C) Boundaries indicated as approximately city limits shall be construed as following the city limits.

(D) Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.

(E) Boundaries indicated as approximately following the lines of streams, rivers, canals, lakes, or other lines shall be construed as following the center line of same.

(F) Boundaries indicated as approximately following topographic elevations shall be construed as following such elevations.

(G) Boundaries indicated as parallel to or extensions of features indicated in divisions (A) through (F) of this section shall be so construed. Distances not specifically indicated on the Official Zoning Map, or in other circumstances not covered by divisions (A) through (F) of this section, shall be interpreted by the Board of Adjustment.

(Ord. passed 6-30-81)

§ 155.023 EXPANSION OF AREA OF EXTRATERRITORIAL JURISDICTION.

Where the area of extraterritorial jurisdiction has expanded due to annexation of land by the city, the City Council may direct the Planning Commission to review and make recommendations pertaining to the zoning of this new area. The Commission shall have 60 days to make its recommendations, which may be in whole or in part, in the form of recommended zoning proposed amendments. The City Council may process and act upon such proposed amendments

(Ord. passed 6-30-81)

§ 155.024 USE OF LAND OR STRUCTURES.

The regulations set by this chapter within each district shall be minimum regulations unless identified as referring to maximums and shall apply uniformly to each class or kind of structure or land, except as hereinafter provided.

(A) No land or structure shall be used or occupied, and no structure or parts shall be constructed, erected, altered or moved unless in conformity with all of the regulations herein specified for the district within which it is located.

(B) No structure shall be erected or altered:

(1) With greater height, size, bulk or other dimensions.

(2) To accommodate or house a greater number of families.

(3) To occupy a greater percentage of lot area.

(4) To have narrower or smaller rear yards, front yards, side yards, or other open spaces than herein required; or, in any other manner contrary to the provisions of this chapter.

(C) No part of a yard, or other space, off-street parking or loading space required in connection with any building for the purpose of complying with this chapter shall be included as part of a yard, open space, or off-street parking or loading space similarly required for any other building.

(D) Rights-of-way or easements for streets and roads shall not be considered as part of a lot or open space, or front, side, or rear yard for the purpose of meeting yard requirements. (Ord. passed 6-30-81) Penalty, see § 155.999

§ 155.025 LOT REDUCTION PROHIBITED.

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

(Ord. passed 6-30-81) Penalty, see § 155.999

GENERAL REGULATIONS

§ 155.035 STREET ACCESS.

No building shall be erected, constructed, moved to, or relocated on a lot not having direct vehicular and pedestrian access to a publicly-dedicated or publicly-maintained street.

(Ord. passed 6-30-81) Penalty, see § 155.999

§ 155.036 CORNER LOTS.

On corner lots, the minimum front and street side yard requirements will depend upon requirements within the zone in which the lot is located. In the case of a corner lot, the front yard will be the side of the lot with the least street frontage, and the other street frontage side will be the side yard. A structure on a corner lot does not

have to face the front yard. If both street sides have equal street frontage, they will both meet front yard requirements.

(Ord. passed 6-30-81)

§ 155.037 ONE PRINCIPAL BUILDING ALLOWED ON A RESIDENTIAL LOT.

Every single-family residential structure shall be located on an individual lot of record or a combination of two or more lots of record.

(Ord. passed 6-30-81) Penalty, see § 155.999

§ 155.038 DOUBLE FRONTAGE LOTS.

On lots having frontage on two streets, but not located on a corner, the minimum front yard shall be provided on each street in accordance with the provisions of this chapter. On lots having frontage on more than two streets, the minimum front yard shall be provided in accordance with the regulations set forth in this chapter on at least two of the street frontages. The minimum front yard on the other frontage or frontages may be reduced along the other streets in accordance with the street side yard requirements of the district.

(Ord. passed 6-30-81) Penalty, see § 155.999

§ 155.039 HOME OCCUPATION.

(A) A home occupation is an occupation or profession which is conducted entirely within a dwelling provided:

(1) The home occupation shall be clearly incidental to the residential use of the dwelling and shall not change the essential residential character of the dwelling or adversely affect the uses permitted in the district of which it is a part.

(2) Use of the dwelling for this purpose shall be limited to 25% of one floor of the principal building.

(3) The home occupation shall be confined entirely to the principal building, and no accessory building or outside storage shall be used in connection with the home occupation.

(4) Employment shall be limited to members of the family residing in the dwelling, and there shall be no employment or help other than members of the resident family. In no case shall more than two persons be engaged in the home occupation.

(5) No internal or external addition, alteration, or remodeling of the dwelling is permitted in connection with the home occupation.

(6) Chemical, mechanical, or electrical equipment that creates odors, light emission, noises, or interference in radio or television reception detectable outside of the dwelling shall be prohibited.

(7) No display of products shall be visible from the street and only articles made on the premises shall be sold, except that nondurable articles

(consumable products) incidental to a service, which service shall be the principal use in the home occupation, may be sold on the premises.

(8) Instruction in music, dancing, and similar subjects shall be limited to two students at a time.

(9) Only vehicles having passenger vehicle characteristics shall be permitted in connection with the conduct of the customary home occupation.

(10) The activity carried on as a home occupation shall be limited to the hours between 8:30 a.m. and 8:30 p.m.

(11) One professional or announcement sign may be used to identify the customary home occupation. Such sign shall not exceed 1½ square feet in area exposed to view and must be mounted flat to the main wall of the principal building. No such sign shall be illuminated.

(B) The following uses are permitted as customary home occupations:

(1) Accountant.

(2) Appraiser.

(3) Architect.

(4) Attorney.

(5) Bookkeeper.

(6) Broker or agent.

(7) Commission merchant; mailing address and office only; takes orders only; direct shipment factory to customers only; no stock in trade permitted.

(8) Contractors office; employees may not report in person to contractors home for work assignments or to work therein connected with the contracting business.

(9) Dance studio.

(10) Drafting service; no reproduction equipment permitted.

(11) Dressmaker; no manufacture for stock in trade; no cleaning, dying or pressing by mechanically-operated equipment.

(12) Engineer.

(13) Fine arts studio; creation of individual works of art only; no production works.

(14) Interior decorator; office and mailing address only; studio not permitted.

(15) Janitorial service office; employees not to report in person to home for work assignments.

(16) Landscape garden office; employees not to report in person to home for work assignments; no storage of supplies or equipment permitted.

(17) Mail order business; office and mailing address only; take orders only; direct shipment factory to customers only; no stock in trade.

- (18) Music studio; music instruction or tutoring, voice, or instrument; no group tutoring.
- (19) One-chair beauty shop.
- (20) Photo laboratory; no studio permitted.
- (21) Planner.
- (22) Real estate, insurance, and the like.
- (23) Stenographer; no reproduction equipment permitted.
- (24) Tailor; no manufacture for stock in trade; no cleaning, dying, or pressing by mechanically operated equipment.
- (25) Telephone service.
- (26) Tutoring.
- (27) TV repair.
- (28) Any other home occupation that is approved by the Board of Adjustment.

(C) *Special permit required.* A special permit issued by the Inspections Superintendent is required for the conduct of any home occupation. No business license for a home occupation shall be issued unless such a special permit is granted, and all special permits shall be renewed each year.

(1) *Permit not transferrable.* A special permit for a home occupation is not transferrable; instead, a new permit must be applied for.

(2) *Transfer not permitted.* A business license for a home occupation may not be transferred to another address. A new special permit and fee is required.
(Ord. passed 6-30-81) Penalty, see § 155.999

§ 155.040 EXCEPTION TO HEIGHT LIMITATIONS.

The height limitations of this chapter shall not apply to church belfries, cupolas and domes not intended for human occupancy, monuments, water towers, observation towers, transmission towers, silos, chimneys, smokestacks, conveyors, flag poles, masts, and antennas; provided evidence from appropriate authorities is submitted to the effect that such building or structure will not interfere with any airport zones or flight patterns.
(Ord. passed 6-30-81)

§ 155.041 VISIBILITY.

(A) *Visibility at street intersections.* On any corner lot in any district, no planting shall be placed or maintained, and no fence, building, wall, or other structure shall be constructed after the effective date of this chapter, if such planting or structure thereby obstructs vision at any point between a height of 2½ feet and ten feet above the upper fact of the nearest curb (or street center line if no curb exists) and within the triangular area bounded on third side by a straight line connecting points on the street right-of-way lines measured as follows:

(1) On streets having a right-of-way width of 50 feet or less, the points will be located 25 feet from the intersection of the right-of-way lines.

(2) On streets having a right-of-way width of more than 50 feet, the point will be located as indicated on the following table:

Street Right-of-Way Distance from Intersection

60 feet	39	feet
70 feet	35	feet
80 feet	40	feet
90 feet	45	feet
100 feet or more	50	feet

(B) *Visibility at private drives and entrances intersecting with public streets.* At the intersection of any private drive or entrance or exit with a public street, no fence, wall, hedge, or other planting or sign forming a material impediment to visibility over a height of 2½ feet shall be erected, planted, placed, or maintained within the triangle bounded by the street right-of-way, the private driveway, and a straight line connecting points ten feet from the inter- section.

(Ord. passed 6-30-81) Penalty, see § 155.999

§ 155.042 ACCESSORY STRUCTURES.

(A) *Number of accessory structures.* In the residential districts no more than three accessory structures shall be permitted per lot except for farm enterprises.

(B) *Location of accessory structures (except satellite dishes).*

(1) *Non-corner lots.* Accessory structures shall be located only on the non-required side yard or rear yard. The minimum distance between the rear lot line and the accessory use shall be five feet in all districts.

(2) *Corner lots.* Accessory structures shall be located only on the non-required side yard or rear yard a minimum of five feet from any rear lot line. In addition, all accessory structures shall not be located closer to the street lot line than as permitted for the principal structure.

(C) *Satellite dishes.* Location and size of satellite dishes shall be subject to the following standards:

(1) In residential districts, satellite dishes shall be located in the rear yard no closer than ten feet from any property line. No satellite dish shall have a diameter exceeding 12 feet or a height exceeding 18 feet as measured from ground to the highest point of the dish, provided however, satellite dishes with masts located behind the principal residential structure and within six feet of the rear wall of the structure are permitted to have a maximum height no greater than 23 feet for 1½-story dwellings and 32 feet for two- or more story dwellings. No more than one satellite dish shall be located on any residential lot.

(2) One master satellite dish antenna is permitted for each multi-family development. A master satellite dish must serve at least three multi- family dwelling units. No master satellite dish shall exceed 15 feet in diameter or a height of 20 feet above the ground for ground mounted antennae or 20 feet above the bottom of the base for roof mounted antennae. Roof mounted antennae shall be permitted only on multi-family buildings having three or more stories. Ground mounted satellite dishes shall not be located between a building and a public street nor shall they be located within 75 feet of a property line or street right-of-way. No ground mounted master satellite dish shall be located within 25 feet of any residential building on the development.

(3) In nonresidential zones satellite dishes shall be permitted only in rear yards and on roof tops of buildings having three or more stories. They shall also be permitted on roof tops of buildings having less than three stories if the dish is located in the quadrant of the roof farthest from any adjoining streets. Ground mounted satellite dishes in commercial zones must be no closer than five feet from any property line except where the property line abuts a residential zone, in such cases they must be located no closer than ten feet from such property line. All satellite dishes in nonresidential zones shall not be more than 15 feet in diameter nor be higher than 20 feet (roof top dish height measured from bottom of base to top of dish). Satellite dish dealers may display for sale satellite dishes in their front yards, however these dishes must be located no closer than ten feet from any street right-of-way or property line. None of the provisions of this subsection shall be deemed to regulate the size or placement of satellite dish antennae of bona fide cable television franchise operators.

(4) Notwithstanding any of the above provisions, no satellite dish may be located within any designated flood plain, under any electrical transmission or service line, or within any utility right-of-way.

(D) *Lot coverage.* Accessory buildings shall not cover more than 30% of the required rear yard. (Ord. passed 6-30-81) Penalty, see § 155.999

§ 155.043 SPECIAL FRONT YARD REQUIREMENTS.

The setback requirements of this chapter shall not apply to any lot where the average setback on already-built-upon lots wholly or in part within 300 feet on each side of such lot and within the same block and zoning district and fronting on the same street as such lot, is less than the minimum required setback. In such cases, the setback on such lot may be less than the required setback but not less than the average of the existing setbacks on the developed lots.

(Ord. passed 6-30-81)

§ 155.044 FLOOD PLAIN REGULATIONS.

Areas lying within designated flood plains shall be subject to the following regulations:

(A) No building or structure shall be erected, and no existing building or structure shall be extended or moved unless the first floor of the building or structure is placed one foot above the elevation of the 100-year floodplain. No basement floor or other floor shall be constructed below or at a lower elevation of the 100-year floodplain.

(B) Foundations of all structures shall be designed to withstand flood conditions at the site.

(C) Land may be filled within these flood prone areas provided such fill extends 20 feet beyond the limits of any structure erected thereon and further provided that such fill does not increase the hazard of flooding to other properties or structures.

(Ord. passed 6-30-81) Penalty, see § 155.999

§ 155.045 PERFORMANCE STANDARDS.

All uses of land and structures within the jurisdiction of this chapter shall meet the then current performance requirements of the State Department of Natural Resources and Community Development regarding glare, noise, air and water pollution.

(Ord. passed 6-30-81) Penalty, see § 155.999

§ 155.046 GROUP HOUSING PROJECTS.

In the case of group housing projects to be constructed on a plot of ground of at least two acres not subdivided and where the existing or contemplated street and lot layout make it impractical to apply the requirements of this chapter to the individual building units in such housing projects, the application of the terms of this chapter may be adjusted by the Board of Adjustment in a manner that will be in harmony with the character of the occupancy and intensity of land use no higher and a standard of open space no lower than that permitted by this chapter in the zone in which the proposed project is to be located. However, in no case shall the Board of Adjustment authorize a use not permitted in the zone in which the project is to be located, or a smaller lot area per family than the minimum required in such zone, or a greater height, or a larger coverage than the maximum permitted under this chapter in such zones. The Board of Adjustment shall not act in such a case unless and until a recommendation has been requested and received from the Planning and Zoning Commission. (Ord. passed 6-30-81)

§ 155.047 SITE PLAN.

(A) As an initial step in applying for the issuance of a building permit for the construction, alteration, or expansion of any structure in any zone, excluding a single-family residence, a site plan shall be submitted which shall include the following: grading, engineering design, construction size, height, shape, and location of buildings, location and design of parking areas, pedestrian and vehicular circulation on site, and plans for collecting and depositing storm water and natural or artificial water courses.

(B) Where the proposed development includes any part of a thoroughfare which has been designated as such upon the officially adopted thoroughfare plan of the Gaston Urban Area, such part of such thoroughfare shall be platted at the correct width by the developer in the location shown on the plan. All site plans which delineate any part of a proposed thoroughfare shall be submitted to and reviewed by Gaston Area Transportation Planning prior to the issuance of a building permit. Transportation Planning shall provide the city with a report detailing the results of such review within one week of its receipt of the site plan. If such report is not received by the city within the time provided, the city shall not issue the building permit in accordance with its normal procedures.

(C) The site plan must be approved by the Inspections Superintendent of the Planning and Zoning Commission before a zoning permit is issued; however, if the site plan is disapproved, the applicant may appeal such decision to the Planning and Zoning Commission and then to the City Council. The structure must be constructed, altered, or expanded in accordance with the site plan before a certificate of compliance is issued by the Inspections Superintendent. (Ord. passed 6-30-81)

§ 155.048 PETROLEUM PRODUCTS STORAGE.

(A) *On premises consumption.* The storage of petroleum products as an accessory use for on premise consumption shall be permitted in all zones provided that compliance with the Fire Prevention Code of the city is met.

(B) *Off premises consumption.* The storage of petroleum products, not including auto service stations (retail) which utilize underground storage as a principal use for wholesale or retail distribution, may be permitted as a conditional use by the Council in the GI-1, EI-2, EXI-3 Zones subject to the following requirements:

(1) All storage tanks and loading facilities shall be located at least 25 feet from any property line.

(2) All storage tanks and loading facilities shall be located at least 120 feet from any exterior property line bordering a residential zone or use.

(C) *Fire prevention code compliance.* As a prerequisite to approval for this conditional use, the City Council shall find that the use of the proposed site for petroleum storage will not endanger the safety of other properties in the area, that vehicular access to the storage facility will be provided from major thoroughfares, and that the use of minor residential access streets for access to the site will not be required.

(D) *Public hearing.* Such conditional use shall not be authorized until after a public hearing is held on the matter both by the City Council and by the Planning and Zoning Commission. Subsequent to approval, the use of land and structures involved in the conditional use shall be in accordance with the conditions specified by the City Council and the location of the conditional use shall be noted on the City Zoning Map. (Ord. passed 6-30-81) Penalty, see § 155.999

Cross-reference:

Fire Prevention Code, see §§ 91.20 through 91.26

MOBILE HOMES AND MOBILE HOME PARKS

§ 155.060 TEMPORARY MOBILE HOME CONDITIONAL USE PERMIT.

In any zone permitting residential uses, a temporary conditional use permit (CUP) may be granted by the City Council after notice to adjacent property owners and an opportunity for them to be heard as hereinafter provided, for not more than one mobile home to be placed on a residential lot as an accessory use when conditions exist for the need to care for an immediate family member due to medical reasons. The CUP shall be granted only after the City Council has made all of the following findings:

(A) Notice to each adjacent land owner had been given that the City Council will consider the request for a permit. Notice shall be sent by registered or certified mail giving the date, time, and place of the meeting at which the Council will consider the matter, and any further notifying the adjacent land owners of the opportunity for them to be heard by the Council at that meeting.

(B) The mobile home is in compliance with all applicable provisions of this chapter and all other

ordinances of the city.

(C) The mobile home is an accessory use to a principal residential use.

(D) The mobile home will be placed on the lot on a temporary basis.

(E) There exists a medically related need for the proximate care of an immediate family member. (This finding must be substantiated by a certificate of need from a medical doctor or other evidence the City Council may desire.)

(F) The person(s) responsible for providing the care will live in either the principal dwelling or the mobile home, and that the person(s) needing the care shall live in the structure not occupied by the persons providing the care.

(G) There exist sufficient reasons justifying separate quarters and such reasons shall be limited to either contagious disease, serious illness, or lack of adequate space within the principal dwelling.

(H) The person in need of care is an immediate family member of the person(s) to be responsible for providing the care.

(I) The mobile home will have adequate access to city water and sewer or to a well and septic tank as verified by permits from the County Health Department.

(J) The mobile home will be placed in the rear yard and will be no closer than 20 feet from any property line or, if it is not feasible to locate the mobile home in the rear yard, then the mobile home will be located in the non-required side yard behind the building line of the principal dwelling and no closer than 20 feet to the principal dwelling. No variances will be granted from these requirements.

(K) The granting of the CUP will not materially endanger the public health, safety and welfare.

(L) The following additional requirements shall be applicable:

(1) The CUP shall be valid for one year after issuance or for shorter period as specified by the City Council, however, no such CUP shall be valid beyond 30 days after any of the reason(s) justifying the CUP cease to exist.

(2) The CUP may be renewed prior to the expiration date with proper application to and approval by the City Council when the hardship warranting the original permit remains and is verified.

(3) Such permit is granted to a particular owner on the basis of circumstances peculiar to that owner and it shall not remain in effect in the event of a change of ownership of any land structure, use or other item covered by the CUP.

(4) When granting the CUP, City Council may impose reasonable conditions, restrictions, and safeguards as considered necessary to protect the public health, safety, and welfare in accordance with

the purpose and intent of this chapter. Violation of these conditions, restrictions, and safeguards shall be considered a violation of this chapter.
(Ord. passed 6-30-81) § 155.999

**§ 155.061 CONDITIONAL USE PERMIT FOR
MANUFACTURED HOME PARKS.**

It shall be unlawful for any person to construct or expand a manufactured home park unless a conditional use permit (CUP) has been issued by the City Council in accordance with the provisions of this chapter.
(Ord. passed 6-30-81) Penalty, see § 155.999

**§ 155.062 MANUFACTURED HOME PARK
CONDITIONAL USE PERMIT APPLICATION.**

A Manufactured Home Park Conditional Use Permit (CUP) may be issued by the City Council only after having been reviewed by the Planning Board.

(A) A CUP shall be considered by the Planning Board only after a completed application has been submitted to the Zoning Administrator. (Note: Prior to submission of the application and prior to any disturbance of any land or vegetation it is recommended that the applicant consult with the Zoning Administrator or his designee in order for the applicant to be briefed on the requirements of this chapter and that consideration be given to natural features of the site.) The application shall, as a minimum, include the following items:

(1) The name of the manufactured home park, the names and addresses of the owner(s) and the designer of the park, date, approximate north arrow, and scale, and the boundary line of the tract with accurate linear and angular dimensions drawn to scale.

(2) The locations of existing and platted property lines, streets, buildings, water courses, rail-roads, bridges, known gravesite areas, water mains, sewers, culverts, drainpipes and any known utility easements, both on the land to be developed as a

manufactured home park and on land immediately adjoining it. The names of adjoining subdivisions or the names of owners of adjoining parcels or un- subdivided land shall also be drawn.

(3) The names, proposed location and approximate dimensions of proposed streets, entrances, exits, walkways, easements, recreation areas, parking areas, parks and other spaces, reservations, mobile home spaces (with area calculations shown) and building lines (with setback distances shown). See § 155.063(C)(5) of this chapter for staking requirements where individual septic tanks will be used.

(4) Plans of proposed utility layouts (sewer lines, water lines, hydrants, storm drainage, and the like) showing feasible connections to existing and proposed utility systems; plan for electric lighting; and the location and number of trash dumpsters and mail boxes.

(5) Proposed screening, including walls, fences, or planting areas as well as treatment of any existing natural features.

(6) Delineation of areas within the regulatory floodplain as shown on the official Flood Hazard Boundary Maps.

(7) Proposed number and location of signs including both park identification signs and space identification numbers.

(8) Proposed phasing, if any, and approximate completion time of the project.

(9) Divisions (A)(1) through (8) of this section shall be submitted on a plan drawn to a scale of one inch equals 50 feet or one inch equals 100 feet on sheets not exceeding 24 inches by 36 inches. Twenty-five copies shall be submitted. Additional copies may be required by the Zoning Administrator if outside agency review is deemed appropriate.

(10) A management plan describing at a minimum how the common facilities will be maintained and how the park will be maintained in accordance with § 155.063 of this chapter.

(B) The Zoning Administrator shall present any properly completed application to the Planning Board for review at their next meeting. Such applications must have been submitted to the Zoning Administrator at least 15 days prior to the meeting in order to be considered. If individual septic tanks are to be used or if review of the plan is to include outside agencies additional time for review prior to consideration by the Planning Board may be needed. Such additional time shall be determined by the Zoning Administrator.

(C) The Planning Board shall have a maximum of 31 days from the date at which it met to review the application to submit its recommendation to the City Council. If a recommendation is not made during the 31-day period, the application shall be forwarded to the City Council without a recommendation from the Planning Board.

(D) When dealing with the conditional use permit process, it may be desirable to request additional information in order to evaluate a proposed use and its relationship to the surrounding area. Therefore, the Zoning Administrator, Planning Board and/or City Council may request needed additional information as they deem necessary which the applicant must furnish within seven days of the request.

(E) Once the Planning Board has considered the proposal and forwarded their recommendation to the City Council, the City Council shall conduct a public hearing. Due notice of such public hearing shall be published in a manner similar to that as prescribed in § 155.226 of this chapter. Such public hearing may be adjourned from time to time or from place to place without further notice.

(1) If the City Council should find, after conducting a public hearing, that the proposed CUP should be granted, the City Council may impose such additional reasonable and appropriate special conditions upon such CUP, as it may deem necessary. In no instance shall any of these conditions be less restrictive than any requirements set forth in §§ 155.063 through 153.068 of this chapter. Any conditions should relate to the relationship of the proposed use to surrounding property, proposed support facilities such as parking areas and

driveways, pedestrian and vehicular circulation systems, screening and buffer areas, the timing of development and other matters that the City Council may find appropriate or the petitioner may propose. The applicant will have a reasonable opportunity to consider and respond to any additional requirements prior to approval or denial by the City Council.

(2) The City Council shall issue a CUP only after having evaluated an application and having made the following findings of fact:

(a) The use will not materially endanger the public health or safety if located where proposed and developed according to plans submitted and approved.

(b) The use meets all required conditions and specifications.

(c) The use will not substantially injure the value of adjoining or abutting property or that the use is a public necessity.

(d) The location and character of the use, if developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be located.

(F) If, after two years of granting of the CUP, the CUP holder has not developed the manufactured home park to the extent where the first five spaces have been made available for first occupancy, the CUP shall become null and void.

(Ord. passed 6-30-81) Penalty, see § 155.999

§ 155.063 MANUFACTURED HOME PARK STANDARDS.

All new manufactured home parks or expansions of existing manufactured home parks shall be in accordance with this section and §§ 155.064 through 155.068 of this chapter.

(A) *Occupancy.* There must be at least five improved manufactured home spaces at first occupancy. No manufactured home space shall be occupied, nor certificate of compliance issued, unless the requirements of this chapter have been met.

(B) *Minimum park area.* All manufactured home parks shall have a gross land area of at least five acres.

(C) *Space sizes and staking.* All manufactured homes within the park shall be located in designated manufactured home spaces. Minimum space sizes are as follows:

(1) Where well and septic tanks are on the same space — 20,000 square feet.

(2) Where one of either public or community water service, or public or community sewer service are provided to each space — 15,000 square feet.

(3) Where both public or community water and sewer service are provided to each space — 5,000 square feet.

(4) The above space sizes are to be considered as minimum size requirements and may be increased due to requirements for placement of well and septic tank systems, the topography of the land or other factors. The applicant shall indicate on the application the specific number of bedrooms per each manufactured home for which the septic tank system should be evaluated.

(5) Where individual septic tanks will be used, each manufactured home space shall have all corners marked during the application review and construction phase of the project. Failure to have each space clearly identified will slow the review process.

(D) *Suitability of land for spaces.* Each manufactured home space shall be located on ground not located within the 100-year floodplain as established by maps published by the Federal Emergency Management Agency. No manufactured home shall be placed on land unsuitable for placement of manufactured homes. Each manufactured home space shall be graded so as to prevent any water from ponding or accumulating on the space.

(E) *Space widths.* Each manufactured home space shall be at least 30 feet in width at the interior street line and 45 feet in width at the front yard setback line. The interior street line is a line 11 feet away from the edge of the pavement and running parallel thereto. Exception may be made to the minimum width at the street for panhandle spaces, however, all setbacks must be met and no portion of the panhandle may be used for measuring setbacks.

(F) *Setbacks.* Minimum front, side, and rear yards shall be provided as follows for each space. (Note: Where a buffer lies between the manufactured home space and the property line or street right-of-way, the setback shall be measured from the edge of the buffer nearest the mobile home):

(1) The minimum setback for any structure within a manufactured home park from a public maintained street right-of-way line shall be 40 feet.

(2) All manufactured home spaces shall have the following minimum setbacks (unless otherwise required by division (E) of this section):

(a) *Front setback.* (From interior streets) — 20 feet.

(b) *Side setback.* Minimum on one side - 10 feet, but both side yards must total to a combined 30 feet.

(c) *Rear setback.* 15 feet.

(G) *Location of accessory and common structures.* Structures accessory to a particular manufactured home shall be located only on the lot containing that manufactured home. All such structures shall be residential in character and shall be in accordance with all required front, side, or rear yards. Accessory structures of benefit to all residents of the manufactured home park shall be permitted within the park. The structures (that is, community pools, club houses, and the like) shall be located at least 20 feet from any interior street line as in division (O) of this section, and 30 feet from any manufactured homes located within the park.

(H) *Manufactured home standards.* No manufactured home shall be placed in a manufactured home park unless it meets the standards of either Class A manufactured home or Class B manufactured home as defined in § 155.004 of this chapter.

(I) *Stand, underpinning, tiedown.* The location of each manufactured home stand must be at an elevation, distance, and angle in relation to the adjacent access drive so that placement and removal of the manufactured home is practical by means of customary moving equipment. All manufactured homes shall have continuous brick, cinder block, concrete block, stucco, stone, or other masonry-type underpinning or other nonreflective skirting specifically manufactured for manufactured homes underpierced except for required ventilation and an access door. Such underpinning or skirting shall be installed under all elements of the manufactured home. Each manufactured home in the park shall conform to the State Department of Insurance Standards for tiedown requirements.

(J) *Steps and patios.* All manufactured homes within the park shall be equipped with two sets of steps. All manufactured home spaces shall contain a manufactured home patio. The patio shall be constructed of four-inch-thick concrete and shall be at least 64 square feet in area, and shall be located at the front entrance to each manufactured home. In lieu of concrete patios, raised decks constructed of treated wood and in accordance with the State Building Code and at least 64 square feet in area may be permitted.

(K) *Space numbers.* Each manufactured home space shall have a space number. Numerals shall be at least 3½ inches in height and shall be placed on a post or stand made of durable material between 18 and 24 inches above the ground and placed near each space driveway at least four feet but not greater than 15 feet from the nearest edge of pavement of the interior street. The number shall be set at a location as to clearly indicate the space to which it is assigned.

(L) *Public road frontage of park.* All manufactured home parks shall have a minimum public road frontage of 50 feet on at least one street.

(M) *Ingress and egress.* Each manufactured home park shall have direct access onto a public road. Manufactured home parks shall not be located on through lots unless the park is designed in a manner which does not encourage motorists from using the park as a means of traveling from one public street to another. Parks having less than 40 spaces shall have at least one designated area which contains both an entrance and an exit to the park. Parks having 40 or more spaces shall have one additional separate designated area with both an entrance and an exit to the park for each 40 or more spaces or fraction thereof.

(N) *Park identification signs.* All manufactured home parks shall have at least one park identification sign but shall not have more than one park identification sign per entrance. Park identification signs shall not exceed 24 square feet in sign face area nor eight feet in height.

(O) *Interior streets, drainage and markings.* No structure within a manufactured home park shall have direct access to a public street. Access to all manufactured homes and accessory structures within the manufactured home park shall be made using internal streets. All internal streets within a mobile home park shall be privately-owned and maintained. All such streets shall be paved to a minimum width of 20 feet. Specific construction standards for internal streets are as follows:

(1) A base course of at least four inches of compacted crushed stone must be applied for the entire required paved width of drives.

(2) A surface course of at least 1½ inches of plant mixed asphalt or Class A bituminous surface must be applied for the entire required paved width of drives in conformance with North Carolina Department of Transportation (NCDOT) specifications.

(3) Permanent street names shall be assigned to all internal streets. Such street names shall not be similar in name to any existing streets in the city planning jurisdiction or postal zone. Permanent street name signs shall also be installed at street intersections within the park.

(4) Permanent traffic control signs shall be installed within the park. Such signs shall include at a minimum the following:

- (a) Stop sign(s) where park streets access public roads.
- (b) Stop sign(s) at the intersection of interior streets.
- (c) No parking signs along interior streets at intervals sufficient to be readable except where streets have been paved to a width of at least 30 feet.
- (d) One way streets shall be marked as such at appropriate intervals and “do not enter” signs shall be posted where streets become one-way or where streets intersect with one-way streets.
- (e) Speed bumps as set forth in division (O)(7) of this section.

(5) Each street shall have a graded and grassed shoulder on both sides of at least five feet in width and a grassed drainage ditch on either side which shall be at least six feet in width and have a slope no greater than one foot of vertical rise for each three feet of horizontal distance. Where terrain will not permit a drainage ditch, a continuous slope of the one foot of vertical distance for each three feet of horizontal distance shall be permitted. Neither the street pavement nor the ditch/shoulder area shall be within any required area of a manufactured home space or required manufactured home setbacks. Drive accesses to each manufactured home space shall cross the ditch using a pipe of at least 12 inches in diameter.

(6) The mobile home park must be designed and graded in such a manner as to allow for the adequate runoff of storm water. Storm drains must be provided with sufficient inlets located at points of surface water accumulation to adequately intersect surface flow.

(7) Speed reduction bumps on paved internal streets are permissible, but they shall be painted and appropriate signs indicating the bump must be placed along the street.

(8) All dead-end streets which provide access to three or more manufactured homes shall be provided with a permanent turn-around. All such turnarounds shall have a minimum paved surface diameter of 55 feet.

(9) Streets and roads within the manufactured home park shall intersect as nearly as possible at right angles, and no street shall intersect at an angle of less than 60 degrees. Where streets intersect with a state maintained road, the design standards of NCDOT shall apply.

(10) Maintenance of internal streets, signage, and all drainage facilities shall be the responsibility of the owner of the manufactured home park. Such streets shall be maintained in a manner to be free from pot holes, breaks in the pavement, rough surfaces, ponding of water during rainy periods, excessive washing of drainage ditches, and other associated problems which would impede or cause hazard to motor vehicles.

(P) (1) *Parking.* At least two off-street parking spaces with not less than four inches of crushed stone or other suitable material (such as asphalt or BST paving) on a well compacted sub-base shall be provided for each manufactured home space. Required parking spaces may be located in the required front or side yards of the manufactured home space. Parking spaces shall be located outside the roadway, shoulder, or drainage ditches. One or more separate common parking areas may be located within the park but shall not be located within any manufactured home space, roadway, shoulder, drainage ditch, or required buffer or open space recreation areas.

(2) *Utility lots.* Utility lots designated for the storage of campers, boats, vacant mobile homes, and the like, may be located within the manufactured home park in designated areas. All vacant manufactured homes not then intended for occupancy shall be located in the lot(s). A maximum of one vacant manufactured home per ten manufactured home spaces may be stored on the lot(s). All such lots shall meet screening requirements in accordance with this chapter.

(Q) *Trash facilities.* At least one covered garbage or trash container, 24-gallon minimum capacity, shall be provided for each manufactured home. Containers shall be placed on racks and such racks shall be located within the manufactured home park at a point which is readily accessible for collection. In lieu of cans and racks, covered roll-out trash/garbage containers may be provided. In lieu of requiring individual garbage and trash containers for each manufactured home, trash dumpsters may be installed in convenient locations, but not on any individual manufactured home space. If dumpsters are provided, each dumpster shall be located at least 100 feet from any property line or public street right-of-way and at least 40 feet from any manufactured home space. All such dumpsters shall be materially screened from any adjacent manufactured homes in the park. It shall be the responsibility of the manufactured home park owner or operator to pick up trash from the containers or dumpsters at least once per week. The owner or operator shall also be responsible for hauling and disposing of the trash in accordance with all county and state regulations. The burning of refuse is not permitted.

(R) *Lighting.* Manufactured home parks which contain over five manufactured home spaces or contain more than one internal street shall contain street lights throughout the manufactured home park. Such lights shall be located at all internal street intersections, at the intersection of any internal street and a public street and elsewhere in the park at a maximum of 300 feet intervals.

(S) *Electric, telephone, and cable television utilities.* Each manufactured home space shall have an individual electric and telephone service connection provided. All electric, telephone, and cable television, and other utility lines shall be placed underground in all manufactured home parks. Each manufactured home must have an individual metered connection to an electric supply and must have an approved fused disconnect box at the metered location. All wires from meter to manufactured home must be buried underground cable in conformance with the State Electrical Code.

(T) *Mailboxes.* Space within the manufactured home park shall be provided for cluster mailboxes. Such cluster mailboxes, approved by the United States Postal Service, shall be located at convenient places within the park. Individually-owned and located mailboxes shall not be allowed. All cluster mailboxes shall be located within the manufactured home park and shall not front directly on any public road. At least one mailbox per manufactured home space shall be provided and the residents of the manufactured home occupying that space shall be provided with a key to open and close the corresponding mailbox. At least one separate parking space shall be provided adjacent to each cluster mailbox for each 25 boxes in the cluster.

(U) *Administrative office.* One manufactured home may be used solely as an administrative office within the park or an administrative office may be located in a manufactured home used as a residence of a resident manager.

(Ord. passed 6-30-81) Penalty, see § 155.999

§ 155.064 WATER SERVICE; SEWAGE FACILITIES.

(A) *Water service.* An accessible, adequate, safe, and potable supply of water shall be provided in each manufactured home park. Where a municipal water supply is available, connection shall be made thereto and its supply used exclusively. When municipal water supply is not available, adequate water supply shall be developed and its supply used exclusively, in accordance with the standards of the state and the County Health Department. Any water supply must be capable of providing 300 gallons of water per day per manufactured home space.

(B) *Sewage facilities.* Adequate and safe sewage disposal facilities shall be provided in all manufactured home parks. Collection systems and sewage treatment plants complying with the requirements of the North Carolina Division of Environmental Management and the County Health Department shall be provided. Individual septic tank systems are permissible in accordance with the requirement of the County Health Department's Sewage Disposal Regulations. There shall be no more than one manufactured home connected to an individual septic tank.

(1) Each manufactured home space shall be provided with at least a three-inch PVC of ABS, schedule 40, or equivalent sewer riser. A concrete apron shall be installed around all sewer connection pipes for support and protection. The sewer riser pipe shall be so located on each space that the sewer connection shall be located a distance of 100 feet or greater from any ground water supply.

(2) All material used for sewer connections shall be semirigid, corrosion resistant, nonabsorbent, and durable. The inner surface shall be smooth.

(3) A cleanout shall be provided at each space. Surface drainage shall be diverted away from the sewer connection. The sewer connection shall extend at least four inches above ground elevation.

(C) Community sewage disposal systems (commonly referred to as package plants), as permitted by the state, shall be an acceptable method of disposal of residential sewage for manufactured home parks within the jurisdiction of this chapter when connection to a publicly-owned and maintained sewer system is not possible. When connection to such publicly-owned and maintained sewer system is possible, all manufactured homes within the manufactured home park shall be connected to the system. The following information must be submitted when a sewage package plant is proposed:

(1) The developer shall indicate on the plans that a sewage package plant is being proposed for the manufactured home park, and show on the preliminary plan the following:

- (a) Size and location of the package treatment plant.
- (b) All proposed sewer lines, including:
 - 1. Location and line size of gravity lines.
 - 2. Location and line size of force main.
 - 3. Location and size of pump stations.

- (c) Location of discharge point into surface water stream.
 - (d) All associated easements and rights-of-way.
- (2) The developer shall provide a copy of the state permit application to the county at the time of application.
- (3) The developer shall submit at the time the application for a permit is submitted to the state, the following information:
- (a) Name of owner and licensed operator of plant and name of licensed firm which will operate the package plant, if different from the owner.
 - (b) Amount of liability insurance required for operation of the system.
 - (c) Name of owner and responsible party for the package plant.
 - (d) Other pertinent information.
- (4) The developer shall submit the following, upon completion:
- (a) A set of as built plans and drawings, certified by the project engineer for the package treatment plant and all sewer lines, pump stations and other devices used in the sewer system.
 - (b) Operation and maintenance agree-ments for the package treatment plant, the sewer lines, and other devices which are a part of the sewer system.
 - (c) Copy of the executed and notarized agreement(s) for the ownership and maintenance of the package plant and sewer lines.
 - (d) Copy of insurance liability riders, required by the state, pertaining to the operation of the package plant.

(e) Copy of the approved state permit, along with any and all conditions set forth in the operating permit.

(f) Copies of other agreements and information for plans pertaining to the maintenance and operation of the sewer system.

(5) The package plant shall be operated and maintained by accordance with the approved permit from the state. In addition to the operational requirements of the state permit, the owner or operator shall maintain a daily inspection log of visits to the package plant and shall include date and time of inspection, the signature of the operator making inspection, and notation of any problem and corrective action taken. A copy of this log shall be submitted monthly to the County Health Department by the tenth day of the following month. Failure to submit the log report will be considered a violation of this chapter.

(6) Manufactured home park sewer systems using package plants as the main treatment facility should be designed to accommodate eventual connection to the public sewer system at the time that main outfall lines are placed in areas serving the manufactured home park.
(Ord. passed 6-30-81) Penalty, see § 155.999

§ 155.065 SCREENING.

(A) All manufactured home parks shall be screened from all adjoining properties and public streets. Such screening shall be located within the manufactured home park and shall materially screen all structures within the manufactured home park from all adjacent properties and public streets. All manufactured home setbacks shall be measured from the edge of the buffer nearest the manufactured home.

(B) Required screening shall be in the form of plants and berm located within a buffer strip at least 20 feet in width. This buffer strip shall be free of all encroachments by buildings, parking areas, or

impervious coverage. An illustration of a screen/ buffer is set forth in Appendix A at the end of this chapter. At a minimum, the screen shall consist of the following:

(1) An earthen berm at least four feet in height. The berm shall be grassed and maintained in such a manner to prevent erosion. The maximum slope shall be one foot of vertical rise for every three of horizontal distance. The top of the berm shall be depressed to allow for the planting of shrubs as prescribed in division (B)(2) of this section.

(2) On top of the earthen berm at least one row of dense healthy evergreen shrubs shall be planted. Shrubs shall be planted no further than four feet in distance apart and shall be at least three feet in height at the time of planting. Variety(ies) selected shall:

- (a) Not be of a type which is prone to disease.
- (b) Be of a type expected to reach a height of five feet within two years of planting.
- (c) Be recommended for healthy growth under local climate conditions.

(3) On the edge of the side of the berm having the least sun exposure, a row of healthy evergreen trees shall be planted. Such trees shall be planted at intervals of no further than ten feet apart and shall be at least five feet in height at the time of planting. Variety(ies) selected shall:

- (a) Not be of a type which is prone to disease.
- (b) Be recommended for healthy growth under local climate conditions.
- (c) Be of a type expected to reach a height of 12 feet within eight years of planting.
- (d) Be acceptable for planting at intervals to be planted, or the interval required by this section, whichever is shorter.

(4) In lieu of a screen as described in division (B)(1), (2), and (3) of this section, the developer may use existing natural topography and/or wooded areas provided the natural area will materially screen the manufactured home park from all adjacent properties and public streets. Buffer strip widths greater than 20 feet may be required when natural areas are used in order to provide the same degree of opacity provided by division (B)(1), (2), and (3) of this section. Where the developer proposes to use existing natural features for a screen it shall be so indicated on the application plans. In such cases, supplementation of natural areas with plantings may be required.

(5) The vegetative screening shall be placed and maintained in such a manner to not impair sight distance at the entrance(s) of the manufactured home park intersecting any public maintained road servicing the park.

(6) It shall be the responsibility of the manufactured home park owner to maintain the buffer area. This shall include, but not be limited to, maintaining all plant material in healthy condition, prevention and repair of erosion, replacement of diseased or dead plant material with like material or replacing plant material which does not meet the growth standards as prescribed in this section.
(Ord. passed 6-30-81) Penalty, see § 155.999

§ 155.066 OPEN SPACE AND LANDSCAPED AREAS.

(A) Open space areas are required for parks having spaces smaller than 10,000 square feet.

(B) None of the following may be counted as an open space area:

(1) Any portion of a manufactured home space.

(2) Any parking areas or any area used as a utility lot as set forth in § 155.063(P)(2) of this chapter.

(3) Any required street, ditch or shoulder area, except that traffic medians and islands designated as special landscaped areas may be counted as open space areas.

(4) Any land occupied by a building, swimming pool, tennis court, or other structure.

(5) Any minimum buffer area required by § 155.065 of this chapter.

(6) Any area designated for common trash facilities.

(C) Open space areas may consist only of either one or more of the following provided it is not an area included in division (B) of this section:

(1) Buffer areas in addition to any minimum buffer areas required by § 155.065.

(2) Natural wooded areas.

(3) Open fields or lawns.

(4) Garden plots.

(5) Special landscaped areas containing plant material such as traffic islands, medians, and flower gardens.

(6) Recreation areas in addition to any minimum recreation area(s) required by § 155.067 of this chapter.

(D) The amount of required open space shall be calculated on the table as follows:

For Each Manufactured Home Space in the Following Amount of Area to be Space Size Category Designated for Open Space

9,000 to 9,999 square feet	100 square feet
8,000 to 8,999 square feet	150 square feet
7,000 to 7,999 square feet	250 square feet
6,000 to 6,999 square feet	500 square feet
5,000 to 5,999 square feet	1000 square feet

Exception: Where the total open space area required for the manufactured home park totals less than 2,000 square feet according to the above formula no open space area shall be required.

(E) Open space areas shall be well-maintained by the park owner to prevent the overgrowth of plant material and or other conditions which could create unsafe or unhealthy conditions for park residents or adjoining property owners.

(F) The designated open space area within a manufactured home park may consist of a single area or multiple areas.

(Ord. passed 6-30-81) Penalty, see § 155.999

§ 155.067 RECREATION AREAS.

(A) Manufactured home parks having ten or more manufactured home spaces less than 10,000 square feet in size shall have designated recreation area(s). Where the application is for an enlargement of an existing manufactured home park, the existing manufactured home park, the existing spaces shall be counted for determining the threshold for providing recreation areas and for determining the amount of recreation area required. In such cases any recreation areas within the existing park shall also be counted toward meeting the requirements of this section.

(B) The total minimum area to be designated within the park as recreation areas shall be calculated according to the following table:

***For Each Manufactured Home Amount of Area
Space in the Following to be Designated
Space Size Category for Recreation Space***

Less than 5,000 square feet	
(This applies to the expansion of existing manufactured home parks)	1,000 square feet
5,000 to 7,500 square feet	500 square feet
7,501 to 10,000 square feet	250 square feet

Note: Notwithstanding the above requirements, the required minimum recreation area for any manufactured home park having ten or more spaces less than 10,000 square feet in size shall be 10,000 square feet.

(C) The designated recreation area(s) within a manufactured home park may consist of a single area or multiple areas, however, each manufactured home park must have at least one contiguous recreation area of at least 10,000 square feet and no area designated for recreation purposes shall be less than 1,000

square feet in size. Recreation areas may consist of, but are not limited to, adult and/or child play areas with play apparatus, picnic areas, playgrounds or ballfields, shuffleboard courts, volleyball courts, tennis courts, basketball courts, and swimming pools. Unimproved areas or buffer areas shall not be counted as required recreation areas. If a developer elects to provide recreation areas in excess of the amount required by this section, such excess may be counted toward the required open space area such as required by § 155.066 of this chapter.

(D) All recreation areas shall be maintained in good condition for their intended recreational purpose at all times by the manufactured home park owner.
(Ord. passed 6-30-81) Penalty, see § 155.999

§ 155.068 MAINTAINING MANUFACTURED HOME PARKS.

The grounds of a manufactured home park shall be kept free of trash, litter, and debris. Grounds, buildings and storage areas shall be properly maintained to prevent the infestation of rodents, vermin, and insects. All grounds shall have proper drainage to prevent the accumulation of water. It shall be the responsibility of the manufactured home park owner to maintain the manufactured home park in accordance with these standards at all times.

(Ord. passed 6-30-81) Penalty, see § 155.999

§ 155.069 USE OF MANUFACTURED HOMES.

No manufactured home shall be used for any purpose other than a single-family residence, except as provided for under § 155.039 of this chapter, provided however, a manufactured home dealer may use one manufactured home on a sales lot for a sales office.

(Ord. passed 6-30-81) Penalty, see § 155.999

ZONING DISTRICT REGULATIONS

§ 155.080 R-15 RESIDENTIAL DISTRICT (SINGLE-FAMILY).

(A) *Purpose.* This district is established to protect areas in which the principal use of land is for low density single-family dwellings and for related recreational, religious, and educational facilities normally required to provide functional and attractive residential areas. Any use which because of its characteristics would interfere with the development of, or be detrimental to, the residential nature of the area is excluded.

(B) *Permitted principal uses.*

- (1) Single-family dwellings.
- (2) Public utility substation.

(C) *Special exceptions* (By approval after review).

- (1) Cemetery.
- (2) Country club.
- (3) Cultural or community facility.
- (4) Educational facility.
- (5) Park.
- (6) Religious complex.

(D) *Permitted accessory uses.* (By approval after review).

- (1) Noncommercial greenhouse.
- (2) Swimming pool.
- (3) Private garage or carport.
- (4) Tennis court.

(5) Noncommercial storage shed.

(6) Satellite dish antenna.

(E) *Area regulations.*

(1) *Minimum lot area.*

(a) (Residential) - 15,000 square feet.

(b) Cemetery - 5 acres.

(c) Cultural or community facility - 20,000 square feet.

(d) Educational facility - 10 acres.

(e) Park - 20,000 square feet.

(f) Religious complex - 20,000 square feet.

(g) All other permitted uses - 15,000 square feet.

(2) *Minimum lot width.* 100 feet at front building line, 35 feet at front lot line.

(3) *Minimum lot depth.* 125 feet.

(4) *Minimum front yard.*

(a) Residential - 35 feet.

(b) Nonresidential - 50 feet.

(5) *Minimum side yard.*

(a) Interior side.

1. Residential - 15 feet.

2. Nonresidential - 35 feet.

3. Accessory uses - 5 feet.

- (b) Street side of corner lot.
 - 1. Residential - 35 feet.
 - 2. Nonresidential - 50 feet.

(6) *Minimum rear yard.*

- (a) Residential - 30 feet.
- (b) Nonresidential - 40 feet.
- (c) Accessory uses - 5 feet.

(F) *Building height regulations.* Maximum building height - 2½ stories or 35 feet.

(G) *Off-street parking and loading regulations.*
See §§ 155.110 through 155.119 of this chapter.

(H) *Sign regulations.* See §§ 155.160 through 155.172, and Appendix A of this chapter.

(I) *Screening regulations.* See § 155.148 of this chapter.

(1) *Public utility substation.* Six foot solid fence or evergreen vegetation of sufficient density to serve the purpose of solid fence.

(2) *Other nonresidential use.* 15-foot landscaped buffer.
(Ord. passed 6-30-81) Penalty, see § 155.999

**§ 155.081 RA-15 RESIDENTIAL
AGRICULTURAL DISTRICT.**

(A) *Purpose.* This district is established to provide for low density single-family dwellings allowing for the continuance of agricultural uses in non-urbanized areas and for related recreational, religious, and educational facilities normally required to provide functional and attractive residential areas.

(B) *Permitted principal uses.* All uses allowed in R-15 Residential District; as well as farming, truck gardening, raising of livestock, plant nurseries.

(C) *Special exceptions* (By approval after review).

- (1) Cemetery.
- (2) Country club.
- (3) Cultural or community facility.
- (4) Educational facility.
- (5) Park.
- (6) Religious complex.
- (7) Nursery school.
- (8) Animal kennel.
- (9) Livestock.

(D) *Permitted accessory uses*. (By approval after review).

- (1) Private garage or carport.
- (2) Swimming pool.
- (3) Non-commercial storage shed.
- (4) Tennis court.
- (5) Satellite dish antenna.

(E) *Area regulations*.

(1) *Minimum lot area*.

- (a) Residential - 15,000 square feet.
- (b) Cemetery - 5 acres.
- (c) Cultural or community facility - 20,000 square feet.
- (d) Educational facility - 10 acres.
- (e) Park - 20,000 square feet.
- (f) Religious complex - 20,000 square feet.
- (g) All other permitted uses - 15,000 square feet.

- (2) *Minimum lot width*. 100 feet at front building line, 35 feet at front lot line.

(3) *Minimum lot depth.* 125 feet.

(4) *Minimum front yard.*

(a) Residential - 35 feet.

(b) Nonresidential - 50 feet.

(5) *Minimum side yard.*

(a) Interior side.

1. Residential - 15 feet.

2. Nonresidential - 35 feet.

3. Accessory uses - 5 feet.

(b) Street side of corner lot.

1. Residential - 35 feet.

2. Nonresidential - 50 feet.

(6) *Minimum rear yard.*

(a) Residential - 30 feet.

(b) Nonresidential - 40 feet.

(c) Accessory uses - 5 feet.

(F) *Building height regulations.* Maximum building height - 2½ stories or 35 feet.

(G) *Off-street parking and loading regulations.* See §§ 155.110 through 155.119 of this chapter.

(H) *Sign regulations.* See §§ 155.160 through 155.172, and Appendix A of this chapter.

(I) *Screening regulations.* See § 155.148 of this chapter.

(1) *Public utility substation.* Six-foot solid fence or evergreen vegetation of sufficient density to serve the purpose of solid fence.

(2) *Other nonresidential uses.* 15-foot landscaped buffer.
(Ord. passed 6-30-81) Penalty, see § 155.999

§ 155.082 R-10 RESIDENTIAL DISTRICT (LOW DENSITY).

(A) *Purpose.* This district is established to protect areas in which the principal use of land is for low density single-family dwellings and for related recreational, religious, and educational facilities normally required to provide an orderly and attractive residential area. Any use which, because of its characteristics, would interfere with the development of or be detrimental to the residential nature of the area is excluded.

(B) *Permitted principal uses.*

- (1) Single-family dwelling.
- (2) Public utility substations.

(C) *Special exceptions* (By approval after review).

- (1) Cemetery.
- (2) Cultural or community facility.
- (3) Educational facility.
- (4) Park.
- (5) Religious complex.
- (6) Country club.
- (7) Day care nurseries.
- (8) Accessory apartment.

(D) *Permitted accessory uses.* (By approval after review).

- (1) Noncommercial greenhouses.
- (2) Swimming pool.

- (3) Private garage or carport.
- (4) Tennis court.
- (5) Noncommercial storage shed.
- (6) Satellite dish antenna.

(E) *Area regulations.*

(1) *Minimum lot area.*

- (a) Residential - 10,000 square feet.
- (b) Cemetery - 5 acres.
- (c) Cultural or community facility - 20,000 square feet.
- (d) Educational facility - 10 acres.
- (e) Park - 20,000 square feet.
- (f) Religious complex - 20,000 square feet.

(2) *Minimum lot width.* 75 feet at front building line and 35 feet at front lot line.

(3) *Minimum lot depth.* 100 feet.

(4) *Minimum front yard.*

- (a) Residential - 30 feet.
- (b) Nonresidential - 40 feet.

(5) *Minimum side yard.*

- (a) Interior side.
 - 1. Residential - 10 feet.
 - 2. Nonresidential - 25 feet.
 - 3. Accessory uses - 5 feet.

- (b) Street side of corner lot.
 - 1. Residential - 20 feet.
 - 2. Nonresidential - 40 feet.

(6) *Minimum rear yard.*

- (a) Residential - 30 feet.
- (b) Nonresidential - 40 feet.
- (c) Accessory uses - 5 feet.

(F) *Building height regulations.* Maximum building height - 2½ stories or 35 feet.

(G) *Off-street parking regulations.* See §§ 155.110 through 155.119 of this chapter.

(H) *Sign regulations.* See §§ 155.160 through 155.172, and Appendix A of this chapter.

(I) *Screening regulations.* See § 155.148 of this chapter.

(1) *Public utility substations.* Six-foot solid fence or evergreen vegetation of sufficient density to serve the purpose of solid fence.

(2) *Other non-residential uses.* 15-foot landscaped buffer.
(Ord. passed 6-30-81) Penalty, see § 155.999

**§ 155.083 R-5 RESIDENTIAL DISTRICT
(MEDIUM DENSITY).**

(A) *Purpose.* This district is established to protect areas in which the principal use of land is for medium density single- and two-family dwellings and educational facilities normally required to provide an orderly and attractive residential area. Any use which because of its characteristics would interfere with development of or be detrimental to the residential nature of the area is excluded. This district has been established to reduce the number of nonconforming parcels of land already platted. The designation of this district should conform to areas where parcels of

land have been previously platted and any redesignation of this district in areas which have not been previously subdivided, prior to the effective date of adoption of this chapter, should not be allowed.

(B) *Permitted principal uses.*

- (1) Single-family dwelling.
- (2) Two-family dwelling.
- (3) Public utility substation.
- (4) Manufactured homes, Class A.

(C) *Special exceptions* (By approval after review).

- (1) Cemetery.
- (2) Cultural or community facility.
- (3) Educational facility.
- (4) Group care facility.
- (5) Group dwelling.
- (6) Hospital.
- (7) Day care nursery.
- (8) Park.
- (9) Religious complex.
- (10) Country club.
- (11) Accessory apartment.

(D) *Conditional uses.* Manufactured home parks in accordance with §§ 155.062 through 155.068 of this chapter.

(E) *Permitted accessory uses.* (By approval after review).

- (1) Noncommercial greenhouse.
- (2) Swimming pool.

- (3) Private garage or carport.
- (4) Tennis court.
- (5) Noncommercial storage shed.
- (6) Satellite dish antenna.

(F) *Area regulations.*

(1) *Minimum lot area.*

(a) Residential.

1. Single-family residential. Lots plotted after the effective date of amendment of this chapter - 7,000 square feet; lots plotted previous to the effective date of amendment of this chapter - 5,000 square feet.

2. Two-family residential - 8,000 square feet.

- (b) Cemetery - 5 acres.
- (c) Cultural or community facility - 15,000 square feet.
- (d) Park - 15,000 square feet
- (e) All other permitted uses - 15,000 square feet.

(2) *Minimum lot width.*

(a) Front building line. Single-family on lots plotted after the effective date of amendment of this chapter or where additional land is available - 70 feet. Single-family on lots plotted previous to the effective date of amendment of this chapter where additional land is not available - 50 feet. Two-family - 75 feet.

(b) Front lot line - 35 feet for single-family and 45 feet for two-family.

(3) *Minimum lot depth.* 100 feet.

(4) *Minimum front yard.*

(a) Residential - 25 feet.

(b) Nonresidential - 30 feet.

(5) (a) *Minimum side yard.*

1. Residential - 6 feet.

2. Nonresidential - 25 feet.

3. Accessory uses - 5 feet.

(b) *Street side of corner lot.*

1. Residential - 16 feet.

2. Nonresidential - 30 feet.

(6) *Minimum rear yard.*

(a) Residential - 20 feet.

(b) Nonresidential - 30 feet.

(c) Accessory uses - 5 feet.

(G) *Building height regulations.* Maximum building height - 2½ stories or 35 feet.

(H) *Off-street parking and loading regulations.*

See §§ 155.110 through 155.125 of this chapter.

(I) *Sign regulations.* See §§ 155.160 through 155.172, and Appendix A of this chapter.

(J) *Screening regulations.* See § 155.148 of this chapter.

(1) *Public utility substation.* Six-foot solid fence or evergreen vegetation of sufficient density to serve the purpose of a solid fence.

(2) *Other nonresidential uses.* 15-foot landscaped buffer.
(Ord. passed 6-30-81) Penalty, see § 155.999

**§ 155.084 RMF RESIDENTIAL DISTRICT
(HIGH DENSITY).**

(A) *Purpose.* This district is established to provide areas where the principal use of land is high density residential complexes, which coexist with single-family and medium density multi-family dwellings. Any use which, because of its characteristics, would interfere with the development of or be detrimental to the residential nature of the area is excluded.

(B) *Permitted principal uses.*

- (1) Single-family dwelling.
- (2) Two-family dwelling.
- (3) Manufactured homes, Class A.
- (4) Multi-family dwellings at a density of six or less units per acre and not more than 20 units per total site.

(C) *Special exceptions.*

- (1) All uses listed under § 155.083(C) of this chapter.
- (2) Multi-family dwellings at a density greater than six units per acre but not more than ten units per acre and/or with more than 20 units total per site, but not more than 60 units total per site.
- (3) Accessory apartment.

(D) *Permitted accessory uses.* (By approval after review).

- (1) Noncommercial storage shed.
- (2) Swimming pool.
- (3) Private garage or carport.
- (4) Tennis courts.
- (5) Satellite dish antenna.
- (6) Recreation building.

(E) *Area regulations.*

(1) *Sites containing less than five units.*

(a) Minimum lot areas.

1. Single-family dwelling - 5,000 square feet.
2. Two-family dwelling - 8,000 square feet.
3. Three-family dwelling - 11,000 square feet.
4. Four-family dwelling - 15,000 square feet.

(b) Minimum lot depth (front lot line) - 100 feet.

1. Single-family dwelling - 50 feet.
2. Two-family dwelling - 80 feet.
3. Three-family dwelling - 100 feet.
4. Four-family dwelling - 150 feet.

(c) Minimum lot depth - 100 feet.

(d) Minimum front yard - 25 feet.

(e) Minimum side yard.

1. Interior side.
 - a. Single-family dwelling - 6 feet.
 - b. Two-family dwelling - 6 feet.
 - c. Three-family dwelling - 10 feet.

- d. Four-family dwelling - 10 feet.
- 2. Street side of corner lot.
 - a. Residential structures.
 - i. Single-family dwelling - 16 feet.
 - ii. Two-family dwellings - 16 feet.
 - b. Accessory uses - 5 feet.

(f) Minimum rear yard. 25 feet for principal use and five feet for accessory use.

(2) *Sites containing five or more units.*

(a) Minimum lot area. The floor area of all residential building shall not exceed 20% of the net land area of the site.

- (b) Minimum lot width - 100 feet.
- (c) Minimum lot depth - 100 feet.
- (d) Minimum front yard - 30 feet.
- (e) Minimum side yard.
 - 1. Interior side.
 - a. Multi-family dwelling - 25 feet.
 - b. Accessory uses - 10 feet.
 - 2. Street side of corner lot - 25 feet.
- (f) Minimum rear yard - 25 feet.

(F) *Building height regulations.* Maximum building height - three stories.

(G) *Off-street parking and loading regulations.* See §§ 155.110 through 155.119 of this chapter.

(H) *Sign regulations.* See §§ 155.160 through 155.172, and Appendix A of this chapter.

(I) *Screening regulations.* See § 155.148 of this chapter. Multi-family dwelling for more than four families - six-foot solid fence or evergreen vegetation of sufficient density to serve the purpose of a solid fence.

(J) *Additional regulations for multi-family structures.*

(1) A separation of 20 feet shall be provided between any two dwelling structures on the same site.

(2) Dwelling structures shall be set back 15 feet from vehicular access ways serving six or more dwelling units.

(3) Open space shall account for a minimum of 55% of the net land area of the site.

(4) Private recreation space shall be provided equal to at least 5% of the net land area of the site for eight or more dwelling units. Recreation space shall be designed to reduce any impact of night lighting or noise on nearby dwelling units. These areas shall be developed in a neat and orderly condition in order to provide a safe, healthful, and attractive living environment.

(5) Exterior lighting shall be maintained in such a manner as to confine direct rays to the premises and prevent direct rays and glare onto neighboring properties and highways.
(Ord. passed 6-30-81) Penalty, see § 155.999

§ 155.085 PO PROFESSIONAL OFFICE DISTRICT.

(A) *Purpose.* This district is established to provide for and encourage development of professional office centers. These centers should be oriented towards major roads and may serve as buffer areas between residential neighborhoods and more intensive commercial and industrial uses. To protect the intensity character of these areas, commercial establishments are prohibited.

(B) *Permitted principal uses.* Business and professional offices, such as:

- (1) Accountants.
- (2) Architects.
- (3) Insurance sales personnel.
- (4) Lawyers.
- (5) Real estate brokers.
- (6) Branch banks.
- (7) Funeral homes.
- (8) Medical offices, such as those of doctors, dentists, chiropractors and optometrists.
- (9) Single-family residences.

(C) *Special exceptions* (By approval after review).

- (1) Cemeteries.
- (2) Greenhouses.
- (3) Nursing homes.
- (4) Hospitals.
- (5) Homes for aged and infirmed.
- (6) Clinical laboratories.
- (7) Nurses dormitories (when contiguous to a hospital).

(D) *Accessory uses.*

- (1) Off-street parking and loading regulations, see §§ 155.110 through 155.125 of this chapter.
- (2) Satellite dish antenna.

(E) *Area regulations.*

(1) *Minimum lot area* - none.

(2) *Minimum lot width* - 60 feet.

(3) *Minimum lot depth* - 100 feet.

(4) *Minimum front yard* - 25 feet with side and rear parking; 50 feet with single bay parking in front; 80 feet with double bay parking in front.

(5) *Minimum side yard.*

(a) Interior side.

1. Abutting residential - 30 feet.

2. Abutting nonresidential - ten feet.

(b) Street side of corner lot - 25 feet.

(6) *Minimum rear yard* - 30 feet.

(7) *Minimum open space* - 35%.

(F) *Building height regulations.* Maximum building height - 2½ stories or 35 feet.

(G) *Off-street parking and loading regulations.*

See §§ 155.110 through 155.125 of this chapter.

(H) *Sign regulations.* See §§ 155.160 through 155.172, and Appendix A of this chapter.

(I) *Screening regulations.* See § 155.148. PO District abutting Residential District - a six-foot high solid fence or evergreen vegetation of such density to serve purpose of solid fence.
(Ord. passed 6-30-81) Penalty, see § 155.999

**§ 155.086 B-1 NEIGHBORHOOD
COMMERCIAL DISTRICT.**

(A) *Purpose.* This district is established primarily to serve the needs of the surrounding residential neighborhoods by providing goods and services that are day-to-day needs, generally classed

by merchants as convenience goods and services. Businesses which tend to be a nuisance to immediately surrounding residential developments are excluded, even though the goods or services offered are in the convenience classification. This district should be located at the intersection of major streets.

(B) *Permitted principal uses.* Convenience retail uses such as:

- (1) Antique shops.
- (2) Automatic laundries.
- (3) Bakeries.
- (4) Barber and beauty shops.
- (5) Book store.
- (6) Boutiques.
- (7) Branch banks.
- (8) Craft shops.
- (9) Delicatessens.
- (10) Drug stores.
- (11) Flower shops.
- (12) Gift shops.
- (13) Convenience grocery stores.
- (14) Hardware stores.
- (15) Jewelry stores.
- (16) Photographer's studios.
- (17) Radio and television repair.
- (18) Mini-warehouses.
- (19) Any permitted principal uses in the PO Professional Office District.

- (20) Any permitted principal use in the RMF Residential Multi-Family District.
- (C) *Special exceptions* (By approval after review). Automobile service stations.
- (D) *Permitted accessory uses*. Satellite dish antenna.
- (E) *Area regulations*.
 - (1) *Minimum lot area* - none.
 - (2) *Minimum lot width* - 50 feet.
 - (3) *Minimum lot depth* - 100 feet.
 - (4) *Minimum front yard* - 30 feet with side and rear parking; 50 feet with single bay parking in front; 80 feet with double bay parking in front.
 - (5) *Minimum side yard*.
 - (a) Interior side.
 - 1. Automobile service station - 10 feet to pumps.
 - 2. All other uses.
 - a. B-1 District abutting any Residential District - 8 feet.
 - b. B-1 district abutting any Commercial District - none.
 - (b) Street side.
 - 1. Automobile service station - 25 feet to pumps.
 - 2. All other uses.
 - a. Rear lot line abutting side lot of adjoining lot - side yard must be met.
 - b. Rear lot line abutting rear lot line - side yard of 20 feet.

(6) *Minimum rear yard* - none, (except 20 feet when abutting a residential zone).

(7) *Minimum open space* - 10%.

(F) *Building height regulations*. Maximum building height - 2½ stories or 35 feet.

(G) *Off-street parking and loading regulations*.

See §§ 155.110 through 155.125 of this chapter.

(H) *Sign regulations*. See §§ 155.160 through 155.172, and Appendix A of this chapter.

(I) *Screening regulations*. See § 155.148 of this chapter. B-1 Commercial District abutting any residential zone - a six-foot high solid fence or ever-green vegetation of such density to serve the purpose of solid fence.

(Ord. passed 6-30-81) Penalty, see § 155.999

§ 155.087 B-2 GENERAL COMMERCIAL DISTRICT.

(A) *Purpose*. This district is established to provide goods and services which normally complement primary retail trade operations in the city. Because of the objectives and characteristics of this district, it should be located contiguous to major streets or within proximity to primary commercial districts. In no case shall any use be allowable that is significantly objectionable in terms of noise, odor, vibration, smoke, or suspended particulate matter, and radiation to surrounding properties.

(B) *Permitted principal uses*. Provided that the total floor area of any single use or combination of uses does not exceed 50,000 square feet.

(1) Amusement arcades, such as:

(a) Bowling alleys.

(b) Miniature golf.

(c) Pool halls.

(d) Skating rinks.

(e) Theater (indoor).

(f) Theater (outdoor).

(2) Communication services, such as:

(a) Broadcasting studios.

(b) Newspaper publishing plants.

(c) Telephone and telegraph office.

(3) Cultural and community facilities, such as:

- (a) Art galleries.
- (b) Libraries.
- (c) Machine shops.
- (d) YMCA.

(4) Film development establishments.

(5) Laundry and dry cleaning plants.

(6) Linen supply plants.

(7) Machine shops.

(8) Mini-warehouses.

(9) Personal services, such as:

- (a) Barber and beauty shops.
- (b) Funeral homes.
- (c) Dry cleaning and laundry services.
- (d) Jewelry/watch repair.
- (e) Laundromats.
- (f) Motels.
- (g) Photography studios.
- (h) Restaurants.

(i) Television and radio repair.

(10) Professional services, such as:

(a) Banks.

(b) Government offices.

(c) Business/professional office.

(d) Credit/finance office.

(e) Professional organization.

(f) Savings and loans.

(g) Veterinarian's office.

(11) Religious complex.

(12) Retail uses, such as:

(a) Antique shops.

(b) Appliance stores.

(c) Art supply stores.

(d) Automobile body shop.

(e) Automotive parking lot.

(f) Automotive washes.

(g) Automobile parts supply store.

(h) Automobile repair shop.

(i) Automobile sales.

(j) Automotive service stations.

(h) Bakeries.

(i) Bicycle sales.

(j) Book stores.

(k) Clothing stores.

- (l) Craft shops.
- (m) Delicatessens.
- (n) Department stores.
- (o) Drug stores.
- (p) Fabric stores.
- (q) Floor coverings.
- (r) Flower shops.
- (s) Furniture stores.
- (t) Garden supply stores.
- (u) Gift stores.
- (v) Grocery stores.
- (w) Hardware stores.
- (x) Jewelry stores.
- (y) Lighting stores.
- (z) Liquor stores.
- (aa) Mobile home sales.
- (bb) Music stores.
- (cc) Office supply stores.
- (dd) Optical supplies.
- (ee) Paint stores.
- (ff) Pawn shops.
- (gg) Pet shops.
- (hh) Photographic supply stores.
- (ii) Shoe stores.
- (jj) Sporting goods stores.

(kk) Stationery stores.

(ll) Toy stores.

(13) Small appliance repair shops.

(14) Light craft-making establishments.

(15) Shopping center. See requirements in § 155.088 of this chapter.

(C) *Special exceptions* - none.

(D) *Accessory uses* - satellite dish antenna.

(E) *Area regulations*.

(1) *Minimum lot area* - none.

(2) *Minimum lot width* - 50 feet.

(3) *Minimum lot depth* - 50 feet.

(4) *Minimum front yard*.

(a) Automobile service station - 25 feet to pumps.

(b) Mobile home sales - 20 feet for all
mobile homes.

(c) All other permitted uses.

1. 20 feet with side and rear parking.

2. 50 feet with single bay parking in front.

3. 80 feet with double bay parking in front.

(5) *Minimum side yard*.

(a) Interior side.

1. Automobile service stations - 10 feet to pumps.

2. All other permitted areas.
 - a. B-2 District abutting Residential District - 8 feet.
 - b. B-2 District abutting a Commercial District - none.

(b) Street side.

1. Automobile service stations - 25 feet to pumps.
2. All other permitted uses - 20 feet.

(6) *Minimum rear yard.*

- (a) 20 feet abutting Residential District.
- (b) 10 feet abutting Commercial District.

(F) *Building height regulations.* Maximum building height - five stories or 65 feet.

(G) *Off-street parking and loading regulations.*

See §§ 155.110 through 155.125 of this chapter.

(H) *Sign regulations.* See §§ 155.160 through 155.172, and Appendix A of this chapter.

(I) *Screening regulations.* See § 155.148 of this chapter. B-2 Commercial District abutting Residential District - six-foot high solid fence or evergreen vegetation of sufficient density to serve the purpose of solid fence.

(Ord. passed 6-30-81) Penalty, see § 155.999

§ 155.088 B-2 SHOPPING CENTER.

(A) *Purpose.* The purpose of the B-2 Shopping Center is to provide for the development of integrated shopping centers to serve the needs of residential neighborhoods and areas. Recognizing that it is not possible or desirable to attempt to precisely outline shopping center districts on vacant land prior to population growth and related residential development

and/or construction of major thoroughfares, which together are prerequisites of well-planned, properly located modern shopping center developments, the following procedures and requirements are established for the development of B-2 Shopping Centers at appropriate locations in the city.

(B) An application for development of a shopping center shall be accompanied by a site plan as set forth in § 155.047 showing the following:

- (1) Proposed locations of buildings and their general exterior dimensions.
- (2) Proposed uses of buildings and land.
- (3) Traffic, parking, and circulation plan, showing proposed locations and arrangements of parking spaces and ingress and egress to and from adjacent streets and highways.
- (4) Proposed location of off-street loading facilities.
- (5) Proposed location and materials of walls, fences, and screen planting.
- (6) Potential population and area to be served by the proposed shopping center.
- (7) Proposed location of lighting and signs.

(C) Dimensional requirements within the shopping center shall be as follows:

- (1) The minimum site area shall be three acres.
- (2) The minimum distance from street right-of-way lines to any building shall be 30 feet.
- (3) The minimum distance from other property lines to any building shall be 40 feet for any building under 40 feet in height.
- (4) The minimum distance from other property lines to any building from 40 to 65 feet in height shall be 50 feet.

(5) All off-street parking, loading regulations, building height regulations, sign regulations, and screening regulations provided for in § 155.087 of this chapter shall apply.

(D) Permitted uses within the B-2 Shopping Center shall be as specified for the B-2 District in § 155.087(B) of this chapter.

(E) In approving an application for a B-2 Shopping Center, the Planning and Zoning Board and City Council shall find that the location of the proposed development is conveniently accessible to residential areas it is intended to serve with respect to the major thoroughfare system, that the shopping center, at the location, will provide needed business services to the present and the foreseeable population of the retail service area indicated in the application, and that the site can be developed according to a site plan that will minimize adverse effects on surrounding residential areas.

(F) Site development within the B-2 Shopping Center shall conform to the schematic plan and associated requirements approved by the City Council.

(G) If construction of the shopping center is not started within two years of the date of approval, the City

Council may require additional review of the site plan to ascertain impact on adjacent development.

(H) *Permitted accessory structures.* Satellite dish antenna.
(Ord. passed 6-30-81) Penalty, see § 155.999

§ 155.089 B-3 CENTRAL BUSINESS DISTRICT.

(A) *Purpose.* This district is the central business district for the community. Normally found in this district are major stores offering comparison shoppers goods, specialty stores, business services, banks and other financial institutions, offices, theaters, hotels and motels, and government buildings. The use of land is intensive and this intensity of use is one of the main determinants of the vitality of the central business district. Off-street parking within this district is generally provided by public parking lots. It is the purpose of these regulations to encourage such intensity of use and to exclude activities which have a negative effect upon the proper functioning of the downtown area.

(B) *Permitted principal uses.*

- (1) Amusement services, such as:
 - (a) Amusement arcades.
 - (b) Bowling alleys.
 - (c) Theaters (indoor).
- (2) Cultural and community facilities, such as:
 - (a) Art galleries.
 - (b) Libraries.
 - (c) Museums.
- (3) Institutional services, such as:
 - (a) Specialized training schools.
 - (b) Nursery schools.
 - (c) Educational facilities.
- (4) Personal services.
 - (a) Barber and beauty shops.
 - (b) Funeral homes.
 - (c) Dry cleaning/laundry service.
 - (d) Jewelry/watch repair.
 - (e) Motel/hotel/tourist rooms/boarding houses.

- (f) Laundromats.
 - (g) Photography studio.
 - (h) Restaurants.
 - (i) TV/radio repair.
- (5) Professional services, such as:
- (a) Business and professional offices.
 - (b) Banks.
 - (c) Chamber of Commerce offices.
 - (d) Credit and finance offices.
 - (e) Government offices.
 - (f) Professional organizations.
 - (g) Savings and loans.
 - (h) Veterinarian's offices.
- (6) Religious complexes.
- (7) Retail uses, such as:
- (a) Antique shops.
 - (b) Appliance stores.
 - (c) Art supply stores.
 - (d) Automobile parking lots.
 - (e) Automobile repair shop.
 - (f) Automobile sales.
 - (g) Automobile parts supply.
 - (h) Bakeries.
 - (i) Bicycle sales.
 - (j) Book stores.
 - (k) Craft shops.
 - (j) Delicatessens.

- (l) Department stores.
- (m) Drug stores.
- (n) Floor coverings.
- (o) Flower shops.
- (p) Furniture stores.
- (r) Garden supply stores.
- (s) Gift shops.
- (t) Grocery stores.
- (u) Hardware stores.
- (v) Jewelry stores.
- (w) Lighting stores.
- (x) Liquor stores.
- (y) Music stores.
- (z) Office supply stores.
- (aa) Optical supplies.
- (bb) Paint stores.
- (cc) Pawn shops.
- (dd) Pet shops.
- (ee) Photographic supply store.
- (ff) Shoe stores.
- (gg) Sporting goods stores.
- (hh) Stationery stores.
- (ii) Toy stores.

(C) *Special exceptions* (By approval after review). Light processing and manufacturing operations such as:

- (1) Film development establishments.
- (2) Machine shops.
- (3) Laundry and dry cleaning plants.

- (4) Small appliance repair shops.
- (5) Linen supply plants.
- (6) Textile manufacturing and finishing.
- (D) *Accessory uses.* Satellite dish antenna.
- (E) *Area regulations.*
 - (1) *Minimum lot area* - none.
 - (2) *Minimum lot width* - none.
 - (3) *Minimum lot depth* - none.
 - (4) *Minimum front yard* - none.
 - (5) *Minimum side yard.*
 - (a) Interior - none (except eight feet when abutting residential zone).
 - (b) Street side - none.
 - (6) *Minimum rear yard* - none, (except 20 feet when abutting residential zone). This may be reduced to five feet if a public alley is located between the B-3 and any residential zone.
- (F) *Building height regulations.* Maximum building height - five stories or 65 feet.
- (G) *Off-street parking and loading regulations.*
See §§ 155.110 through 155.125 of this chapter.
- (H) *Sign regulations.* See §§ 155.160 through 155.172, and Appendix A of this chapter.
- (I) *Screening regulations* - none.
(Ord. passed 6-30-81; Am. Ord. TC-96-3, passed 11-11-96) Penalty, see § 155.999

§ 155.090 GI-1 GENERAL INDUSTRIAL DISTRICT (LIGHT).

(A) *Purpose.* This district is established to provide a location for industrial, wholesale distribution, storage, and such manufacturing activities which would be conducted in a clean and quiet manner and which is not inherently obnoxious to adjacent residential and business districts because of noise, odors, smoke, light, dust, or the use of dangerous materials. Further development of residences is prohibited from this district to prevent residences from being established under adverse conditions and to conserve land for the industrial and related use intended. This district shall be located to be adequately served with major streets to satisfy traffic demands.

- (B) *Permitted principal uses.*
 - (1) Automobile body shop.

- (2) Automobile repair shop.
- (3) Automobile sales.
- (4) Communications facilities, such as:
 - (a) Duplicating, mimeographing, and multilithing operations.
 - (b) Radio and television stations.
 - (c) Radio and television transmission towers.
- (5) Commercial trade or vocational schools.

- (6) Business offices.
- (7) Farm enterprises.
- (8) Light processing and manufacturing operations, such as:
 - (a) Cabinet and metal shops.
 - (b) Contractor's office and equipment storage.
 - (c) Film development establishments.
 - (d) Heavy equipment sales and services.
 - (e) Laundry and dry cleaning plants.
 - (f) Linen supply plants.
 - (g) Machine shops.
 - (h) Moving and storage operations.
 - (i) Repair shops.
 - (j) Textile manufacturing and finishing.
 - (k) Warehouse and wholesalers for all types of retail operations.
 - (l) Welding operations.
- (9) Public utility office and equipment storage.
- (10) Public utility substation.
- (11) Transportation facilities, such as:
 - (a) Railway express freight terminals.
 - (b) Taxicab stands and yards.

(c) Truck terminals.

(C) *Special exceptions* - none.

(D) *Permitted accessory uses*.

(1) Enclosed storage.

(2) Open storage (with screening).

(3) Satellite dish antenna.

(E) *Area regulations*.

(1) *Minimum lot area* - 20,000 square feet.

(2) *Minimum lot width* - 80 feet.

(3) *Minimum lot depth* - 100 feet.

(4) *Minimum front yard* - 50 feet.

(5) *Minimum side yard*.

(a) Interior side.

1. GI-1 District abutting any residential district - 40 feet.

2. GI-1 District abutting any commercial district - 15 feet.

(b) Street side of corner lot.

1. GI-1 District contiguous to a residential district - a building in the industrial district shall be no closer than 40 feet from the residential district property line.

2. GI-1 District contiguous to any commercial or industrial district property line - 25 feet.

(6) *Minimum rear yard*.

(a) GI-1 District abutting any residential district - 40 feet.

(b) GI-1 District abutting any commercial or industrial district - 25 feet.

(F) *Building height regulations.* Maximum building height - six stories not to exceed a height of 65 feet.

(G) *Off-street parking and loading requirements.* See §§ 155.110 through 155.125 of this chapter.

(H) *Sign regulations.* See §§ 155.160 through 155.172, and Appendix A of this chapter.

(I) *Screening regulations.* See § 155.148 of this chapter. GI-1 abutting any residential district - a six-foot high solid fence or evergreen vegetation of sufficient density to serve purpose of solid fence. (Ord. passed 6-30-81) Penalty, see § 155.999

§ 155.091 GI-2 GENERAL INDUSTRIAL DISTRICT (DOWNTOWN).

(A) *Purpose.* This district is established to provide for the same type of uses and purposes as the GI-1 zone but to take into consideration the unique and historical development of the downtown industrial areas, by allowing standards more in keeping with a downtown manufacturing environment. In no way shall the requirements for off-street parking, loading, and screening be waived.

(B) *Permitted principal uses.* Same as § 155.090(B) of this chapter.

(C) *Special exceptions* - none.

(D) *Permitted accessory uses.* Same as § 155.090(D) of this chapter.

(E) *Area regulations.*

(1) *Minimum lot area* - 20,000 square feet.

(2) *Minimum lot width* - 80 feet.

(3) *Minimum lot depth* - 100 feet.

(4) *Minimum front yard* - none.

(5) *Minimum side yard/rear yard.*

(a) Interior side.

1. GI-2 District directly abutting any residential district - 30 feet. If a street or railroad R/W intervenes and is the district boundary, this may be reduced to 0 feet.

2. GI-2 District abutting any commercial or industrial district - 10 feet. If a street or railroad R/W intervenes and is the district boundary, this may be reduced to 0 feet.

(b) Street side of corner lot — Same as set forth in division (E)(5)(a) of this section.

(6) Rear yard — Same as set forth in division (E)(5)(a) of this section.

(F) *Building height regulations.* Same as § 155.090(F) of this chapter.

(G) *Off-street parking and loading requirements.* See §§ 155.110 through 155.125 of this chapter.

(H) *Sign regulations.* Same as § 155.090(H) except outdoor advertising signs prohibited.

(I) *Screening regulations.* See § 155.148 of this chapter. GI-2 District directly abutting a residential district with no intervening street or railroad R/W shall provide a six-foot high solid fence or evergreen vegetation of sufficient density to serve purpose of solid fence. Open storage shall require screening. (Ord. passed 6-30-81) Penalty, see § 155.999

§ 155.092 EI-2 EXCLUSIVE INDUSTRIAL DISTRICT (HEAVY).

(A) *Purpose.* This district is established to provide a location for industrial land and related uses which can best operate in an exclusive industrial area, free from all other uses which may be inimical to the industrial and/or related uses and adversely affect its operation and to accommodate heavy industrial operations, including those which may emit smoke, dust, fumes, glare, noise and vibrations, although such emissions should be minimized. Further development of residences is prohibited in this district to prevent residences from being established under adverse conditions and to conserve land for the industrial purpose intended. This district shall be so located as to be adequately served with major streets to satisfy traffic demands.

(B) *Permitted principal uses.*

(1) Airports.

(2) Farm enterprises.

(3) Junk yards.

(4) Manufacturing operations, such as:

(a) Animal feeds.

- (b) Brick.
- (c) Tile, and pottery yards.
- (d) Chemical and asphalt products plants.
- (e) Electric and electronic components.
- (f) Feed and seed milling and storage.
- (g) Fertilizer manufacturing and distributing.
- (h) Food processing plants.
- (i) Foundries producing iron, steel, copper, brass, and aluminum products.
- (j) Glass.
- (k) Metal fabricating plants.
- (l) Paper products.
- (m) Rubber and glass products manufacturing.
- (n) Soaps, detergents, and washing components.
- (o) Tire recapping and operations.
- (p) Textile manufacturing and finishing.

(C) *Special exceptions* - none.

(D) *Permitted accessory uses*.

- (1) Enclosed storage.
- (2) Open storage (with screening).
- (3) Satellite dish antenna.

(E) *Area regulations*.

- (1) *Minimum lot area* - one acre.

(2) *Minimum lot width* - 100 feet.

(3) *Minimum lot depth* - none.

(4) *Minimum front yard* - 50 feet.

(5) *Minimum side yard*.

(a) Interior side.

1. EI-2 District abutting any residential district - 100 feet.

2. EI-2 District abutting any commercial or industrial district - 25 feet.

(b) Street side of corner lot.

1. EI-2 District contiguous to a residential district - a building in the industrial district shall be no closer than 100 feet from the residential property line.

2. EI-2 District contiguous to other industrial or commercial districts - 25 feet.

(F) *Building height regulations*. Maximum building height - five stories not to exceed a height of 65 feet.

(G) *Off-street parking and loading regulations*. See §§ 155.110 through 155.125 of this chapter.

(H) *Sign regulations*. See §§ 155.160 through 155.172, and Appendix A of this chapter.

(I) *Screening regulations*. See § 155.148 of this chapter. EI-2 District abutting any residential district - six-foot high solid fence or evergreen vegetation of sufficient density to serve purpose of solid fence. (Ord. passed 6-30-81) Penalty, see § 155.999

§ 155.093 EXI-3 EXCLUSIVE INDUSTRIAL DISTRICT (FLOATING).

(A) *Purpose*. This district is established to provide a location for those industries that extract minerals and related raw products from the earth and

includes the subsequent processing of the extracted materials. It is intended to provide separation from other land uses to which the permitted operations might prove inimical. Such operations must adhere to all related federal, state and local laws and reclamation of the land upon cessation of operations is required. Further development of residences is prohibited from this district to prevent residences from being established under adverse conditions and to conserve land for the industrial and related use intended.

(B) *Permitted principal uses.* Industrial operations involving the extraction of rock, gravel and/or soil from the earth, and the subsequent processing, including crushing of these products. Public or private utilities, buildings and appurtenances are also permitted.

(C) *Special exceptions* - none.

(D) *Permitted accessory uses.*

(1) Enclosed storage.

(2) Open storage (with screening).

(E) *Area regulations.*

(1) *Minimum lot area* - established upon approval of development plans.

(2) *Minimum lot width* - 100 feet.

(3) *Minimum lot depth* - 100 feet.

(4) *Minimum front yard* - 50 feet. Off-street parking shall not be permitted in this front yard area.

(5) *Minimum side yard.*

(a) Interior side.

1. EXI-3 District abutting any residential district - 50 feet (non-excavating); 100 feet (excavating).

2. EXI-3 District abutting any commercial or industrial district - 25 feet.

(b) Street side of corner lot.

1. EXI-3 District contiguous to a residential district, a building in the industrial district shall be no closer than 100 feet from the residential property line.

2. EXI-3 District contiguous to other industrial or commercial district - 25 feet.

(F) *Building height regulations.* Maximum building height - five stories not to exceed a height of 65 feet.

(G) *Off-street parking and loading regulations.* See §§ 155.110 through 155.125 of this chapter.

(H) *Sign regulations.* See §§ 155.160 through 155.172, and Appendix A of this chapter.

(I) *Screening regulations.* See § 155.148. The quarry area (EXI-3) being excavated shall be entirely enclosed within a fence, referred to in the trade as a non-climbable fence. The fence shall be six feet in height or more, shall be made of wire mesh (the openings in the mesh not to exceed two inches by four inches) and shall be located a minimum of ten feet back from the edge of the excavated area.

(J) *Access.* An access road shall be maintained for any use permitted in division (B) of this section under industrial operations involving extraction to and from the property in a paved, dust free condition, as long as it uses the road during the operation of its extraction industry and as long as a product is sold therefrom or until such time as the maintenance of the access road is assumed by the State Highway Commission.

(K) *Operative requirements.*

(1) Records shall be made and maintained of all blastings or explosive activity taking place on the site. Such records shall be in sufficient detail and completeness to enable technically qualified experts to determine that safe and non-objection maximum limits are not being exceeded. In no case, however, shall the ground motion, measured in the home or business establishment of the nearest neighbor exceed the movement as shown in the following table.

<i>Frequency of Ground Motion in Cycles Per Second up to:</i>	<i>Maximum Amplitude of Ground Motion, in Inches Not More Than:</i>
10	0.0305
20	0.0153
30	0.0102
40	0.0076
50	0.0061
60	0.0051

(2) Operators shall take such reasonable measures as are necessary to minimize the creation and emission of noise, dust, vibration, glare, and odor from their extractive industry operations.

(L) *Application for development of extractive industry.* An application for development by an extractive industry of an area shall follow a two-step procedure for the proper rezoning of land and review and approval of development plans and shall be submitted with the zoning application.

(1) An application for rezoning for an extractive industry shall include the following in addition to the requirements set forth above in this section.

(a) The developer shall submit a summary report of the geological analysis or other evidence illustrating the type of material to be extracted, projected operation, duration, amounts of noise, odors, smoke, light, dust, and traffic expected to be generated, and the use of dangerous materials.

(b) The developer shall submit a general land use map of the surrounding neighborhood showing the relationship between the proposed site and traffic arteries, neighboring land uses, available community services, general draining patterns, and topographic features.

(c) The developer shall furnish a sketch site plan of the proposed site detailing tentative building size, shape, and location, off-street parking and loading arrangements, access to public streets, and patterns of ingress and egress.

(2) Review and approval of development plans shall conform to the requirements detailed in §§ 155.225 through 155.228 of this chapter.
(Ord. passed 6-30-81) Penalty, see § 155.999

§ 155.094 OVERLAY DISTRICTS.

Overlay districts are established to provide for certain additional requirements and/or uses for properties located in one or more general zoning districts. Thus, in addition to the requirements of the underlying general zoning districts, the provisions of the Overlay District would also prevail in the areas so zoned. The initial zoning of the areas to an Overlay District and/or any subsequent rezonings may be initiated by an individual, Planning Board, or Council.

(Ord. passed 6-30-81) Penalty, see § 155.999

§ 155.095 MH MANUFACTURED HOME OVERLAY DISTRICT.

(A) *Purpose.* The purpose of this district is to provide areas in which manufactured homes can be located on individual lots. In order that such homes, when placed on the lot, are compatible with single-family residences, the MH District does provide

certain size, construction and aesthetic standards for manufactured homes by allowing only Class A manufactured homes. The MH Overlay District supplements the range of uses permitted in the underlying district. All other uses and regulations for the underlying district shall continue to remain in effect for properties classified in the MH Overlay District. The MH Overlay District may only be located in areas which contain a residential (R) underlying general zoning district. Such overlay areas may not consist of an individual lot or scattered lots, but shall consist of a defined area within which additional requirements or standards are placed upon manufactured homes. The intent of this approach is to allow manufactured homes in parts of a zoning district where they would not otherwise be allowed, subject to appropriate conditions. In determining such areas, the City Council will give close consideration to whether manufactured homes would be compatible with surrounding land uses.

(B) *Permitted uses.*

(1) All uses permitted in the underlying zoning district.

(2) Manufactured homes, Class A. See § 155.004 for definition of manufactured home, Class A and § 155.202 of this chapter.

(C) *Conditional uses* - none.

(D) *Yard regulations.* The yard regulations in an MH District shall be the same as in the underlying zoning district. A manufactured home in an MH District shall observe the same yard regulations as a single-family detached dwelling.

(Ord. passed 6-30-81) Penalty, see § 155.999

§ 155.096 PRD PLANNED RESIDENTIAL DEVELOPMENT.

(A) Purpose and intent. The purpose of this section is to promote variety, innovation, and flexibility in development by allowing certain variations in lot sizes, dwelling unity types and/or

design requirements, the intended purpose of which is to:

- (1) Permit a creative approach to the development of residential land;
- (2) Provide for an efficient use of land;
- (3) Enhance the appearance of neighborhoods through preservation of natural features;
- (4) Allow for clustering of dwellings as appropriate so that areas may be reserved for open space and/or common areas and common amenities as appropriate; and
- (5) Provide an opportunity for new approaches to living environment and provide an environment of stable character compatible with surrounding residential areas.

In keeping with the stated purpose of this Section, PRD's are only allowed on a Special Exception basis.

(B) Project requirements. The following minimum requirements shall be applicable to planned residential developments:

- (1) Minimum project size - 2 acres.
- (2) Maximum Density - Density shall be calculated on the basis of gross site area (project streets, public or private, are included in gross site area and all fractions shall be rounded to the nearest whole number 4/5).

Allowed densities for each zone are as follows:

R-15/RA-15	6
R-10	6
R-5	7
RMF	8

- (3) Dwelling Unit Types.

R-15/
RA-15R-10 R-5 RMF

Single Family Detached	yes	yes	yes	yes
Patio Home		yes	yes	yes
Single Family Semi-Detached	no		yes	yes
Single Family Townhouse		no	no	yes

(4) Site must be served with public water and sewer.

(5) Front setbacks from existing streets shall conform to the required setbacks in the underlying zone. Front building setbacks from project streets, public or private, shall be not less than 25 feet.

(6) Minimum setbacks from project boundaries for side and rear yards shall be 30 feet, provided that the said setbacks may be reduced to 20 feet for single family detached and patio home projects.

(7) There shall be no minimum side yard (or lot size) for individual dwellings; however, no structure shall be less than 12 feet from another residential structure.

(8) Maximum building height - 35 feet.

(9) Minimum unobstructed open space - 50%. (As used in this section, the term **UNOBSTRUCTED OPEN SPACE** shall mean all land, exclusive of dedicated street right-of-ways, which is not covered buildings or other structures. Off-street park areas are counted as “unobstructed open spaces” but are not counted as “improved common open space.”)

(10) Where parking is provided by private drives for individual dwelling units, space shall be provided for off-street parking for at least two vehicles in such configuration so as to allow unobstructed ingress, egress, and regress for two vehicles at all times.

(a) Where common parking areas are used at least two parking spaces shall be provided for each one or two bedroom dwelling units and at least three parking spaces shall be provided for each three or more bedroom dwelling units. However, where dwellings are designed specifically for elderly and/or handicapped persons, the minimum parking requirements shall be 1.25 parking spaces per such dwelling unit.

(b) At least one ground entrance to every dwelling shall be located within 100 feet of the parking areas within the development designated to serve that dwelling.

(11) Streets and sidewalks.

(a) Public streets. Public streets are preferred and must be built in accordance with § 154.67 with the exception of right-of-way width which may be reduced to 40 feet and paving width, which may be reduced to 24 ft. from face to face on curb and gutter streets upon recommendation of the Public Works Director. In addition, there shall be a 10 ft drainage and utility easement along the margin of all streets.

(b) Private Streets may be approved within the development and shall be so designed and constructed to carry vehicular traffic from public streets to parking or service areas within the development. All private streets shall meet the following requirements:

1. Private streets must have a minimum right-of-way width of 30 feet, exclusive of parking bay areas, and have a minimum pavement width of 20 feet, measured from edge of pavement to edge of pavement. Additional widths will be required where parallel parking is to be provided.

2. Angled parking areas directly adjoining private streets will be permitted on one side of the street only at any point along said street (i.e., double loaded parking is not permitted along private streets.) The combined length of parking areas along

private streets may not exceed 50% of the length of the adjoining roadway. Such parking areas may be alternated from one side of the street to the other. All other angle parking areas must be clearly separated from the private street by at least a barrier island.

3. The full width of the private street plus 10 feet on each side shall be granted as utility and drainage easements.

4. The edge of pavement of any private street shall be no closer than 25 feet to any multi-family principal building. However, private streets may be within 10 feet of accessory buildings.

5. if private streets are approved, developer must provide to the satisfaction of the Zoning Board of Adjustment and City Council a plan and mechanism for the long term maintenance and repair of said private streets.

(c) Sidewalks, constructed in accordance with all applicable city construction specifications, shall be placed at a minimum along one side of all streets. Due to the size (i.e., number of residences proposed) of the development and the associated internal road traffic network for the development, the Zoning Board of Adjustment and/or City Council may require the placement of sidewalks in other situations where it is deemed to support the public's interest and general welfare.

(12) Accessory structures. Accessory structures for single-family patio homes and single family detached homes shall not be located in any front yard or required side yard; shall not cover more than 30% of any required rear yard, and shall be set back 12 feet on one side yard only. The zero lot line for the accessory structure shall be the same as the zero lot line for the rear principal structure. A five foot setback shall be maintained between the accessory building and the rear property line and/or any other structure located on the property. Accessory structures shall not be located on any platted easements. The exterior finish of such accessory building shall be similar to the principal

dwelling and no openings shall be located on the zero lot line side.

(13) Minimum unobstructed open space per PRD. 50%. (As used in this section, the term **UNOBSTRUCTED OPEN SPACE** shall mean all land which is not covered by buildings or other structures. Off-street parking areas and internal private roads may be counted towards “unobstructed open space” but not counted as “improved common open space.”)

(14) Improved Common Open Space - in Townhouse type projects containing more than 20 total units, the Zoning Board of Adjustment may require the provision of Improved Common Open Space of at least 500 sq. feet per unit. (As used in this section the term **IMPROVED COMMON OPEN SPACE** shall mean land and/or water areas within the site designated for development, exclusive of lands occupied by streets, street rights-of-way, or off street parking, not individually owned or dedicated for public use, which is designed and intended for the common use or enjoyment of the residents of the development, and which has been improved with recreational areas and amenities such as, but not limited to playgrounds, ballfields, tennis courts, nature trails, gardens, swimming pools, clubhouses, etc.)

(15) Screening shall be required at the following locations:

(a) Along major thoroughfares (as shown on the City of Bessemer City Thoroughfare Plan), but the screen shall not hinder sight distance where project streets or entrances intersect with thoroughfares.

(b) Along a property line or a street bounding the project where said property line or street separates multi-family housing areas within the project and existing single-family residential areas outside the project.

(c) Along a property line or a street bounding the project where said property line or

street separates the project from any areas zoned or used for non-residential purposes.

(d) At such other locations as required by the Zoning Board of Adjustment and/or the City Council.

Such screening shall materially screen the project from the view of the adjoining property, and in the case of items (a) and (c) immediately above, the adjoining property from the view of the project. Such screening shall otherwise be in compliance with § 155.148.

In cases where screening is required by Ordinance and devices such as existing vegetation or topographical features or extreme size of the tract involved would render the installation of screening unnecessary, the City Council is hereby empowered to accept the existing features as meeting the general screening requirements. Such decisions shall be based on the spirit and intent of this section. The vacancy or non-use of adjacent property shall not negate the necessity for the installation of screening. If at any time after such existing features are accepted, such features are altered so as to render them inadequate as screening as described in this section to achieve the required screen, the developer shall be required to make the necessary improvements to achieve the required screen.

(16) The following additional requirements apply to multifamily projects:

(a) No principal residential building site shall be located closer than 20 feet to the edge of pavement of any private street or off-street parking area within the development.

(b) Off-street parking areas and all internal streets shall provide safe and convenient access for fire-fighting and refuse collection vehicles and other service and delivery vehicles.

(c) The arrangement of buildings shall not create long alleyways between the rears of residential buildings on the site.

(d) The front entrance to any residential building shall not directly face the rear of any other residential building.

(e) No dwelling unit shall be located over another dwelling unit.

(f) No exterior wall of a building shall run unarticulated for a horizontal distance of more than 40 feet.

(g) No multi-family principal building shall be located closer than 40 feet to any other building within the development.

(h) All exterior walls of greater than 200 square feet shall have at least six square feet of window area per 200 square feet of total wall area, however, this requirement shall not apply to walls facing alleyways.

(17) Phasing. Each phase of a multi-phased project shall be able to stand as an independent project. As used in this section, the term **PHASE** shall refer to that portion of the project for which the applicant requests a special use permit. At no point in the development of a multi-phase project shall the density of the residential development in a completed phase of the project area exceed the maximum density established for the project.

(C) Application requirements and review procedures.

Planned residential developments and planned unit developments (mixed use) are always special exception uses in zones where allowed. The Special Exception permit application and review procedures, therefore, serves as the primary procedure for review of planned developments.

There are, however, additional submission required for planned developments and additional steps in the review procedure (sketch plan by the Zoning Administrator and final approval by City Council). A separate fee, as established by the City Council, must also be submitted for planned

developments. The purpose of this Section is to set forth the special application and review procedure for planned developments.

(1) Sketch Plan Submission - Prior to formal submission of the full planned development plan, a sketch plan shall be submitted to the Zoning Administrator. At a minimum the sketch plan shall contain or be accompanied by the following:

- (a) A sketch vicinity map including north arrow showing the location of the planned development in relation to neighboring tracts, subdivisions, roads, and waterways;
- (b) The boundaries of the tract and the portion of the tract proposed to be in the planned development;
- (c) The total acreage of the planned development;
- (d) Locations of any existing public streets or utilities and rights-of-way of such facilities;
- (e) The existing and proposed uses of the land within the planned development and the existing uses of land adjoining it;
- (f) General locations of existing natural features of the site such as wooded areas, water features, and significant topographic features;
- (g) The proposed street layout with approximate pavement and right-of-way width;
- (h) Existing property lines and approximate (Sketch) locations of proposed property lines within the development showing all proposed lots or other divisions of land;
- (i) Sketch of conceptual building locations;
- (j) The name, address, and telephone number of the owner;
- (k) The name, if any, of the proposed planned development;

- (l) Streets and lots of adjacent developed or platted properties; and
- (m) The zoning classification of the tract and of adjacent properties.

(2) Sketch Plan Review Procedures - The sketch plan should be submitted at least 30 days prior to the date the applicant expects to submit his formal application for the planned development/Special Exception Permit.

(a) The Zoning Administrator shall within 21 days of receipt of the sketch plan, review the sketch plan for general compliance with the requirements of this section.

(b) The Zoning Administrator shall advise the applicant or his authorized agent of the regulations pertaining to the proposed planned development and the procedures to be followed in the preparation and submission of the formal application. One copy of the sketch plan shall be retained as a part of the record of the Zoning Administrator with another copy being returned to the applicant or his authorized agent along with any comments made by the Zoning Administrator.

(3) Formal Plan Submission - Following the Zoning Administrator's review and submission of comments on the sketch plan, or when 21 days following submission of the sketch plan has elapsed without the Zoning Administrator having submitted his comments to the applicant, the applicant may submit his formal application for the planned development and application for Special Exception Permit. Said formal application must be submitted to the Zoning Administrator at least 20 days prior to the Zoning Board of Adjustment meeting at which it is to be reviewed. The formal plan shall be prepared by a registered architect engineer or land surveyor currently licensed and registered by the appropriate North Carolina State Board.

(a) The formal plan shall contain all of the information set forth in § 154.31, and in addition shall-contain or be accompanied by the following information:

1. Title block containing, development name, name of owner, date or dates plan was prepared, a scale drawing in feet per inch listed in words or figures, north arrow, the name of the applicant;
2. A sketch vicinity map with north arrow showing the relationship between the proposed planned development and surrounding areas;
3. The names, addresses and telephone numbers of all owners, mortgagees, registered land surveyors, land planners, architects, landscape architects, and professional engineers responsible for the planned development;
4. The registration numbers and seals of the professional engineers, land surveyors, and/or architects;
5. Locations of proposed property lines and proposed divisions of land within the planned development;
6. The names of the owners of adjoining properties;
7. For all proposed public streets and private streets proposed within or adjoining the development, the following information:
 - a. Rights-of-way, location and dimensions.
 - b. Pavement widths.
 - c. Approximate grades.
 - d. Design engineering data for all corners and curves.
 - e. Typical street cross sections.
 - f. Road names and whether to be public or private;

8. The location and dimensions of existing and proposed utilities;

9. Location of any proposed recreation or facilities and other areas designated as, and meeting the requirement of, "improved common open space" as set forth in (B)(14) of this section (area in square feet of each such area shall be provided);

10. The future users and ownership (dedication or reservation for public use to a governmental body, for owners use to duly constituted homeowners association, or for tenants use and remaining in developers ownership) of recreation and open space lands;

11. Location and proposed use of any existing wooded areas within the development site;

12. Existing and proposed topography at minimum two foot elevation intervals;

13. Marshes, swamps, rock outcrops, ponds or lakes, streams or stream beds and any other natural features affecting the site;

14. Average calculations for the entire planned development, for each proposed division of land within the development, for each phase of the development and by general land use within each phase; and

15. The name and location of any site or buildings within the proposed development or within any contiguous property that is listed on the U.S. Department of interior's National Register of Historic Places.

(b) The Zoning Board of Adjustment shall review the application for the planned development contemporaneously with its review of the application for a Special Exception Permit. If a Special Exception Permit is recommended, the Zoning Board of Adjustment shall then recommend whether to approve, deny, or approve subject to changes being

made, the plan for the planned development. The Zoning Board of Adjustment may impose reasonable conditions on its approval recommendations in the manner of other special exceptions.

(c) Once a recommendation has been received from the Zoning Board of Adjustment, the City Council shall initiate its review of the planned development plan. The City Council's schedule for review and rendering a decision on the plan shall be in accordance with the schedule and contemporaneous with the procedures set forth in § 154.28 and both the notice of Special Exception approval and the preliminary plat approval shall be noted on the plat and filed with the Zoning Administrator.

(D) Final approval. Upon approval of the Special Exception Permit and preliminary plat, the developer may proceed in accordance with the procedures as spelled out in § 154.29.
(Ord. TC-96-2, passed 7-8-96)

OFF-STREET PARKING AND LOADING REGULATIONS

§ 155.110 PARKING REQUIREMENTS.

Areas suitable for parking or storing automobiles in off-street locations, on the same parcel and in the same zoning classification as the principal use to which such areas are accessory, shall hereafter be required in all zoning districts, except in the Central Business District (B-3), at the time of initial construction of any principal building; an increase in dwelling units, guest rooms, floor area, seating or bed capacity; or when a conversion in use occurs. Such off-street parking areas shall have direct vehicular access to a street and shall be provided and maintained in accordance with the requirements indicated.

(Ord. passed 6-30-81)

§ 155.111 PERMANENT OPEN SPACE.

The off-street parking space required by this section shall be permanent open space and shall not be used for any other purpose. Wheel chocks or curbs shall be provided where necessary to prevent any vehicle from encroaching on adjacent property, on any street right-of-way or on the area within ten feet of such right of way as specified in § 155.112 of this chapter.

(Ord. passed 6-30-81) Penalty, see § 155.999

§ 155.112 PARKING SPACE AREA REQUIREMENTS.

For the purpose of this chapter, a standard car off-street parking space shall be no less than nine feet wide and 20 feet long. No two-way entrance shall be less than 20 feet wide for one-way traffic. No parking space shall be closer than ten feet to a street right-of-way and the ten feet shall be maintained as a landscaped buffer. Parking areas of more than four spaces shall be paved and constructed with proper drainage and a well maintained traffic directional system. The general requirement for total area per parking space inclusive of access, circulation, landscaping, and the like shall be 425 square feet for 30 degree parking, 400 square feet for 45 degree parking, 350 square feet for 60 degree parking, 275 square feet for 90 degree parking in double bays.

(Ord. passed 6-30-81) Penalty, see § 155.999

§ 155.113 LOCATION ON OTHER PROPERTY.

Except for dwelling units, if the required auto- mobile parking space cannot reasonably be provided on the same lot with the principal use, such spaces may be provided on other off-street property under the same ownership or on the other property rented or leased, provided such property lies within 400 feet walking distance of the main entrance to such principal use. Such automobile parking spaces shall be associated with the principal use and shall not thereafter be reduced or encroached upon in any manner which would reduce the number of parking

spaces below the required minimum.
(Ord. passed 6-30-81)

§ 155.114 COMMON OFF-STREET PARKING AREAS.

Two or more principal uses may utilize a common area in order to comply with off-street parking requirements, provided that the total number of individual spaces available in such common areas is not less than the total sum of spaces required for the individual uses as separately computed in accordance with the provisions of this chapter, and provided that the owner of the lot relinquishes his development rights over the property until such time as parking space is provided elsewhere.
(Ord. passed 6-30-81)

§ 155.115 USE OF PUBLIC RIGHT-OF-WAY FOR MANEUVERING.

When determining parking area requirements for individual uses, portions of public right-of-way streets may not be considered as permissible for maneuvering incidental to parking. No parking space shall be provided that would require backing movements onto any street right-of-way. Sufficient space shall be provided to enable entry into rights-of-way in a forward direction.
(Ord. passed 6-30-81) Penalty, see § 155.999

§ 155.116 CURB CUTS AND ACCESS POINTS.

Ingress-egress openings in concrete, asphalt, rock, or other curbing provisions, commonly referred to as curb cuts as well as other means of vehicular access to and from private property, shall be regulated in the several zoning districts established by this chapter in accordance with the following requirements and the approval of the North Carolina Department of Transportation.
(Ord. passed 6-30-81) Penalty, see § 155.999

§ 155.117 NUMBER, SIZE, AND SPACING OF CURB CUTS; OTHER ACCESS.

(A) In no case shall a curb cut or other access be less than nine feet or more than 50 feet in width. No more than two curb cuts per lot shall be permitted except in commercial or industrial districts where two shall be permitted on each street the lot abuts.

(B) At street intersection no curb cut or access point shall be located closer than 35 feet from the intersection point of the two street rights-of-way or property lines involved (or such lines extended in case of a rounded corner).

(Ord. passed 6-30-81) Penalty, see § 155.999

§ 155.118 PARKING AND STORAGE OF CERTAIN VEHICLES.

(A) Automotive vehicles or trailers shall not be parked or stored on any residentially zoned lot without required current license plates other than in enclosed buildings.

(B) Tractor-trailers, cargo trucks, buses, and other such heavy equipment shall not be parked or stored in any residential district or on any public right-of-way adjacent thereto other than in an area completely screened from public view. When such vehicles are parked in a commercial or industrial zone, they must be no closer than 25 feet to any residential district.

(Ord. passed 6-30-81) Penalty, see § 155.999

**§ 155.119 OFF-STREET PARKING
INFORMATION REQUIRED ON BUILDING
PERMIT APPLICATION.**

(A) Each application for a building permit or certificate of compliance shall include information as to the location and dimensions of off-street parking space, if required, and the means of ingress and egress between such space and a street or alley. This information shall be of sufficient detail to enable the Inspections Superintendent to determine whether or not the requirements of this section are met.

(B) The certificate of compliance for the use of any building, structure or land where off-street parking is required shall be withheld by the Inspections Superintendent until the provisions of this section are fully met. (Ord. passed 6-30-81)

§ 155.120 TABLE OF MINIMUM PARKING REQUIREMENTS.

In accordance with the foregoing provisions, off-street parking spaces shall be provided and permanently maintained for the following uses in the number indicated.

Single- and two-family residential	Two spaces per residence
Manufactured homes, Class A	Two spaces per residence
Multi-family residential	Two parking spaces per dwelling unit
Mobile home park	Two spaces per mobile home space
Automobile service station	Three spaces for each grease or wash rack, and one parking space for each employee during maximum shift
Banks and savings and loans	One space for each 200 square feet of gross floor space plus one parking space for each two employees
Business and professional offices	One space for each 200 square feet of gross floor space plus one space for each employee
Cultural and community facility	One space for each 150 square feet of gross floor space
Doctor's and dentist's offices	Six spaces per doctor or dentist plus one space for each employee
Educational facility — elementary or junior high school	Two spaces for each classroom and administrative office plus one space for each employee and sufficient space for parking school vehicles
Convenience type grocery stores	One space for each 150 square feet of gross floor space

<i>Type of Use</i>	<i>Off-Street Parking Required</i>
Senior high school or college	One space for each employee and one space for each 400 square feet of area for public assembly
Funeral home	One space for each four seats in the chapel or parlor
Group care facility	One space for each two patient beds plus one space for each staff or visiting doctor, plus one space for each four employees
Hospital	One space for each patient bed plus one space for each four employees
Hotel, motel, tourist home	One parking space for each room to be rented plus one additional parking space for each three employees
Manufacturing	One space for each two employees at maximum employment on a single shift, plus sufficient parking space for each company vehicle, plus one space for each 200 square feet of sales and service area
Tennis courts/ballfields	Two spaces per court, one space per five seats in stand
Religious complexes	One space for each four seats in principal assembly room. (One half of such space may be assigned to another use closed on Sunday morning)
Restaurants	One space for three seating accommodations, plus one space for each two employees on shift of greatest employment
Retail business	One space for each 200 square feet of gross floor space
Service and repair establishment	One space for each 250 square feet of floor area not used for storage

<i>Type of Use</i>	<i>Off-Street Parking Required</i>
Warehouse	One space for each 200 square feet of sales and office area and one space for each two employees at maximum employment
Occupations, customary	One space for each 200 square feet of gross floor area devoted to the particular occupation, in addition to the space required for residences. Parking shall be located in the rear yard, screened from view of adjacent properties and connected with or utilizing the services of a customary home occupation. Parking in rear shall be enforced and the owner of the dwelling shall be responsible for requiring rear parking of patrons.

(Ord. passed 6-30-81; Am. Ord. TC-96-1, passed 5-13-96) Penalty, see § 155.999

§ 155.121 SPECIAL PERMIT FOR OFF-STREET PARKING IN RESIDENTIAL ZONES.

Off-street parking may be provided through a special permit in any Residential Zone for a multi-family residential, office and institutional, business, or industrial use subject to the following requirements.

(A) The parking lot shall be within 400 feet of the multi-family, office and institutional, business, or industrial use.

(B) No portion of the parking lot shall extend more than 150 feet into the adjacent residential zone.

(C) All off-street parking facilities shall be designed with appropriated means of access to a public street or alley, as well as maneuvering space.

(D) Parking areas shall have adequate drainage and shall be provided with bumper guards where required by the Public Works Director.

(E) Parking areas shall be used for parking of automobiles only, with no sales, storage, repair work, dismantling, or servicing of any kind to be permitted.

(F) All required parking spaces shall be of such design and located so as to be convenient and readily usable by the patrons thereof.

(G) Sufficient area shall be provided within the property lines so that all vehicles may enter and leave in a forward motion.

(H) All parking lots shall be paved with concrete, penetration macadam, or plant mix.

(I) If illuminated nighttime parking is to be permitted, the lights shall be shielded so as to prevent direct beaming into a residential area.

(J) A screen containing a mixture of deciduous and evergreen trees spaced in a staggered triangular pattern not more than ten feet apart and containing not less than two rows of dense plant materials shall be planted in a 15 foot buffer strip along such rear or side lines, either or both. The same shall be planted at an initial height of at least three feet and shall be of such variety that an average height of six feet can be expected by normal growth within four years from the time of initial planting. No plant material which would be a host to insects, would affect the plants on adjoining property, or would spread disease can be used; and all plant material must be nursery grown and conform to the guidelines as published by the American Nursery Association in its 1959 edition

including the subsequent amendment or revision or edition thereof. All plant materials shall be planted at least three feet from the side or rear lot line adjoining property and shall be planted in the required buffer strip prior to the issuance of a certificate of compliance by the Inspections Superintendent. The buffer strip shall be maintained in neat order and condition by the property owner and/or occupant of the premises. The plant material shall be periodically trimmed and pruned at a height of not less than six feet and diseased or dead plant material shall be removed and replaced.

(K) The requirements set forth herein shall be in addition to the off-street parking requirements of §§ 155.110 through 155.120 of this chapter.

(L) The City Council may, in the special permit, restrict the hours of parking.

(M) A special permit for such use shall be limited to a period of two years initially and thereafter may be renewed by the City Council for a period not to exceed 12 months; provided, however, that a violation of any provision of the special permit shall revoke the license granted. No special permit shall be issued or renewed until after a public hearing is held on the matter.

(Ord. passed 6-30-81)

§ 155.122 OFF-STREET LOADING AND UNLOADING SPACES.

(A) Every lot on which a retail or wholesale business, trade or industry is hereafter established, shall provide space indicated herein for the loading and unloading of vehicles off the street. Such space shall have access to an alley or, if there is no alley, to a street. For the purpose of this section, an off-street loading space shall have minimum dimensions of 12 feet by 40 feet and be clear and free of obstruction at all times. However, the minimum loading requirements shall meet the needs of each individual use.

(B) Required space shall be considered as follows:

(1) *Retail business.* One space for the first 5000 square feet gross floor area and one additional space for each additional 5000 square feet of gross floor area or increment thereof. If contiguous uses are under single ownership, gross floor area may be totaled to calculate spaces.

(2) *Wholesale, industrial, governmental, and institutional uses.* One space for the first 25,000 square feet of gross floor area. For anything in excess of 25,000 square feet, such uses shall provide loading spaces according to the following schedule:

Square Feet Number of Spaces

25,000 - 99,000	2
100,000 - 159,000	3
160,000 - 239,000	4
240,000 - 349,000	5
Additional 100,000 or fraction thereof	1 additional

(3) Multi-family residences with ten or more dwelling units - one space.
(Ord. passed 6-30-81) Penalty, see § 155.999

§ 155.123 LOADING SPACES ADJACENT TO SIDEWALKS.

Where a loading space is adjacent to a public sidewalk or other pedestrian way, it shall be so located, arranged, and improved with curbs or barriers, as to provide adequate protection for pedestrians.
(Ord. passed 6-30-81) Penalty, see § 155.999

§ 155.124 MANEUVERING AREAS.

All off-street maneuvering areas must be designed so that vehicles do not obstruct traffic during maneuvering. No loading space shall be provided that would require backing movement onto any street right-of-way.
(Ord. passed 6-30-81) Penalty, see § 155.999

**§ 155.125 SCREENING ADJACENT TO
PROPERTY IN RESIDENTIAL DISTRICTS.**

No off-street loading shall be established or expanded within 25 feet of property in any residential district and visible to a person standing at ground level on such other property unless it shall be screened therefrom by a six-foot high solid fence or evergreen vegetation of sufficient density to serve the purpose of a solid fence. (Ord. passed 6-30-81) Penalty, see § 155.999

***SPECIAL EXCEPTIONS; NONCONFORMING
USES; OTHER REQUIREMENTS***

§ 155.140 SPECIAL EXCEPTIONS.

(A) *Purpose.* The purpose of this section is to insure adequate review of specific developmental schemes that have direct influence on neighboring or contiguous land use districts. This review is intended to protect the private and public values and interest in residential and business development. This review is established in order to approach the development of specific uses in a consistent manner designed to address unique and fit individual situations. The purpose is to ascertain that certain designated uses have met specific conditions set forth by this chapter and that such uses are not detrimental to the public health or general welfare, are appropriately located with respect to transportation facilities, water supply, fire and police protection, waste disposal and similar services, and will not violate neighborhood character nor adversely affect surrounding land uses.

(B) *Applicant.* The applicant must be the owner, owners, lessee, lessees, or their legal representative of all land and structures included within the tract, or a governmental agency. The holder of a written option or contract to purchase or lease land and/or structures shall, for purposes of application, be deemed the owner or lessee of the land and/or structures covered by such option or contract.

(C) *Application procedure.* Prior to issuance of a compliance permit for a new structure or a certificate of occupancy for an existing structure, application shall be made for a special exception. Such application shall be made to the Board of Adjustments 30 days prior to the meeting at which it is to be revised. The Board of Adjustment shall hold a public hearing advertised pursuant to § 155.195 of this chapter.

(D) If findings under division (A) of this section are made, the special exception shall be granted. In granting the exception, the Board shall designate such conditions in connection therewith as will, in its opinion, assure that the use will conform to the requirements of this chapter. If at any time after a special exception has been granted, the Board finds that the conditions imposed and agreements made have not been or are not being fulfilled by the holder of a special exception, it shall immediately be terminated and specifically permitted use discontinued. If a special exception is terminated for any reason, it may be reinstated only after a public hearing is held.

(Ord. passed 6-30-81)

§ 155.141 NONCONFORMING USES; PURPOSE AND APPLICABILITY.

The purpose of §§ 155.141 through 155.147 is to regulate and limit the continued existence of uses and structures established prior to the effective date of this chapter or any amendment subsequent thereto that do not conform to this chapter. Any nonconformity created by a change in the classification of property or the text of this chapter shall be regulated by the provisions of §§ 155.141 through 155.147. Many nonconformities may continue and in certain circumstances may make limited expansions, but the provisions of these sections are designed to limit or curtail substantial investment in nonconformities and to bring about eventual elimination and/or lessen their impact upon surrounding conforming uses in order to preserve the integrity of this chapter. While the intent of §§ 155.141 through 155.147 prefers the eventual elimination of nonconforming uses, the City Council hereby finds that zoning anywhere has generally not been successful in eliminating nonconformities, particularly viable ones, and that the

public interest may better be served by allowing limited expansions of certain nonconformities whereby the impact of the nonconformity on surrounding land uses is lessened.
(Ord. passed 6-30-81)

§ 155.142 NONCONFORMING USES.

(A) Nonconforming uses of land or structures, and nonconforming structures that contain nonconforming uses may continue only in accordance with the provisions of this section.

(B) Normal structural repair and maintenance may be performed to allow the continuation of a nonconforming use (except as required in division (E) of this section).

(C) A nonconforming use shall not be expanded, nor shall a nonconforming use be enlarged by additions to the structure in which the nonconforming use is located (either attached or detached) except pursuant to § 155.197(C) of this chapter. Any occupation of additional lands beyond the boundaries of the lot on which the nonconforming use is located is prohibited. An existing nonconforming residential use may, without hearing before the Board of Adjustment be enlarged or altered, or be permitted any accessory buildings which are permitted in the R-5 District, provided that no additional dwelling units result therefrom. Any such residential enlargement or alteration shall be in compliance with all yard requirements of such structures as required in the R-5 District.

(D) When a nonconforming use has been changed to a conforming use, it shall not thereafter be used for any nonconforming use.

(E) If a nonconforming use is abandoned for 90 days or more, or in cases involving the settlement of an estate, one year, the use shall not be allowed to re-establish. All new uses in the structure shall thereafter be conforming. If the use is destroyed (that is, received damage to an extent of more than 50% of its replacement cost at the time of destruction), it may only be allowed to re-establish in accordance with a permit issued by the Board of Adjustment pursuant to § 155.196(B) of this chapter.

(F) No changes shall be made in the land- scaping, grading of the lot, or external appearances of a nonresidential nonconforming use without the grant by the Board of Adjustment of a special exception authorizing such a change. The Board shall grant such an exception only upon an affirmative finding that the proposed change will have no affect upon neighboring properties or upon the public welfare. The Board may impose any appropriate conditions and safeguards upon any such special exception which it grants for the further protection of neighboring properties in the public welfare. This provision shall not give the Board of Adjustment power to grant the expansion of a nonconforming use in any matter whatsoever.
(Ord. passed 6-30-81)

§ 155.143 NONCONFORMING STRUCTURES.

(A) A nonconforming structure devoted to a use permitted in the zoning district in which it is located may continue only in accordance with the provisions of this chapter.

(B) Normal repair and maintenance may be performed to allow continuation of nonconforming structures.

(C) A nonconforming structure may not, under any circumstances be enlarged or altered in a way which increases its nonconformity.

(D) If a nonresidential nonconforming structure is destroyed to an extent of more than 50% of its replacement cost at the time of destruction, it may be rebuilt in a nonconforming manner only if a permit for such construction has been issued by the Board of Adjustment in accordance with § 155.197(B) of this chapter. A residential structure which is destroyed to an extent of more than 50% of its replacement cost at the time of destruction, may be reconstructed on the lot. If the structure can be replaced on the lot in a conforming manner, it shall. Otherwise, the residential structure shall be placed in a manner most in conformance with all applicable regulations contained in this chapter provided that a building permit is secured no later than six months from the date of destruction.

(E) Should a nonconforming structure be moved for any distance on the lot of record, it shall be placed in a manner most in conformance with all applicable regulations contained in this chapter.
(Ord. passed 6-30-81) Penalty, see § 155.999

§ 155.144 NONCONFORMING ACCESSORY STRUCTURES.

A nonconforming accessory use or accessory structure may be expanded only if the nonconforming features of that use or structure are not expanded so as to increase the degree of nonconformity.
(Ord. passed 6-30-81) Penalty, see § 155.999

§ 155.145 NONCONFORMING LOTS.

(A) Except as provided in division (B) of this section, in any district where a lot has been recorded on a plat filed with the Gaston County Office of the Register of Deeds, and is not in violation of the city zoning code, and such lot does not comply with the minimum lot area and width requirements for the zoning district in which such lot is located, such lot may be used for any use permitted in that zoning district provided that the principal and accessory structure meet all applicable front, side, and rear yard requirements for that zoning district as provided in this chapter.

(B) If two or more adjacent unimproved lots, neither one of which meet the lot width and/or area requirements of the zoning district in which they are located are of single ownership and are of record at the time of adoption of this chapter or any amendment thereto, and if these lots, in combination, meet the dimensional requirements established for lot width and area, the lands involved shall be considered to be an individual lot. For the purpose of this chapter, the lot(s) shall be used or sold by the owner and all future assigns in a manner which is in compliance with lot width, and area requirements, or as otherwise provided in this chapter.
(Ord. passed 6-30-81)

**§ 155.146 NONCONFORMING OFF-STREET
PARKING AND LOADING.**

(A) On any lot which contains a use which does not comply with the off-street parking and loading regulations contained in §§ 155.110 through 155.125 of this chapter, a certificate of occupancy shall not be issued for an external expansion of any principal building or accessory structure on the lot which would result in a need to increase the number of off- street parking and/or loading spaces required until all such off-street parking and loading requirements of this chapter have been met first.

(B) A change in the principal building use can occur, however, provided that no external expansion in the principal building occurs and also that the required number of off-street parking and loading spaces is the same or less than the former use.

(Ord. passed 6-30-81)

**§ 155.147 NONCONFORMING BUILDING OR
USE DISCONTINUANCE.**

(A) Notwithstanding other provisions of this chapter, certain nonconforming buildings or land uses shall be discontinued, and/or shall be torn down, altered, or otherwise made to conform with this chapter within the periods of time set forth below. Upon application to the Planning Board, one exten- sion may be permitted. Notice shall be sent by the Inspections Superintendent to the nonconforming users stating wherein they do not conform to this chapter and stating the date by which they must comply or discontinue such use shall be measured from the date of receipt of a notice of non- conformance by registered mail.

[Table appears on following page]

<i>Nonconformity</i>	<i>To Be Discontinued Within:</i>	<i>One Extension Permitted:</i>
Nonconforming fences and hedges impeding visibility at intersections	Six months	Two months
Junk yards and open storage associated with a nonconforming commercial use on the same site, in residential (R-15, RA-15, R-10, R-5, and RMF) zones	Two years	Six months
Other open storage in residential districts (See § 155.150 of this chapter)	Two months	One month
Outdoor advertising signs	Five years	One month
Parking and storage of certain vehicles in any residential district (See § 155.118 of this chapter).	Two months	One month
Parking signs or nonconforming signs (See § 155.164 of this chapter)	Two months	One month

(Ord. passed 6-30-81) Penalty, see § 155.999

§ 155.148 SCREENING WALLS AND LANDSCAPING.

(A) Screening walls or landscaping shall be required in this chapter and shall be in the form of fences, walls, hedges, or planted earth mounds. Such screens shall be six feet in height and opaque. Screening shall be provided where a use or structure for which screening is required abuts a residential district or structure except where such abutting residential use is located across a public right-of-way 60 feet or more in width, a regularly flowing creek or stream, or a public carrier railroad right-of-way or easement of 100 feet or more in width provided the right-of-way or easement is not intruded upon by the use or building for which the screening is required.

(B) *Landscaping requirements.* If a hedge or other natural planting of comparable opacity is used, it shall consist of a planted strip at least ten feet in width and containing a mixture of deciduous and evergreen trees spaced in a staggered triangular pattern not more than ten feet apart and containing not less than two rows of dense plant materials. The same shall be planted at an initial height of at least

three feet and shall be of such variety that an average of eight to six feet can be expected by normal growth within four years from the time of initial planting. No plant material which would be host to insects, would affect the plants on adjoining property, or would spread disease can be used; and all plant material must conform to the guidelines set forth in the 1959 edition of *American Association of Nurserymen Inc.*, including any subsequent amendment thereto or revision or edition thereof. All plant materials shall be planted at least three feet from the side or rear lot line of any adjoining lot located in a residential zone or used for residential purposes.

(C) *Screening maintenance.* The durable masonry wall or fence shall be constructed and/or the plant material shall be planted in the required buffer strip prior to the issuance of a certificate of compliance by the Inspections Superintendent. The buffer strip shall be maintained in neat order and condition by the property owner and/or occupant of the premises. The plant material shall be periodically trimmed or pruned at a height of not less than six feet, and diseased or dead plant material shall be removed and replaced.

(D) *Screening waiver.* In case of unusual topography or size of the tract involved, or in cases in which screening devices already exist comparable to the general screening requirements of division (A) of this section, creating a situation whereby the installation of a masonry wall, fence or hedge, or other natural planting of comparable opacity would not be practical, and would serve no useful purpose, the Planning and Zoning Board is hereby empowered to waive the requirements for screening; provided, however, that the spirit and intent of this chapter and the provisions pertaining to the required buffer strip are adhered to. This section shall not be construed to negate screening adjacent to vacant properties.

(Ord. passed 6-30-81) Penalty, see § 155.999

§ 155.149 OUTDOOR STORAGE; APPLICABILITY.

(A) Outdoor storage of any material, stocks or equipment, accessory to a principal use on any lot shall be screened from any public street or from any adjoining lot in a residential zone or use by a buffer strip ten feet in width and consisting of a durable masonry wall, fence or hedge, or other natural planting of comparable opacity as heretofore specified in § 155.148 of this chapter; provided, however, that such screening may be located anywhere on the property.

(B) *Applicability.* This requirement shall not apply to off-street parking lots nor to the storage of new and used vehicles that are offered or intended for sale, except along the side or rear yards of any lot in any zone or district where it adjoins a lot in any residential zone or use, but shall apply to auto wrecking and junk yards.

(Ord. passed 6-30-81) Penalty, see § 155.999

§ 155.150 STORAGE OF JUNK, SALVAGE, AND EQUIPMENT.

Open storage of junk, salvage, and equipment such as scrap metal, used boxes or crates, used appliances, furniture or glassware, salvaged automobiles, automobile parts, tires or other rubber goods shall be prohibited in all residential districts.

(Ord. passed 6-30-81) Penalty, see § 155.999

§ 155.151 SWIMMING POOLS TO BE ENCLOSED BY A FENCE.

(A) All outdoor swimming pools located within the city shall be completely enclosed by a fence. All fence openings or points of entry into the pool area enclosure shall be equipped with gates with self-latching devices designed for and capable of keeping such gate securely closed. The fence and gates shall be at least four feet in height above the grade level and shall be constructed of a minimum number 11 gauge corrosion resistant woven wire mesh and shall be set in a concrete base. Other equivalent fence materials may be approved upon application to the Code Enforcement Officer.

(B) For the purpose of this section, **SWIMMING POOL** is defined as any structure, basin, chamber, hot tub, spa, or tank containing an artificial body of water having a depth at any point of more than 18 inches and intended for swimming, diving, or recreational bathing.
(Ord. 95-6-1, passed 6-12-95)

SIGN REGULATIONS

§ 155.160 TYPES OF SIGNS.

(A) *Outdoor advertising sign.* A sign which advertises goods or services available at a location other than the site upon which the sign is located, commonly known as a billboard.

(B) *Business identification sign.* A sign which advertises an establishment, service, or activity conducted on the premises where the sign is located, including permanent subdivision identification signs conveying the name of a subdivision.

(C) *Ground sign.* A sign which is supported by uprights or braces in or upon the ground.

(D) *Marquee sign.* A projecting sign attached to or hung from a marquee and the marquee shall be known to mean a canopy or covered structure projecting from and supported by a building, such canopy or covered structure extending beyond the building, building line or property line.

(E) *Portable sign.* A sign not permanently affixed to a structure or to the ground.

(F) *Projection sign.* A sign which is affixed to any building wall or structure and extends beyond the building wall, structure, building line, or property line more than 12 inches from the building.

(G) *Wall sign.* A sign which is affixed to the wall of any building when such sign shall project not more than 12 inches from the building.

(H) *Parking ingress/egress sign.* A sign which is supported by uprights or braces in or upon the ground which identifies access points for parking facilities and regulates the direction of traffic movement to and in parking facilities. Such signs shall not be more than two feet in total height and not more than three square feet in total display area.
(Ord. passed 6-30-81)

§ 155.161 TYPES OF ILLUMINATION.

(A) *External or indirect illumination.* A light source which is placed outside of or away from the sign in a manner to illuminate the sign.

(B) *Internal or direct illumination.* A light source which is enclosed within the sign and viewed through a translucent panel.

(C) *Luminous tubing.* A light source formed by glass tubes filled with gas, known as neon lights.

(D) *Light bulb.* A light source consisting of incandescent light bulbs.
(Ord. passed 6-30-81)

§ 155.162 CONFORMANCE WITH NORTH CAROLINA STATE BUILDING CODE.

All signs and outdoor displays shall conform to the most recent edition of the North Carolina State Building Code regarding signs.

(Ord. passed 6-30-81) Penalty, see § 155.999

§ 155.163 PERMIT REQUIRED FOR SIGNS; EXCEPTIONS.

(A) No sign shall hereafter be erected, attached to, suspended from, or supported on a building or structure; nor shall any existing sign be enlarged, relocated, or otherwise altered; nor shall any building permit be issued for such purposes until a sign permit for same has been issued by the Inspections Superintendent unless such is a noted exception or is a temporary sign as defined in § 155.165 of this chapter.

(B) The following signs are exempt from the sign regulations contained in this chapter: signs of duly constituted governmental bodies, including traffic regulatory devices, legal notices, and warnings at railroad crossings; name or address signs on mail boxes; street numbers.

(Ord. passed 6-30-81) Penalty, see § 155.999

§ 155.164 PROHIBITED SIGNS.

The following signs are prohibited in all zones:

(A) Commercial signs which imitate an official traffic sign or signs, or which contain the words “stop,” “go slow,” “caution,” “danger,” “warning,” or similar words.

(B) Signs with flashing lights imitating emergency vehicles, warning or caution signs.

(C) Signs which are of a size, location, movement, content, coloring or manner of illumination which may be confused with or construed as a traffic control device or which hide from view any traffic or street sign or signal or which obstruct the view in any direction at a street or road intersection.

(D) All parts of signs which advertise an activity, business, product, or service no longer produced or conducted on the premises upon which the sign is located. Such signs shall either be blanded out or removed.

(E) Signs which contain or consist of pennants, ribbons, streamers, or spinners. These devices, when not part of any sign, are similarly prohibited.

(F) Signs which are pasted or attached to utility poles, trees, fences, rocks, or other signs.

(G) Signs or sign assembly that obstruct ingress and/or egress to any window, door, fire escape, stairway, ladder or opening intended to provide light, air, ingress or egress for any room or building.

(H) Signs that violate the corner visibility restrictions of § 155.041 of this chapter.

(I) Signs located on the roof of any building.
(Ord. passed 6-30-81) Penalty, see § 155.999

§ 155.165 TEMPORARY SIGNS.

The following signs are permitted as temporary signs for the designated period and must be removed within one week after their reason for being has ceased to exist.

(A) Notices of public events such as the following. Such notices are permitted for a period not to exceed 60 days.

- (1) Auction.
- (2) Carnivals.
- (3) Charity benefits.
- (4) Election campaigns.
- (5) Fairs.
- (6) Fund drives.
- (7) Horse shows.
- (8) Livestock exhibits.
- (9) Races.
- (10) Revivals.
- (11) Rodeos.
- (12) Residential yard sales.

(B) *Contractors sign.* Permitted for period of construction.

(C) *Real estate signs.* Permitted for period of sale.

(D) *Subdivision identification sign.* Permitted for period of sale of lots. A permanent subdivision identification may be approved if submitted as part of the subdivision review process. Materials shall be predominantly of masonry construction and shall not be located on any public right-of-way.
(Ord. passed 6-30-81) Penalty, see § 155.999

§ 155.166 MEASUREMENT OF DISPLAY AREA OF SIGN.

(A) *Measurement of display area.* The display area is that area of the sign including the entire area within a regular geometric shape or combination of regular geometric shapes enclosing of elements of informational or

representational matter displayed, including blank masking or any surface shape intended to convey ideas, information, or meaning. Frames or structural members not bearing informational or representational matter shall not be included in computation of display area. Only one side of a double-faced sign shall be included in calculating the display area.

(B) *Measurement of height of sign.* The height of any sign shall be measured from the grade level at sign site of the surface of the nearest public right-of-way, whichever is less restrictive.
(Ord. passed 6-30-81)

§ 155.167 SIDE YARD FOR GROUND SIGNS AND OUTDOOR ADVERTISING SIGNS.

All ground signs shall maintain a minimum side yard of five feet from any interior side lot line except in B-2, GI-1 and EI-2 Districts where signs may be located at the property line. Any ground or advertising sign located on a corner lot shall meet the setback requirement for signs on both street frontages.
(Ord. passed 6-30-81) Penalty, see § 155.999

§ 155.168 PROJECTION SIGNS AND MARQUEE SIGNS OVER PUBLIC RIGHTS-OF-WAY.

Projection and marquee signs may extend over public right-of-ways only where there is no required front yard and may extend no closer than two feet to the curb of the vehicular traveled portion of the street. Projection and marquee signs shall have a minimum clearance of nine feet above the sidewalk. No more than one sign per property or business.
(Ord. passed 6-30-81) Penalty, see § 155.999

§ 155.169 OUTDOOR ADVERTISING SIGNS (BILLBOARDS).

(A) *Permitted districts.* Outdoor advertising signs shall be permitted in B-2 General Commercial District, GI-1 Light Industrial Districts, and EI-2 Heavy Industrial Districts only and shall be regulated in accordance with the following provisions of this chapter.

(B) *Separation.* Advertising signs shall be separated by a maximum distance of 500 feet on the same side of any street or highway. No advertising sign shall be located within 150 feet of any lot zoned or building used for residential purposes.

(C) *Building mounted.* Advertising signs shall not be attached to any building and shall not be mounted on the rooftop of any building.

(D) *Interstate setback.* Advertising signs shall be located outside the street right-of-way of interstate highways provided they shall maintain the average existing front yard setback for existing uses within 250 feet in both directions from the sign location.

(E) *Height.* Advertising ground signs shall not be in excess of 40 feet (at its highest point) in height above the street or natural grade level, whichever is higher. Advertising pole signs shall not exceed 100 feet in height above the street or natural grade level, whichever is higher.

(F) *Use restrictions.* No advertising sign will be placed or erected on any lot or parcel where space required for or orientation of the sign would encroach upon space required under this chapter for any existing principal use on that lot or parcel.

(G) *Area restriction.* No advertising ground sign shall exceed 750 square feet in area. No advertising pole sign shall exceed 200 square feet in area.
(Ord. passed 6-30-81) Penalty, see § 155.999

§ 155.170 REGULATIONS FOR SIGNS IN SPECIFIC ZONING DISTRICTS.

(A) *Schedule of sign regulations.* Signs shall be permitted in accordance with the following specified regulations and others combined in this chapter. For schedule of sign regulations see Appendix A of this subchapter.

(B) *Churches, schools, public recreation and parks.* Signs for these facilities, when located on streets with right-of-ways 80-foot or greater may be located within the right-of-way, if an encroachment agreement is first obtained from the City Council. The encroachment shall be the minimum necessary to reasonably provide for the public safety and the Council may impose any other conditions it deems appropriate.
(Ord. passed 6-30-81)

§ 155.171 MAINTENANCE OF SIGNS.

(A) *Signs kept in good repair.* All signs for which a permit is required, together with all their supports, braces, guys, and anchors shall be kept in repair. On 30 days notice, the Inspections Superintendent may order the removal of any sign that is not brought into accordance with the provisions of this section. Failure to comply shall be cause to seek court ordered compliance at the owners expense.

(B) *Dilapidated sign.* Should any sign become insecure or in danger of falling or otherwise unsafe in the opinion of the Inspections Superintendent, the owner thereof, or the person or firm maintaining same, shall upon written notice from the Inspection Superintendent, forthwith in the case of danger, and in any case within 30 days, secure the same in a manner to be approved by the Inspections Superintendent in conformity with the provisions of the State Building Code, or remove such sign. If such order is not complied with within 30 days, court ordered compliance at the expense of the owner or lessee shall be sought.

(C) *Inspections of signs.* It shall be the duty of the Inspections Superintendent to inspect every free-standing sign, roof sign, wall sign, and projection sign in order to determine that the sign meets the requirements set forth in this chapter.
(Ord. passed 6-30-81) Penalty, see § 155.999

§ 155.172 NONCONFORMING SIGNS.

(A) *Existing nonconforming sign.* A non-conforming sign erected before the effective date of this chapter shall not be replaced by another non-conforming sign except that the substitution or interchange of poster panels, painted boards or demountable material on nonconforming signs shall be permitted.

(B) *Repair of nonconforming signs.* Minor repairs and maintenance of nonconforming signs erected before the effective date of this chapter, such as repainting, electrical repairs and neon tubing repairs shall be permitted. However, no structural changes in the size or shape of the sign shall be permitted except to make the sign comply with the requirements of this chapter.

(C) *Notice to owner of nonconforming sign; order to remedy or remove; cost.*

(1) If any sign is erected or maintained in violation of any of the provisions of this section, the Inspections Superintendent or his designated agent shall have the power to give the owner or lessee thereof

notice of such violation by leaving a copy of such notice at the owner's place of business or by affixing a copy of such notice to the sign or building. If a sign has been registered with the Inspections Superintendent, notice to the registered owner or to the person or firm receiving the permit shall be sufficient. If a sign has not been registered and the owner is not known, affixing of a copy of the notice to the sign, sign structure, or building for a period of 30 days shall be sufficient. The notice shall contain a brief statement of the particulars in which this section is violated and the manner in which such violation is to be remedied.

(D) If such violation is not remedied within 30 days after notice, the owner shall remove the sign immediately.

(E) If the sign is not removed by the owner, the Inspections Superintendent or his agent shall seek court ordered compliance at the expense of the owner thereof or his lessee to destroy or otherwise dispose of the same. (Ord. passed 6-30-81) Penalty, see § 155.999

PLANNING AND ZONING COMMISSION; BOARD OF ADJUSTMENT

§ 155.190 PLANNING AND ZONING COMMISSION.

(A) *Creation, term of office.* A Planning and Zoning Commission consisting of ten members to be known as the City Planning and Zoning Commission is hereby established, and shall serve ex officio as a Board of Adjustment under this chapter, as authorized by G.S. § 160A-388. Five members shall reside inside the corporate limits and shall be appointed by the City Council; five members shall be residents of the extraterritorial jurisdiction outside the corporate limits and shall be appointed by the Gaston County Board of Commissioners and shall have equal rights, privileges and duties with the other members of the Commission in all matters whether they arise inside the corporate limits or within the extraterritorial jurisdiction. The original appointments to the Commission shall be made as follows:

(1) Three members shall be appointed for a term of one year;

(2) Three members shall be appointed for a term of two years; and

(3) Four members shall be appointed for term of three years.

(4) At the expiration of the terms of such members first selected, their successors, except in the case of a vacancy, shall be appointed for term of three years.

(B) *Termination for nonattendance.* The membership of any member of the Commission who is absent from four consecutive meetings, or whose percentage of attendance is less than 60% over a 12-month period, shall automatically terminate, unless such absence is excused by the full Commission for good and sufficient cause. The City Council shall annually designate one of the members as Chairperson. (Ord. passed 6-30-81)

§ 155.191 BOARD OF ADJUSTMENT; ESTABLISHED.

(A) *Creation.* A Board of Adjustment to consist of six members is hereby established. Three members shall reside inside the corporate limits and shall be appointed by the City Council; three members shall be residents of the extraterritorial jurisdiction outside the corporate limits, and shall be appointed by the Gaston

County Board of Commissioners and shall have equal rights, privileges and duties with the other

members of the Board in all matters whether they arise inside the corporate limits or within the extraterritorial jurisdiction outside the corporate limits.

(B) *Term of office.* The original appointments to the Board shall be made as follows:

- (1) Two members shall be appointed for a term of one year;
- (2) Two members shall be appointed for a term of two years; and
- (3) Two members shall be appointed for a term of three years.

(4) At the expiration of the terms of such members first selected, their successors, except in the case of a vacancy, shall be appointed for a term of three years.
(Ord. passed 6-30-81)

§ 155.192 ALTERNATE MEMBERS.

(A) In addition, the Board of Adjustment shall consist of four alternate members, two of whom shall reside inside the corporate limits and shall be appointed by the City Council; the other two alternate members shall be residents of the extraterritorial jurisdiction outside the corporate limits, and shall be appointed by the Gaston County Board of Commissioners and shall have equal rights, privileges, and duties with the other members of the Board in all matters whether they arise inside the corporate limits or within the extraterritorial jurisdiction outside the corporate limits.

(B) The original appointments to the Board shall be made as follows:

- (1) Two members shall be appointed for a term of three years.

(2) At the expiration of the terms of such alternate members first selected, their successors except in the case of a vacancy, shall be appointed for a term of three years.
(Ord. passed 6-30-81)

**§ 155.193 TERMINATION FOR
NONATTENDANCE.**

The membership of any member of the Board who is absent from four consecutive meetings, or whose percentage of attendance is less than 60% over a 12-month period shall automatically terminate, unless such absence is excused by the full Board for good and sufficient cause. The City Council shall annually designate one of the members as the Chair- person.
(Ord. passed 6-30-81)

**§ 155.194 APPEALS TO THE BOARD OF
ADJUSTMENT.**

The Board of Adjustment shall decide appeals from and review any order, requirement, decision, or determination made by an administrative official charged with the enforcement of any planning, zoning or subdivision ordinance, or building regulation. Such appeal may be taken by any person aggrieved or by an officer, department, Board or bureau of the city. Appeals shall be taken within the time and in the manner prescribed by the Board of Adjustment by filing with the officer from whom the appeal is taken and with the Board of Adjustment a notice of appeal specifying the grounds thereof. The officer from whom the appeal is taken shall forthwith transmit to the Board all papers constituting the record upon which the action appealed from was taken. An appeal stays all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the Board of Adjustment, after notice of appeal has been filed with him, that because of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property. In that case, the proceeding shall not be stayed except by a restraining order, which may be granted by the Board of Adjustment or by the general court of justice on application for good cause shown upon notice to the officer from whom the appeal is taken. The Board of Adjustment shall fix a reasonable time for hearing of the appeal, shall give due notice thereof to the parties, and shall render a decision within a reasonable time. The Board of Adjustment may reverse or affirm, in whole or in part, or may modify the order, requirement, decision, or determination appealed from, and shall make any

order, requirement, decision, or determination that in its opinion ought to be made in the premises. To this end the Board shall have all the powers of the officer from whom the appeal is taken.
(Ord. passed 6-30-81)

§ 155.195 SPECIAL EXCEPTIONS OR VARIANCES.

The Board of Adjustment can permit special exceptions or variances to the zoning regulations and classes of cases or situations and in accordance with the principles, conditions, safeguards, and procedures specified in this chapter. Before granting any special exceptions or variances in the zoning regulations the Board of Adjustment shall hold a public hearing on the matter. Due notice of the public hearing shall be given as required by G.S. § 160A-388(B). At the public hearing all interested parties shall be afforded an opportunity to present their views prior to the final vote upon the matter providing for the special exception or variation. The Board shall have power, in passing upon such applications, in any case where there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of the zoning code, to adapt the application of the zoning code to the necessities of the case to the end that the spirit of the zoning code shall be observed, public safety and welfare secured, and substantial justice done.
(Ord. passed 6-30-81)

§ 155.196 INTERPRETATION AND DISPUTES; REQUIREMENT FOR DETERMINATION.

(A) The Board of Adjustment is authorized to interpret zoning maps and to pass upon disputed questions of lot lines or district boundary lines and similar questions as they arise in the administration of this chapter.

(B) The Board of Adjustment shall herein decide all matters referred to it or upon which it is required to pass under this chapter.
(Ord. passed 6-30-81)

§ 155.197 NONCONFORMITIES.

(A) The Board of Adjustment shall hear and decide appeals from any land owner to replace a nonconforming use or structure which has been destroyed, to make a change in location of a nonconforming use of land, or for a special exception to allow for expansion of a nonconforming use.

(B) The Board of Adjustment may only grant a change in nonconforming use, replacement of a nonconforming use or structure which has been destroyed, or change in location of a nonconforming use of land after having first held a public hearing and determined the following:

(1) That the decision to approve or deny the proposed change shall be based on whether the change would be more suitable and appropriate for the lot(s) on which it is located than the existing situation, and that the proposed change would have less harmful effect than the existing situation on the properties surrounding the lot(s) in question.

(2) That the decision to grant the change will be in harmony with the general purpose and intent of this chapter, and will not be injurious to the neighborhood or otherwise be detrimental to the public welfare.

(C) The Board of Adjustment may grant a special exception for the expansion of a nonconforming use or

enlargement of a structure housing such a nonconforming use only after having first held a public hearing and having determined each of the following in the affirmative:

(1) The nonconforming use will not occupy any additional lands beyond the boundaries of the lot on which the nonconforming use was located as of the date the use became nonconforming. The lot boundaries used to determine this were those existing at the time the use became nonconforming.

(2) The enlargement of any structure(s) or construction of additional structure housing the nonconforming use will not result in a cumulative increase in total square footage of the building(s) greater than 50% of the total building square footage involved with the nonconforming use at the time of

the first application for expansion pursuant to this section, or, a cumulative total increase of 1,000 square feet greater than that existing at the time of first application for such expansion, whichever is greater.

(3) That if a change in use is involved, finding in the affirmative has been made pursuant to division (B) of this section.

(4) That the application does not involve any expansion of size or height of any signage.

(5) That there will be no odors, light emission (other than that equivalent to street lighting and/or lighting from any signage normally allowed in a business district), noises, vibration, or interference in radio or television detectable from the property boundary without instruments.

(6) That, in consort with the expansion, the entire nonconforming use will be screened on all sides in accordance with § 155.148(B) of this chapter. Wall or fences will be permitted only as a temporary measure to allow planted materials to reach the required height or opacity. Where the nature of the nonconforming use requires substantial street exposure along a major street identification, part or all of the screening may be waived by the Board of Adjustment. If such screening is waived, four street trees per 100 linear feet of street frontage shall be provided in lieu of the screening.

(7) Adequate provision and arrangement has been made or will be made concerning the following, where applicable:

(a) Access roads or entrance or exit drives with respect to such matters as automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire and other emergency.

(b) Off-street parking and loading areas where required and refuse and other service areas with respect to their impact upon the considerations in division (C)(7)(a) of this section and other impacts on adjoining properties in the general

neighborhood, and utilities, waters sewerage, schools, fire and police protection, and other necessary public and private services and facilities with respect to their location, availability, and compatibility.

(8) That the use has been and will remain to be maintained in a manner which does not create a nuisance to neighboring properties.

(9) The use will not materially endanger the public health or safety if allowed to expand as proposed and develop according to plan.

(10) That the proposed expansion together with mitigation plans (such as screening) would be at least equally suitable and appropriate for the lot(s) on which it is located as the existing situation.

(11) That the proposed expansion together with the mitigating measures would have a no more harmful effect than the existing situation on the properties surrounding the lot(s) in question.
(Ord. passed 6-30-81)

**§ 155.198 REVERSAL OF DECISION OF
ADMINISTRATION OFFICIAL; REVIEW BY
COURT.**

The concurring vote of five members of the Board shall be necessary to reverse any order, requirement, decision, or determination by any administrative official charged with the enforcement of an ordinance, or to decide in favor of the applicant in any matter upon which it is required to pass under any ordinance, or to grant a variance from the provisions of the ordinance. Every decision of the Board of Adjustment shall be subject to review by the general court of justice through proceedings in the nature of certiorari.
(Ord. passed 6-30-81)

§ 155.199 ADMINISTRATION OF OATHS.

The Chairperson of the Board of Adjustment or any member temporarily acting as Chairperson is authorized in his official capacity to administer oaths to witnesses in any matter coming before the Board.
(Ord. passed 6-30-81)

ADMINISTRATION

§ 155.200 ADMINISTRATION AND ENFORCEMENT.

(A) Pursuant to G.S. Ch. 160A as amended, and for the purposes of administering and enforcing this chapter, the position of Inspections Superintendent is hereby assigned the duty and authority to administer and enforce the provisions of this chapter.

(B) If the Inspections Superintendent shall find that any provisions of this chapter are being violated, the person or persons responsible for such violations shall be notified in writing indicating the nature of the violation and ordering the action necessary to correct it. The Inspections Superintendent shall order discontinuance of uses of land and buildings in violation of this chapter, removal of illegal buildings or structures, or discontinuance of illegal work being done; or shall take any other action authorized by this chapter to ensure compliance with or to prevent violation of its provisions.
(Ord. passed 6-30-81)

§ 155.201 BUILDING PERMIT REQUIRED.

(A) No building, or other structure shall be erected, moved, added to or structurally altered without a permit therefore issued by the Building Official in and for Gaston County. No building permit shall be issued by the Building Official except in conformity with the provisions of this chapter and receipt of a compliance permit or sign permit issued by the Inspections Superintendent.

(B) The Inspections Superintendent shall issue compliance and sign permits in accordance with the provisions of this zoning code. Conformity of proposed construction with the zoning code will be determined prior to the issuance of a compliance or sign permit.
(Ord. passed 6-30-81)

**§ 155.202 DESIGNATION OF CLASS A
STATUS FOR PLACEMENT OF
MANUFACTURED HOMES ON
INDIVIDUAL LOTS.**

Prior to issuance of a zoning permit for the placement of a Class A manufactured home on an individual lot, the applicant must request a designation of Class A status from the Zoning Administrator. In determining whether the proposed manufactured home, when placed on the lot, will meet the requirements for Class A manufactured homes, the applicant must furnish such information as the Zoning Administrator may request in order to make such determination. Such information may include, but shall not be limited to, manufactured specifications and drawings, photographs, site plan and elevation drawings. Prior to the issuance of a certificate of occupancy by the County Building Inspections Department, the owner shall obtain a certificate of compliance from the owner as issued by the Zoning Administrator who shall inspect the manufactured home and determine that it meets all the requirements for a Class A manufactured home.
(Ord. passed 6-30-81)

**§ 155.203 APPLICATION FOR COMPLIANCE
AND SIGN PERMITS.**

All applications shall be accompanied by site plan or plot plan drawn to scale, showing the actual dimensions and shape of the lot to be built upon; the exact sizes and location and dimensions of the proposed building, alteration, or sign. The application shall include such other information as lawfully may be required by the Inspections Superintendent, including existing or proposed uses of buildings and land; the number of families, housekeeping units, or rental units the building is designated to accommodate; sign detail; and such other matters as may be necessary to determine conformance with, and provide for the enforcement of this chapter. The site plan or plot plan shall be retained by the Inspections Superintendent.
(Ord. passed 6-30-81)

**§ 155.204 PERMITS ISSUED FOR APPROVED
LOTS ONLY.**

Permits shall not be issued for construction on new lots which are created by the subdivision of land unless the subdivision has been approved by the City Council.
(Ord. passed 6-30-81)

**§ 155.205 CERTIFICATES OF OCCUPANCY
FOR NEW OR ALTERED STRUCTURES OR
CHANGES IN USE.**

(A) It shall be unlawful to use or occupy or permit the use or occupancy of, or connect or provide utilities to any building or premises, hereafter created, erected, changed, converted, altered or enlarged in its use or structure until a certificate of occupancy shall have been issued by the Inspections Superintendent stating that construction of or alteration and/or use of the building or land conforms to the requirements of this chapter.

(B) No nonconforming use shall be altered, changed, or extended until a certificate of occupancy shall have been issued by the Inspections Superintendent. The certificate of occupancy shall state specifically wherein the nonconforming use differs from the provisions of this chapter. Upon enactment or amendment of this chapter, owners or occupants of nonconforming uses shall have three months to apply for a certificate of occupancy. Failure to make such application within three months shall be presumptive evidence that the property was in conformance at the time of enactment or amendment of this chapter.

(C) A temporary certificate of occupancy may be issued by the Inspections Superintendent for a period not to exceed six months during alterations or partial occupancy of a building pending completion, provided that such temporary permit may require such conditions and safeguards as will protect the safety of the occupants and the general public.

(D) The Inspections Superintendent shall maintain a record of all certificates of occupancy and a copy shall be furnished upon request to any person.

(E) Failure to obtain a certificate of occupancy shall be a violation of this chapter, and punishable under § 155.209 of this chapter.
(Ord. passed 6-30-81) Penalty, see § 155.999

§ 155.206 TEMPORARY USE PERMIT.

The Inspections Superintendent is authorized to issue a permit for temporary uses, as follows:

(A) Carnivals or circuses for a period not to exceed 21 days, subject to the approval of the City Council.

(B) Religious meeting in a tent or other temporary structure for a period not to exceed 60 days.

(C) Open lot sale of Christmas trees, in the industrial or commercial districts for a period not to exceed 45 days.

(D) Satellite real estate sales office representing sales of land on which the use is located, in any district, for a period not to exceed one year.

(E) Contractor's office and equipment shed, in any district for a period covering construction phase of the project not to exceed one year, provided that such office be placed on the property to which it is appurtenant.

(F) All permits for temporary uses may be renewed provided that it is determined that the use is clearly of a temporary nature, will cause no traffic congestion and will not create a nuisance to surrounding uses.
(Ord. passed 6-30-81)

§ 155.207 EXPIRATION OF COMPLIANCE AND SIGN PERMITS.

If the work described in any compliance or sign permit has not begun within six months from the date of issuance thereof, the permit shall expire. Upon beginning a project, work must be diligently

continued until completion with some progress being apparent every three months. If such continuance or work is not shown, the permit will expire.

(Ord. passed 6-30-81)

§ 155.208 COMPLAINTS REGARDING VIOLATIONS.

Whenever a violation of this chapter occurs, or is alleged to have occurred, any persons may file a written complaint. Such complaint stating fully the causes and basis thereof shall be filed with the Inspections Superintendent. He shall record properly such complaint, immediately investigate, and take action thereon as provided by this chapter.

(Ord. passed 6-30-81)

§ 155.209 REMEDIES.

In any case in which a building or structure is proposed to be or is erected, constructed, reconstructed, altered, maintained or used; or any land is proposed to be or is used in violation of this chapter, the Inspections Superintendent, City Council, City Attorney, or any other person aggrieved may, in addition to other remedies provided by law, institute injunction mandamus, or any other appropriate action or proceeding to prevent enjoin, abate, or remove such unlawful erection, construction, reconstruction, alteration, maintenance or use.

(Ord. passed 6-30-81)

§ 155.210 APPEAL FROM DECISION OF INSPECTIONS SUPERINTENDENT; APPLICATION.

It is the intent of this chapter that all questions arising in connection with the enforcement of this chapter shall be presented to the Board of Adjustment only upon written appeal of the decision of the Inspections Superintendent.

(A) Persons wishing to request an administrative review or to take an appeal shall file an application with the Board of Adjustment 30 days prior to the meeting at which it is to be reviewed.

(B) The Board shall hold a public hearing regarding any application pursuant to § 155.194 of this chapter. Due notice of the public hearing shall be given as required by G.S. § 160A-388(b).
(Ord. passed 6-30-81)

§ 155.211 DECISION OF THE BOARD OF ADJUSTMENT.

The concurring vote of four-fifths of the members of the Board of Adjustment shall be necessary to reverse any order, requirement, decision or determination of the Inspections Superintendent or to decide in favor of the applicant on any matter upon which it is required to pass under § 155.194 of this chapter. The Board shall keep minutes of its proceedings, showing the voice of each member upon each question, or if absent or failing to vote, indicating such fact; and shall keep records of its examinations and other official actions; all of which shall be immediately filed in the office of the Inspections Superintendent and shall be a public record. On all appeals, applications, and matters brought before the Board of Adjustments, the Board shall inform the applicant in writing of its decision.
(Ord. passed 6-30-81)

§ 155.212 APPEALS FROM DECISION OF BOARD OF ADJUSTMENT.

Any person who may have a substantial interest in any decision of the Board may appeal any decision made under the powers conferred by § 155.194 of this chapter to the general court of justice by filing with the clerk of the court a petition in writing setting forth plainly, fully, and distinctly wherein such decision is contrary to law. Such appeal will be filed within 30 days after the decision of the Board is rendered.
(Ord. passed 6-30-81)

AMENDMENTS; LEGAL STATUS PROVISIONS

§ 155.225 INITIATION OF AMENDMENTS.

The City Council may from time to time on its own motion or following a motion by the Planning and Zoning Commission recommending an amendment or on petition after public notice and hearing as provided by law, amend, supplement, change, modify, or repeal the boundaries or regulations herein subsequently established after submitting the same to the Planning and Zoning Commission for its recommendations and report. In case, however, that a protest petition is filed against such change, signed and acknowledged by the owners of 20% or more of the frontage proposed to be changed or of the frontage immediately in rear thereof or directly opposite thereto on forms prescribed and furnished by the City Council such amendments shall not be passed except by a three-fourths vote of all members of the City Council.
(Ord. passed 6-30-81)

§ 155.226 ADVERTISING.

Before the zoning code may be amended, supplemented, changed, modified or repealed, a public hearing must be held and advertised (as specified in G.S. § 160A-364) once a week for two successive weeks in a newspaper having general circulation in the area. The notice shall be published the first time not less than ten days nor more than 25 days before the date fixed for the hearing. In addition to the public notice required by law, the Inspections Superintendent, when feasible, shall cause to be erected on the property, with regard to which any petition is filed to have the provisions of this chapter amended, supplemented, changed or modified all with regard to which any petition is filed for the granting or variance or special exception, a sign of at least one foot by two foot in size giving notice that it is proposed to rezone such property or that it is proposed to grant a special exception or variance and to which sign is attached a copy of the notice required by law to be posted or advertised, which sign shall be so maintained on the property for at least 15 days prior to the date of the required public hearing.

(Ord. passed 6-30-81) Penalty, see § 155.999

§ 155.227 APPLICATION.

Every petition for a special exception or variance or to have the provisions of this chapter amended, supplemented, changed, or modified as to any property shall be submitted on forms prepared by the city and shall be accompanied by a check in the amount of \$35 to be used by the City Council toward defraying the advertising costs and other expenses in connection with such petition.

(Ord. passed 6-30-81)

§ 155.228 LIMIT ON AMENDMENTS.

In any case where a petition for a change in zoning classification has been denied by the City Council after a public hearing, no new petition for the same change of the same property or any part thereof shall be filed within a period of 12 months from the date of such decision by the City Council; further, no new petition for any other change in zoning classification of the same property or any part thereof shall be filed within a period of six months from the date of such decision by the City Council.

(Ord. passed 6-30-81)

§ 155.229 CONFLICT WITH OTHER LAWS.

Whenever the regulations of this chapter require a greater width or size of yards, or require a greater percentage of lot to be left unoccupied, or impose other more restrictive standards that are required in or under any other statutes; the requirements of this chapter shall govern. Whenever the provisions of any other statute require more restrictive standards than are required by this chapter, the provisions of such statute shall govern.

(Ord. passed 6-30-81)

§ 155.230 EFFECT OF OUTSTANDING ZONING COMPLIANCE.

Nothing herein contained shall require any change in the plans, construction, size or designated use of any building structure or part thereof for which a zoning compliance permit has been issued before the time of passage of this chapter.

(Ord. passed 6-30-81)

§ 155.231 TERRITORY WITHIN PERIMETER.

This chapter shall be applicable not only within the corporate limits of the town but also within the territory beyond the corporate limits, as now or here- after fixed, for a distance of one mile in all direc- tions.
(Ord. passed 6-30-81)

***STATUTORY VESTED RIGHT PROVISIONS;
SITE SPECIFIED DEVELOPMENT PLAN***

§ 155.250 PURPOSE.

The purpose of this subchapter is to implement the provisions of G.S. § 160A-385.1 pursuant to which a statutory zoning vested right is established upon the approval of a site specified development plan.
(Ord. 91-10-1, passed 10-14-91)

§ 155.251 DEFINITIONS.

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

APPROVAL AUTHORITY. The City Council, Board of Adjustment or other board or official desig- nated by ordinance or this chapter as being authorized to grant the specific zoning or land use permit or approval that constitutes a site specific development plan.

SITE SPECIFIC DEVELOPMENT PLAN.

(1) A plan of land development submitted to the city for purposes of obtaining one of the following zoning or land use permits or approvals. (List those permits or approvals that shall establish a statutory vested right pursuant to G.S. § 160A-385.1 and reference the ordinance provisions that provide for such permits or approvals).

- (a) Preliminary major subdivision plat;

- (b) Minor subdivision plat;
- (c) Zoning permit application (single parcel site).

(2) Notwithstanding division (1)(a), (b), and (c) of this definition, neither a variance, a sketch plan, nor any other document that fails to describe with reasonable certainty the type and intensity of use for a specified parcel or parcels of property shall constitute a ***SITE SPECIFIC DEVELOPMENT PLAN***.

ZONING VESTED RIGHT. A right to G.S. § 160A-385.1 to undertake and complete the development and use of property under the terms and conditions of an approved site specific development plan. (Ord. 91-10-1, passed 10-14-91)

§ 155.252 ESTABLISHMENT OF A ZONING VESTED RIGHT.

(A) A zoning vested right shall be deemed established upon the valid approval, or conditional approval, by the Board of Adjustment, of a site specific development plan, following notice and public hearing.

(B) The approving authority may approve a site specific development plan upon such terms and conditions as may reasonably be necessary to protect the public health, safety, and welfare.

(C) Notwithstanding divisions (A) and (B) of this section, approval of a site specific development plan with the conditions that a variance be obtained shall not confer a zoning vested right unless and until the necessary variance is obtained.

(D) A site specific development plan shall be deemed approved upon the effective date of the approval authority's action or ordinance relating thereto.

(E) The establishment of a zoning vested right shall not preclude the application of overlay zoning that imposes additional requirements but does not affect the allowable type or intensity of use, or ordinances or regulations that are general in nature

and are applicable to all property subject to land use regulation by the city, including, but not limited to, building, fire, plumbing, electrical, and mechanical codes. Otherwise applicable new or amended regulations shall become effective with respect to property that is subject to a site specific development plan upon the expiration or termination of the vested right in accordance with this subchapter.

(F) A zoning vested right is not a personal right, but shall attach to and run with the applicable property. After approval of a site specific development plan, all successors to the original landowner shall be entitled to exercise such right while applicable.
(Ord. 91-10-1, passed 10-14-91)

§ 155.253 APPROVAL PROCEDURES AND APPROVAL AUTHORITY.

(A) Except as otherwise provided in this section, an application for site specific development plan approval shall be processed in accordance with the procedures established by ordinance and shall be considered by the designated approval authority for the specific type of zoning or land use permit or approval for which application is made.

(B) Notwithstanding the provisions of division (A) of this section, if the authority to issue a particular zoning or land use permit or approval has been delegated by ordinance to a Board, Committee or administrative official other than the City Council, Board of Adjustment, or other planning agency designated to perform any or all of the duties of the Board of Adjustment, in order to obtain a zoning vested right, the applicant must request in writing at the time of application that the application be considered and acted on by the City Council, or Board of Adjustment, following notice and a public hearing as provided in G.S. § 160A-364.

(C) In order for a zoning vested right to be established upon approval of a site specific development plan, the applicant must indicate at the time of application, on a form to be provided by the city that a zoning vested right is being sought.

(D) Each map, plat, site plan, or other document evidencing a site specific development plan shall contain the following notation, "Approval of this plan establishes a zoning vested right under G.S. § 160A-385.1. Unless terminated at an earlier date, the zoning vested right shall be valid until [date]."

(E) Following approval or conditional approval of a site specific development plan, nothing in this subchapter shall exempt such a plan from subsequent reviews and approvals to ensure compliance with the terms and conditions of the original approval, provided that such reviews and approvals are not inconsistent with the original approval.

(F) Nothing in this subchapter shall prohibit the revocation of the original approval or other remedies for failure to comply with applicable terms and conditions of the approval or the zoning code.
(Ord. 91-10-1, passed 10-14-91)

§ 155.254 DURATION.

(A) A zoning right that has been vested as provided in this subchapter shall remain vested for a period of two years unless specifically and unambiguously provided otherwise pursuant to division (B) of this section. This vesting shall not be extended by any amendments or modifications to a site specific development plan unless expressly provided by the approval authority at the time the amendment or modification is approved.

(B) Notwithstanding the provisions of division (A) of this section, the approval authority may provide that rights shall be vested for a period exceeding two years but not exceeding five years where warranted in light of all relevant circumstances, including, but not limited to, the size of the development, the level of investment, the need for or desirability of the development, economic cycles, and market conditions. These determinations shall be in the sound discretion of the approval authority at the time the site development plan is approved.

(C) Upon issuance of a building permit, the expiration provisions of G.S. § 160A-418 and the revocation provisions of G.S. § 160A-422 shall apply, except that a building permit shall not expire or be revoked because of the running of time while a zoning vested right under the section is outstanding.
(Ord. 91-10-1, passed 10-14-91)

§ 155.255 TERMINATION.

A zoning right that has been vested in this sub- chapter shall terminate:

(A) At the end of the applicable vesting period with respect to buildings and uses for which no valid building permit applications have been filed.

(B) With the written consent of the affected landowner.

(C) Upon findings by the City Council, by ordinance after notice and a public hearing, that natural or man-made hazards on or in the immediate vicinity of the property, if uncorrected, would pose a serious threat to the public health, safety, and welfare if the project were to proceed as contemplated in the site specific development plan.

(D) Upon payment to the affected landowner of compensation for all costs, expenses, and other losses incurred by the landowner, including, but not limited to, all fees paid in consideration of financing, and all architectural, planning, marketing, legal, and other consultant's fees incurred after approval by the city, together with interest thereon at the legal rate until paid. Compensation shall not include any diminution in the value of the property which is caused by such action.

(E) Upon findings by the City Council, by ordinance after notice and a hearing, that the land- owner or his representative intentionally supplied inaccurate information or made material mis- representations which made a difference in the approval by the approval authority of the site specific development plan.

(F) Upon the enactment or promulgation of a state or federal law or regulation that precludes development as contemplated in the site specific development plan, in which case the approval authority may modify the affected provisions, upon a finding that the change in state or federal law has a fundamental effect on the plan, after notice and a hearing.
(Ord. 91-10-1, passed 10-14-91)

§ 155.256 VOLUNTARY ANNEXATION.

A petition for annexation filed with the city under G.S. § 160A-31 or G.S. § 160A-58.1 shall contain a signed statement declaring whether or not any zoning vested right with respect to the properties subject to the petition has been established under G.S. § 160A-385.1 or G.S. § 153A-344.1. A statement that declares that no zoning vested right has been established under G.S. § 160A-385.1 or G.S. § 153A-344.1, or the failure to sign a statement declaring whether or not a zoning vested right has been established, shall be binding on the landowner and any such zoning vested right shall be terminated.
(Ord. 91-10-1, passed 10-14-91)

§ 155.257 LIMITATIONS.

Nothing in this subchapter is intended or shall be deemed to create any vested right other than those established pursuant to G.S. § 160A-385.1.
(Ord. 91-10-1, passed 10-14-91)

§ 155.258 REPEALER.

In the event that G.S. § 160A-385.1 is repealed, this subchapter shall be repealed and the provisions hereof no longer effective.
(Ord. 91-10-1, passed 10-14-91)

§ 155.999 PENALTY.

(A) Any person violating any provision of this chapter shall upon conviction be guilty of a misdemeanor and shall be fined, as determined by the court for each offense. No court conviction shall prevent the city from taking such other lawful action as is necessary to prevent or remedy any violation.

(B) Any person, firm or corporation who violates the provisions of this chapter shall, upon conviction, be guilty of a misdemeanor and shall be fined not exceeding \$50 or imprisoned not exceeding 30 days. Each day that violation continues to exist shall be considered a separate violation.

(Ord. passed 6-30-81)

APPENDIX A: SCREEN/BUFFER ILLUSTRATION

APPENDIX B: SCHEDULE OF SIGN REGULATIONS

<i>Use of Use</i>	<i>Type of Sign</i>	<i>Permitted Number of Signs</i>	<i>Maximum Height for Detached Signs</i>	<i>Maximum Area of Signs (Sq. Ft.)</i>	<i>Location</i>	<i>Permitted Illumination</i>
Single-family dwellings (home occupations)	Identification	1	6 feet	1½	Behind street right-of-way line	Lighted
Multi-family dwellings	Identification	1 per building	—	3	Behind required setback	Lighted
Churches, schools, community recreation centers, libraries, museums, art galleries, parks, playgrounds, funeral homes*	Identification Bulletin Board	1 per building	10 feet	40	Behind street right-of-way line	Lighted
Cemeteries*	Identification	1 per establishment	20 feet	24	Behind street right-of-way line	Lighted
Nursing homes for chronic or convalescent patients, homes for the aged and infirmed, day care centers, and day schools, day care centers**	Identification	1 per establishment	20 feet	24	Behind street right-of-way line	Lighted
Commercial uses conducted in buildings associated and uses listed in Tables (C), (D), & (E) of Appendix A, when located in business and industrial zones (See § 155.089)	Business and/or identification	Attached signs - no limit	35 feet	Signs attached to buildings - no more than 30% of each building side. Signs detached from buildings - 100	One sign per street front may be detached from the building provided that no part of the sign is located less than five feet behind the street right-of-way	Luminous
Commercial uses not conducted in or associated with buildings	Business and/or identification	1 per establishment	35 feet	100	Behind property line	Luminous
Industrial uses	Identification	No limit	35	One square foot per foot of street frontage at the front of the lot	Behind property line	Luminous
Outdoor advertising signs (See § 155.169)	—	—	—	—	—	—

When located within any residential zone.

hen located within any residential zone - same as home occupation.

(Ord. passed 6-30-81) Penalty, see § 155.999

APPENDIX C: CERTIFICATION

Section

1. Certification that statutory zoning vested right is being sought pursuant to G.S. § 160A-385.1

§ 1. CERTIFICATION THAT STATUTORY ZONING VESTED RIGHT IS BEING SOUGHT PURSUANT TO G.S. § 160A-385.1.

As applicant for a (identify land use approval or permit that is being sought), I hereby certify that I am also seeking to acquire a vested right pursuant to G.S. § 160A-385.1 and §§ 155.250 through 155.258 of the city code.

If the city code provides that the approval authority for the type of land use approval or permit for which I am applying is a Board, Committee or administrative official other than the City Council or Board of Adjustment, I understand and agree that my application will be considered and acted on by the City Council or Board of Adjustment following notice and a public hearing.

DateApplicant

(Ord. 91-10-1, passed 10-14-91)