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ARTICLE I

GENERAL PROVISIONS

SEC. 1-1. LONG TITLE AND AUTHORITY

An Ordinance establishing zoning regulations for designated portions of Wallburg and providing for the administration, enforcement, and amendment thereof in accord with the provisions of Chapter 153A, Article 18, of the North Carolina General Statutes, as amended, and for the repeal of all ordinances in conflict herewith.

SEC. 1-2. SHORT TITLE

This ordinance may be known and cited as “The Zoning Ordinance of Wallburg.”

SEC. 1-3. INTENT

- A. Declaration of Necessity. In order to protect and promote the health, safety, and general welfare of the county and its residents, this ordinance is adopted by the Wallburg Town Council to regulate and restrict the height, number of stories, and size of buildings and other structures, the percentage of lots that may be occupied, the size of yards, courts, and other open spaces, the density of population, and land for trade, industry, residence and other purposes, including off-street parking, the arrangement of lots, methods of land development and related matter.
- B. Purpose. The purpose of the regulations set out in this ordinance shall be to accomplish compatible development of the land within Wallburg in a manner which will best promote the health, safety, and general welfare, as well as to provide for efficiency and economy in the process of development; to make adequate provisions for traffic; to secure safety from fire, panic, and other hazards; to provide for light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provisions of transportation, water, sewerage, schools, parks, and other public requirements; to promote desirable living conditions and the sustained stability of neighborhoods; to protect property against blight and depreciation and for other purposes in accordance with the comprehensive plan for the county.

SEC. 1-4. JURISDICTION

The provisions of this ordinance shall apply to all lands within the areas designated as zoning districts on the official Zoning Atlas of Wallburg, other than those areas validly controlled by the zoning jurisdiction of municipalities.

SEC. 1-5. FARM EXEMPTION

The provisions of this ordinance which are adopted under Chapter 153A, Article 18, Part 3 of the General Statutes of North Carolina do not affect bona fide farms as defined in this ordinance but any use of farm property for non-farm purposes is subject to these regulations.

SEC. 1-6. APPLICABILITY OF REGULATIONS

- A. **Zoning Affects Every Building and Use.** Except as otherwise provided in this ordinance, no structure or land shall hereafter be used or occupied, and no structure, or part thereof, shall be altered, moved, erected, or built except in conformity with the regulations herein specified for the Zoning District in which the structure or land is located. Bona fide farms shall not be affected by this ordinance but any use of farm property for non-farm purposes is subject to the regulations.
- B. **Prohibited Uses.** Uses of land or structures which are not expressly listed in the Schedule of Uses, as Permitted Uses, Permitted Accessory Uses or Special Uses in a district are prohibited uses and shall not be established within that district.
- C. **Relationships of Building to Lot.** Every building hereafter erected, moved or structurally altered shall be located on a lot and in no case shall there be more than on (1) principal building and its customary accessory buildings on the lot, except where permitted in a particular zoning district in which it is permissible to have two (2) single family dwellings on a lot.
- D. **Administrative Regulations.** The County Manager is authorized and directed to propose and promulgate administrative regulations, including but not limited to the type and amount of data required for a completed application, in order to implement the provisions of this ordinance.
- E. **Reserved.**

SEC. 1-7. INTERPRETATION OF WORDS AND TERMS

The word “shall” is always mandatory.

The word “occupied” and the word “used” shall be considered as though followed by the words “of intended, arranged, or designed to be used or occupied”.

Terms not herein defined shall have the meaning customarily assigned to them.

The term “person” shall include a corporation, company, partnership, association, trust, firm and proprietorship, as well as an individual.

ARTICLE 2

ESTABLISHMENT OF ZONING DISTRICTS AND MAP

SEC. 2-1. DIVISION INTO ZONING DISTRICTS

The Wallburg Zoning jurisdiction shall be and hereby is, divided into Zoning Districts as enumerated in the Schedule of Use Regulations and the Schedule of Area, Height, Bulk and Placement Regulations.

SEC. 2-2. ZONING DISTRICT BOUNDARIES SHOWN ON OFFICIAL ZONING ATLAS

The boundaries of said Zoning Districts are hereby established as shown on the Official Zoning Atlas which accompanies this Ordinance and which, with all notations, references, and other information shown thereon, shall be as much a part of this ordinance as if fully described herein. Maps and descriptions accompanying enacted amendments shall be displayed by the Planning Department adjacent to the Official Zoning Atlas until such time as the official copy is corrected.

SEC. 2-3. OFFICIAL ZONING ATLAS AND AUTHENTICATION

The Official Zoning Atlas shall be authenticated by the County Clerk and kept on file in the Planning Department.

SEC. 2-4. COPIES OF ZONING ATLAS, STATUS

Copies of the Official Zoning Map Atlas, or portions thereof, may be made from time to time. These copies are informational only; the Official Zoning Atlas is the final and sole authority as to the zoning status of land within the zoning jurisdiction of Wallburg.

SEC. 2-5. MAINTENANCE RESPONSIBILITY AND AUTHENTICATION

The Planning Director shall be responsible for entering amendments to the Official Zoning Atlas. Such entries shall be made within five working days of the date that the Clerk shall notify the Director of the passage of such amendments.

The Planning Director shall authenticate the entry of each amendment to the Official Zoning Atlas and shall maintain a record of the nature and date of entry of each amendment.

SEC. 2-6. UNAUTHORIZED CHANGES PROHIBITED

Changes to the Official Zoning Atlas, other than those authorized by duly approved amendments to this ordinance, shall not be made. The making of unauthorized changes to the Official Zoning Atlas shall be considered a violation of this ordinance.

SEC. 2-7. AMENDMENTS TO ZONING ATLAS NOT EFFECTIVE UNTIL SHOWN ON OFFICIAL ZONING ATLAS

Amendments to the zoning ordinance which result in the change in classification of any piece of land shall not become effective until after the expiration of five working days from the date of enactment of such amendment.

The Town Council may, upon a finding by the Council an emergency exists, waive the five day period and give immediate effect of an amendment changing the classification of a parcel of land.

SEC. 2-8. OFFICIAL ZONING ATLAS REPLACEMENT

When all or part of the Official Zoning Atlas becomes damaged, lost, destroyed, worn or hard to interpret by reason of its age, condition, number of changes or otherwise, replacement may be authorized by resolution of the Town Council. This new edition of the Official Zoning Atlas may not change the zoning status of any property, but it may correct previous errors or omissions. Such replacements shall be authenticated by the County Clerk and shall bear the date and number of authorizing resolution.

SEC. 2-9. INTERPRETATION OF DISTRICT BOUNDARIES

When there is any uncertainty as to the intended location of any zoning district boundary on the Zoning Atlas, the Zoning Officer shall make an interpretation of said Atlas upon request of any person. Any person aggrieved by any such interpretation may appeal such interpretation to the Board of Adjustment. The Zoning Officer and the Board of Adjustment, in interpreting the Zoning Atlas or deciding any appeal, shall apply the following standards:

- A. Boundaries indicated as approximately following the centerlines of streets, highways or alleys shall be construed as following such centerlines;
- B. Boundaries indicated as approximately following lot lines shall be construed as following such lot lines;
- C. Boundaries indicated as approximately following City Limits shall be construed as following such City Limits;
- D. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks;
- E. Boundaries indicated as following shorelines shall be construed to follow such shorelines; in the event of change in the shoreline, the boundary shall be construed as moving with the actual shorelines; boundaries indicated as approximately following the centerlines of streams, rivers, canals, lakes or other bodies of water shall be construed as following such centerlines; boundaries shown as approximately following designated flood hazard area limits shall be construed as following such limits, as shown on the official Base Floodway and Floodplain Boundary Maps and Base Flood Profiles;

- F. Boundaries indicated as parallel to or extensions of features indicated in subsections A through E above shall be so construed. Distances not specifically indicated on the Zoning Atlas shall be determined by reference to the scale of the Atlas.
- G. Where physical or cultural features existing on the ground are at variance with those shown on the Zoning Atlas, or in other circumstances not covered by subsections A through F above, the Board of Adjustment shall interpret the district boundaries.

ARTICLE 3
ESTABLISHMENT OF USE REGULATIONS AND SCHEDULES

SEC. 3-1. ESTABLISHMENT OF USE REGULATIONS

Except as otherwise provided herein, regulations governing the use of land and structures are hereby established as shown in the Schedule of Permitted Uses.

Uses requiring special permits must meet certain conditions specified in this ordinance. Only after the existence of these specified conditions has been determined by the Board of Adjustment, or the Town Council, as appropriate, will a special permit be issued; otherwise such uses are prohibited uses.

Regulations governing the use of land and structures within a Planned Development district are as established in Article 5.

SEC. 3-2. DISTRICT STATEMENTS OF INTENT

RA-1, RA-2 and RA-3, Rural Agricultural District

The intent of the Rural Agricultural Districts is to provide for rural non-farm and farm operations, where soil types, topography, lot size and related factors are appropriate. Long term solutions to sanitary sewage disposal shall be individual septic tanks or equivalent methods. The mix of uses shall recognize that agriculture is an important land use in these districts. Mobile homes are permitted as single family dwellings on individual lots, subject to varying locational controls.

RS, Low Intensity Residential District

The intent of the Low Intensity Residential District is to provide space for suburban residential development, where soil types, location, and topography make this type of development appropriate.

RM-1, Medium Density Residential District

The intent of the Medium Density Residential District is to provide space for medium density residential development in areas served by public water supply and where sanitary sewage disposal can be appropriately handled. This district shall normally be located with access to collector or primary streets.

RM-2, High Density Residential District

The intent of the High Density Residential District is to provide for high density residential development in areas that can be served by both public water supply and sanitary service collection systems. This district shall be located such that eventual annexation by municipalities is likely.

RC, Rural Commercial District

The intent of the Rural Commercial District is to provide for low traffic volume sales of convenience goods and limited personal service needs in rural areas. Rural Commercial Districts are intended primarily for establishments serving the immediate vicinity.

CS, Community Shopping District

The intent of the Community Shopping District is to provide for personal services, offices, and the retailing of durable and convenience goods for the community. Because these commercial uses are high generators of traffic they should be concentrated at the intersection of collector and arterial roads.

O/I, Office and Institutional District

The Office/Institutional District is intended to provide locations for medium intensity office and institutional development and, where appropriate, will be applied as a buffer between non-residential and residential zoning districts.

HC, Highway Commercial District

The Highway Commercial District is intended to provide locations for the retailing of convenience goods, automotive products and services, food services, and transient lodging for travelers along major streets and highways. Because these commercial uses are subject to considerable public exposure and are important to the economy of Wallburg, they shall have ample parking, controlled traffic movement and suitable landscaping.

LI, Limited Industrial District

The Limited Industrial District is intended to provide sites for manufacturing, warehousing, processing and related uses whose operating characteristics limit their effects on adjacent uses.

HI, Heavy Industrial District

The Heavy Industrial District is intended to provide sites for industrial, processing and related operations whose external effects could be detrimental to certain classes of uses. This district shall normally be located so that traffic to and from the use has direct access to an arterial street and normally this district shall not be located directly adjacent to residentially zoned land.

SEC. 3-3. CONDITIONAL USE DISTRICTS

A. Purpose of Conditional Use Districts. If the regulations and restrictions of a zoning district permitting a proposed use are inadequate to ensure the compatibility of the proposed development with the immediately surrounding neighborhood in accordance with the principles of this ordinance and applicable adopted plans, the property owner may apply for rezoning to a conditional use district bearing the same designation as a standard zoning district but subject to additional conditions.

B. General Requirements

1. Conditional use application. The conditional use district application shall be considered only

upon request by the property owner(s). The owners(s) may specify the use(s) of the property and shall propose conditions to ensure compatibility between the development and the surrounding neighborhood.

2. Other regulations apply. Within a conditional use district, all standards and requirements of the corresponding zoning district shall be met, except to the extent that the conditions imposed are more restrictive than those standards.

3. Uses within district. Within an approved conditional use district, no use shall be permitted except pursuant to a conditional use permit authorized and granted by the Town Council, which shall specify the use or uses authorized.

4. Conditions. A Conditional Use Permit shall specify the uses which are permitted on the property to some one or more use(s) otherwise permitted in the zone. The permit may further specify the location on the property of the proposed use, the number of dwelling units, the location and extent of supporting facilities such as parking lots, driveways, and street address, the location and extent of buffer areas and other special purpose areas, the timing of development, the location and extent of right-of-ways and other areas to be dedicated for public purposes, and other such matters as the applicant may propose as conditions upon the request.

5. Greater Restrictions. In granting a conditional use permit, the Town Council, upon request of the applicant, may impose only more restrictive requirements upon the permit as it may deem necessary in order that the purposes and intent of this Ordinance be served.

6. Violation of Permit Condition. Any violation of condition in an approved conditional use permit shall be treated the same as any other violation of this Ordinance and shall be subject to the same remedies and penalties.

7. Cancellation of Permit. If for any reason any condition imposed under these regulations is found to be illegal or invalid, or if the applicant should fail to accept any condition, the authorization of such conditional use permit shall be null and void and of no effect and proceedings shall be instituted to rezone the property to its previous zoning classification.

C. Procedures

1. Rezoning. Applications for rezoning to a conditional use district shall be processed, considered and voted upon in the same manner as that required for other zoning map amendments, except as provided in Section 2 below. No conditional use permit shall be approved before approval of the conditional use district to which it applies.

2. Required Findings. A zoning map amendment and conditional use permit shall be issued by the Town Council in a hearing open to the public. The following findings shall be made:

- a. that the development of the property in accordance with the proposed conditions will not materially endanger the public health or safety;
- b. that the development of the property in accordance with the proposed conditions will not substantially injure the value of adjoining or abutting property, or that the development is a public necessity; and

- c. that the location and character of the development in accordance with the proposed conditions will be in harmony with the area in which it is to be located and in general conformity with the plan of development of the County and its environs.
- 3. Oaths. All evidence presented at the public hearing in regard to applications for conditional use districts and conditional use permits shall be under oath.
- 4. Permit Perpetually Binding. Any conditional use permit so authorized shall be perpetually binding upon the property included in the permit unless it is later changed or amended as provided for in this Section.
- 5. Greater Restrictions. In granting a conditional use permit, the Town Council, upon request of the applicant, may impose only more restrictive requirements upon the permit as it may deem necessary in order that the purposes and intent of this Ordinance be served.
- 6. Submission of Site Plans. Conditional use site plans for any development made pursuant to any conditional use permit shall be submitted for review in the same manner as other development plans required by this Ordinance.
- 7. Minor Modifications. The Town Council hereby designates the Wallburg Planning Board to approve minor modifications of the conditions in the conditional use permit where the modifications will result in equal or better performance, provided that the objectives and purposes of the requirements and conditions of the permit are maintained.
- 8. Amendment of Permit Conditions. The Town Council may change or amend a conditional use permit in the same procedure as that required for the original issuance of the conditional use permit.
- 9. Timing of Amendment Proposal. No proposal to change or amend any conditional use permit shall be considered within *one year* after the date of the original authorization of the permit, or within *one year* after the hearing of any previous proposal to change or amend the permit.
- D. Conditional Use District. A conditional use district bearing the designation CU is hereby established as a companion district for every district established in Sec. 3-2. These districts are CU-RA-1, CU-RA-2, CU-RA-3, CU-RS, CU-RM-1, CU-RM-2, CU-RC, CU-HC, CU-CS, CU-O/I, CU-LI, and CU-HI. All regulations which apply to a general use zoning district also apply to the companion conditional use district. All other regulations, which may be offered by the property owner and approved by the County as a part of the rezoning process, also apply.

SEC. 3-4. TABLE OF PERMITTED USES

Districts in which particular uses are permitted as a use by right are indicated by “X”. Districts in which particular uses are prohibited are indicated by a blank. Districts in which particular uses are permitted as a Special Use upon approval by the Town Council are indicated by “SA” (Class A Special Use), and districts with particular special uses granted by the Board of Adjustment are indicated by “SB” (Class B Special Use).

USES DISTRICT

	RA-1	RA-2	RA-3	RS	RM1	RM-2	RC	CS	OI	HC	LI	HI
Abattoirs												X
* Above Ground Three Phase Electric Power Distribution Lines	X	X	X	X	X	X	X	X	X	X	X	X
Adult Uses										SA		
Apartments					X	X			X			
Arena							SB			SB	SB	SB
Auditoriums								X		X	X	X
*** Automobile Body Shops (excluding open storage of wrecked vehicles)							X	X		X	X	X
Automobile Car Wash, Drive Through Requiring Vehicle Stacking							X	X		X	X	X
Automobile Grave Yards											SB	SB
Automobile Sales, New and Used							X	X		X	X	X
Banks and Savings and Loan Associations								X	X	X		
Beauty and Barber Shops							X	X		X		
** Bed and Breakfast Inn	SB	SB	SB	SB	SB	SB	X	X		X		
Botanical Gardens and Arboretums	X	X	X	X	X	X						
Bottling Plants											X	X
Brick, Tile, & Cement Manufacturing												X
Builders Supply Sales 2 (8 ft. solid fencing or approved screening required for accessory storage yards)										X	X	
Bus Passenger Terminals								X		X		
Carnivals, Fairgrounds										X	X	
Cemetery	SB	SB	SB	SB	SB	SB	SB			SB		
Chemical Manufacturing												X
Commercial Recreational Facility (Outdoor)	SB	SB	SB								SB	SB
Churches and their Customary Accessory Uses, including on-premises Cemeteries and Child Care	X	X	X	X	X	X	X	X	X	X	X	X
Community Centers, Public and Non-Profit, for Assembly and Recreation	X	X	X		X	X	X	X		X		
Compartmentalized Storage for Individual Storage of Residential and Commercial Goods							X	X		X	X	X
Concrete and Asphalt Products Plant												X
Condominiums					X	X			X			
Convenience Stores							X	X		X		

Country Clubs, Membership Swim and Tennis Clubs	X	X	X	X	X	X						
Day Care Facility (freestanding)							X	X	X	X		
Day Care Home	X	X	X	X	X	X						

* Amended 8-19-03 ** Amended 3-5-01 *** Amended 12-8-03

USES DISTRICT USES DISTRICT USES DISTRICT

	RA-1	RA-2	RA-3	RS	RM1	RM-2	RC	CS	OI	HC	LI	HI
Drive-In Theater										SB	SB	
Drive-In Window Services (bank, fast foods, etc.) where use is permitted in District								X	X	X	X	
Dry Cleaning and Laundry								X		X	X	
Dumpster Sites (box sites)	X	X	X								X	X
Dwellings, Single-Family	X	X	X	X	X	X			X			
Dwellings, Two-Family	X	X	X		X	X			X			
* Electricity Generation Facility												X
Electric Power Transmission Lines over 44,000 Volts, Gas and Fuel Distribution Lines over 100 PSI	X	X	X	X	X	X	X	X	X	X	X	X
Extraction of Earth Products	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA
Family Care Home (located no closer than 1/2 mile radius from existing Family Care Home)	X	X	X	X	X	X			X			
Farm Machinery Sales		X	X					X		X	X	X
Farm Supplies Sales (feed, seed, fertilizer, etc.)	X	X	X				X	X		X		
Farms (not regulated)³	X	X	X	X	X	X	X	X	X	X	X	X
Fleamarket, Indoors							X	X		X		
Fleamarket, Out-of-doors							X	X		X		
Foundry casting, light weight, nonferrous metal not causing noxious fumes, noise, or odors. Max. Size: 6,000 sq. ft.											X	X
Foundry casting, light weight, nonferrous metal not causing noxious fumes, noise, or odors. Over 6,000 sq. ft.												X
Freight Terminals, Truck or Rail											X	X
Fuel Oil Dealers											X	X
Funeral Homes							X	X	X	X		

Furniture Manufacturing											X	X
General Aviation Airport	SA	SA	SA								SA	SA
Golf Courses	X	X	X	X								
Golf Driving Range	SB	SB	SB		SB	SB		SB	SB	SB	SB	SB
Golf, Miniature								X		X		
Governmental Emergency Services	X	X	X	X	X	X	X	X	X	X	X	X
Governmental Offices	X	X	X	X	X	X	X	X	X	X	X	X
Greenhouses, Nurseries, Landscaping, Plant Cultivation & Sales (Commercial)								X	X	X	X	X
Grocery Stores (Supermarkets)								X		X		
Group Homes									SB	X		
Hazardous Waste Facility												SA

	RA-1	RA-2	RA-3	RS	RM1	RM-2	RC	CS	OI	HC	LI	HI
Home Furnishings and Appliance Sales								X		X		
Home Occupations	X	X	X	X	X	X			X			
Hospitals, Medical Clinics								X	X	X		
Hotels and Motels								X		X		
Indoor Firing Range							SB	SB		SB	SB	SB
Junkyard ¹											SB	SB
Kennels, Commercial Boarding and Lodging of Domestic Animals							X	X		X		
Kennels, Non-Commercial, On-Premises Personal Use	X	X	X	X	X	X	X	X		X		
Laboratories, Analytical, Experimental, or Testing											X	X
Landfills		SA	SA								SA	SA
Large Day Care Home	SB	SB	SB	SB	SB	SB			SB			
Libraries							X	X	X	X		
Light Manufacturing or Processing not otherwise named, provided that operations do not create smoke, fumes, noise, odor or dust that is detrimental to health, safety, or general welfare of the community											X	
Livestock Sales	X	X	X									X
Lodges, Fraternal and Social Organizations	SB	SB	SB		SB	SB		X	SB	X		
Machine Shop, Welding Shop											X	X

Manufacturing or Processing: 4 1. Processing, fabrication, or manufacture of products or material (including, but not limited to, animal or vegetable matter, chemicals or chemical compounds, glass, metals, minerals, or other products converted from raw materials and including those processes with significant air or water discharge													X
2. Fabrication or assembly of 4 products from pre-structured materials or components												X	X
3. Manufacture of Foodstuffs, 4 apparel, beverages, textiles, electrical components, or tobacco products; fabrication Of wood, leather, paper, water, or plastic products												X	X

	RA-1	RA-2	RA3	RS	RM1	RM-2	RC	CS	OI	HC	LI	HI
Manufactured Home, Class A ₅ (on individual lot)	X	X	X		X				X			
* Manufactured Home, Class B ₅ (on individual lot)		X	X		X							
Manufactured Home Parks more than ten (10) Spaces					SA							
Manufactured Home Parks less than ten (10) Spaces	SB	SB	SB		SB							
Manufactured Home, Temporary Hardship	SB	SB	SB	SB	SB	SB						
Manufactured Housing, Travel Trailer, Camper, Marine, Recreational Vehicle Sales										X	X	
** Mixed Commercial and Residential Use Where Commercial Use is Primary & Both Occupy Same Structure on Lot							X	X		X		
Motor Vehicle Maintenance & Repair (Excluding Open Storage of Wrecked Vehicles)							X	X		X	X	X
Museums							X	X	X	X		
Nursing and Rest Homes					X	X	X	X	X	X		
Offices							X	X	X	X	X	X
Outdoor Advertising Sign								X		X	X	X

Outdoor Storage Yard (principal use) ² (8' solid fencing or other approved screening required)											X	X	X
Parking as Principal Use of Lot, Tract, or Parcel								X	X	X	X	X	X
Parcel Delivery Service								X		X	X		
Parks, Playing Fields (Non-profit)	X	X	X	X	X	X	X						
Petroleum Bulk Stations Terminals													SB
Pharmacy and Drug Store							X	X		X			
Printing Establishments								X		X	X	X	
Race Tracks, Drag Strips													SB
* Radio, TV, Utility Towers & Water Tanks	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA
Recreational Facilities, Commercial Indoors (e.g., bowling alleys, skating rinks, game rooms)								X		X	X	X	
Recycling Drop-Off Centers							X	X		X	X	X	
Repair Services, Electronic & Appliance							X	X		X	X		
Restaurants, Food and Beverage Establishments							X	X		X	X	X	
Retail Trade, Durable and Non-Durable Goods							X	X		X			

** Amended 4-2-01 * Amended 2-5-98 USES DISTRICT

	RA-1	RA-2	RA-3	RS	RM1	RM-2	RC	CS	OI	HC	LI	HI
Riding Academies	X	X	X									
Rooming Houses					X	X			X			
Rural Family Occupation	SB	SB	SB									
Saw Mills (permanent on 2 or more acres)	SB	SB	SB								X	X
Saw Mills (temporary) ⁶	X	X	X									
Schools, Primary & Secondary	X	X	X	X	X	X	X	X	X			
Service Stations							X	X		X	X	X
Sewage Pumping Stations (lift stations)	SB	SB	SB	SB	SB	SB	X	X	SB	X	X	X
Skeet, Trap, Rifle, and Pistol Range, Turkey Shoot (Outdoor)	SB	SB	SB									
** Storage of Low Explosives		SB	SB								SB	SB
Streets and Railroad Tracks	X	X	X	X	X	X	X	X	X	X	X	X
Telephone Exchanges, Switching Stations	SB	SB	SB	SB	SB	SB	X	X	X	X	X	X
Temporary Building or Structure Related to Development of Land	X	X	X	X	X	X	X	X	X	X	X	X
Townhouses					X	X			X			
Travel Trailer Parks and Campgrounds	SB	SB	SB		SB							

Underground Electric Power Distribution Lines Under 44,000 Volts; Gas and Liquid Fuel Distribution Under 100 PSI; Water and Sewer Lines	X	X	X	X	X	X	X	X	X	X	X	X
Utility Stations and Substations	SB	SB	SB	SB	SB	SB	X	X	SB	X	X	X
Veterinary Clinic, Including accessory uses except no out-of-doors boarding of animals in O/I							X	X	X	X		
Vocational or Professional Schools							X	X	X	X	X	X
Warehouses											X	X
Waste Treatment Plants (Public)	SA	SA	SA								SA	SA
Water Treatment Plant	SA	SA	SA								SA	SA
Welding or Other Metal-Working											X	X
Wireless Telecommunications Facilities (Co-location Only)	X ₁	X ₁	X ₁	X ₁	X ₁	X ₁	X ₁	X ₁	X ₁	X ₁	X ₁	X ₁
Wireless Telecommunications Towers and Facilities (160 Feet Tall or Less)	SA	SA	SA					X ₂	SA	X ₂	X ₂	X ₂
Wireless Telecommunication Towers and Facilities (More Than 160 Feet Tall)								SA		SA	SA	SA
Wholesale Storage, Sales, or Storage Services											X	X

1

Must be no increase in tower height and must submit site plan showing the location of equipment structures to be located within previously approved fenced in area.

2

Tower must be located at least 50 feet plus tower height from any property line (To be shown on submitted site plan).

**** Amended 6-4-01**

NOTES TO THE TABLE OF PERMITTED USES

- New automobile graveyards and junkyards, permitted only by special use permit in LI and HI, must be located on a parcel that is a minimum of 2 acres in size.**

Automobile graveyards and junkyards existing in districts other than LI and HI at the time of adoption of this ordinance are made nonconforming uses subject to the provisions of Article 9 of this ordinance.

All automobile graveyards and junkyards existing in the County as of two years after the date of adoption of this ordinance shall meet the following screening and fencing requirements applicable to all such uses in the County:

The site shall be completely enclosed by a solid or opaque fencing or fencing in conjunction with vegetation. Solid or opaque fencing shall extend from the surface of the ground to a uniform minimum height of 6-feet from the ground at any given point.

If fencing in conjunction with vegetation is used, plants shall be planted on a least one side of the fence and as close as is practical. Vegetation shall be of a type that will reach a minimum height of 6-feet at maturity and shall be placed at intervals so that a continuous, unbroken hedgerow will exist to a height of at least 6-feet when the vegetation reaches maturity.

Every owner or operator shall be responsible for maintaining the fencing and/or vegetation. Dead or diseased vegetation shall be removed and replanted.

2. Commercial outdoor storage yards and building supply sales are permitted in the zones where indicated only if the storage yard is enclosed by a solid fence or natural barrier not less than 8-feet in height which screen from view the stored materials.
3. Bona fide farms usage and similar agricultural uses are exempt from zoning controls of this ordinance. See Sec. 1-5.
4. Facilities which manufacture, process or fabricate products are permitted uses as specified in the LI and HI districts. However, location of such facilities is not automatic and shall depend upon issuance of necessary water and waste treatment permits from the Davidson County Health Department.
5. As of the date of adoption of this ordinance, May 11, 1990, Class C manufactured homes are a non-conforming use in all zoning districts. However, Class C homes located and registered in Wallburg at the time of adoption of this ordinance may be repaired or improved and may be transferred from one home site to another as long as the new site is in the RA-2 or RA-3 district or a family hardship case, both of which are subject to issuance of a Special Use Permit by the Board of Adjustment. (See Article 6, Special Uses and Article 9, Nonconformities). The transfer of a Class C manufactured home from one lot to another within the same manufactured housing park does not require a Special Use Permit. An existing Class C home may be replaced with a Class B or a Class A manufactured home in any zoning district.
6. Temporary Sawmill set on site where the timber is cut from.
7. *An accessory residential use will be allowed for one family consisting of a husband, wife and children provided that one of the spouses is an employee of the entity operating the business, and is acting as a watchman and caretaker of the business.

AMENDED: 4-2-01

ARTICLE 4

AREA, HEIGHT AND PLACEMENT REGULATIONS

SEC. 4-1. ESTABLISHMENT OF AREA, HEIGHT, AND PLACEMENT REGULATIONS

Regulations governing the required minimum lot size, minimum lot width, required front, side and rear setbacks, maximum building height and maximum lot coverage for each of the general districts shall be as shown in the Table of Area, Height and Placement Requirements at the end of this Article.

The following regulations regarding the application of area, height and placement requirements are to be applied to the standards found in the Table of Area, Height and Placement Requirements.

SEC. 4-2. NO PORTION OF ONE LOT TO BE INCLUDED IN ANOTHER

No portion of a lot, used in connection with an existing or proposed building, structure or use, and necessary for compliance with the Area, Height, Bulk and Placement Regulations of this ordinance shall, through sale or otherwise, be used again as a part of the lot required in connection with any other building, structure, or use.

SEC. 4-3. EXCEPTIONS TO HEIGHT LIMITS

A. Modification by Board of Adjustment. The height limits of this ordinance may be modified, upon appeal to the Board of Adjustment, in their application to church spires, belfries, cupolas, penthouses, domes, water towers, passive solar collectors, observation towers, power transmission lines and towers, radio and television towers, masts and aerials, flagpoles, chimneys, smokestacks, ventilators, skylights, derricks, conveyors, cooling towers, and other similar and necessary mechanical appurtenances pertaining to and necessary to the permitted uses of the Zoning Districts in which they are located. However, where any of the exceptions to height limits relate to a use that is part of a Special Use application, the exception shall be considered and granted, if appropriate, as a part of the Special Use process.

B. Criteria for Granting Exceptions. In reaching a decision on an application for an exception to the height limits, the Board of Adjustment shall use the following standards:

1. The structure for which the application has been made is an appurtenance to a permitted use in the Zoning District in which it is located;
2. The structure is so located as not to endanger the occupants of adjacent property or the structures thereon;
3. The requested height limit modification shall not violate any provisions of the Airport Zoning Height Limitations of Wallburg as they now exist or may exist in the future.
4. The requested height modification shall not be harmful to the neighborhood in which it

is located.

- C. Reasonable Conditions. The Board of Adjustment, when approving an application for an exception to the height limits, may affix to that approval reasonable conditions, to protect the public health, safety, and general welfare.

SEC. 4-4. APPLICATION TO SUBSTANDARD LOTS OF RECORD*

Abutting Substandard Lots in Single Ownership. Where two or more abutting substandard lots of record are held in one ownership, either legal or equitable, or subsequently come to be held in one ownership, they shall be considered to be a single lot of record for the purpose of this ordinance, and the provisions of this ordinance shall not thereafter be circumvented or avoided by the willful sale or conveyance of a part of any such lot of record.

SEC. 4-5. DETERMINATION OF AN EXISTING RESIDENTIAL FRONT SETBACK LINE

In a residential Zoning District, where the average of the front open spaces for all adjacent lots, which are located within one hundred feet of either side of a lot and on which there are existing buildings, is less than the required front open space specified in this ordinance, a required setback line shall be provided on the lot equal to this lesser average depth or a distance of ten feet, which ever is greater.

SEC. 4-6. RESERVED

SEC. 4-7. PERMITTED PROJECTIONS INTO REQUIRED OPEN SPACE

- A. Architectural Features. Certain architectural features such as cornices, eaves and gutters may project three feet into the required front open space, five feet into the required rear open space and two feet into the required side open space.
- B. Balconies, Porches, Fire Escapes, Awnings. An unenclosed balcony or porch, fire escape or metal awning may project into the required front open space or required rear open space for a distance not to exceed ten feet, or into the required side open space for a distance not to exceed three feet; however, a porch which is screen or glass enclosed shall be considered an enclosed porch. An enclosed vestibule, containing not more than forty square feet, may project into the required front open space for a distance not to exceed four feet.
- C. Fences and Walls. Fences and walls within the front required open space are permitted as long as they do not exceed five feet in height; fences and walls are permitted in the side and rear required open space as long as they do not exceed six feet in height. In each instance, the requirements of Sec. 4-9 shall govern where visibility at intersections is involved.

*Amended 5-8-06

SEC. 4-8. ACCESSORY STRUCTURES

Accessory structures in a residential zoning district shall conform to the following

regulations, except as may otherwise be provided in this ordinance:

- A. Accessory structures shall not exceed twenty feet in height.
- B. Accessory structures shall not be erected in any required front open space.
- C. Accessory structures may occupy required side open space provided that such buildings are more distant from the street than any part of the principal building on the same lot and any part of the principal building on any lot abutting said required side open space; provided, however, that such accessory structures are not closer than three feet to any lot line.

An attached private garage, or carport, not exceeding twelve feet in height, may occupy a portion of the required side open space, provided that this does not result in a required side open space of less than seven percent of the lot width, nor a total, when combined with the required side open space of the lot immediately adjacent, of less than ten feet.

SEC. 4-9. VISIBILITY AT INTERSECTIONS IN RESIDENTIAL DISTRICTS

On a corner lot in any residential zoning district, nothing shall be erected, placed, planted or allowed to grow in such a manner as to impede materially vision between a height of three and ten feet above the center-line grades of the intersecting streets in the area bounded by the street lines of such corner lots and a line joining points along said street lines, thirty-five feet from the point of the intersection of the street lines.

SEC. 4-10. RESERVED

SEC. 4-11. RESERVED

Sec. 4-12. IRREGULAR LOTS-FURTHER SUBDIVISION OR CREATION

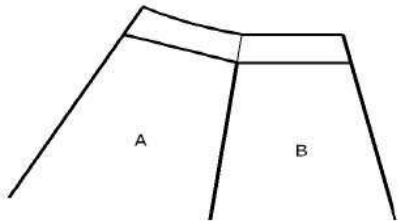
Any irregular lot of record at the time these regulations become effective may be subdivided, in compliance with applicable subdivision regulations and improvement requirements, to create additional regular lots, provided that such lots meet all requirements of the district and that no residual substandard lots remain as a result of such action.

SEC. 4-13. DIMENSIONS AND MEASUREMENT OF LOTS

- A. Depth of Regular Lots. Depth of a regular interior lot shall be measured from the midpoint of a line connecting the two side lot lines at the front of the lot to the midpoint of a line connecting the two side lot lines of the lot at the rear. Provided that in the case of lots not bounded by four lines, the rear line shall be constructed perpendicular to the longest front-to-rear axis at a point where the length of such rear line within lot lines is not less than 25 feet.

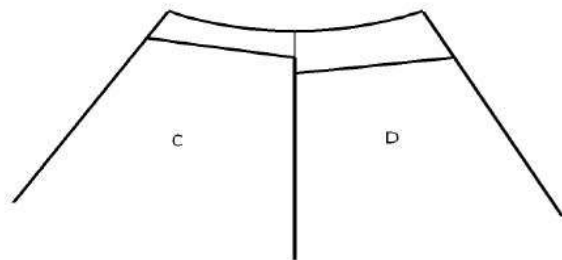
Depth of regular corner and through lots shall be measured in the same manner, with the following adjustments. Lines constructed at street right-of-way lines corresponding to one or more side lot lines on interior lots, and lines constructed at street frontages corresponding to rear of lines on interior lots shall conform to straight-line extensions or connections of the edges of the lot where radii have been established at intersections or streets are curvilinear.

- B. Width of Regular Lots. Width of a regular lot shall be determined by measurement across the rear of the required front setback, provided, however, that width between side lot lines at the points where they intersect the street line shall not be less than eighty percent of the required minimum lot width, except in the case of lots on the turning circles of cul-de-sacs or at points of street curvature where the radius at the right-of-way line (or a circle approximately following the right-of-way line and intersecting the foremost points of the side lot lines) is less than 90 feet, in which case the eighty percent requirement shall not apply. Figures 1 and 2 below indicate the relationships involved.



(See Figure 1)

Lot “taper” permissible at 90° curve radius (A) or along straight street (B), with required front setback depth 25’, required lot width 60’. (Street line 80% of lot width or measured at rear of required front yard.)



(See Figure 2)

Lots with lines radial to a curved street line with curve radius less than 90° (in this case 70°) need not comply with 80% rule, Lot C shows application with 20’ front setback, D with 25’ applies in turning circles of cul-de-sacs, or at sharp bends in streets.

On corner lots and through lots, width requirements shall be considered met if the regular lot has one frontage meeting such requirements and contains a buildable area of width, depth and area at least equivalent to that remaining on a rectangular interior lot of minimum dimensions required in the district.

C. Lot Frontage of Regular Lots.

1. On regular interior lots, the front shall be construed as the portion nearest the street.
2. On regular corner lots, street frontage should be determined by the applicant.

3. Deleted by ordinance revision #09-009 (September 8, 2009). Reserved for future use.

4. On regular through lots, all portions adjacent to streets and meeting lot width requirements shall be considered frontage.

D. Setbacks on Regular Lots.

1. Setbacks adjacent to streets, however termed (front, side or rear), shall be measured as follows: a straight line shall be drawn between the two points at which lot lines for the portion of the lot involved intersect street lines. Where property corners are rounded, such points shall be plotted by projecting the lot lines to the point where they would have met without rounding. Depth of required setbacks adjacent to public streets shall be measured perpendicular to such straight lines, and the inner line of such required setbacks shall be parallel to the outer line.

2. Front Setbacks on regular lots are open spaces extending across the frontage of the lot between side lot lines. Depth of required front setbacks shall be measured as indicated under setbacks adjacent to streets, above.

3. Interior setbacks on regular lots are all setbacks other than those adjacent to streets.

4. Rear setbacks on regular lots are open spaces extending across the full width of the lots at the rear, between side lot lines. Corner and through lots will have no rear setbacks, but only front and side setbacks. For most lots, depth of a rear setback shall be measured perpendicular to the lot line, so that the required setback is a strip of the minimum depth described by district regulations. However, in the case of lots whose rear lines intersect in the general form of an angle pointing away from the street the required rear setback shall be construed as running between the apex of the angle and a line parallel to the rear line of the required front setback, and at the distance prescribed for a rear setback from the apex of the angle. Adjacent to the remainder of such lot lines, side setback requirements shall apply.

5. Side setback on regular lots are setbacks running from the rear line of the front setback to the front line of the rear setback. Depth side setbacks shall be measured perpendicular to the side lot line, so that the required setback is a strip of the minimum depth prescribed by district regulations.

E. Dimensional and Related Requirements of Irregular Lots

1. Minimum lot area, computed as for regular lots, shall meet district requirements for the proposed uses and structures.
2. Setbacks adjacent to streets shall be provided with the same distance from lot lines as is required for side yards for the same structures and uses on regular lots in the district.
3. Interior setbacks shall provide at least the same clearance from lot lines as is required for side yards for the same structures and uses on regular lots in the district

4. Total area in open space on the lot shall not be less than total area in setbacks and other open space required for the use on a regular rectangular lot of required minimum width and area. Aside from the minimum requirement for separation equivalent to that provided for side setbacks on regular lots, open space may be located and dimensioned without regard to designation as “front”, “side”, and “rear” setbacks, but shall be subject to limitations as to occupancy as for setbacks generally. Maximum lot coverage by all buildings shall not exceed any limitation set generally by district regulations.
5. Access: Exemption from Width Requirements at Rear Line of Required Front Setback. Notwithstanding other requirements of this ordinance, lots meeting the dimensional and related requirements above may be used for purposes permitted in the district in which located even though such lots do not have the width required for regular lots, as measured at the rear line of the required front setback.

TABLE OF AREA, HEIGHT, AND PLACEMENT REGULATIONS

RESIDENTIAL DEVELOPMENT

Districts	Minimum Lot Area in Sq. Ft.*	Required Additional Lot Area Per Add. D.U. in Sq. Ft.	Minimum Lot Width (in Feet)	Required Setbacks In Feet			Maximum Bldg Height in Feet
				Front	Side	Rear	
RA-1	30,000	30,000	100	30	10 ₃	20	35 ₂
	15,000 ₁	15,000 ₁	100				
RA-2 & RA-3	30,000	30,000	100	30	10 ₃	20	35 ₂
	15,000 ₁	15,000 ₁	100				
RS	30,000	30,000	100	30	10 ₃	20	35 ₂
	15,000 ₁	15,000 ₁	100				
RM-1	30,000		100	25	10 ₃	20	35 ₂
RM-2	15,000 ₁		100	25	10 ₃	20	35 ₂
RC							
CS							
O/I	30,000		100	25	10 ₃	20	35 ₂

HC							
LI							
HI							

- 1 Where public water supply and sanitary sewage are available.
 - 2 Additional height above 35' is permitted if for every foot or fraction thereof of building height above 35', one additional foot of front, side, and rear setback is provided.
 - 3 15' where abutting a street.
- *All minimum square footage requirements may be increased as necessary by the Davidson County Health Department.

TABLE OF AREA, HEIGHT, AND PLACEMENT REGULATIONS

NON-RESIDENTIAL DEVELOPMENT

Districts	Minimum Lot Size in Square Feet*	Maximum Lot Coverage	Min. Lot Width In Feet	Required Setbacks in Feet Side			Maximum Bldg Height in Feet
				Front		Rear	
RA-1	30,000 15,000 ⁵	30%	100	30	10 ¹	20	35 ⁴
RA-2 & RA-3	30,000 15,000 ⁵	30%	100	30	10 ¹	20	35 ⁴
RS	30,000 15,000 ⁵	30%	100	30	10 ¹	20	35 ⁴
RM-1	30,000	40%	100	25	10 ¹	20	35 ⁴
RM-2	15,000	60%	100	25	10 ¹	20	35 ⁴
RC	30,000	30% ⁶	100	30	0 ¹	10 ²	35 ⁴
CS	40,000	30% ⁶	100	50	0 ¹	10 ²	35 ⁴
O/I	30,000	40% ⁶	100	30	10 ¹	25	35 ⁴
HC	30,000	30% ⁶	100	50	0 ¹	20	35 ⁴
LI	30,000	35% ⁶	100	30	15	20 ³	50 ⁴
HI	80,000	30% ⁶	100	50	20	25	75 ⁴

¹ 15' where abutting residentially zoned land or where abutting a street.

² 25' where abutting residentially zoned land.

³ 35' where abutting residentially zoned land.

⁴ Maximum height may be increased above that specified, provided that one additional foot of required front, side, and rear setback is supplied

for each two feet or fraction thereof above the specified maximum height.

5 Where public water and sewer are available.

6 Where public water and sewer are available, maximum lot coverage may be increased by an additional 10% of the total square footage of the lot.

***All minimum square footage requirements may be increased as necessary by the Davidson County Health Department.**

SEC. 4-14. AIRPORT HEIGHT RESTRICTIONS (Amended December 10, 2001)

Section 1-Airport Height Definitions:

Airport: Davidson County Airport

Airport Elevation: **The highest point of an airport's usable** landing area measured in feet above mean sea level. The Davidson County Airport elevation equals 733 feet.

Approach Surface: A surface longitudinally centered on the extended runway centerline, extending outward and upward from the end of the primary surface and at the same slope as the approach zone height limitation slope as set forth in Section 2, Airport Height District

Approach Zones:

Non-Precision Approach Zone: The inner edge of this approach zone coincides with the width of the primary surface and is one thousand (1,000) feet wide. The approach zone expands outward uniformly to a width of four thousand (4,000) feet at a horizontal distance of ten thousand (10,000) feet from the primary surface. Its centerline is the continuation of the centerline of the runway.

Precision Approach Zone: The inner edge of this approach zone coincides with the width of the primary surface and is one thousand (1,000) feet wide. The approach zone expands outward uniformly to a width of sixteen thousand (16,000) feet at a horizontal distance of fifty thousand (50,000) feet from the primary surface. Its centerline is the continuation of the centerline of the runway.

Conical Surface: A surface extending outward and upward from the periphery of the horizontal surface at a slope of 20:1 for a horizontal distance of four thousand (4,000) feet.

Conical Zone: A conical zone is established on the area that commences at the periphery of the horizontal zone and extends outward there from for a distance of four thousand (4000) feet, and upward at a slope of 20:1.

Hazard to Navigation: An obstruction determined to have a substantial adverse effect on the safety and efficient utilization of the navigable airspace.

Height: For the purpose of determining the height limits in the airport height restrictive area, the datum shall be mean sea level elevation unless otherwise specified.

Horizontal Surface: A horizontal plane one hundred fifty (150) feet above the established airport

elevation, the perimeter of which coincided with the perimeter of the horizontal zone.

Horizontal Zone: The horizontal zone is established by swinging arcs of ten thousand (10,000) feet radii from the center of the end of the primary surface of the runway and connecting the adjacent arcs by drawing lines tangent those arcs. The horizontal zone does not include the approach and transitional zones.

Larger than Utility Runway: A runway that is constructed for and intended to be used by propeller driven aircraft of greater than twelve thousand five hundred (12,500) pounds maximum gross weight and jet powered aircraft.

MSL: Mean Sea Level.

Nonconforming Use: Any pre-existing structure, object of natural growth, or use of land which is inconsistent with the provisions of the Ordinance or an amendment thereto.

Nonprecision Instrument Runway: A runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area Type navigation equipment, for which a straight-in nonprecision instrument approach procedure has been approved or planned.

Obstruction: Any structure, growth or other object, including a mobile object, which exceeds a limited height set forth in Section 4, Airport Height Limitations.

Person: An individual, firm, partnership, corporation, company, association, joint stock Association, or governmental entity; includes a trustee, a receiver, an assignee, or a similar representative of any of them.

Primary Surface: A surface longitudinally centered on a runway. The primary surface extends two hundred (200) feet beyond each end of that runway. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline. The width of the primary surface is one thousand (1000) feet.

Runway: A defined area on an airport prepared for landing and takeoff of aircraft along its length.

Runway Larger Than Utility With a Visibility minimum Greater Than ¾ Mile

Nonprecision Instrument Approach Zone: The inner edge of this approach zone coincides with the width of the primary surface and is one thousand (1000) feet wide. The approach zone expands outward uniformly to a width of three thousand five hundred (3,500) feet at a horizontal distance of ten thousand (10,000) feet from the primary surface. Its centerline is the continuation of the centerline of the runway.

Precision Instrument Approach Zone: The inner edge of this approach zone coincides with the width of the primary surface and is 1,000 feet wide. The approach zone expands outward uniformly to a width of 16,000 feet at a horizontal distance of 50,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.

Precision Instrument Runway: A runway having an existing precision approach procedure. It also means a runway for which a precision approach procedure is planned.

Structure: A physical object, including a mobile object, constructed or installed by man,

Including but not limited to: buildings, towers, cranes, smokestacks, earth formations, and overhead transmission lines.

Transitional Surfaces: These surfaces extend outward at right angles (ninety-degree Angles) to the runway centerline and extend at a slope of seven (7) feet horizontally for each foot vertically from the sides of the primary and approach surfaces to where they intersect the horizontal and conical surfaces.

Transitional Zones: The transitional zones are the areas beneath the transitional surfaces.

Tree: An object of natural wooded growth

Section 2-Airport Height Districts (AHD)

Purposes:

The purpose of the Airport Height District is to protect the airport environs from encroachment of incompatible land uses which present hazards to users of the airport as well as to persons residing or working in the airport vicinity. The additional regulations imposed in the AHD are designed to place additional restriction on buildings, structures and trees.

1. The Airport Height District (AHD) is not intended to be utilized as a district classification, but as a designation which identifies areas subject to the regulations which are supplementary to the regulations of the district to which such designation is attached or appended. Regulations which apply to areas designed on the zoning map as being within such appended designation must be determined by joint reference to the regulations of both the basic district classification and the appended classification.
2. It is the intent of this section to restrain influences which are adverse to the property and safe conduct of aircraft in the vicinity of the Davidson County Airport, to prevent creation of conditions hazardous to aircraft operation, to prevent conflict with land development which may result in a loss of life and property, and to encourage development which is compatible with airport use characteristics within the intent and purpose of zoning.

To this end, the AHD designation, when appended to a basic district classification, is intended to coordinate the purpose and intent of this section with other regulations duly established by the County of Davidson whose primary intent is to further the purposes set out above.

Section 3-Authority

The provisions of this ordinance are adopted by the Town Council of Wallburg, authority granted by the General Assembly of the State of North Carolina, in Chapter 153A, Article 18 of the General Statutes.

Section 4-Airport Zone Height Limitations

Except as otherwise provided in this section, no structure shall be erected, altered or maintained, and no trees shall be allowed to grow in any zone created by this section to a height in excess of the applicable height limitations herein established for each zone in question as follows:

- A1. Runway 6-Approach Zone-AHD-A: Slopes thirty-four (34) feet outward for each one (1) foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of fifty thousand (50,000) feet along the extended runway centerline.
- A2. Runway 24-Approach Zone-AHD-A: Slopes thirty four (34) feet outward for each one (1) foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of ten thousand (10,000) feet.
- B. Transitional Zones – AHD-T: Slopes Seven (7) feet outward for each foot upward beginning at the side of and at the same elevation as the primary surface and the approach surface, and extending to a height of one hundred fifty (150) feet above the airport elevation or 883 feet above mean sea level, and extending 1050 feet each side of runway primary surface. In addition to the foregoing, there are established height limits sloping seven (7) feet outward for each foot upward beginning at the sides and at the same elevation as the approach surface, and extending to where they intersect the horizontal surface.
- C. Horizontal Zone-AHD-H: Established at one hundred fifty (150) feet above the airport or at an elevation of eight hundred and eighty three (883) feet above mean sea level.
- D. Conical Zone-AHD-C: Slopes twenty (20) feet outward for each foot upward beginning at the periphery of the horizontal zone and at one hundred fifty (150) feet above the airport elevation and extending to an elevation of one thousand eighty three (1083) feet above mean sea level. There are four conical zones (AHD-C-A, AHD-C-B, AHD-C-C, and AHD-C-D) one thousand (1,000) feet horizontally and rise over three hundred (300) feet in elevation. Maximum height of any structure within Conical Zones:
- AHD-C-A= 883’ above MSL
 - AHD-C-B= 933’ above MSL
 - AHD-C-C= 983’ above MSL
 - AHD-C-D=1033’ above MSL

Within each of the four conical zones, the Director of zoning may grant additional height allowance based on a 1:20 slope beginning at the outer edge of the horizontal surface and extending out four thousand (4,000) feet, if and only if the person requesting the additional height can provide proof of exact elevation of the property by a Registered Land Surveyor.

Section 5- Use Restrictions

Notwithstanding any other provisions of this section, no use may be made of land or water within any zone established by this section in such a manner as to create electrical interference with navigational signals or radio communications between the airport and aircraft, make it difficult for pilots to distinguish between airport light and others, result in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport, or otherwise in any way endanger or interfere with the landing, takeoff, or maneuvering of aircraft intending to use the airport.

Section 6- Nonconforming Uses

1. Regulations Not Retroactive-The regulations prescribed by this section shall not be construed

to require the removal, lowering or other change or alteration of any structure or tree not conforming to the regulations as of the effective date of this Ordinance, or otherwise interfere with the continuance of a nonconforming use. Nothing contained herein shall require any change in the construction, alteration or intended use of any structure, the construction or alteration of which was begun prior to the effective date of this Ordinance.

2. Markings and Lighting-Notwithstanding the preceding provision of this section, the owner of an existing nonconforming structure or tree is hereby required to permit the installation, operation and maintenance thereon of such markers and lights as shall be deemed necessary by the Davidson County Airport Authority to indicate to the operators of aircraft in the vicinity of the airport the presence of such airport obstruction. Such markers and lights shall be installed, operated and maintained at the expense of Davidson County Airport Authority.

Section 7- Issuance of Zoning Permit

The Planning and Zoning Department shall not issue a zoning permit within an AHP-A, AHP-T, AHP-H or AHP-C area until it has been determined that the proposal upon which it is requested to add is in compliance with the terms of these regulations.

A. Future Uses:

Except as specifically provided in (1), (2), and (3) hereunder, no material change shall be made in the use of land, no structure shall be erected or otherwise established, and no trees shall be planted in any zone hereby created unless a permit therefore shall have been applied for and granted. Each application for a permit shall indicate the purpose for which the permit is desired, with sufficient information particularly to permit it to be determined whether the resulting use, structure or tree would conform to the regulations herein prescribed. If such determination is in the affirmative, the permit shall be granted. No permit for a use inconsistent with the provisions of this section shall be granted.

1. In the area lying within the limits of the horizontal zone and conical zone, no permit shall be required for any tree structure less than one hundred (100) feet of vertical height above the ground except when because of terrain, land contour or topographic features, such tree or structure would extend above the height limits prescribed for such zones.
2. In areas lying within the limits of the approach zones, but at a horizontal distance of not less than three thousand six hundred (3,600) feet from each end of the runway, no permit shall be required for any tree or structure less than one hundred (100) feet of vertical height above the ground except when, because of terrain, land contour or topographic features, such tree or structure would extend above the height limits prescribed for such zones.
3. In the areas lying within the limits of the transition zones, no permit shall be required for any tree or structures less than one hundred (100) feet above the ground, except when such tree or structure because of terrain, land contour or topographic features, would extend above the height limit prescribed for such transition zones.
4. Amateur radio operators must comply with Part 97 of FCC regulations.

Nothing contained in any of the foregoing exceptions shall be construed as permitting or

intending to permit any construction or alteration of any structure or growth of any tree in excess of any height limits established by this Ordinance except as set forth in Section 5.

B. Existing Uses:

No permit shall be granted that would allow the establishment of creation of an obstruction or permit a nonconforming use, structure or tree to become a greater hazard to air navigation than it was on the effective date of this Ordinance, or any amendments thereto, or than it is when the application for a permit is made. Except as indicated, all applications for such a permit shall be granted.

C. Nonconforming Uses Abandoned or Destroyed:

Whenever the Zoning Administrator determines that a nonconforming tree or structure has been abandoned or more than eighty percent (80%) torn down, physically deteriorated or decayed, no permit shall be granted that would allow such structure or tree to exceed the applicable height limit or otherwise deviate from the zoning regulations.

D. Proposed Structures:

For all structures exceeding 200 feet in height and lying outside of the enforcement zones, the applicant must file a Form 7460, as amended and applicable documentation with the FAA and County. The Applicant must receive and provide to the County correspondence from the FAA which indicates what, if any, impact the proposed structure has on the existing or proposed airport. If the FAA determines that the proposed structure has either a detrimental impact or is a hazard to navigation, then the structure will be considered unsuitable and inappropriate for construction at that site.

E. Obstruction Marking and Lighting:

Any permit or variance granted may, if such action is deemed advisable to effectuate the purpose of this Ordinance and be reasonable in the circumstances, be so conditioned as to require the owner of the structure or tree in question to install, operate, and **maintain, at the owner's expense**, such markings and lights as may be necessary.

Section 8-Enforcement

It shall be the duty of the Director of Planning and Zoning to administer and enforce the regulations prescribed herein. Applications for permits shall be made to the Director of Planning and Zoning upon a form published for that purpose.

Applications required by this Ordinance shall be considered and granted or denied.

Section 9-Penalties

Violation of this chapter shall be a misdemeanor as provided by N. C. G. S. 153A-123(b) and N. C. G. S. 14-4. This Ordinance may be enforced by injunction and order of abatement, and all other appropriate equitable remedies to ensure compliance with this Ordinance as provided in N. C. G. S. 153A-123. **Each day's** continuing violation shall be considered as a separate and distinct offense as provided in N. C. G. S. 153A-123 (g).

Section 10-Conflicting Regulations

Where there exists a conflict between any of the regulations or limitations prescribed in this Ordinance and any other regulations applicable to the same area, whether the conflict be with respect to the height of structures or tress, and the use of land, or any other matter, the more stringent limitation or requirement shall govern and prevail.

Section 11-Severability

If any of the provisions of this Ordinance or the application thereof to any person or circumstances are held invalid, such invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application, and to this end, the provisions of this Ordinance are declared to be severable.

Section 12-Effective Date

This Ordinance shall take effect and be in force on December 1996.

ARTICLE 5

PLANNED DEVELOPMENT DISTRICTS

Sec. 5-1. Planned Development Districts, Generally

Within districts now existing or which may hereafter be created, it is intended to permit establishment of new planned development (PD) districts for specialized purposes where tracts suitable in location, area and character for the uses and structures proposed are to be planned and developed on a unified basis. Suitability of tracts for the development proposed shall be determined primarily by reference to the performance standards of the separate categories of Planned Developments, but due consideration shall be given to the existing and prospective character of surrounding development.

PD districts shall be so related to the general development pattern as to provide for comfort and convenience of residents, facilitate protection of the character of surrounding neighborhoods, and reduce automotive traffic congestion by a reasonably close relationship (either in distance or in time) between origins and destinations of persons living, working or visiting in such developments, or availability of mass transit. Housing, commercial and service facilities and principal places of employment shall be so related by physical proximity, by major street networks or by mass transit as to promote these objectives.

Within PD districts, regulations adopted to such unified planning and development are intended to accomplish the purposes of zoning and other applicable regulations to an equivalent or higher degree than where such regulations are intended to control unscheduled development on individual lots, and to promote economical and efficient land use, an improved level of amenities, appropriate and harmonious variety, creative design and a better environment.

In view of the substantial public advantages of planned development, it is the intent of these regulations to promote and encourage development in this form where appropriate in location and character.

Sec. 5-2. Planned Development Defined

For purposes of these regulations, a planned development is:

- A. Land use unified control, to be planned and developed as a whole;
- B. In a single development operation or a definitely programmed series of development operations, including all lands and buildings;
- C. For principal and accessory structures and uses substantially related to the character and purposes of the district;
- D. According to comprehensive and detailed plans which include not only street utilities, lots or building sites and the like, but also site plans and floor plans for all buildings as intended to be located, constructed, used and related to each other, and detailed plans for other uses

- and improvements on the land as related to the buildings; and
- E. With a program for provision, operation and maintenance of such areas, facilities and improvements as will be for common use by some or all of the occupants of the district, but will not be provided, operated or maintained at general public expense.

Sec. 5-3. Relations of PD Regulations to Zoning, Subdivision and Other Regulations

The planned development regulations which follow shall apply generally to the initiation and regulations of all planned development districts. Where there are conflicts between the special PD regulations herein and general zoning, subdivision, or other regulations these PD regulations shall apply in PD districts unless the Town Council finds, in the particular case, that provisions herein do not service public purposes to a degree at least equivalent to such general zoning, subdivision or other regulations.

Where actions, designs or solutions proposed by the applicant are not literally in accord with applicable PD or general regulations, but the Town Council makes a finding in the particular case that public purposes are satisfied to an equivalent or greater degree, the Town Council may make specific modifications of the regulations in the particular case, provided that where floor area and similar ratios, as well as maximum permitted densities have been established by these regulations, the Town Council shall not act in a particular case to modify such ratios or maximums.

Sec. 5-4. PD Districts-Where and How Permitted

Planned development districts may hereafter be established by amendment to the official Zoning Map and related a mandatory action where tracts suitable in location and character for the uses and structures proposed are to be planned and developed on a unified basis, according to the requirements and procedures set forth herein.

PD districts shall be appropriately located with respect to intended functions, to the pattern and timing of development, and to public and private facilities existing or clearly to be available by the time the development reaches the stage where they will be needed. All requirements specified in Article 11, Amendments, shall be met, as well as the following specific requirements:

- A. Relation to Major Transportation Facilities. PD districts shall be so located with respect to expressways, arterial and collector streets or mass transit facilities, and shall be so designed as to provide direct access to such districts without creating traffic along minor streets in residential neighborhoods outside the district.
- B. Relation to Public Utilities, Facilities and Services. PD districts shall be so located in relation to sanitary sewers, waterlines, storm and surface drainage systems and other utilities systems and installations that neither extension nor enlargement of such systems will be required in manner, form, character, location, degree, scale or timing resulting in higher net public cost or earlier incursion of public cost than would development in forms generally permitted under current zoning and development policies for the area.

Such districts shall be so located with respect to necessary public facilities (as for example, schools, parks and playgrounds in the case of PD-H Planned Development Housing districts) as to have access to such facilities in the same degree as would development permitted under existing zoning and shall be so located, designed and scaled that access for public services is equivalent to, and net cost for such services is not greater than, access and net costs for public

services for development as permitted under existing development controls.

However, if applicants will (a) provide private facilities, utilities and services approved by appropriate public agencies as substituting on an equivalent basis, and assure their satisfactory continuing operation, permanently or until similar public utilities, facilities or services are available and used, or (b) make provision acceptable to the County for off-setting any added net public cost or early commitment of public funds made necessary by such development, location of the PD districts may be approved.

In computing net public costs, difference in anticipated public installation, operation and maintenance costs and difference in making such determinations shall be paid by applicants. Determinations shall be made by the County or by experts acceptable to the County.

C. Physical Character of the Site. The site shall be suitable for development in the manner proposed without hazards to person or property on or off the tract, free from the probability of flooding, erosion, or slipping of the soil or other dangers. Condition of soil, ground water level, drainage and topography shall all be appropriate to both kind and pattern of use intended.

If appropriate to the form of planned development, land to be included in PD districts may be divided by streets, alleys, right-of-ways or easements, but shall be so located, dimensioned and arranged as to permit unified planning and development and to meet all requirements in connection therewith as well as to provide necessary protection against adverse relationships between uses in the district and uses in surrounding areas.

Sec. 5-5 Reductions or Increases in Minimum PD Land Area

In connection with a particular PD rezoning proposal the Planning Board may recommend and Town Council may approve as part of the amendment action:

- A. Lesser areas for the planned development than generally required upon findings in the particular case that special circumstances require such reduction, and the other requirements can be met in such lesser area, provided that no such reduction shall amount to more than 10 percent of the area generally required; or
- B. Greater areas than generally required upon findings that in the particular case that the plan of development as proposed, or the character of the property involved, in themselves or as it may reasonably be expected to develop require such increase to meet the requirement and intent of PD zoning or to provide necessary special protection.

When planned development additions are proposed to existing PD districts, and where the land and proposed plan of development is approximately related to the existing PD district and provides necessary safeguards in relation to the surrounding area, PD amendment allowing such additions may be made without regard to the minimum area requirements set forth herein. Such additions may be of same classification as the PD district being added to, or may be of another classification, if the Planning Board recommends and Town Council approves the other classification and plans proposed therefore are complementary to the original PD district.

Sec. 5-6 Procedures for PD Amendments

- A. Applications: Materials to be Submitted. Applications for PD amendments shall be

submitted as for other amendments and shall include:

1. Basic materials required by Sec. 11-3B. for any zoning amendment.
 2. Identification of all property owners within the area of the proposed district.
 3. Evidence of unified control of the area of the proposed district.
 4. Statement of agreement of all present owners and their successors in title to proceed with the proposed development according to regulations in effect when the map amendment creating the PD district is passed.
 5. Statement of agreement of all present owners and their successors in title to provide bonds, dedications, guarantees, agreements, contracts and deed restrictions acceptable to the Town Council for completion of the development according to approved plans and for continuing operation and maintenance of areas and facilities not provided at public expense and such dedications, contributions or guarantees as required for public facilities and services.
 6. Statement of agreement of all present owners to bind future successors in title to any commitments made under 4. and 5 above.
 7. Preliminary development concept plan.
 8. Detailed proposals in accord with 4. and 5. above as a basis for specific modification of applicable regulations where such modification is intended to service public purposes.
- B. Preliminary Review of Application. On receipt of the application and preliminary concept plan and detailed proposals as indicated above, the Zoning Administrator shall cause a study be made by qualified representatives of the County and such other agencies or officials as appear appropriate in the circumstances of the case to determine conformity with the zoning and other regulations applicable in the case.
- C. Preliminary Conference with Applicant. Following such study, unless complete conformity is found, the applicant shall be notified in writing of discrepancies and of the willingness of the Zoning Administrator to confer for the purpose of assisting in bringing the material submitted as nearly as possible into conformity with requirements and/or to define specifically the modification(s) of regulations which seem justified in view of equivalent service of public purposes by the proposal.

If the applicant does not desire to participate in such conference, the Zoning Administrator shall base his report to the Planning Board and Town Council on the application as received.

If the applicant joins in such conferences, changes may be made in the original proposal, further conferences may be held, and additional material may be requested to guide in determinations.

If the applicant joins in such conferences, the normal thirty (30) day period, specified for Planning Board study of amendments shall be waived by the applicant, so that sufficient time may be available for the conferences.

In the course of such preliminary conferences, recommendations for changes shall be recorded

in writing along with the reasons therefore, and shall become part of the record in the case. Applicants shall indicate, in writing, their agreement to such recommendation or their disagreement and the reasons therefore; such response by applicants shall also be included in the record.

- D. **Zoning Administrator's Recommendations.** At such time as further conferences appear unnecessary, or at any time on request of the applicant, the Zoning Administrator shall prepare a written report to the Planning Board and Town Council, containing findings:
1. As to the suitability of the tract for the general type of PD zoning proposal, physical characteristics of the land, and relation of the proposed development to surrounding areas and existing and probable future development;
 2. As to relation to major roads and mass transit facilities, utilities and other facilities and services;
 3. As to the adequacy of evidence on unified control and suitability of any proposed agreements, contracts, deed restrictions, sureties, dedications, contributions, guarantees, or other instruments, or the need for such instruments, or for amendments, or for amendments in those proposed;
 4. As to the suitability of plans proposed on the desirability of amendments;
 5. As to the adherence to PD or general regulations or as to desirable specific modifications in PD or general regulations as applied to the particular case, based on determination that such modifications are necessary or justified in the particular case by demonstration that the public purposes of PD or other regulations would be met to at least an equivalent degree by such modifications.

Based on such findings, the Zoning Administrator shall recommend approval of the PD amendment proposed, approval conditioned on stipulated modifications, or disapproval, with recorded reasons therefore.

E. Actions by Planning Board; Town Council

Actions by the Planning Board and Town Council shall be as provided for amendments generally. The Town Council may grant the application in accord with PD and other applicable regulations as provided in Section 11-3 above or may deny the application. If the amendment is granted, the Town Council shall, in its amending action, approve the development concept plan or indicate required modifications and such approved plan, with required modifications if any, shall be binding in determinations concerning final development plans. If the amendment is granted, the development shall be required to be in accord with final development plans meeting the requirements of these and other regulations, as supplemented or modified by the Town Council in the particular case as part of the amending action, and shall conform to any time limitations established by the Town Council on beginning and completion of the development as a whole, or in specified stages. Before development may proceed, agreements, contracts, deed restrictions, sureties and other instruments involved shall be in form approved by appropriate officer or agencies.

Sec. 5-7. Administrative Actions Following Establishment of PD District

- A. Approval of Final Plans by Zoning Administrator. After a PD district has been established, no

building permit shall be issued therein unless and until the Zoning Administrator has approved final plans and reports for the development as a whole or stages or portions thereof deemed satisfactory in relation to total development. The form and content of such final plans and reports shall be as prescribed in the regulations, generally or for particular PD districts, and in the rules of the County and other affected agencies.

Approval of final plans and reports shall be based on compliance with regulations applying at the time the land was zoned to PD status, including such specific modifications as were made by the Town Council in its amending action.

Upon approval of final plans and reports, building permits shall be issued in the same manner as for building permits generally, provided that any requirements concerning the order and location in which building permits are to be issued in the particular PD district shall be observed. Except as provided below, final plans and reports approval shall be binding on the applicants and any successors in title, so long as PD zoning applies to the land.

- B. Changes in Approved Final Plans. Changes in approved final plans may be permitted by the Zoning Administrator on application by the original applicant or successors in interest, but only upon making a finding that such changes are:
1. In accord with all applicable regulations in effect at the time of the amendment creating the PD district, as modified in the amending section; or
 2. In accord with all applicable regulations currently in effect, without modification; or
 3. In accord with the approved development concept plan, including any required modifications.

Changes other than as indicated above shall be made only by the new PD or other amendments.

- C. Final Plan Approval is an Administrative Action. Final plan approval is an administrative action. No public notice of hearing is required in connection with approval proceedings on final plans or changes in approved plans, but the Zoning Administrator may hold meetings to be held with such notice as he deems appropriate in connection with such actions.
- D. Expiration of Time Limits on PD Amendments. If actions required in any amendment establishing a PD district are not taken within the time limit set, the Zoning Administrator shall review the circumstances and recommend to the Planning Board and Town Council:
1. That PD zoning for the entire area be continued with revised time limits; or
 2. That PD zoning be continued for part of the area, with or without revised time limits, and the remainder rezoned to an appropriate category; or
 3. That the entire district be rezoned from PD to an appropriate category.

Such recommendations shall include proposal for appropriate action in respect to any legal instruments in the case.

Sec. 5-9. Planned Development Housing Districts (PD-H)

The following regulations and requirements apply to Planned Development-Housing (PD-H) districts, defined for purposes of these regulations as planned development districts primarily for dwellings and related uses and facilities.

- A. Where Permitted; Timing. PD-H districts may hereafter be established in accordance with the general procedures and requirements set forth in Sections 5-4 through 5-5 above, and with intensities and in locations in accordance with Subsections C through F of this Section and the Zoning Atlas.

With respect to timing of development of particular PD-H districts, it is intended that, in addition to other policies and limitations set forth in this ordinance, consideration shall be given to general housing needs in the county as a whole, the sector which development is proposed, and the need for particular types of housing. In such consideration, due weight shall be given to availability of existing housing supply of types for which there is evident need in view of the age structure and economic structure of the population, and to the amount and types of potential housing under building permits issued and approved plans for development.

- B. Principal Uses and Structures Permitted Generally.

1. Dwellings, one-family, two family and multi-family detached, semi-detached and attached;
2. Churches;
3. Schools;
4. Noncommercial social, recreational and cultural facilities such as neighborhood or community centers, game rooms, libraries, golf courses, swimming pools, marinas, tennis courts and the like
5. Structures and uses required for operation of a public utility, performance of a governmental function, or performance of any function necessary for the operation or maintenance of the planned development and otherwise permitted under these or general regulations, subject to the requirements thereof;

- C. Permitted Accessory Uses and Structures. Uses and structures which are customarily accessory and clearly incidental to permitted principal uses and structures, including, in multi-family buildings having a total of at least 50 dwelling units, establishments for sale of convenience goods, eating and drinking establishments, and professional and personal service establishments, provided that the floor area occupied by all such establishments shall not total an amount equal to 10 percent of the residential floor area of such multifamily building (or complex).

Except where such establishments adjoin and are oriented toward shopping centers permitted under Subsection 5-9D below, they shall be designed and scaled to meet only the requirements of occupants and their guests; there shall be no evidence of the existence of such establishments from any street.

- D. Uses and Structures Permissible in Large PD-H Districts.

1. Other Uses Permitted by Commissioners. In addition to the principal and accessory uses and structures permitted above, facilities planned for development as part of the district, internally oriented and serving needs not otherwise served in the general area, may be permitted by the Town Council as part of PD-H amendments for districts which will have sufficient population to support them as follows:
 - (a) Such facilities shall include only service commercial and office uses intended primarily to service the needs of occupants of the district; and
 - (b) Design and location shall be such as to protect the character of the district and surrounding residential districts; and
 - (c) Such facilities, with their related off-street parking and other open space, shall not occupy in total more than 10 percent of the gross land area of the district.

Except as provided under permitted accessory uses above, such service, commercial or office uses shall be permitted only subject to the following limitations and requirements, and only in planned shopping centers or convenience establishments.

2. Planned Shopping Centers, when included as part of a PH-H district, shall be subject to the general requirements of PD-SC: Planned Development-Shopping Center districts of similar scale. Orientation of buildings shall be away from residential development within or adjacent to the district. Layout of parking and service areas, access, landscaping, yards, courts, walls, signs, lighting, and control of noise and other potentially adverse influences shall promote protection of such residential development.

When appropriate to general design of the PD-H district and timing of operations of the uses involved, access ways and parking areas may be so located as to serve other uses in the PD-H District of adjoining districts, if such multiple use will not lead to an overload on the parking facilities or to congestion or hazards to pedestrian or vehicular traffic.

No such shopping center shall be permitted in a PD-H district which is to contain less than 500 dwelling units. At the time of the amendment establishing the district, the Town Council may establish limitations as to staging of development of the center, including requirements as to the number of dwelling units to be under building permits prior to issuance of building permits for the shopping center.

3. Convenience establishments in PD-H districts are permissible other than in planned shopping centers or as accessory uses only as follows:
 - (a) Location; grouping. Such establishments shall be located only in portions of PD-H districts not served by similar facilities within $\frac{1}{4}$ mile by normal pedestrian routes, and in portions having dwelling unit densities of at least 6 units per acre, so located as to provide substantial nearby trade. Where more than one type of convenience establishment is proposed, establishments shall be grouped, arranged and designed for maximum pedestrian convenience, and vehicular access and parking areas shall be combined where such combinations will result in substantial improvement in public convenience and vehicular circulation.
 - (b) Control of potential adverse effects. Such establishments shall not create substantial adverse effects on residential uses within the district or in adjoining districts by reason of

their location, design, construction, manner or timing of operation, signs, lighting, parking or access arrangements, or other characteristics. There shall be no evidence of the nonresidential character of such establishments visible from first story residential windows outside the PD-H district

(c) Maximum size of establishments. In the PD-H environment, it is the intent of these regulations that no such establishment or group of establishments shall be of such size or character as to create the impression of general commercial development. Therefore, in addition to other limitations designed to achieve these ends, no individual convenience establishment created under the provisions of this section shall have a gross floor area in excess of 5,000 square feet, and no combination of establishments in any one location shall have a total gross floor area of more than 10,000 square feet.

(d) Coverage limitations. No minimum lot area or width requirements are set directly for convenience establishments in PD-H districts, but lot coverage shall not exceed 40 percent of the net area of the lot or building site.

(e) Yard, landscaping. Yards shall have at least the same depth as required for residential uses on buildings of the same height and length, provided that in no case shall a yard be less than 10 feet in minimum dimension. Yards adjacent to streets shall be landscaped for a minimum depth of at least 10 feet from the street property line, except for driveways not exceeding the width reasonably necessary to provide access to parking. Parking and service areas shall be screened from view from first-floor windows on directly adjacent residential lots or building sites by appropriate structural or vegetative screening, which shall be maintained in a functional and slightly condition.

(f) Building space. Where space is left between buildings in a convenience establishment complex in this district, it shall be at least five feet in width.

(g) Off-street parking shall be provided at a minimum ratio of one space for each 200 square feet of gross floor area in convenience establishments. Where there is more than one establishment in a complex, parking may be grouped. Where appropriate in terms of the relation of uses to each other and the timing of their operations, access ways and parking areas may be so located as to serve other uses in the district, if such multiple use will not lead to an overload of the parking facilities or to congestion or hazards to pedestrian or vehicular traffic. There shall be no on-street loading in conjunction with any such convenience establishment.

(h) Signs intended to be read from off the premises shall be limited to one, not exceeding 10 square feet in surface areas, mounted flat against the wall of the principal building, for each face of the building exposed to a public street. Where more than one such establishment is located in the same building or on the same premises, signs as above shall be permitted for each. No such sign shall extend above or beyond the wall of the building.

(i) Lghting. During hours of darkness when convenience establishments are in operation, parking areas and pedestrian ways on the premises shall be lighted to an intensity of at least 0.6 foot candle. No such lighting shall be directed in a manner which illuminates adjoining residential buildings, and no source of incandescent, mercury vapor or similar

illumination shall be directly visible from any residential building or from any street. No neon lights inside or outside structures shall be visible from any residential building, or from any street.

(j) Hours of operation. No such convenience establishment shall be open for business except between the hours of 7 AM and 11 PM.

(k) Conduct of operations. All sales, service or displays in connection with convenience establishments in this district shall be within completely enclosed buildings, and there shall be no unenclosed storage on the premises. No public address systems or other devices for making announcements or playing music shall have speakers mounted outside of such buildings, or be audible beyond any line of the lot or building site on which the building is located.

E. Allowed Intensity of Residential Development Permitted and Minimum

1. Residential intensities. The following permitted intensities of residential development within the various zoning districts shall be:
2. Areas for PD-H District. The minimum areas of gross land area required for formation of a PD-H district in each zoning district shall be:

District	Dwelling Units Per Gross Acre
RA-1	4.0
RA-2	4.0
RA-3	4.0
RS	4.0
RM-1	7.0
RM-2	16.0
O/I	7.0

District Dwelling Units Per Gross Acre

- RA-1 4.0
- RA-2 4.0
- RA-3 4.0
- RS 4.0
- RM-1 2.0
- RM-2 2.0
- O/I 2.0

F. Site Planning

1. External Relationships. Site planning within the district shall provide protection of the development from potentially adverse surrounding influences and protection of surrounding areas from potentially adverse influences within the development. In particular:

(a) Principal vehicular access points shall be designed to encourage smooth traffic flow with controlled turning movements and minimum hazards to vehicular or pedestrian traffic. Merging and turnout lanes and/or traffic dividers and extra width of the approach street shall be required where existing or anticipated heavy flows indicate need. In general, minor streets shall not be connected with streets outside the districts in such a way as to encourage use of such minor streets by substantial amounts of through traffic.

(b) Access for pedestrians and cyclists entering or leaving the district shall be safe and convenient routes. Such access need not be adjacent to, or limited to the vicinity of, vehicular access points. Where there are crossings of pedestrian ways and vehicular routes at edges of planned developments, such crossings shall be safely located, marked and controlled, and where such ways are exposed to substantial vehicular traffic at edges of districts, safeguards may be required to prevent crossings except at designated points. Bicycle and/or bridle paths, if provided, shall be so related to the pedestrian-way system that street crossings are combined.

(c) Protection of visibility-automotive traffic, cyclists and pedestrians, shall be a generally provided at Article 5. In addition, where there is pedestrian or bicycle access from within the development to a street at its edges by paths or across yards or other open space without a barrier to access to the street, no material impediment to visibility, as defined therein, shall be created or maintained within areas appropriate to the circumstances of the case, but in any event within a visibility triangle equivalent to that required in Section 4-9.

(d) Uses adjacent to single-family residence districts. Where a PD-H district adjoins a single-family district without intervening permanent open space at least 100 feet in width serving as a separation for buildable areas, the portion of the perimeter of the PD-H district so adjoining shall be planned and developed only for uses permitted in the adjoining residential district and in accordance with all other requirements for such district, provided however, that in lieu of development, common open space for the PD-H district to a depth of 100 feet from the district boundary may be permitted. No intensive recreational use or off-street parking shall be permitted within 75 feet of the district boundary in such circumstances.

(e) Yards, fences, walls or vegetative screening at edges of PD-H districts shall be provided where needed to protect residents from undesirable views. Lighting, noise or other off site influences, or to protect occupants of adjoining residential districts from similar adverse influences with the PD-H district. In particular, extensive off street parking areas and service areas for loading and unlading vehicles other than passenger, and areas for storage and collection of refuse and garbage shall be screened.

(f) Height limitations at edges of PD-H districts. Except along boundaries where adjoining districts permit greater heights within similar areas, in addition to height limitations applying generally within PD-H districts, no portion of any building in

such district shall project through imaginary planes leaning inward from district boundaries at an angle representing an increase in height of .5 foot for each foot of horizontal distance perpendicular to the district boundary.

(g) Signs visible from outside PD-H districts. No signs visible from outside PD-H districts shall be erected within such districts other than not to exceed two signs identifying the development, with total maximum surface area not to exceed 32 square feet, at each principal entrance to the development. In addition, during the process of construction and initial sale and/or rental within such development, temporary announcement signs may be allowed, as provided in Article 7.

2. Internal Relationships. The site plan shall provide for safe, efficient, convenient and harmonious groupings of structures, uses and facilities, for appropriate relation of space inside and outside buildings to intended uses and structural features, and for preservation of desirable natural features and minimum disturbance of natural topography. In particular:

(a) Streets, drives, parking and service areas shall provide safe and convenient access to dwelling units and general facilities, and for service and emergency vehicles. Streets shall not be so laid out as to encourage outside traffic to traverse the development on minor streets, nor occupy more land than is required to provide access as indicated, nor create unnecessary fragmentation of the development into small blocks. In general, block size shall be the maximum consistent with use and shape of the site and the convenience and safety of occupants.

(b) Vehicular access to streets shall be limited and controlled as follows:

If the street or portion thereof serves 50 or less dwelling units, vehicular access from off-street parking and service areas may be directly to the street from the sites of individual dwelling units. Determination of number of dwelling units served shall be based on normal routes of traffic anticipated in the development.

Vehicular access to other streets or portion of streets from off street parking and service areas shall be so combined, limited, located, designed and controlled as to channel traffic from and to such areas conveniently, safely and in a manner which minimizes marginal traffic friction and promotes free flow of traffic on streets without excessive interruption.

(c) Ways for pedestrians and cyclists: emergency access. Walkways shall form a logical, safe and convenient system for pedestrian access to all dwelling units, project facilities, and principal off-site pedestrian destinations. Maximum walking distance in the open between dwelling units and parking areas, delivery areas and refuse and garbage storage areas intended for use of occupants shall not exceed 100 feet.

Walkways to be used by substantial numbers of children as play areas or routes to school or other destinations shall be so located and safeguarded as to minimize

contacts with normal automotive traffic. If substantial bicycle traffic is anticipated, bicycle paths shall be coordinated with the walkway system. Street crossing shall be held to a minimum on such walkways, shall be located and designated to promote safety, and shall be appropriately marked and otherwise safeguarded.

Pedestrian ways and bicycle paths, appropriately located, designed and constructed, may be combined with other easements and used by emergency and service vehicles, but shall not be used by other automotive traffic, including motor bikes and motorcycles.

(d) Protection of visibility-Automotive traffic, cyclists and pedestrians. Protection of visibility for automotive traffic cyclist and pedestrians shall be as provided at Section 5-9 F.1.(c), above.

Sec. 5-10. Planned Development Shopping Center (PD-SC) Districts

The following regulations and requirements apply to Planned Development-Shopping Center (PD-SC) districts, defined for purposes of these regulations as planned development districts for neighborhood, PD-SC(N): community, PD-SC(C); or regional, PD-SC(R) shopping centers.

- A. Where Permitted; Intent. PD-SC districts may hereafter be established in accordance with the general procedures and requirements as set forth in Section 5-1 through 5-7, above. It is the intent of these regulations to provide for development of such centers in scale with surrounding market areas, at locations appropriate, and in accord with standards set forth herein, to serve areas not already conveniently and adequately provided with commercial and service facilities of the kind proposed.

It is further the intent to permit the establishment of such districts only where planned centers with carefully-related buildings, parking and service areas, and landscaped open space will serve clearly demonstrated public need, reduce marginal traffic friction below that which would result from strip commercial development, and protect property values in surrounding neighborhoods. It is further intended that PD-SC districts shall provide a broad range of facilities and services appropriate to the general need of the area served; to these ends;

1. PD-SC(N): Planned Development-Shopping Center (Neighborhood). Districts are intended to be built around a supermarket as the major use, and to provide for the sale of convenience good, for provision of personal services, and for other frequent needs of a trade area with a population of 1-4,000 within approximately 5-10 minutes driving time. Access PD-SC(N) centers shall be located only with direct access to, and preferably at intersections of, streets of a collector or more intensive use category, or on suitable frontage roads adjacent to such streets. Access from minor streets is prohibited, except where such access would not encourage through traffic on such streets.
2. PD-SC(C): Planned Development-Shopping Center (Community) districts are intended to be built around a junior department store or substantial variety store as the major tenant, in addition to a supermarket. Such centers, which do not usually have a full-line department store, normally serve a trade area population of 10-25,000, within 15-20 **minutes' driving time.**

Access PD-SC(C) centers shall be located only with direct access to, and preferably at

intersections of, streets of an arterial or more intensive use category, or on suitable frontage roads adjacent to such streets. Such centers may have secondary access to collector streets. Access from minor streets is prohibited, except where such access would not encourage through traffic on such streets.

3. PD-SC(R): Planned Development-Shopping Center. (Regional) districts are intended to be built around one or more full-line department stores, and to serve a trade area of **150,000 or more within 25 minutes' driving time.**

Access PD-SC(R) centers shall be located only at intersections of freeways, or at intersections of arterial streets and controlled access roads, or on suitable frontage roads adjacent to such streets or to freeways, if near interchanges. Such centers may have secondary access to collector streets. Access from local streets is prohibited, except where such access would not encourage through traffic on such streets.

Permitted Principal and Accessory Uses. The following principal and accessory uses and structures may be permitted in PD-SC districts, subject to the limitations and requirements set forth. The listings are intended to be illustrative (except where limitations are set forth) rather than rigidly inclusive, and PD-SC rezoning may be denied if a proposed center does not provide a sufficient range of establishments to provide for the general needs of the trade area proposed to be served.

1. PD-SC(N) districts:

Retail stores, except those dealing primarily in secondhand merchandise (other than antiques) including;

*Bakeries, confectioneries, delicatessens, fish markets, meat markets and the like, with products processed or prepared on the premises sold only at retail on the premises.

*Clothing stores, shoe stores;

*Drugstores, newsstands, tobacco shops;

*Florists, gift shops, jewelry stores, stationery stores, specialty shops;

*Groceries, supermarkets;

*Hardware, sporting goods, garden supply stores;

*Variety stores.

Personal service establishments, including:

*Barber shops, beauty shops; *Cleaning and laundry agencies; cleaning, dyeing, and laundry establishments not employing more than five persons in cleaning and/or laundry operations, and processing only goods delivered to and picked up from the premises by individual customers; coin-operated laundry and dry-cleaning facilities.

Eating and drinking establishments, other than drive-in;

Medical and dental offices and clinics, but not general office use; establishments for fitting and repairing eyeglasses, hearing aids and the like; Service stations, but not repair garages, provided that no more than one service station shall be permitted in any PD-SC (N) district, and that no site

for such service station shall occupy more than 15,000 feet;

Public buildings and uses appropriate to the character of the district or requiring location within the district;

Public utilities installations and substations, provided that public utilities offices or storage or maintenance operations shall not be permitted. Utilities substations other than individual transformers shall be screened from adjacent residential districts by a masonry wall or a fence with a properly-maintained screen hedge;

Uses and structures which are customarily accessory and clearly incidental to permitted principal uses and structures.

2. PD-SC (C) districts:

As for PD-SC(N) with the following additions and variations:

Department stores (junior)

Financial institutions, such as branch banks and savings and loan institutions;

Furniture and home furnishing stores;

Offices, with total office space not exceeding 10 percent of total gross leasable area;

Service stations, but not repair garages, provided that not more than two service stations shall be permitted in any PD-SC(C) district, and that no service station site shall consist of more than 20,000 square feet, and that total area in service station use shall not exceed 5 percent of the area of the district;

Theaters

3. PD-SC(R) districts:

As for PD-SC(C) with the following additions and variations:

Automotive supply establishments;

Bowling alleys and similar commercial recreation establishments;

Offices, with total office space not exceeding 20 percent of total gross leasable area;

Service stations, but not repair garages, provided that no service station site shall exceed 25,000 square feet, and that total area in service station use shall not exceed 2 percent of the area of the district.

B. Minimum and Maximum Net Land Area for PD-SC District. Minimum net land area required for creation of PD-SC districts and maximum net land area permitted, shall be as follows:

District Minimum Acres Maximum Acres

PD-SC(N) .0 9.9 PD-SC(C) 10.0 29.9 PD-SC(R) 30.0 No maximum limit

As provided at Section E, minimum land area requirements shall not apply where a PD-SC district previously created is proposed for enlargement, but such enlargement shall not result in exceeding the maximum set for the class of district, unless the proposed amendment is for establishment of a different class, and all other requirements for that class are met.

- C. Height Limitations. Maximum height of building within 35 feet of property lines at the edges of the district shall be 35 feet. Height may be increase on foot for each two feet of additional distance from such property lines.
- D. Pedestrian and Landscaped Common Area Requirements. An area equal to at least .20 times the net land area of the district shall be reserved for pedestrian use and landscaping, and shall be improved and maintained accordingly. Such area may include covered malls for general pedestrian use, exterior walkways, play areas for children, outdoor seating areas and the like where the facilities are available for common use by tenants and visitors. Improved deck and roof areas may be included as such common area.
- E. Off-street Parking; Loading Requirements. Off-street parking shall be provided as required by Article 8. Off-street loading shall be provided with area location and design appropriate to the needs of occupants of the district and protection of adjacent property from adverse effects. No space designated as required off-street parking space for the general public shall be used as off-street loading space or maneuvering room for vehicles being loaded or unloaded.
- F. Underground Electrical and Telephone Utilities. Electrical and telephone service lines shall be underground in any PD-SC district.
- G. Sign Limitations. No signs intended to be read from outside the district shall be permitted except:
 - 1. One sign structure, not exceeding 35 feet in height and having not more than two sign surface areas, each of which shall be limited to 20 square feet per sign surface for each acre of land within the property lines of the district, may be erected to identify the center along each principal street frontage from which there is a major entrance to the center. Such signs may **identify the center, as a whole, and the establishment's activities and facilities within the center**, but shall not include other advertising;
 - 2. Signs directing traffic, but bearing no advertising matter;
 - 3. Individual establishments, not to exceed one sign for each wall exposed to adjoining streets other than minor residential streets, mounted on the building and not extending above its lower roofline. Such sign shall not exceed 10 percent of the area of the wall involved, provided, however, that a minimum of 30 square feet shall be permitted.

Insofar as reasonably practicable, no signs in PD-SC districts shall be oriented toward nearby residential district.

H. Site Planning

1. External Relationships

- (a) Orientation of permitted uses and structures shall be toward streets other than adjacent minor streets in residential neighborhood, and away from such neighborhoods, whether or not the district is separated from residential areas by streets.

(b) Vehicular and pedestrian access. Principal vehicular access points shall be designed to encourage smooth traffic flow with controlled turning movements and minimum hazards to vehicular or pedestrian traffic. Merging and turn-out lanes, frontage streets, and/or traffic dividers shall be required where existing or anticipated heavy flows indicate need.

Whether required or provided voluntarily, such merging and turn-out lanes, frontage streets and/or traffic dividers may be included as part of the required yard adjacent to the street, provided, however, that no such lanes, streets or dividers shall be located in any part of any required landscaped yard established as required in subsection 3 below.

Pedestrian access may be provided at any suitable locations within the district, but shall where practicable be separated from vehicular access points in order to reduce congestion, marginal friction and hazards, except where signification is used in such a manner as to control pedestrian and vehicular movements safely.

(c) External yards with a minimum width of 35 feet shall be provided along all property lines at edges of PD-SC districts except where such districts adjoin other commercial or industrial districts. Landscaping and use of such yards, except where traversed by permitted vehicular access-ways, shall be as provided below:

(1) Along collector or arterial streets, except in areas described at (b), below, the nearest 15 feet to the right-of-way shall be maintained in landscaping, which may include walkways, unless turn-out or merging lanes are provided, in which case the nearest 10 feet to the turn-out or merging lane shall be landscaped. The remainder of such yard may be used for off-street parking.

(2) Where side yards in residential districts adjoin the PD-SC district without an intervening street, the nearest 15 feet to the zoning boundary line within the PD-SC district shall be maintained in landscaping, not including walkways other than continuations of sidewalks along the street, for a distance equal to minimum front yard depth required in the adjoining residential district, and no vehicular access or parking shall be permitted in such landscaped area;

(3) Where lots in residential districts face a PD-SC district across minor streets, the nearest ten (10) feet to the right-of-way within the PD-SC district shall be maintained in landscaping and no off-street parking shall be permitted in such area. Vehicular and pedestrian access through such landscaped strip shall be only where provided for convenience of residents of adjoining residential area, and shall not be so located or provided as to encourage general public access or through traffic on local residential streets;

(4) In all other yards, except where adjacent to commercial or industrial districts, the nearest ten (10) feet to the district boundary shall be maintained in landscaping, including walkways, except for permitted vehicular access-ways and no off-street parking shall be permitted in such area.

In general, landscaping as required above shall be of a nature which conceals extensive parking areas, service areas within the district, and other undesirable views into the district, where such concealment is reasonably practicable, but shall not

create hazards to automotive traffic or pedestrians by reducing visibility at intersections within or adjoining the district.

Where deemed necessary for protection of adjacent property against the adverse effects of noise, lights or undesirable views, fences, walls or hedges of an appropriate character may be required.

2. Internal Relationships.

In general, the plan shall provide a unified and well-organized arrangement of buildings, service areas, parking and pedestrian and landscaped common areas providing for maximum comfort and convenience of visitors and occupants. Commercial buildings shall be so grouped in relation to parking areas that after visitors arriving by automobile enter the walkway system, establishments can be visited conveniently with a minimum of internal automotive movements.

Facilities and access routes for shopping center deliveries servicing and maintenance shall be so located and arranged as to prevent interference with pedestrian traffic in the center. Service stations, if provided shall be so located that operations do not interrupt pedestrian or traffic flows in other parts of the center.

Loading zones where customers pick up goods shall be so located and arranged as to prevent interference with pedestrian movement within the center.

Sec. 5-11. Planned Development-Highway Commercial (PD-HC) Districts

The following regulations and requirements apply to PD-HC Planned Development districts:

- A. Defined, Intent, Where Permitted. PD-HC districts may hereafter be established in accordance with the general procedures and requirements set forth in Sections 5-1 through 5-7, above. Such districts are defined as planned development districts for establishment of complementary groupings of highway-related commercial and service activities, other than in shopping centers. It is the intent of these regulations to provide for development of such districts as locations appropriate in terms of the Comprehensive Plan and Major Street Plan and in accord with standards set forth herein.

It is further intended that PD-HC districts shall:

1. Encourage concentration of complementary uses grouped adjacent to streets serving large traffic volumes, providing well planned development on sites with adequate frontage and depth to permit controlled access to streets and reduce marginal traffic friction;
2. Serve as an alternate to further extensions of general commercial zoning allowing disorderly strip commercial development; and
3. Protect stability and property values in surrounding residential neighborhoods.

- B. Minimum Area Required for Establishment of District: Access Requirements

No such district shall be established with a net land area of less than five acres, with width and depth adequate for the plan propose but with at least 200 feet of frontage on a street of an arterial or more intensive use category, or on frontage road.

C. Permitted Principal and Accessory Uses and Structures

The following principal and accessory uses and structures may be permitted in PD-HC districts, subject to the limitations and requirements set forth, only where they form complementary and compatible groupings contributing to the efficient and convenience of the particular district, and only where by their location or design, they are appropriate in their general surroundings. In general, retail, wholesale, personal and business services, professional and general offices, distribution and warehousing activities, and recreational uses may be permitted in such districts, if appropriately combined as indicated above, where they serve the needs of those passing on highways or the general public.

Applications for amendments to PD-HC zoning status may be denied if the proposed district does not contain facilities deemed complementary and compatible or if a particular group of uses, in themselves complementary and compatible, would be inappropriate in the location proposed because of the character of surrounding development and/or zoning.

The following groupings of uses might be considered complementary and compatible. In some groupings, certain uses which would not be permitted as dominant might be allowable in support of the major function. Thus, in the automotive sales and service category, a small restaurant or lunchroom for employees and visitors would be appropriate as supporting the major activity, but a large restaurant, attracting customers who would not otherwise be coming to the district would be out of place. In determinations concerning proposed PD-HC rezoning, consideration will be given to this kind of balance between principal and supporting uses.

Uses and structures which are customarily accessory and clearly incidental to permitted primary uses will be allowed in all PD-HC districts, subject to the same considerations as to whether they are complementary, compatible and at the appropriate scale as apply in relation to principal uses in a particular PD-HC district.

1. Tourist services-adjacent to major tourist routes only Motels Eating and drinking establishments, including drive-ins Recreational vehicle parks Groceries with convenience goods Laundromats Service stations, including those with emergency highway services and those with minor repair facilities, but not repair garages Tourist recreation facilities

2. Office parks Professional and general offices Appropriate supporting facilities, depending on the character of the office park,

Including laboratories, pharmacies, computer centers, centralized facilities for reproduction and mailing of printed matter, office supply and equipment establishments and the like

Supporting eating and drinking establishments

3. Home and garden centers Furniture stores Hardware stores, including those with

equipment rental Home appliance stores Building materials (enclosed operations)
Paint and wallpaper; floor covering Antiques, gifts Furniture repair and refinishing;
upholstery Garden supply stores Nurseries; greenhouses, florist shops Appropriate
supporting facilities, including eating and drinking establishments (other than drive-
ins), branch banks, and the like

4. Automotive sales and services (auto sales parks) New car dealerships and service departments, with associated used car sales Used parts, accessories Automobile, truck and trailer rentals Recreational vehicles, boats and trailers, mobile home sales and service (in some locations) Service stations; repair garages Appropriate supporting facilities, including eating and drinking Establishments other than drive-ins, branch banks, and the like
5. Distribution centers (may involve rail as well as highway access)
Truck terminals; freight terminals
Warehousing, wholesaling
Service Stations, repair garages
Supporting restaurant and motel facilities

D. Floor Area Limitation

Maximum floor area permitted in any PD-HC district shall not exceed .25 times the net land area of the district.

E. Height Limitations

Maximum height of buildings within 35 feet of property lines at the edges of the PD-HC district shall not exceed 35 feet. Height may be increased one foot for each two feet of additional distance from such property lines.

F. Pedestrian and Landscaped Common Area Requirements

In general, pedestrian and landscaped common area requirements shall be as provided for PD-SC districts at Section 5-10E., provided, however, that the Planning Board may recommend, and Town Council require, lesser amounts of pedestrian and landscaped common area where the type of uses involved and the location in relation to adjoining development and zoning justify such reduction, but in no case shall such area requirement be reduced to less than .10 times the net land area of the district.

G. Off-Street Parking and Loading Requirements

In general, off-street parking and loading requirements shall be as provided for PD-SC districts at Section 5-10F provided, however, that the Planning Board may recommend, and Town Council require, lesser amounts of off-street parking space where the type of uses involved, or combined use of parking areas, clearly justifies such reduction.

H. Underground Electrical and Telephone Utilities Electrical and telephone service lines

shall be underground in any PD-HC district.

- I. Sign Limitations Sign limitations shall be as provided for PD-SC districts at Section 5-10H.

- J. Site Planning

Site planning considerations and requirements shall be as provided for PD-SC districts at Section 5-101.

SEC. 5-12 PD-OI: Planned Development-Office and Institutional Districts

Reserved

SEC. 5-13.

Reserved

SEC. 5-14 PD-MU: Planned Development-Mixed Use Districts

The following regulations and requirements apply to PD-MU: Planned Development-Mixed Use Districts:

- A. Defined, Intent, Where Permitted PD-MU districts may hereafter be established in accordance with the general procedures and requirements set forth in Section 5-1 through 5-7, above. Such districts are defined as planned development districts for establishment of complementary groupings of residential, commercial, and office uses. Where existing developments exist, or proposed and previously approved developments are in progress, which are of a nature substantially in accord with the intent of these regulations, they may be rezoned to PDMU status, and shall thereafter be subject to the regulations and requirements for such districts.

It is the intent of these regulations to provide for development of such districts at locations appropriate in terms of the Major Street Plan, and in close proximity to mass transit facilities, in accord with standards set forth herein.

It is further intended that PD-MU development shall be in complexes within which mutually supporting residential, commercial and office uses are scaled, balanced and located to reduce general traffic congestion by providing housing close to principal destinations, and convenient pedestrian circulation systems and mass transit devices to further reduce need for private automobiles.

Within such districts, it is intended that uses shall be arranged horizontally or vertically;

1. That residential uses be so separated from major vehicular traffic flows and other disquieting influences as to protect privacy and tranquility;
2. Or that general commercial and service uses be concentrated for maximum pedestrian convenience and located for easy accessibility by residents of the district, workers within the district, and visitors arriving by mass transit, and

3. That commercial frontage is uninterrupted by residential or office uses; and
4. That major office uses be so located as to be convenient to mass transit.

Where such districts adjoin residential neighborhoods, it is intended that arrangement of buildings, uses, open space and vehicular access be such as to provide appropriate transition and reduce potential adverse effects.

B. Permitted Principal and Accessory Uses and Structures

The following permitted principal uses and structures are allowed:

Dwellings, one-family, two-family and multi-family, detached, semi-detached and attached.

Offices, clinic (other than veterinary offices or clinics); studios; laboratories.

Banks, savings and loan associations, and similar financial institutions.

Retail stores, except those dealing in secondhand merchandise.

Eating and drinking establishments; catering establishments; delicatessens and bakeries with products sold at retail on the premises.

Barber shops, beauty shops and similar personal service establishments.

Laundry and dry cleaning collection stations; laundry and dry cleaning plants employing not more than 5 persons in any one shift in actual laundering or dry cleaning establishments where equipment is operated by customers

Tailoring, custom dressmaking, millinery and similar establishments with on-premise retail sales only.

Repair establishments for home appliances, bicycles, lawn mowers, shoes, clocks and watches and the like.

Hotels, motels.

Child care nurseries; day care centers; pre-kindergarten, kindergarten, play and other special schools or day care facilities for young children.

Churches, synagogues, temples and the like.

Recreation establishments, including theaters, bowling alleys, poolrooms, billiard parlors and the like.

Structures and uses required for operation of a public utility or performance of a governmental function, except uses involving extensive storage, or with storage as the principal purpose; railroad right-of-ways, stations or tracks, but not railroad yards, or

major storage or warehousing operations.

Automobile sales or repair and service stations are not permitted in this district.

C. Permitted Accessory Uses and Structures

Uses and structures which are customarily accessory and clearly incidental to permitted principal uses and structures shall be permitted in this district.

D. Land Use Intensity Ratings and Related Requirements

The same requirements and limitations set forth at Section 5-9E. for PD-H districts shall apply to PD-MU districts, with the following adaptations for uses other than residential:

1. Gross Land Area. Gross land area required for formation of the district shall include land for all uses within the district, rather than land for residential uses only.
2. Floor Area. Floor area, as limited by application of the floor area ratio to land area, shall include total floor area, less exclusions generally permitted, rather than residential floor area only.
3. Pedestrian and Landscaped Common Areas. For uses other than residential, the same amount of area shall be required in pedestrian and landscaped areas as would be required as livability space for a residential use. In relation to nonresidential uses, such space may include covered malls for general pedestrian use, as well as exterior walkways, play areas for children, outdoor seating areas and the like. When covered malls are so included, they shall be excluded in computing floor area.
4. Recreation Space. Recreation space shall not be required except in connection with residential uses.
5. Off-Street Parking. For uses other than residential, off-street parking shall be provided as required in Article 8.
6. Minimum Yard Requirements Adjacent to Public Streets. Minimum front yards adjacent to public streets shall be 30 feet.
7. Yards Required Adjacent to R Districts. Where PD-MU districts adjoin R districts without an intervening street or alley, a yard at least 20 feet in width, if a side yard, or depth, if a rear yard, shall be provided along such joint boundary.
8. Restrictions on Vehicular Use of Yards Required Adjacent to Public Streets. Yards required above shall not be used for parking, and yards required above adjacent to R districts shall not be used for driveways serving five or more parking spaces.

E. Site Planning-Eternal Relationships. Relation of the district to surrounding areas shall be as provided for PD-H districts at Section 5-9F1., External Relationships; subsections Principal Vehicular Access Points; Access for Pedestrians and Cyclists; Protection of Visibility; Yards, Fences, Walls or Vegetative Screening, and Height Limitations at Edges of PD-H districts.

1. Requirements for Mass Transit Access. No PD-MU district shall be created except where mass transportation or direct access to an arterial street is available, or is made available at convenient

locations at the edges of or within the district. Such mass transportation shall be at scale and of a character suited to the needs of occupants and visitors.

2. Location of Uses in Relation to Adjoining R. Districts. Where a PD-MU district adjoins any R district, with or without an intervening street or alley, to the maximum extent reasonably practicable, residential uses within the PD-MU district shall be located adjacent to the R district, and nonresidential uses and signs shall be located or oriented away from the R district.

F. Internal Relationships. The site plan shall provide for safe, efficient, convenient and harmonious groupings of structures, uses, facilities and open spaces in a manner facilitating pedestrian movement between major origins and destinations within and adjacent to the district with a minimum of conflicts with vehicular traffic.

In particular:

1. Pedestrian Systems and Open Space Net. Pedestrian systems through buildings shall relate to a network of exterior open spaces reserved for pedestrian use and enjoyment. Interior and exterior pedestrian ways shall be scaled for anticipated traffic and form a convenient pattern connecting major concentrations of uses within the district.

2. Streets, Parking Areas and Service Areas shall be so located and designed as to separate private vehicular use within the district from principal pedestrian areas. Such separation may be horizontal, with vehicular areas concentrated and grouped in a logical location or locations at edges of the district adjacent to major or collector streets, or vertical, with vehicular areas under buildings.

3. Relationship of uses shall be such that major commercial and service establishments are grouped for maximum pedestrian convenience along frontages uninterrupted by residential or general office occupancies. Residential or general office uses may either be in separate areas within the district, or may be separated vertically from commercial and service concourses.

4. Spacing of Buildings or Portion of Buildings shall be as provided at Article 4.

G. Sign Limitations. The following limitations and requirements shall apply concerning signs in PD-MY districts.

1. General Advertising Signs Prohibited. General advertising signs are prohibited in PD-MU districts.

2. Limitations on Signs Intended to be Read from Outside the District, or from Public Streets Within the District. No signs intended to be read from outside the district, or from public streets within the district, shall be permitted except as indicated below. Limitations in this subsection shall not be construed to apply to signs visible only from pedestrian ways or private streets and adjoining buildings and groups within the district, or to sign or sign structures erected by the County or authorized for display of public notices.

3. General identification signs for the development as a whole shall be permitted as follows: One sign structure, not exceeding 30 feet in height, and having not more than two sign surface areas, each limited to 60 square feet, may be erected inside or outside required yards adjacent to public streets, provided that no such sign shall overhand any public way or be so located or constructed as to create a dangerous impediment to traffic visibility. Such signs may identify the development

as a whole and bear directional information, but shall contain no advertising matter.

4. Minor directional sign structures, having not more than two sign surface areas, each limited to four square feet may be erected as reasonably necessary for the safety and convenience of visitors to the center. Such signs shall bear no advertising matter other than the name of the development as a whole or an indication of the portion of the development to which direction is given.

5. Identification signs for major buildings or complexes shall be erected only upon the walls of buildings, and shall not project more than three feet beyond the wall upon which mounted, nor above the lower roofline. Only one such sign shall be permitted for each face of the building visible from a public street other than a minor residential street, except that where the length of such face of the building exceeds 150 feet, a second sign shall be permitted. Minimum area allotment for any such signs shall be 100 square feet, or 2 percent of the surface area of the building on the exposure involved, up to a maximum of 300 square feet. Such signs shall indicate only the name of the building or complex and the nature of the establishments therein

6. Signs identifying individual commercial or service establishments or offices from public streets shall be permitted as follows:

a. One sign mounting, attached to the wall of the building, and containing not more than two sign surfaces, each with maximum surface area of 30 square feet. Such signs shall not project more than three feet from the wall to which attached or extend above any lower roofline, or in any case above a height of 20 feet above ground level

b. One identification sign, not exceeding two square feet in area, shall be permitted on each display window, and on each principal entrance

c. One double-surfaced identification sign, with each surface limited to two square feet, shall be permitted over each principal entrance. Unless suspended from a marquee such sign shall not project more than three feet from the wall of the building.

d. Where marquees or awnings are provided, one identification sign, single or double-face, with area per face limited to two square feet, may be displayed on the street side, and one perpendicular to the building, for every 20 feet of building frontage, provided that spacing shall be arranged so that signs on adjacent establishments are not masked.

SEC. 5-15. Planned Development-Industrial Districts

The following regulations and requirements apply to PD-I: Planned Industrial districts:

A. Defined, Intent, Where Permitted. PD-1 districts may hereafter be established in accordance with the general procedures and requirements set forth in Sections 5-7. Such districts are defined as planned development districts for establishment of complimentary groupings of related industrial activities. It is the intent of these regulations to provide for development of such soils, land use patterns and site size and shape and in accord with standards set forth herein.

It is further intended that PD-I districts shall:

1. Encourage concentration of complementary uses grouped adjacent to streets serving large traffic volumes, providing well planned development on sites with adequate frontage and depth to

permit controlled access to streets and reduce marginal traffic friction:

2. Serve as an alternate to further extensions of industrial zoning which encourage disorderly strip development; and
 3. Protect stability and property values in surrounding residential neighborhoods.
- B. Minimum Area Required for Establishment of District: Access Requirements. No such district shall be established with a net land area of less than two acres, with width and depth adequate for the plan proposed, but with at least two hundred feet of frontage on an arterial street.
- C. Permitted Principal and Accessory Uses and Structures. Permitted principal and accessory uses and structures shall be according to Article 3 and the corresponding zoning districts. In addition, applications for amendments to PD-I zoning may be denied, if the proposed district does not contain facilities deemed complementary and compatible or, if a particular group of uses, in themselves complementary and compatible, would be inappropriate in the location proposed because of the character of surrounding development and/or zoning.
- D. Floor Area Limitations. Maximum floor area permitted in any PD-I district shall be 0.20 times the lot area in square feet.
- E. Height Limitations. Maximum height of buildings shall be 35 feet, provided that greater heights may be allowed as long as for each additional one foot of building height above 35 feet shall be accompanied by a one foot increase in required setback.
- F. Pedestrian and Landscaped Common Area Requirement. In general, pedestrian and landscaped common area requirements shall be .35 times the net land area of the district provided, however, that the Planning Board may recommend, and the Town Council require, lesser amounts of pedestrian and landscaped common area where the type of uses involved and the location in relation to adjoining development and zoning justify such reduction but in no case shall such area requirement be reduced to less than .10 times the net land area of the district.
- G. Off-Street Parking and Loading Requirements. Off street parking and loading requirements shall be as established in Article 8, provided, however, that the Planning Board may recommend, and Town Council require, lesser amounts of off-street parking space where the type of uses involved, or combined use of parking areas, clearly justifies such reduction.
- H. Underground Electrical and Telephone Utilities. Electrical distribution and telephone service lines shall be underground in all PD-HC districts.
- I. Sign Limitations. Sign limitations shall be as provided for PD-SC districts at Section 5-10H.
- J. Site Planning. Site planning considerations and requirements shall be as provided for PDSC districts at Section 5-10I.

ARTICLE 6

SPECIAL USES

SEC. 6-1. Intent

It is the intent of the Town Council to create, and from time to time amend, a list of Special Uses within the Table of Permitted Uses Section which, because of their inherent nature, extent and external effects, require special care in the control of their location and methods of operation. The Town Council is aware of its responsibility to protect the public health, safety and general welfare and believes that certain uses which now or in the future may be included on this list are appropriately handled as Special Uses, subject to review in relation to general and specific requirements, rather than as uses permitted by right. In addition to the listing of such uses, the Town Council intends that the general standards, established in Section 6-3C., and the more specific requirements, established below shall be used by the Planning Board and the Town Council, as appropriate, to direct deliberations upon applications for the approval of Special Uses. It is the express intent of the Town Council to delineate the areas of concern connected with each Special Use and to provide standards by which applications for such Special Use shall be evaluated.

SEC. 6-2 Establishment of Classes of Special Uses for Purposes of Approval

There are hereby established two classes of Special Uses which shall be approved or disapproved as shown:

Class A- Approved or disapproved by Town Council

Class B- Approved or disapproved by Town Council

SEC. 6-3 Procedure for Submission and Consideration of Applications for Approval of Special Use

- A. All Applications. Applications for special use permits shall be submitted on forms provided by the Zoning Officer. Such forms shall be prepared so that when complete a full and accurate description of the proposed use, its location, appearance and operational characteristics are disclosed. All forms shall include:
- Name and address of property owner
 - Name and address of applicant
 - Relevant information to show compliance with the general and following specific standards governing special uses.
- B. Submission and Staff Review of Application. Special Use applications shall be filled with the Zoning Officer, who shall, before accepting an application, review it for completeness. Applications which are not complete, or otherwise do not comply with the provisions of this ordinance shall not be accepted by the Zoning Officer and shall be returned to the applicant with a notation of the deficiencies in the application. Upon acceptance, an application shall be turned over to the Planning Director for review by the planning staff and other applicable Wallburg staff. Following staff review and within 30 days of acceptance, the Planning Director shall prepare a recommendation for consideration by the Planning Board.

SEC. 6-4 Action on Application

- A. **Planning Board Action.** Within 15 days of the meeting at which the Planning Director's Recommendation is heard, the Planning Board shall prepare its recommendation for the Town Council. Failure of the Planning Board to submit a recommendation within the required time shall be deemed a favorable recommendation, without conditions.
- B. **Public Hearing.** Before considering the application, the Town Council shall conduct a public hearing. The Zoning Officer shall give notice of the date, time, place, and purpose of the public hearing. Such notice shall be published in a newspaper of general circulation in Davidson County once a week for two successive weeks, with the first notice to be published not less than 15 nor more than 25 days before the date of the hearing.
- C. **Findings Based on Standards; Decision by Board.** After completion of the public hearing the Town Council shall take action to either approve, approve with conditions, or deny the application.
When issuing or denying a special use permit a vote no greater than a majority shall be required by the Town Council. No special use permit shall be granted by the Town Council unless findings based on each of the following standards is made concerning the proposed use:
1. The use will promote the public health, safety and general welfare, if located where proposed and developed and operated according to the plan as submitted;
 2. The use, which is listed as a Special Use in the district in which it is proposed to be located, complies with all required regulations and standards of this ordinance including the Area, Height, Bulk and Placement regulations (Article 4), unless greater or different regulations are contained in the individual standards for that special use;
 3. That the use will maintain or enhance the value of contiguous property, or that the use is a public necessity;
 4. That the use is in compliance with the general plans for the physical development of the county as embodied in these regulations.

The Town Council shall make these general findings based upon substantial evidence contained in its proceedings. It shall be the responsibility of the applicant to present evidence in the form of testimony, exhibits, documents, models, plans and the like to support the application for approval of a special use. If conditions are imposed, they shall be reasonable and shall protect public health, safety and general welfare, ensure substantial justice and equitable treatment of the applicant. Such conditions, along with the permit shall run with the land and shall be binding on the original applicant as well as all successors, assigns and heirs.

In every case, the action of the Town Council shall include a summary of the evidence supporting the action taken by it on the application.

- D. Issuance of Permit Following Approval. The Zoning Officer, in the case of approval or Approval with conditions, shall issue the necessary permit in accord with the Board's action.

- E. Appeal of Decision of Town Council. No appeal may be taken from the action of the Town Council in granting or denying a special use permit, except through Superior Court of Davidson County. Any petition for review shall be filed with the Clerk of Superior Court within 30 days after the decision of the Town Council is filed in the office of the Clerk to the Town Council, or after a written copy of the decision is delivered to every aggrieved party who has filed a written request for such a copy with the clerk at the time of the hearing of the case, whichever is later. The decision of the Town Council may be delivered to the aggrieved party either by personal service or by registered mail or certified return receipt requested.

SEC. 6-5. Minor Changes and Modifications of Plan

- A. Zoning Officer to Approve Minor Changes but not Modifications. The Zoning Officer is authorized to approve minor changes in the approved plans of special uses, as long as they are in harmony with action of the approving Board, but shall not have the power to approve changes that constitute a modification of the approval. A modification shall require approval of the board having jurisdiction and shall be handled as a new application.
- B. Criteria Defining Minor Changes and Modifications. The Zoning Officer shall review the record of the proceedings on the original application and shall use the following criteria in determining whether a proposed action is a minor change or a modification:
 1. Any change in location or any increase in the size or number of signs shall constitute a modification.
 2. Any increase in intensity of use shall constitute a modification. An increase in intensity of use shall be considered to be an increase in usable floor area, an increase in number of dwelling or lodging units, and/or an increase in outside land area devoted to sales, displays, or demonstrations.
 3. Any change in parking areas resulting in an increase or reduction of 5% or more in the number of spaces approved by the Town Council shall constitute a modification. In no case shall the number of spaces be reduced below the minimum required by this ordinance.
 4. Structural alterations significantly affecting the basic size, form, style, ornamentation and the like of the building as shown on the approved plan shall be considered a modification.
 5. Substantial change in the amount and/or location of open space, recreation facilities or landscape screens shall constitute a modification.
 6. A change in use shall constitute a modification.
 7. Substantial changes in pedestrian or vehicular access or circulation shall constitute a modification.
- C. Procedure for Modifications. The Zoning Officer shall, if he determines that the proposed action is a modification, require the applicant to file a request for approval of the modification, which shall be submitted to the body which approved the original application. The approving body may approve or disapprove the application for approval of a modification and, prior to its action, may hold a public hearing thereon.

SEC. 6-6. Construction

Upon granting of any special use resulting in the issuance of a building permit, the permit must be obtained and construction or the proposed use begun within 180 days of the date of the Town Council hearing, after which the permit shall be null and void.

SEC. 6-7 Regulations Governing Individual Special Uses

All special use applications shall contain the information required by Sec. 6-3A of this Article. In addition, detailed requirements regarding individual special uses are set forth in the following pages.

Amended: 6-3-96

- | | |
|------------------------|---|
| Use: | ARENA |
| Special Use Districts: | HC, HC, LI, HI |
| Approved by: | Town Council |
| Minimum Lot Size: | 10 acres |
| Application: | <ol style="list-style-type: none">1. A site plan showing the boundaries of the property, proposed buildings and parking areas.2. Certification from Davidson County Health and Inspections Department to show their requirements are met.3. Commercial driveway permit from Department of Transportation. |
| Criteria: | <ol style="list-style-type: none">1. No Structure, area (including seating devices or bleachers) shall be located less than forty (40) feet from contiguous property lines, unless there are existing structures on the adjoining property within 40 feet of the said contiguous lines, in which case the setback for the structure, area or bleachers shall be one hundred (100) feet. No parking areas shall be located less than ten (10) feet from contiguous property lines, unless there are existing structures on the adjoining property within 40 feet of said contiguous property lines in which case no parking will be permitted within 40 feet of said contiguous property line.2. Lighting shall be so shielded as to cast no direct light upon adjacent properties. |

3. Driveways, roads and parking areas shall be treated with dust inhibitors to be specified in the application, which will reduce to a minimum the generation of dust from road and parking surfaces as a result of wind or vehicular action.

4. Public address system shall be designed so as not to constitute an unreasonable disturbance to the adjoining property owners.

5. There shall be a minimum of 75 parking (standard car) spaces and 25 enlarged spaces (truck and trailer) at the facility an the parking area must be shown on the proposed site plan; if bleacher or stadium type seating is provided at the facility then there shall be one additional spectator parking space for every four seats provided in excess of 300 seats.

6. Fencing shall be of industrial quality around the arena area perimeter to insure containment of any out of control animals, machinery or vehicles that could pose danger to any spectators in particular and neighborhood residents in general.

7. A fire hydrant shall be located within 500 feet of the public entrance to the area that has a roof and side walls, if public water is available. If the area does not have a roof and side walls, a fire hydrant shall be located within 2,500 feet of the public entrance to the arena if public water is available.

8. Roadside parking shall be prohibited in the general arena area to insure accessibility of large emergency vehicles such as fire trucks.

9. The plan as submitted by the applicant shall designate particular uses within the site plan and the topography and terrain as designated on the plans shall be suitable for such specifically designated uses.

Use: LARGE DAY CARE HOME

Approved by: Town Council

Special Use District: RS, RA-1, RA-2, RA-3, RM-1, RM-2, O/I

Application: 1. A site plan shall be submitted showing the location of existing structures, proposed parking, play area and

driveway entrance.

2. Certification from the Davidson County Health Department and Davidson County Inspection Department that their requirements can be met.

3. Certification from Department of Transportation that a commercial driveway permit can be obtained.

4. Certification that all state requirements can be met.

Standards of Evaluation:

a. The daycare occupation shall be that of the landowner, must be owned and operated by the landowner, and landowner must reside in subject home.

b. No more than three (3) staff members.

c. Play area to be fenced.

d. Staff/Child ratios:

Ages of Children	# of Children	# of Staff	Maximum Group Size	# of Staff
0 to 13 years	5	1	10	2
1 to 13 years	6	1	12	2
2 to 13 years	10	1	12	2
3 to 13 years	12	1	12	1
All School Age	15	1	15	1

Use:

EXTRACTION OF EARTH PRODUCTS (the process of removing natural deposits of minerals, ores, soils or other solid matter from their original location, excluding on-site processing)

Approved by:

Town Council

Special Use Districts:

All zoning districts.

Contents of Applications:

1. Three copies of Site Plan, prepared by a North Carolina registered land surveyor or engineer, which shall contain the following:

- North point, scale and date.
- Extent of area to be excavated or mined.
- Location, width and elevation of all easements and rights-of-way within or adjacent to extraction site.
- Location of all existing or proposed structures on site.

- Location of all areas on the site subject to flood hazard or inundation.
- Location of all water courses on the site, including direction of flow and normal fluctuation of flow.
- Existing topography at a contour interval of two feet, based on mean sea level datum.
- Proposed handling and storage areas for overburden, by-products and excavated materials.
- Proposed fencing, screening and gates; parking, service and other areas.
- Any areas proposed for ponding.
- Access roads to the site, as well as on-site roads, with indication of surface treatment to limit dust.

2. An Operations Plan which shall include:

- The date proposed to commence operations and their expected duration.
- Proposed hours and days of operation.
- Estimated type and volume of extraction.
- Description of method of operation, including the disposition of topsoil, overburden and by-products.
- Description of equipment to be used in the extraction process.
- Any phasing of the operation and the relationship among the various phases.
- Operating practices which will be followed to comply with the standard for evaluation applicable to the operation.

3. A rehabilitation Plan which shall include:

- A statement of planned rehabilitation of the excavated land, including detailed methods of accomplishment and planned future use of the rehabilitated land.
- A map showing the final topography, after rehabilitation, to the same scale as the Site Plan; it shall also depict any water areas and methods for preventing stagnation and pollution thereof, landscaping and ground cover proposed to be installed and the amount and type of back-fill to be employed, if any;
- A phasing and timing plan, related to the phasing and timing portion of the Operations Plan, showing the progression of the rehabilitation and the date when it will be completed; the method of disposing of all equipment, structures, dikes and spoil piles associated with the operation.

4. The name, address and signatures of land owners and applicants.

5. A written legal description of survey of the property, prepared by a North Carolina registered land surveyor or engineer.

Standards for Evaluation:

6. A fee, as set by the Wallburg Town Council.

1. Direct illumination resulting from the operation shall not fall upon any land not covered by the application.

2. Equivalent sound levels at the boundaries of extraction site shall not exceed:

55 dBA between 7:00 A.M. and 8:00 P.M.

45 dBA between 8:00 P.M. and 7:00 P.M.

3. Vibration levels at the boundaries of the extraction site shall not exceed the following standards: Maximum Peak Particle Velocity Steady state 1.0 inches/second Impact 2.0 inches/second

Note: The maximum particle velocity shall be the maximum displacement vector sums of three mutually perpendicular components recorded simultaneously, multiplied by the Frequency in cycles per second. For purposes of this ordinance, steady-state vibrations are vibrations which are continuous, or vibrations in discrete impulses more frequent than sixty (60) per minute. Discrete impulses which do not exceed sixty (60) per minute shall be considered impact vibrations.

4. Maximum air blast vibrations, measured at the lot line, shall be 125 decibels on the linear scale.

5. The Rehabilitation Plan shall be referred to the Davidson County Soil and Water Conservation District for review and recommendation, which shall not be binding upon the Town Council, in particular regarding the landscape material specified, the planting and maintenance proposed to insure continuous growth and development, and the acceptability of the proposals for the handling of lakes, ponds, etc.

6. The permanent roads, defined as those to be used in excess of one year, within the excavation site shall be surfaced with a dust free material, such as soil cement, bituminous concrete or Portland Cement concrete.

7. Roads other than permanent roads shall be treated with dust inhibitors, to be specified in the Operations Plan, which will reduce to a minimum the generation of dust from the road surfaces as a result of wind or vehicular action.

8. Where the proposed extraction shall take place within 300 feet of a dwelling, school, church, hospital, commercial or industrial building, public building, or public land, a security fence at least 6 feet high shall be installed.

9. Spoil piles and other accumulations of by-products shall not be created to a height more than 35 feet above the original contour and shall be so graded that the vertical slope shall not **exceed the material's natural angle or repose.**

10. The Operations Plan and the Rehabilitation Plan shall be coordinated so that the amount of disturbed land is kept to the absolute minimum consonant with good practices and so that rehabilitation proceeds in concert with extraction.

11. The Town Council shall require for all extractive uses a performance guarantee to insure that the provisions of the Rehabilitation Plan are met. Such performance guarantee shall be in a form approved by the County Attorney and shall, if the contents of Rehabilitation Plan are not met, enable the County to do so.

Use: LANDFILLS

Approved By: Town Council

Special Use Districts: RA-2, LI, HI, RA-3

Local Site Criteria:

1. Any landfill site shall have a minimum area of 10 acres. Natural cover shall be maintained where possible on the landfill site.
2. Where permitted in agricultural districts, no filling shall be permitted within 100 feet from any adjoining property lines and at least 300 feet from any existing residence or any residence under construction on adjoining property at the time the land fill operation is begun.
3. A buffer of trees or other natural planting of not less than 15 feet in width and not less than 8 feet in height shall be provided and maintained around the exterior property lines of the site.
4. All land fill sites shall have direct access to a street over an access way of at least 20 feet in width. Such access way shall be chained at night and at other times when the site is not in operation.
5. The Town Council may attach any other reasonable and appropriate conditions or requirements necessary to accomplish the purpose of this Ordinance.

Operational Information: 1. Plans for operation of the landfill shall be presented which include:

Date of commencement of operations and expected duration.

Proposed hours and days of operation.

Any phasing of operations and relationships among phases.
Amended 8-2-04

Use: LANDFILLS (OF LESS THAN 10 ACRES)

Approved by: Town Council

Special Use Districts: RA-1, RA-2, RA-3, LI, HI

Local Site Criteria:

1. Where permitted in agricultural districts, no filling shall be permitted within hundred (100) feet from any adjoining property lines.
2. All land fill sites shall have direct access to a street over an access way of at least twenty (20) feet in width. Such access way shall be chained at night and at other times when the site is not in operation or unmanned.
- 3.. The Town Council may attach any other reasonable and appropriate conditions or requirements necessary to accomplish the purposed of this Ordinance.

Operational Information:

1. Plans for operation of the landfill shall be presented which includes:
 - Date of commencement of operations and expected duration.
 - Proposed hours and days of operation.
 - Any phasing of operations and relationships among phases.
2. Only trees, limbs, stumps, brick, block, rock and soil can be used for fill.
3. Roads shall be treated with dust inhibitors, to be specified in the Operations Plan, which will reduce to a minimum the generation of dust from the road surfaces as a result of wind or vehicular action.
4. Where the proposed fill shall take place within 300 feet of a school, church, hospital, commercial or industrial building, public building, or public land, a security fence at least six (6) feet high shall be installed.
5. Direct illumination from the operation shall not fall on any property not covered by the application.
6. The approving authority may add additional conditions to protect public health, safety, and general welfare.

Site Rehabilitation Information:

If not already included in plans submitted to the N. C. Department of Environment, Health and Natural Resources, information on rehabilitation of the land fill site shall be prepared and presented which includes:

A statement of planned future use of site, including detailed methods of accomplishment.

A map to the same scale as the Site Plan, showing final proposed topography, landscaping, and ground cover proposed and any drainage of other structure proposed.

A phased plan of rehabilitation, related to the operations plan, showing how the rehabilitation will relate to the fill operations and the date of final completion.

Required Submissions:

All plans and documents required for approval under federal and state regulations shall be made available to the County. This includes plans to comply with the Resource Conservation and Recovery Act of 1976 and the Hazardous and Solid Waste Amendments of 1984; also plans to comply with North Carolina Solid Waste Management Rules, Ground Water Rules, Water Quality Rules and Land Quality Rules.

In particular, evidence shall be presented showing that state site selection criteria has been met. Site plans, construction plans and sedimentation control plans shall also be presented.

Use:

PUBLIC UTILITY STATIONS AND
SUBSTATIONS, PUMPING STATIONS,
SWITCHING STATIONS, TELEPHONE
EXCHANGES

Approved By:

Town Council

Special Use Districts:

RA-1, RA-2, RA-3, RS, RM-1, RM-2. Also O/I for Utility Substations and Pump Stations

Applications:

1. Site plan showing siting and size of all existing and proposed structures, existing and proposed topography at a contour interval of five feet and any officially designated floodways and floodplains.

2. Plans, elevations and perspectives for all proposed structures and descriptions of the color and nature of all exterior materials.

3. A landscape plan showing, at the same scale as the Site Plan, existing and proposed trees, plus shrubs, ground cover, and other landscape materials.

4. A map showing land uses and zoning classifications

of abutting property.

Standards of
Evaluation:

1. Where a building is involved and it is proposed to be located in a residentially zoned district, it shall have the appearance of a residential building.
2. Such uses shall be screened from adjacent used by walls, landscape materials, beams or a combination thereof.

Use:

GENERAL AVIATION AIRPORTS

Approved By:

Town Council

Special Use
Districts:

RA-1, RA-2, LI, HI, RA-3

Applications:

1. A copy of the State Airport Systems Plan, showing the proposed site in relation to adopted state airport location policy.
2. A copy of the adopted Regional Airport Systems Plan, showing the proposed site in relation to regional airport location policy.
3. Scaled site plan drawings showing the layout of runways, taxiways, approach zones, overrun areas and proposed structures.
4. Isotopic contours showing the effects of aircraft operations upon land within one mile of the boundary of the proposed site.
5. A map showing all land uses and zoning classifications of abutting property.
6. Location and type of lighting.

Standards of
Evaluation:

1. The proposed site conforms to the State Airports System Plan and the Regional Airport System Plan.
2. The site and its operation will not adversely affect existing adjacent land uses.
3. Land sufficient to provide approach zoned and

overrun areas is owned or controlled by the applicant.

Amended Date: 2-5-98

Use: WIRELESS TELECOMMUNICATION TOWERS AND FACILITIES

Approved by: Town Council

Special Use Districts: (HC, CS, LI, HI)* RA-1, RA-2, RA-3, O/I

*If the proposed tower to be located in a HI, LI, CS, or HC district is taller than 160 feet it must meet the requirements of this special use permit.

If the proposed tower is to be located in a RA-1, RA-2, RA-3, or O/I zoning district, the applicant must provide substantial evidence to prove that the tower cannot by technical necessity, feasibly be located in a nonresidential use zone and that the proposed tower cannot be located on a pre-existing elevated structure. If both of these findings are made then the applicant is limited to a tower not to exceed one hundred and sixty (160) feet in height that is designed for at least three cellular telephone carriers.

If the proposed tower is to be located in a RA-1, RA-2, RA-3, or O/I zoning district, evidence must be presented in the form of photographs, sketches, computer simulations, or other visual aids, to show why it would not be feasible to design the tower to be architecturally compatible with the surrounding area.

The term “architecturally compatible”, as herein used, shall mean “adequately disguised by the structure on which the antenna is located so as to disguise or camouflage the tower in such a manner so that the structure housing the tower takes on the appearance of a structure other than a communication tower”. In addition, “the design and materials used on the structure and its exterior materials blend harmoniously with the buildings and the use of the host sight”.

To further demonstrate the potential visual impact a proposed tower may have on surrounding properties in a RA-1, RA-2, RA-3, or O/I zoning districts, photographs should be submitted or a clearly-visible balloon floated at the proposed tower location to the maximum height of the towers. Photographs shall be taken from locations such as: property lines, and/or nearby residential areas, historic sites, roadways, including scenic roads and major view corridors, and other locations as deemed necessary by the Planning Staff to assess the visual impact of the proposed tower.

Application: Site Development Plan; a site plan prepared by a North Carolina Registered Land Surveyor, Registered Landscape Architect, or Registered professional engineer, containing the following information:

- a. Siting and size of existing and proposed structures.
 - b. **The tower applicants’ name and property owners’ name** and their addresses, scale, north arrow, vicinity map, tax parcel identification number, latitude and longitude, and the towers state plans coordinates.
 - c. Adequate ground space for additional users.
 - d. Existing and proposed topography at a contour interval of five feet.
 - e. Any officially designated floodways and floodplains.
 - f. The location of access easements and parking areas.
 - g. The site is properly fenced and screened as specified in standards of evaluation.
1. Plans, elevations, and perspectives for all proposed structures and descriptions of the color and

nature of all exterior materials.

2. A landscape plan showing, at the same scale as the site plan, Existing trees, plus shrubs, ground cover and other landscape materials as is required in the Standards of Evaluation.
3. Any request for a deviation may only be made in a CS, HC, LI or HI zoning district and must be made part of the Special Use application.
4. Copy of Commercial Driveway Permit Application submitted to NC Dept. of Transportation.
5. To promote co-location, documentation shall be provided by the applicant that no suitable existing facilities within the coverage area are available to the applicant. Documentation may be in the form of maps, letters from adjacent tower owners, or calculations. Facilities include other towers, elevated tanks, or other structures.

Standards of Evaluation:

1. Fencing: the base of the tower, including but not limited to equipment and/or storage structures, along with any guyed wires shall be enclosed by a commercial grade chain link fence (or some fence of equal or greater quality) a minimum of 8 feet in height.
2. Screening: the screening requirement specified in this paragraph applies to the tower and the land and everything within the required security fencing including any other building and equipment. The screen shall be a minimum of ten feet of land supporting an appropriate vegetative screen to be installed and maintained by tower owner which shall surround the security fence except for one service access. The vegetative screen shall consist of two staggered rows of evergreen shrubs on 5 feet centers, six feet tall at time of planting, unless existing vegetation or topography is determined to provide a screen which is at least as effective as the planted screen. If the applicant elects to leave additional areas outside the fence, that is, in addition to the required screen, such areas shall either be landscaped in a manner which is compatible with neighboring properties or shall be left in a natural condition. The screening may be modified by the Town Council, if it is determined that the required screening will limit the capability of the proposed tower.
3. Minimum acreage requirement is .25 acre.
4. Setbacks:

Non –Residential: Tower must meet required setbacks in Article 4, Table of Area, Height, and Placement Regulations, Non-Residential Development Pg. 17B of the Wallburg Zoning Ordinance unless deviation in height limits is requested.

Residential:

Tower must be located at least three hundred and fifty (350) feet from any adjoining property line and at least four hundred and fifty (450) feet from any adjoining residence other than a residence owned by the applicant.

5. Tower site shall be located a minimum of three hundred and fifty (350) feet from a recorded residential subdivision plat, as defined by the Wallburg Subdivision Regulations.
6. No free standing or guyed tower may be constructed closer than the towers height from any public right-of-way.

7. No towers shall be constructed in a designated historic district or on property on which a designated historic landmark is located. In addition, towers shall not be constructed within 350 feet of a designated historic district or an historic landmark. For purposes of this paragraph, the term **“historic”** shall refer to districts or landmarks which have been nominated to the National Register of Historic Places.
8. No business signs, billboard, or other advertising shall be installed on the tower or security fencing with the exception of an identification sign no larger than 2 (two) square feet.
9. No outside storage shall be allowed on site.
10. If the Wireless Telecommunication Towers and Facilities are no longer used for communication purposes, then the tower and accessory structures, shall be dismantled and removed from the site, within 120 days from the date the tower is taken out of service at the expense of the tower owner. Notice shall be provided to the Planning Director when any transmission tower is placed out of service. This Special Use Permit expires 120 days after the date that any transmission tower is taken out of service.
11. Co-location is an arrangement whereby more than one (1) use occupies a single tower or structure. Co-location is encouraged in order to maximize the use of towers and to reduce the number of towers needed to serve the county. Co-location on a previously approved tower is permitted without an additional special use permit provided all conditions of the previously approved permit are complied with. Co-location on a building or substantial structure such as a water tower or electrical transmission tower, is permitted without the need of a special use permit. However, all applicable provisions of the zoning ordinance shall be met and plans should be reviewed by the Planning Department and Inspections Department staff for compliance. With respect to new tower applications, documentation must be submitted by tower owner indicating the intent to allow shared use of the tower, the number of shared users allowed, and how other potential users shall be accommodated. Documentation shall be submitted by a professional engineer that the tower has sufficient structural integrity to accommodate more than one user.
12. The tower owner should provide documentation indicating the power density levels do not exceed federally approved levels, or American National Standards Institute (ANSI) standards, whichever provides for stricter requirements.
13. Towers shall be constructed and maintained in conformance with all applicable State and Federal building code requirements.
14. Lighting shall not exceed the Federal Aviation Administration (FAA) minimum if lighting is required by the FAA. To the extent allowed by the FAA, strobes shall not be used for night time lighting. The lights shall be oriented so as not to project directly onto surrounding residential property, consistent with FAA requirements. Prior to issuance of a building permit, documentation must be submitted by the tower owner from the FAA that the lighting is the minimum lighting required by the FAA.
15. Radio or television or similar reception for adjoining property will not be disturbed or diminished.
16. Certification of Applicant that the proposed tower will be constructed and operated in

accordance with all ordinances, including but not limited to all FCC and FAA rules and guidelines.

- 12. Evidence shall be submitted to support a finding that no suitable existing facilities within the coverage areas are available for co-location.

Amended 2-5-98

Use: RADIO AND TELEVISION TRANSMITTING AND RECEIVING TOWERS, UTILITY TOWERS, WATER TREATMENT AND SANITARY SEWAGE TREATMENT PLANTS (PUBLIC) AND ELEVATED WATER STORAGE TANKS

Approved By: Town Council

Special Use District: Radio and T. V. Towers, Water Tanks, Utility Towers- All Districts
Public Water and Sewage Treatment Plants-RA-1, RA-2, LI, HI, RA-3

- Application:
- 1. A site plan showing siting and size of all existing and proposed topography at a contour interval of five feet and any officially designated floodways and floodplains.
 - 2. Plans, elevations and perspectives for all proposed structures and description of the color and nature of all exterior materials.
 - 3. A landscape plan showing, at the same scale as the site plan, existing and propose trees, plus shrubs, ground cover and other landscape materials.
 - 4. Any deviation from height limits in zoning district shall be made a part of the special use application.

Standards of Evaluation: Adequate provision has been made, by means of fencing or otherwise, for the security of the site.

A minimum lot size per use shall be provided as follows:

*Radio and Television Transmitting and Receiving Towers, Utility Towers: .35 acre
Water and Sewage Treatment Plants: 3.00 acres
Water Storage Tanks: .35 acre*

1. Adequate provision has been made for the protection of adjacent property from the dangers of collapse, fire, flooding or other menaces to public health and safety.
2. The proposed use will serve and benefit Davidson County and its citizen.

Use: CEMETARY

Approved By: Town Council

Special Use District: RA-1, RA-2, RS, RM-1, RM-2, RC, HC, RA-3

Application: 1. Evidence that the requirements of the North Carolina General Statutes Chapters 65 and 130 can be achieved and that the standards of the NC Cemetery Commission shall be met.

Standards of Evaluation:

1. A minimum lot size of 2 acres is provided.
2. The site shall have direct access to a collector or arterial street.
3. There shall be adequate space within the site for the parking and maneuvering of funeral corteges.
4. No interments shall take place within 30 feet of any lot line.

Use: JUNKYARD, AUTOMOBILE GRAVEYARD

Approved By: Town Council

Special Use District: LI, HI

Application:

1. A minimum of two acres for the site shall be provided.
2. A site plan showing location of proposed structures within the site as well as existing structures, water courses and zoning district boundaries surrounding the area and such other information as may be necessary to judge the probable effect of the proposed activity on neighboring properties.
3. Details of the screening fence to be installed on the perimeter of the site.

4. Description of the number and type of equipment to be used on the site.

Screening and Fencing:

The site shall be completely enclosed by a solid or opaque fencing or fencing in conjunction with vegetation. Solid or opaque fencing shall extend from the surface of the ground to a uniform minimum height of 6 feet from the ground at any given point.

If fencing in conjunction with vegetation is used, plants shall be planted on at least one side of the fence and as close as is practical. Vegetation shall be of a type that will reach a minimum height of 6 feet at maturity and shall be placed at intervals so that a continuous, unbroken hedgerow will exist to a height of at least 6 feet when the vegetation reaches maturity.

Every owner or operator shall be responsible for maintaining the fencing and/or vegetation. Dead or diseased vegetation shall be removed and replanted.

(These screening and fencing requirements shall be applicable to all existing automobile graveyards and junkyards within two years from the date of the adoption of this ordinance.

Use:

DRIVE-IN THEATER

Approved By:

Town Council

Special Use District:

HC, LI

Standards of Evaluation:

1. The theater screen shall be located so that the movie shown thereon is not visible from any public right-of-way.
2. No structure on the site shall be closer than 500 feet from any residentially zoned land.
3. A front setback of 50 feet shall be observed.
4. No parking shall be located within 100 feet of any residentially zoned land.
5. Reservoir space for autos awaiting admission or exit shall be provided equal to 30% of the capacity of the site.

Use: ADULT USES

Approved By: Town Council

Special Use Districts: HC

Application: 1. Elevations of the building as proposed
2. A site plan showing the lot, with all existing and proposed buildings thereon and showing the distance to the nearest existing adult use if within 1,000 feet.

Standards Of Evaluation: 1. All windows, doors, openings, entries, etc. for all adult uses shall be so located, covered, screened or otherwise treated that views into the interior of the establishment are not possible from any public or semi public area, street or way.
2. No adult use shall be established within 500 feet of any residentially zoned land, nor within 500 feet of any church, school, park, playground, synagogue, convent, library, or areas where large numbers of minors regularly travel or congregate.
3. No adult use shall be located with a 500-foot radius of another adult use.

Use: GROUP CARE FACILITY

Approved By: Town Council

Special Use District: O/I

Application: 1. A description of the type of persons to be cared for and the nature of the care to be provided.
2. If structure alterations to existing structures or new construction is required or contemplated, a complete description of the nature and extent of these alterations or new construction.

Standards of Evaluation: 1. The proposed use is not within 1,000 feet of an existing family care home or group home.
2. Structure alterations or new construction if a proposed use is to be located on residentially zoned land shall be

of a nature as to preserve the residential character of the existing building or to blend in with the residential character of the surrounding neighborhood.

3. If a license or permit to be issued by the State of North Carolina is required to operate such a facility, the standards necessary to qualify for such license or permit have been met.

Use: MANUFACTURED HOME PARK
Approved By: Town Council-Parks with 10 or fewer spaces
Town Council-Parks with more than 10 spaces

Special Use Districts: RA-1, RA-2, RA-3 – Parks with 10 or fewer spaces
(Note: Parks in the RA-1 District may permit Class B manufactured homes).
RM-1-All parks

Plans and Approvals:
1. Plans submitted. Plans clearly indicating the **applicant's intention to** comply with the provisions of this section shall be submitted. Said plans shall be drawn by a land surveyor or professional engineer licensed to practice in North Carolina at a scale of not less than one (1) inch equals one-hundred (100) feet. Said plans must show the area to be used for the proposed manufactured housing park; the name of the park; the ownership and use of neighboring properties; all proposed entrances, exits, driveways, walkways, mobile home spaces and assigned numbers, parking spaces, recreation areas and service buildings; the location of surface water drainage facilities, laundries and refuse receptacles; exterior electric lighting; all utility lines servicing any physical characteristic of the land that , in the opinion of the Zoning Administrator, has a bearing on the establishment of the park. If an adjacent property parcel or parcels is the site of an existing manufactured home park or parks with 10 or fewer spaces and when all adjacent parcels combined total 11 or more spaces, then those parcels must be rezoned to RM-1 prior to approval.

2. Water supply and waste disposal approval. Proposed water supply and waste disposal facilities for the manufactured housing park shall be approved in writing by the County Health Director or his representative. Space size shall be increased upon the recommendation of the County Health Director or his representative.
3. Review by Fire Marshal. Plans shall also be submitted to the Davidson County Fire Marshal to review layout and design of streets for safety and access by emergency vehicles.

Standards of Evaluation:

1. Lot area. The minimum lot area for establishing a new manufactured housing park or expanding an existing manufactured housing park shall be at least two (2) acres. All areas to be included in said park shall be clearly shown on the required plans.
2. Space Size. There shall be only one mobile home on each space. Each space shall be a minimum of 20,000 square feet unless the park is served by public water and a central sewage collection system in which case there shall be a 10,000 square feet minimum space size. Spaces located within a watershed shall be a minimum of 40,000 square feet in size.
3. Space width. Each mobile home space shall have a minimum width of eighty (80) feet.
4. Foundation. The operator shall designate a uniform type of foundation enclosure for all homes in the park.
5. Driveway. Each mobile home space shall have a driveway within the park or abut a public right-of-way. Said driveway shall be graded and surfaced with not less than four (4) inches of crushed stone or other suitable material on a well compacted sub-base to a continuous width of twenty (20) feet, exclusive of required parking spaces. Access from the public right-of-way serving the park shall meet the same requirements for construction, materials, and width as a driveway within the park. Closed ends of dead-end driveways shall be provided with a turn-around having an outside driveway diameter of eighty (80) feet. Driveways shall be adequately lighted for safety.
6. Parking spaces. Two (2) off-driveway parking spaces with not less than four (4) inches of crushed stone or other suitable material on a well compacted sub-base shall be provided for each mobile home space. Required parking spaces may be included within the minimum square footage for each mobile home space.

7. Interior setback between structures. No mobile homes or other structures within a manufactured housing park shall be closer to each other than twenty (20) feet or closer than ten (10) feet from the side property line of any space.

8. Setback from exterior boundary. No manufactured home, accessory structures, or building used for laundry or recreation purposes shall be located closer than thirty (30) feet to the exterior boundary of the park or a bounding street right-of-way in a manufactured home park with less than ten spaces and seventy-five (75) from the boundary or right-of-way in a park with more than ten spaces. Other accessory structures shall not be located closer than thirty (30) feet from the boundary or bounding street right-of-way in a park of any size.

9. Space number. Manufactured housing parks shall install a permanent marker at each mobile home space designating the space number of each mobile home. Space numbers shall be at least three (3) inches in size and shall be clearly visible from the street or driveway serving each mobile home space.

10. Drainage. Proper drainage shall be provided for each space to prevent accumulation of water. Each space shall have a solid ground surface.

Standards of
Operation:

1. Waste Disposal. There shall be a storage and disposal system for solid waste for the rental community in order to alleviate health and pollution hazards. The resident(s) of each home shall have a sufficient number of containers that have an adequate capacity and can be tightly sealed. It shall be the responsibility of the operator/manager of the rental community to see that a municipal or private solid waste disposal service is provided to the residents of the rental community on weekly basis. This may or may not be at the expense of the residents.

2. Grounds and Buildings.

a. The grounds shall be free of debris, trash and litter.

b. Grounds, buildings and storage areas within the park shall be maintained to prevent the infestation of rodents, flies, mosquitoes and other pests.

c. Ground shall also be maintained to prevent the growth of ragweed, poison ivy, poison oak and other weeds.

d. All grounds shall have proper drainage to prevent the accumulation of water.

e. The operator shall provide space on the grounds for mail services to residents.

Streets:

1. Surface. All streets shall be constructed with an all weather surface, either paved or unpaved, which will provide all weather access to all spaces.

2. Width. Street shall be at least 20 feet wide.

3. Maintenance. Streets and parking areas shall be maintained by the operator/manager of the community.

Signs:

Size and Visibility. The only sign(s) visible from outside a manufactured housing park shall be one identification sign at each principal entrance. Each sign face shall be a maximum of 16 square feet in area. In addition during construction and initial sale or rental, temporary announcement signs are allowed, as provided in Article crossings of pedestrian ways and vehicular routes at edges of mobile home parks, such crossings shall be safely located, marked and controlled, and where such ways are exposed to substantial vehicular traffic at edges of parks, safeguards may be required to prevent crossings except at designated points.

Additional Requirements For Parks with More than 10 Spaces:

1. Physical character of site. Individual home sites as well as common areas shall be so located, dimensioned and arranged as to permit unified planning and development and to meet all requirements in connection therewith as well as to ensure compatibility between uses within the park and those in surrounding areas.

2. External Relations. Site planning shall provide for compatibility between the manufactured home park and uses in the surrounding area.

- a. Principal vehicular access points shall be designed to encourage smooth traffic flow with controlled turning movements and minimum hazards to vehicular or pedestrian traffic. Merging and turnout lanes and/or traffic dividers and extra width of the approach street shall be required where existing or anticipated heavy flows indicate need. In general, minor streets

shall not be connected with streets outside the park in such a way as to encourage use of such minor streets by substantial amounts of through traffic.

b. Access for pedestrians entering or leaving the park shall be safe and convenient. Such access need not be adjacent to, or limited to the vicinity of, vehicular access points. Where there are

c. Protection of visibility for automobile traffic, cyclists and pedestrians, shall be as generally provided in Sec. 4-9 of this Ordinance.

d. Yards, fences, walls or vegetative screening at edges of manufactured home parks shall be provided where needed to protect residents from undesirable views, lighting, noise or other off-site influences, or to protect occupants of adjoining residential districts from similar adverse influences within the mobile home park. In particular, extensive off-street parking areas and service areas for loading and unloading vehicles other than passenger, and areas for storage and collection of refuse and garbage shall be screened.

e. Signs visible from outside manufactured home park. No signs visible from outside park shall be erected within a park other than one identification sign at each principal entrance to the development. Each sign face shall not exceed 16 square feet in area. In addition, during the process of construction and initial sale and/or rental within such development, temporary announcement signs may be allowed, as provided in Article 8.

3. Internal Relationships. The site plan shall provide for safe, efficient, convenient and harmonious groupings of structures, uses and facilities; for appropriate relation of space inside and outside buildings to intended uses and structural features, and for preservation of desirable natural features and minimum disturbance of natural topography.

a. Streets, drives, parking and service areas shall provide safe and convenient access to home sites and general facilities, and for service and emergency vehicles. Streets shall not be so laid out as to encourage outside traffic to traverse the parks on minor streets, nor occupy more land than is required to provide access

as indicated, nor create unnecessary fragmentation of the development into small blocks. In general, block size shall be the maximum consistent with use and shape of the site and the convenience and safety of occupants.

- b. Traffic Signs. Traffic control signs (stop, yield and speed signs) shall be placed throughout the community where necessary.
- c. Street Names. Each street shall have a permanent sign installed with designated name identifying each street.
- d. Vehicular access to streets shall be limited and controlled as follows:

If the street or portion thereof serves 50 or less home sites units, vehicular access from off-street parking and service areas may lead directly to the street from the individual manufactured home spaces.

Vehicular access to other streets or portion of streets from off-street parking and service areas shall be so combined, limited, located, designed and controlled as to channel traffic from and to such areas conveniently, safely and in a manner which minimizes marginal traffic friction and promotes free flow of traffic on streets without excessive interruption.

- e. Ways for pedestrian and cyclists; emergency access. Walkways shall form a logical, safe and convenient system for pedestrian access to all mobile home spaces, project facilities, and principal off-site pedestrian destinations. Maximum walking distance in the open between mobile home spaces and parking areas, delivery areas and refuse and garbage storage areas intended for use of occupants shall not exceed 100 feet

Pedestrian ways and bicycle paths, appropriately located, designed, and constructed, may be combined with other easements and used by emergency and service vehicles, but shall not be used by other automotive traffic, including motor bikes and motorcycles.

Use: MANUFACTURED HOME (ACCESSORY USE)
FAMILY HARDSHIP

Approved By: Town Council

Special Use: RA-1, RA-2, RS, RM-1, RM-2, O/I, RA-3

District: In any residential zoning district the Town Council may grant a temporary special use permit for an individual Class B or Class C manufactured home as an accessory use on the same lot with an existing single family residential structure in the event of a family hardship or need to care for sick, elderly or disabled persons, provided the following conditions are met:

- Criteria:
1. The occupant of the manufactured home is related by blood or marriage to the occupants of the existing residence or is under the guardianship of one or more of the occupants of the existing residence.
 2. Minimum Lot Size Requirement for both dwellings:
Inside Watershed: 40,000 Square Feet
Outside Watershed: 30,000 Square Feet
 3. No lease or rental of the manufactured home shall be permitted.
 4. If the illness or disability ends or the family hardship is concluded, the special use permit shall expire.
 5. There exists adequate off-street parking.
 6. All setback requirements of the zoning district have been satisfied.
 7. The manufactured home is connected to public sewer system, if available or to a septic system constructed in compliance with the regulations of the County Health Department if public sewer is not available.
 8. The manufactured home obtains its water from a public water supply, if available, or from a source approved by the County Health Department if a public water supply is not available.
 9. Under skirting is installed around the entire manufactured home.
 10. The manufactured home is set up and installed in accordance with the N. C. Department of Insurance code requirements for manufactured homes.

Time Limit: Any special use granted under the provisions of this section shall be limited in duration to a term of two years. Upon expiration of such two year period, the holder of the special use permit may make application and the Town Council

may grant a temporary special use period for a renewed term not to exceed two years.

Amended Date: 6-9-92
Use:

MANUFACTURED HOME (TEMPORARY
PRIMARY USE INDIVIDUAL LOT) DISASTER
HARDSHIP

Approved By: Town Council

Special Use: RA-1, RA-2, RA-3, RS, RM-1, RM-2, O/I

District: In the above referenced zoning districts the Town Council may grant a temporary special use permit for an individual Class B or Class C manufactured home as a temporary primary residence for the owners of the real property when the previous existing single family residential structure located on the premises served as the primary residence of the owners of the subject real property and said structure was destroyed or rendered uninhabitable by fire or act of God within 12 months prior to the date of the application for a special use permit pursuant to this section and the applicant/owner seeks to reside in said manufactured home while active construction to rebuild the primary residence is in progress, provided all of the following conditions are met:

Criteria:

1. The occupant of the manufactured home is also the property owner whose residential structure was destroyed.
2. The property owner/ occupant has a valid building permit for reconstruction of the primary residence and construction is actively in progress.
3. No lease or rental of the manufactured home shall be permitted.
4. All setback requirements of the zoning district have been satisfied.
5. Any special use permit granted pursuant to this section shall expire and terminate upon the completion of the reconstruction of the primary residential structure or upon occupancy of said structure.
6. The manufactured home is connected to a public

sewer system, if available, or to a septic system constructed in compliance with the regulations of the County Health Department if public sewer is not available.

7. The manufactured home obtains its water from a public water supply, if available, or from a source approved by the County Health Department if a public water supply is not available.

8. The manufactured home is set up and installed in accordance with the N. C. Department of Insurance code requirements for manufactured homes.

Time Limit: Any special use granted under the provisions of this section shall be limited in duration to a term of one year. Upon expiration of such one year term, the holder of the special use permit may make application and the Town Council may grant a temporary special use permit for a renewed term not to exceed 6 months.

Amended Date: December 4, 2000
Use:

INDOOR FIRING RANGE

Approved by: Town Council

Special Use District: RC, CS, HC, LI, HI

Minimum Lot Size: 1 acre

Application: 1. A site plan showing boundaries of property, proposed building, parking area.
2. Certification from Davidson County Health and Inspections Department to show their requirements are met.
3. Commercial Driveway Permit approved from NCDOT.
4. Names of Adjacent property owners and zoning classifications of property.

Standards of Evaluation: 1. Plans must conform to the minimum design standards as outlined in the latest revised edition of The NRA Range Source Book, Section 3, Chapters 1-12.
2. Building constructed to significantly reduce noise generated by firing of weapons to a 40 dbl rating at the adjoining property line.

3. Hours of operation:
Monday through Saturday 7:00 AM to 10:00 PM;
Sunday Hours: 1:00 PM to 6:00 PM.

If the structure is to be located within 250 feet of residential structure subdivision, vegetative screening of an evergreen variety shall be planted on adjoining residentially zoned property lines.

Vegetation shall be of a type that will reach a minimum height of six feet at maturity and shall be placed at intervals so that a continuous unbroken hedgerow will exist to a height of at least 6 feet when the vegetation reaches maturity.

Use: SKEET, TRAP, RIFLE, AND PISTOL RANGE,
TURKEY SHOOT (OUTDOORS)

Approved By: Town Council

Special Use Districts: RA-1, RA-2, RA-3

Acreage Requirements: Skeet or trapshooting ranges-15 acre minimum
Rifle or pistol ranges-20 acre minimum
Turkey Shoot-no required minimum

Plans and Safety Requirements: The owner or operator shall submit plans which show that the following requirements will be met:

- a. Names of adjacent property owners and zoning classifications of property.
- b. For skeet or trapshooting ranges-The distance from firing points to any adjacent property measured from the firing point in the direction of fire shall be at least 300 yards.
- c. For rifle or pistol ranges-There shall be a backdrop along the entire length of the target meeting the following specifications:

Ranges up to 300 yards long-an earth embankment a minimum of 25 feet high and a minimum of 10 feet thick at the top. The embankment shall be well seeded to retain a 35 degree slope from the perpendicular; or, if

sodding is impractical, the slope may be terraced with timber or log retaining walls. The embankment shall be topped with an earth-filled, double-fence barricade a minimum of 15 feet high and 3 feet thick at the top.

Ranges greater than 300 yards long-10 feet in overall height shall be added to the backstop for each additional 100 yards or fraction thereof in additional range. In no case shall the earth embankment be less than 10 feet in thickness at the top, nor shall the double-fence barricade be less than three feet in thickness at the top. The required backstop may be either a natural terrain feature or a man-made earth embankment. In the case of a natural terrain feature a topographic map at a scale of not less than one inch to 200 feet and two-foot contour interval showing the terrain feature shall be submitted with the request for a special use permit.

d. For turkey shoots-No turkey shoot shall be allowed in the front yard of the district in which it is permitted. All turkey shoots shall be established with the firing line to target area perpendicular to a road right-of-way; except those sites which have more than one right-of-way must designate the road on which the front yard is to be located. A firing line must be established perpendicular to that road and for a distance of 200 feet from a parallel to any other intersecting road right-of-way. The back stop or target area shall be located a minimum of 500 feet from any road right-of-way to the rear of the back stop or target area.

All back stops shall be constructed a minimum of 500 feet from a residence located to the rear and/or side of the back stop. Back stops shall be constructed of material that will allow the shot to penetrate and not pass through. It shall be at a minimum 2 feet thick and maintained at a height of 4 feet above the target.

Prohibition: The use of firearms shall be prohibited between the hours of 10:00 PM and 7:00 AM, except at turkey shoots where use of firearms is prohibited between 11:00 PM and 7:00 AM.

Use: SAWMILLS (PERMANENT)

Special Use District: RA-1, RA-2, RA-3

Approved By: Town Council

Plans Required,

Must Show: The owner or operator must submit plans which show:

- a. Names of all adjoining property owners
- b. Location of all existing or planned roads, permanent or temporary, on the site.
- c. Description of all equipment to be used on site and estimated noise levels (measurements provided where possible)

Use: HAZARDOUS WASTE, LOW LEVEL RADIOACTIVE WASTE AND TOXIC SUBSTANCE STORAGE FACILITIES, TREATMENT FACILITIES, TRANSPORTATION FACILITIES, AND/OR DISPOSAL FACILITIES (WHEREVER **THE TERM “HAZARDOUS WASTE” IS USED IT SHALL ALSO BE DEEMED TO INCLUDE “INFECTIOUS WASTE”**)

Special Use District: HI

Approved by: Town Council

Minimum Lot Size: 10 acres

Statement of Purpose: The purpose of these regulations are to:

- a. Ensure that hazardous and low level radioactive waste and toxic substance storage facilities, treatment facilities; transportation facilities and/or disposal facilities whose principal use is to store, transport, treat and/or dispose of hazardous or infectious waste are located in a manner consistent with the public health, safety, and welfare and that surface waters, ground waters, population centers, adjacent land uses in Wallburg, in general, will be protected from the potential injurious effects of a hazardous or infectious waste or toxic substance facility.
- b. Provide that decisions pertaining to the location of hazardous or low level radioactive waste or toxic substance facilities are made according to objective criteria.

- c. Ensure that no hazardous or low level radioactive waste or toxic substance facilities will be located **within Wallburg's zoning jurisdiction unless a special use permit has been granted by the Wallburg Town Council.**
- d. Ensure that all applicants requesting a hazardous or low level radioactive waste or toxic substance permit shall pay Davidson County an application fee set by the Davidson County Board of Commissioners
- e. Provide that funds are available through levy of a privilege license tax to compensate Davidson County for overseeing the effects of hazardous or infectious waste or toxic substance facilities in the county.

Definitions:

- a. Accessory building or use-a building or use which: (a) is subordinate to and serves a principal building or principal use; (b) is subordinate in area, extent, or purpose to the principal building or principal use served; and (c) is located on the same zoning lot as the principal building or principal use.
- b. Buffer zone-a strip of land established to protect one type of land use from another with which it is incompatible. Normally, a buffer zone is landscaped and kept for open space.
- c. Disposal-means the destruction, discharge, deposit, injection, dumping, spilling, leaking, or placing of any hazardous or infectious waste or toxic substance into or on any land water or air.
- d. Disposal facility-means a facility or part of a facility at which hazardous or low level radioactive waste or toxic substance is intentionally placed into or on any land or water, and at which hazardous or low level radioactive waste or toxic substance will remain after closure.
- e. Facility-means all contiguous land, and structures, other appurtenances, and improvements on the land for storing, treating, recycling, transporting or disposing of hazardous, low level radioactive waste or toxic substance. A facility may consist of several storage, treatment, recycling, transport, or disposal operational units, (e.g., one or more landfills, surface impoundments, or combinations of them.)
- f. Generator-means any person whose act or process produces hazardous or low level radioactive waste or toxic substance identified or listed in rules promulgated by the State of North Carolina or whose act first causes a hazardous or low level radioactive waste or toxic substance to become **subject to regulation; provided that, "generator" does not include a facility which accepts** hazardous or low level radioactive waste r toxic substances for the purpose of treatment, recycling, storage, or disposal, and in that process creates a different hazardous or low level radioactive waste or toxic substance.
- g. Hazardous waste or toxic substance-means any hazardous waste, as defined in NCGS 130A-290 (a) (1) and low level radioactive waste means any such waste as defined in NCGS 104E-(5)(9A) which because of their quantity, concentration, or physical, chemical or infectious characteristics may;

- 1. Cause or significantly contribute to an increase in serious irreversible or

incapacitating illness; or

2. Pose a substantial present or potential threat to the environment when improperly treated, stored, transported, disposed of or otherwise managed.
- h. Hazardous, low level radioactive waste or toxic substance facility-means a facility for the storage, collection, processing, treatment, destruction, incineration, transporting, recycling, recovery, or disposal of hazardous, low level radioactive waste or toxic substance.
- i. Principal building-a building in which is conducted the principal use of the lot on which it is located.
- j. Principal use-the main use of land or structures as distinguished from a secondary or accessory use.
- k. Storage-means the temporary or permanent holding of hazardous waste or toxic substances.
- l. Stream-means any stream as shown on the US Geological Survey quadrangle maps of Davidson County.
- m. Transportation facility-means any transportation facility including its storage areas and parking areas where shipments of hazardous waste or toxic substances are held for transportation to another site.
- n. Treatment –means any method, technique, or process, including neutralization, designed to change the physical, chemical, or biological character or composition of any hazardous waste or toxic substance so as to neutralize such waste, or so as to recover energy or material resources from the waste, or so as to render such waste non-hazardous, or less hazardous, safer to transport, store, or dispose of; or amendable for recovery, amenable for storage, or reduce in volume.
- o. Watershed-as designated and defined by the N. C. Division of Environmental Management. For the purpose of these regulations, a hazardous low level radioactive waste or toxic substance storage facility, treatment facility, transportation facility and/or disposal facility shall be a building, structure, or use of land devoted, or intended to be devoted, to changing by any method, technique or process, the physical, chemical or biological character of any hazardous, low level radioactive waste or toxic substance so as to neutralize such material or render it non-hazardous or nontoxic, safer for transport, amenable for recovery, amenable for storage or reduced in bulk, or to reprocess the waste or substance to form a new material, or for the temporary or the long term storage of hazardous or low level radioactive waste or toxic substance. Such uses may also contain temporary storage facilities normally associated with these operations and of sufficient size to conduct a commercially feasible operation; however, under no circumstances is a hazardous or low level radioactive toxic substance storage facility, treatment facility, transportation facility or disposal facility to be construed to be either of the following:
 - a. A facility which generates hazardous waste, low level radioactive waste or toxic substance, provided that, “generator” does not include a facility which accepts hazardous or low level radioactive waste or toxic substance for the purpose of storage,

- treatment, or disposal, and in that process creates a different hazardous waste, low level radio active waste toxic substance; or
- b. A facility for the storage, treatment, transportation, or disposal of hazardous or low level radioactive waste or toxic substance which is clearly subordinate, incidental and related to the principal structure, building or use of land and if located on the same lot as the principal structure, building (accessory use).

Application procedure for A Special use Permit:

a. Applications for a permit for a hazardous or low level radioactive waste or toxic substance facility to be used for storage, treatment, disposal and/or transportation as a special use shall be submitted in accordance with this section.

b. Applicants requesting a special use permit shall pay Davidson County an application fee set by the Davidson County Board of Commissioners. Such fees are subject to revision annually by the Davidson County Commissioners and shall remain in effect until revised by them.

c. Applicants requesting a special use permit shall submit to the Wallburg Planning Department, four (4) copies of all documents required by any state or federal agency for a permit to operate a hazardous waste, low level radioactive waste or toxic substance facility as defined by this ordinance.

d. Four copies of a site plan shall accompany applications for a special use permit. The site plan shall show the location of proposed structures within the site as well as existing structures, water courses and zoning district boundaries within the property and a surrounding 500 feet area and such other information as may be necessary to judge the probable effect of the proposed activity on neighboring properties, and to carry out the intent of this ordinance.

e. The Wallburg Planning Department, the Davidson County Health Department Environmental Section, the Davidson County Fire Marshal, and other technical review committees that may be formed shall review applications for waste or toxic substance facilities and shall make a written report, which may contain a recommendation, to the Wallburg Planning Board for review. If the Wallburg Planning Board has not received the reports from the reviewing entities within sixty (60) days from the date of application, the Planning Board may proceed to review the application without said reports. The Wallburg Planning Board shall make a written report, which may contain a recommendation, and forward the same, with the previously mentioned reports attached thereto, if available, to the Wallburg Town Council, The Wallburg Town Council shall call for a public hearing, giving notice in the manner provided in Sec. 6-4.

Action on a Special Use Permit Application.

After public hearing(s), the Commissioners shall act on the applicant's request as provided by G.S. 153A340, when the Town Council grants Special use Permit requests, no vote greater than majority shall be required for the Town Council to issue such permit. No Special Use Permit shall be granted unless the findings required by this Ordinance are made. Special Use Permits for hazardous or low level radioactive waste or toxic substance facilities as defined in this Ordinance shall be issued only

upon approval of the use and the plans by the Wallburg Town Council.

Approval Criteria:

Approval for a Special Use permit of the Town Council shall be subject to the following conditions:

- a. A hazardous waste, low level radioactive waste, or toxic substance storage, transport, treatment, and/or **disposal facility shall only be permitted in HI industrial districts that are located outside of Wallburg's** designated watersheds as defined by the Division of Environmental Management.
- b. Access to a hazardous or low level radioactive waste or toxic substance storage, treatment, transport and/or disposal facility shall not make use of any residential collector or residential local streets.
- c. The minimum lot size for a hazardous or low level radioactive waste or toxic substance storage, transport, treatment and/or disposal facility shall be ten (10) acres.
- d. Storage of hazardous or low level radioactive waste or toxic substances shall be above ground and in a manner consistent with applicable state and/or federal regulations covering each specific stored material.
- e. The storage for processing area containment system shall be one and one-half (1.5) times larger than the largest storage tank. If the storage vessels are drums, then the storage area containment system shall be 50% of their total storage volume.
- f. All hazardous or low level radioactive waste or toxic substance storage, treatment, transportation and/or disposal facilities shall provide a Contingency Plan consistent with 40 CFR 265.52 to the Wallburg Planning Director, the Davidson County Health Director and the Davidson County Fire Marshal.
 1. All hazardous or low level radioactive waste or toxic substances shall be treated, stored and/or disposed of a minimum of 50 feet from the property line of the facility, if the area adjacent to the facility is zoned for industrial use; a minimum of 600 feet from the property line of the facility will be required if the area adjacent to the facility is zoned for any use other than industrial.
 2. These separation distances required by (a) above are minimum distances, and the County may require any hazardous or low level radioactive waste or toxic substance storage, treatment transportation and/or disposal facility to comply with greater separation distances or other protective measures when necessary to avoid unacceptable risks posed by the proximity of the facility to water table levels, water supplies, and population centers or to provide an adequate buffer zone. In determining whether to require greater separation distances or other protective measures, the County shall consider the following factors:
 - (a) The type of hazardous or low level radioactive waste or toxic substance to be stored, treated, transported, and/or disposal of at the facility, and the degree of hazard or toxicity associated with such waste or substance;
 - (b) The volume of hazardous or low level radioactive waste or toxic substance to be stored, treated, transported, and/or disposed of at the facility;
 - (c) The number of residents in proximity to the facility;

(d) The number of institutional, school, and commercial structures in proximity to the facility, their distance from the facility, and the particular nature of the activities that take place in these structures;

(e) The lateral distance and slope from the facility to surface water supplies or to watersheds draining directly into surface water supplies;

(f) The vertical distance, and the type of soils and geologic conditions separating the facility from the water table;

(g) The direction of the flow of groundwater from the sites;

(h) Any other relevant factors.

(i) A hazardous or low level radioactive waste or toxic substance storage, treatment, transportation, and/or disposal facility shall comply with the security requirements of 40 CFR 265.14 as a minimum.

(j) All sanitary sewer and storm water management systems on the site shall be protected so as to minimize to the greatest extent reasonable the probability of contamination by hazardous waste or toxic substance.

(k) As provided in the Application Procedures of this section, written reports, which may contain recommendations, of the Wallburg Planning Department, the Davidson County Health Department and the Davidson County Fire Marshal shall be forwarded, if available, to the Wallburg Planning Board for review. If the Wallburg Planning Board has not received the reports from the reviewing entities within sixty (60) days from the date of application, the Planning Board may proceed to review the application without said reports. The Wallburg Planning Board shall make a written report, which may contain a recommendation, and forward the same, with the previously mentioned reports attached thereto, if available, to the Wallburg Town Council.

Upon approval of the use and plans by the Wallburg Town Council, Final approval of the Special Use permit may be issued. Thereafter, the facility shall be operated in accordance with all of the applicable Provisions of the appropriate state and federal Legislation and shall hold the proper valid Permit(s) issued by the appropriate state and federal agencies **governing the facility's operation.**

(l) All hazardous or low level radioactive waste or toxic substance facilities shall be located at least 1,000 feet from any stream.

(m) All materials which are land-filled shall be rendered non-hazardous and non-toxic before being placed in a landfill.

Enforcement and Penalties:

All hazardous or low level radioactive waste and toxic substance storage, treatment, transportation, and disposal facilities shall be subject to the following enforcement and penalty provisions:

a. Failure to correct a violation within the time specified in the compliance order issued by the appropriate state, federal, or

county agency may result in revocation of the permitted use status.

- b. Pursuant to the provisions of the N.C.G.S. 153A-123(a), any person violating any provision of this section of the Zoning Ordinance may be subject to a civil penalty. The civil penalty **shall be payment of up to \$2,500.00 per day. Each day's** violation shall be treated as a separate offense.
- c. **Pursuant to the provisions of N.C.G.S. 153A-123(c), the County may file a civil action to recover said penalty if the offender does not pay said penalty.**
- d. **Pursuant to the provisions of N.C.G.S. 153A-123(d), the County may also seek any appropriate equitable relief that it deems necessary to ensure the health, safety and welfare of the citizens or the natural resources of the County, including but not limited to civil damages resulting from violation of this section of the Zoning Ordinance.**
- e. Pursuant to the provisions of N.C.G.S. 153A-123(a), the County may seek an injunction when, in the judgment of the County, the facility is creating an imminent hazard to the health, safety, and welfare of the public.
- f. If any person shall violate any provision of this Ordinance, he shall be guilty of a misdemeanor and shall be fined not more than fifty dollars (\$50.00) or imprisoned for not more than thirty (30) days as provided by N.C.G.S. 14-4. Each calendar day during which a violation continues shall constitute a separate offense.
- g. This Ordinance shall be enforced concurrently by the Wallburg Planning Department, the Davidson County Health Department, and the Davidson County Fire Marshal. Any appeal from any order, decision, or determination by the aforementioned enforcement entities shall be to the Wallburg Town Council by filing a written notice with the Clerk to the Town Council within ten (10) days after the order, decision, or determination.
- h. Where any variances, waivers, or modifications of this Ordinance, the Wallburg Zoning Ordinance, or any other applicable Wallburg ordinance are sought by the applicant because of the size of the tract, its topography, the condition and nature of the adjoining areas, of the existence of other unusual, physical conditions, and strict compliance with the provisions of this Ordinance would cause an unusual and

unnecessary hardship, the Wallburg Town Council may vary the requirements set forth herein. In granting any variance, waiver, or modification, the Wallburg Town Council shall require such conditions as will secure, insofar as practicable, the objectives of the requirements, varied or waived. Any variance, waiver, or modification authorized shall be entered in the Minutes of the Wallburg Town Council together with the circumstances that justified said variance, waiver, or modification, and any conditions upon which the same were granted.

Revocation of Hazardous or Low Level Radioactive Waste Special Use Permit

- a. Any special use permit issued for the storage, treatment, transportation and or disposal of hazardous or low level radioactive waste or toxic substance may be revoked for violations of the provisions of this ordinance.
- b. Whenever, upon inspection of facilities, equipment, operating methods, or practices of any permittee authorized and performing hazardous or low level radioactive waste or toxic substance storage, treatment, transportation, and or disposal services in Wallburg, the Planning Department, the Davidson County Health Department, or the Davidson County Fire Marshal finds that conditions or practices exist which are not in compliance with these regulations, written notice will be given by said enforcing entity or entities to the permittee that unless conditions or practices are corrected or remedied within ten (10) days, the permit may be revoked. Notice shall include the date, time, and place of re-inspection by the Planning Department and the Health Department.
- c. If, after re-inspection, the Planning Department and the health Department find conditions or practices not corrected, the permittee shall be notified by certified mail to cease and desist all activities until the violations are corrected. The cease and desist order shall give notice to appear before the Town Council to show cause why the permit should not be revoked. The Town Council may revoke the permit, leave it in effect, or add other conditions as it deems necessary.
- d. Revocations of any federal or state permit automatically revokes the special use permit issued under this ordinance.
- e. If there occurs any substantial deviation from the Special Use permit issued herein or any revision or substantial modification of Part B of the State permit, the applicant shall reapply for a Special Use permit

under this Ordinance and a permittee shall have thirty (30) days from the substantial modification of Part B or substantial variation from the Special Use permit issued herein in which to reapply for a Special Use permit. If reapplication is made within said thirty (30) days, the Wallburg Town Council may, but is not required to, extend the existing Special Use permit pending action on the new application. However, if application is not made within said thirty (30) days, said Special Use permit shall expire and become void. A processing fee of \$300.00 shall be charged for any application for a substantial deviation, a substantial modification, or a substantial variation from the Special Use permit.

Liability:

All hazardous or low level radioactive waste or toxic substance storage, treatment, transportation, and/or disposal facilities are subject to the following liability requirements:

- a. All persons storing, treating, transporting or disposing of such wastes or toxic substances in Wallburg shall be held to a standard of strict liability for spills, accidents, contamination or other discharges and hazards arising from **the facility. As used in this section, the term “strict liability”** shall mean that persons storing, treating, transporting, or disposing of hazardous waste or toxic substance shall be liable for all emergency clean-up costs, clean-up costs in general, damages to persons and property and other costs resulting from discharges or contamination, regardless of fault, or regardless of whether the discharge of contamination was the result of intentional or negligent conduct, accident, or other cause.

Bonding:

All hazardous or low level radioactive waste or toxic substance storage, treatment, transportation, and/or disposal facilities shall be subject to the following bond requirements:

- a. **If no federal or state regulations require closure plans and bonding, Wallburg may require the facility to submit a closure plan and to obtain bonding, with Wallburg named as additional insured, sufficient to execute the closure plan. The closure plan should meet the criteria of 40 CFR 270.14 (b) (13), 264.112 through 264.115, 264.178 and 264.197 and any other applicable federal and state closure requirements.**

b. Should the above stated bond or insurance expire or be revoked then the waste or toxic substance storage, treatment, transportation and/or disposal facility must cease operation and remove all hazardous or radioactive waste and/or toxic substance from the site.

Privilege
License:

Licensing of Hazardous or Low Level Radioactive Waste or Toxic Substance Storage Facilities, Treatment Facilities, Transportation Facilities and or Disposal Facilities.

a. Every person, firm, and corporation engaged in the storage, treatment, transportation and or disposal of hazardous or infectious waste or toxic substance shall, as permitted by G. S. 153A-152.1 make application to and secure from the Davidson County Tax Department a privilege license which shall be in the sum of \$500.00 annually for each facility.

b. All licenses issued under these provisions shall be for one year which shall be for the fiscal year beginning July 1st and ending June 30th. Licenses issued within a fiscal year shall only be for the period beginning on the date such license is issued and ending the following June 30th.

c. A copy of the hazardous or low level radioactive waste or toxic substance storage, treatment, transportation or disposal facility's completed annual report shall be submitted to the Wallburg Planning Director, the Davidson County Health Director, and the Davidson County Fire Marshal. New facilities shall submit this report with applications for renewal of their privilege license.

d. The Town Council shall have full authority to set, regulate, and govern the fees to be charged by licensed storers, treaters, transporters, and disposers of hazardous and low level radioactive waste or toxic substance.

Reference to Other Laws And Ordinances: All hazardous or low level radioactive waste or toxic substance storage, treatment, transportation, and/or disposal facilities shall comply with all other applicable sections of the Wallburg Zoning Ordinance and with all North Carolina and Davidson County Fire Codes. All references in this Ordinance to the Federal Resource and Recovery Act of 1976, as amended; the North Carolina Hazardous Waste Management Commission Act of 1989, as amended; the North Carolina Low Level Radioactive Waste Management Authority Act of 1987, as amended; the Federal Toxic Substance Control Act of 1976, as

amended, and the criteria set forth in all North Carolina General Statutes and CFR references are incorporated into this Ordinance by reference as if fully set out herein.

These regulations will become effective upon adoption. Existing operations will have one year from the effective date to comply with all the provisions for permitting of hazardous waste and toxic substance activities as herein Defined.

Use: PETROLEUM BULK STORAGE STATIONS;
DISTRIBUTION TERMINALS

Special Use District: HI

Approved by: Town Council

Plans Required, Must Show: Structures-Location and approximate size of all existing and proposed buildings and structures within the site and on the lots adjacent thereto;
Storage capacity of all storage units;
Proposed Layout of pipelines.

Other Requirements:

- a. Storage tanks protected by either an attached extinguishing system approved by the County Fire Marshal or an approved floating roof shall not be located any closer to an exterior property line than a distance equal to the greatest dimension, diameter or height of the tank, except that such distances need not exceed one hundred twenty (120) feet.
- b. Storage tanks, not equipped as indicated in (A) above, shall not be located any closer to an exterior property line than a distance equal to one and one-half (1 ½) times the greatest dimension, diameter or height of tank, except that such distance need not exceed one hundred seventy-five (175) feet.
- c. Tanks or groups of tanks containing flammable liquids, where deemed necessary by the Zoning Officer on account of proximity to waterways or

drainage ways, the character of topography, or nearness to buildings or to dwellings or places of public assembly, shall be diked or the yard shall be provided with a curb or other suitable means to prevent the spread of liquid onto other property or waterways. A diked area shall not be less than the capacity of the largest tank within the diked area.

d. Dike or retaining walls required under © above shall be of earth, steel, concrete or solid masonry designed to be liquid tight and to withstand a full hydraulic head and so constructed as to provide the required protection. Earthen dikes three (3) feet or more in height shall have a flat section at the top not less than two (2) feet wide. The slope shall be consistent with the angle or repose of the material of which the dikes are constructed. Dikes shall be restricted to an average height of not more than six (6) feet above the exterior grade unless means are available for extinguishing a fire in any tank containing crude petroleum; dikes and walls enclosing such tanks shall be provided at the top with a flareback section designed to turn back a boil-over wave, provided, however, that a flareback section shall not be required for dikes and walls enclosing approved floating roof tanks. No loose combustible material, empty or full drum or barrel, shall be permitted within the diked area.

e. Where provision is made for draining rain water from diked areas, such drains shall normally be kept closed and shall be so designed that when in use they will not permit flammable liquids to enter natural water courses, public sewers, or public drains. Where pumps control drainage from the diked area, they shall not be self-starting.

f. The Town Council may attach any other reasonable and appropriate conditions or requirements necessary to accomplish the purpose of this ordinance.

Use:	GROUP HOME
Special Use Districts:	O/I
Approved By:	Town Council
Minimum Lot Area:	In accordance with district where located.

Parking and Loading:	One space for every 2 beds.
Other Requirements:	<p>One sign permitted, area per sign face not to exceed one square foot for each linear foot of building frontage on a street.</p> <p>All group homes shall be licensed and/or sponsored by the appropriate state or local agency.</p> <p>The zoning lot on which one residence is proposed shall not be located within a one-half mile radius of a zoning lot containing another such facility.</p>
Use:	RACE TRACKS/DRAG STRIPS
Special Use Districts:	HI
Approved By:	Town Council
Required Plans:	A site plan shall be submitted showing the location of Proposed facilities and structures within the site including tracks, setting, buildings, parking, signs, spectator traffic patterns, access points and service areas. It shall also show existing structures (noting the nearest residential structures), water courses and zoning district boundaries within 500' of the proposed site.
Buffer:	Where the site abuts property occupied by a residential use there shall be a buffer that is a solid fence or wall, or a planted strip at least 5 feet wide of deciduous and/or evergreen trees spaced no more than 10' apart and at least one row of dense shrubs spaced no more than 5 feet apart. The buffer shall be established and maintained by the owner or operator of the property.
Nuisances:	No use approved under this provision shall be so operated so as to constitute a nuisance with respect to noise, dust, fumes, lights, vibration or traffic.
Use:	<u>TRAVEL TRAILER PARKS FOR RECREATIONAL, NON-PERMANENT VEHICLES; CAMP GROUNDS</u>
Approved by:	Town Council

Special Use Districts: RA-1, RA-2, RM-1, RA-3

Minimum Area: Five (5) acres with a front yard depth of fifty (50) feet.

Site Consideration: Trailers shall be separated from each other and from other structures by at least fifteen (15) feet. Any accessory structure such as attached wings, carports, or storage facilities shall be considered to be part of the trailer.
 Minimum size of space shall be as required by the Davidson County Health Department.
 There shall be at least one (1) recreation area which shall be accessible from all trailer spaces or campsites. The size of such recreation area shall not be less than eight percent (8%) of the gross site area.
Roadways shall be 4” stabilized gravel or crushed rock and of adequate width to accommodate anticipated traffic and in any case, shall meet the following minimum requirements:
 One-way, no parking-twelve (12) feet. Two-way, no parking-twenty-four (24) feet.
 No roadway parking shall be permitted.
 The water supply, the sewerage system, service buildings, sanitation requirements and solid waste disposal shall be reasonably accommodated and shall meet the requirements of the appropriate State and County regulatory agency.
 A 25 foot wide natural foliage greenbelt shall be planted along the street side(s) of the property and along interior lot lines adjacent to a residential district. The plantings shall be of sufficient opacity to screen the use from view along interior lot lines.

Parking: Off-street parking and loading space shall be provided in sufficient quantity to accommodate all parking and loading on the site. For this purpose, there shall be 1 ½ automobile parking spaces per trailer space.

Signs: Signs on premises shall be regulated as follows:
 Type of sign: Identification, non-illuminated.
 Permitted number of signs: One (1) sign per entrance to park.
 Maximum area per sign face: sixteen (16) square feet.

Required Plans: Location and approximate size of all existing and proposed buildings and structures within the site and existing buildings and structures within five hundred (500) feet adjacent thereto.
 Proposed points of ingress and egress together with the

proposed pattern of internal circulation.
Proposed parking areas.
Proposed provision for storm and sanitary sewerage,
including both natural and man-made features, and the
proposed treatment of ground cover, slopes, banks and
ditches.

Space Rental: Trailer and camping spaces shall be rented by the day.

Use: EXPANSION OF NONCONFORMING
COMMERCIAL/INDUSTRIAL USE IN RESIDENTIAL DISTRICT

Approved: Town Council

Special Use District: RA-1, RA-2, RS, RM-1, RM-2, RA-3

Application: A site plan shall be submitted showing the location of existing facilities on the property and the location of the proposed expansion.

Standards of Evaluation: Application for a Special Use Permit shall be made in the case of expansion of existing facilities, or if a facility existing at the time of adoption of this ordinance is destroyed and is rebuilt with an expansion. No expansion shall exceed 25% of the area of the facility existing at the time of adoption of this ordinance.

All dimensional requirements and setbacks of the district where the facility is located shall be met, or an expansion shall not be granted.

Use: RURAL FAMILY OCCUPATIONS OF
NONAGRICULTURAL/COMMERCIAL NATURE

Approved By: Town Council

Special Use District: RA-1, RA-2, RA-3

Application: A site plan shall be submitted showing the location of existing structures in the property and the location and dimensions of the proposed structure for the proposed use.

Certification from the Davidson County Health Department shall be presented to show that public health

requirements can be met if the proposed structure and use are permitted. In applicable cases this shall include certification from the N. C. Division of Environmental Health.

Standards of Evaluation:

Minimum lot size shall be two acres.

All general dimensional requirements and setbacks of the district where the facility is proposed to be located shall be met, or the permit shall not be granted. In addition the business use must be set back at least 100 feet from the road right of way boundary and no part of the operation of a rural family occupation shall extend nearer to a neighbor's property line than one hundred (100) feet.

The occupation shall be that of the landowner, must be owned and operated by the landowner, and the landowner must reside on the subject tract. (Note: unlike home occupations, Rural Family Occupations of Nonagricultural/Commercial Nature must be conducted within an accessory building.

Employment and number of trucks and other commercial vehicles shall be limited to members of the family residing on the premises plus no more than three (3) other employees. Commercial vehicles operating in and out of the property shall be limited to two (2).

The occupation and any associated parking and/or storage shall be unobtrusive where located by being out of sight from any road or neighboring property; or being not to be noticeable from any roads or neighboring property; or by being located entirely within a building carefully designed so as to resemble a farm outbuilding or other noncommercial structure that would be typical of the area.

No smoke shall be emitted of a density or frequency greater than that normally associated with a residence or farm; objectionable noises shall be muffled or eliminated so as not to become a nuisance to adjacent properties.

The occupation shall be so operated as to prevent the emission in the air of dust or other solid matter which may cause damage to property or discomfort to persons or animals beyond the property line of the tract on which the occupation is located.

The occupation shall be so operated as to prevent emission or glare of such intensity as to be readily perceptible from a neighboring property.

There shall be no outside storage of materials permitted to deteriorate.

Prohibited outside storage shall include, but not be limited to, scrap salvage operations and storage of inoperable vehicles.

Permitted uses shall be limited to those products assembled or manufactured on-site or for resale elsewhere, services sold or provided on premises, or stock-in-trade clearly incidental to such services. Commercial, retail or wholesale operations which bring to the site goods specifically for the purpose of resale shall be prohibited.
RESERVED

Amended: 6-4-01

Use: STORAGE OF LOW EXPLOSIVES

Approved by: Town Council

Special Use Districts: RA-2, RA-3, LI, HI

Minimum Lot Size: 5-acres

Application:

1. A scaled site plan showing property boundaries, building location, size, required fencing, barriers;
2. A description of the building to be constructed;
3. A complete list of the types of explosive materials intended to be stored within the structure.

Standards of Evaluation:

1. Subject to and contingent upon approval from the Federal Bureau of Alcohol, Tobacco, and Firearms and the State of North Carolina;
2. Approval from the Davidson County Fire Marshall;
3. An approved driveway permit from the Department of Transportation.

Use: TRANSPORTATION AND RELOCATION AS A
RESIDENCE OF EXISTING CLASS C
MANUFACTURED HOME TO ANOTHER
ZONING LOT

Approved By: Town Council

Special Use District: RA-2, RA-3

Application: The owner of the Class C manufactured home shall present evidence of registration to show that the unit was located in Wallburg at the date of adoption of this Ordinance.

The owner shall also present a map satisfactory to the Town Council showing the location of the lot to which the unit will be transferred, and a sketch of the lot showing location of other structures and the placement of this unit on the lot, noting setbacks.

Standards of Evaluation: No Special Use Permit shall be granted except for transfer and relocation as a residence of a unit located in Wallburg on the date of adoption of this ordinance.

Transfer must be onto an individual lot located in the RA-2 or RA-3 zoning district, unless it is to a manufactured housing park which permits Class C units.

All Health Department requirements to the new site shall be met, as well as building and inspections requirements of Davidson County, the N. C. Department of Insurance and/or the N. C. building code.

The manufactured home must have under-skirting installed around the entire manufactured home.

The manufactured home must be set up and installed in accordance with the N. C. Department of Insurance code requirements for manufactured homes.

Use: GOLF DRIVING RANGE

Special Use District: RA-1, RA-2, RA-3, RM-1, RM-2, CS, HC, LI, HI

Approved By: Town Council

Application:

1. A site plan submitted showing the boundaries of the property, proposed buildings and parking areas.
2. Certification from Davidson County Health Department to show their requirements are met.
3. Commercial driveway permit from Department of Transportation.

Criteria:

- A. The depth of the driving range along the driving axis shall not be less than 350 yards measured from the location of the tees and the breadth not less than 200 yards at a distance of 350 yards from the tees.
- B. Lighting shall be so shielded as to cast no direct light upon adjacent properties.

Use: LODGES, FRATERNAL AND SOCIAL ORGANIZATIONS

Approved By: Town Council

Special Use District: RA-1, RA-2, RA-3, RM-1, RM-2, O/I

Application:

1. A site plan shall be submitted showing the location of proposed buildings, existing buildings, driveway connection to D.O.T. road and proposed parking.
2. Certification from the Davidson County Health Department shall be presented to show that public health requirements can be met if the proposed structure and use are permitted.

Standards of Evaluation:

1. All new sites shall be no less than two (2) acres.
2. Structures shall have minimum side and rear yards of fifty (50) feet and front yard greater than that required for single family residences within the district located.
3. Provisions for food, refreshment, and entertainment for club members and their guests may be allowed in conjunction with such use if the Town Council determines that said provisions

will not constitute a nuisance.

Amended: 3-5-01

Use: BED AND BREAKFAST INN

Approved By: Town Council

Special Use Districts: RS, RA-1, RA-2, RA-3, RM-1, RM-2

Application:

A site plan shall be submitted showing the location of existing structures on the property (including any proposed additions) screening, parking, and driveway locations.

Certification of approval from the Davidson County Health Department and Davidson County Inspections for the proposed use.

Certification of approval from the NC Department of Transportation for a driveway permit for the proposed use.

Special events can be permitted if presented as a proposed use with this special use and if all requirements can be met.

Standards of Evaluation:

The use must be operated by the landowner; the landowner must reside on subject property.

Employment shall not exceed two employees in addition to the owner(s).

Adequate parking shall be provided and shall be screened from adjacent properties by using solid fencing, trees, or shrubs.

Amended 8-19-03

Use: COMMERCIAL RECREATIONAL FACILITY

Special Use Districts: RA-1, RA-2, RA-3, LI, HI

Approved By: Town Council

Minimum Lot Size: 5 Acres

Application:

1. A site plan showing the boundaries of the property, proposed buildings, parking, gaming area, and proposed buffers. The boundaries of the gaming area shall be clearly identified by a fence, netting, trees, or berms or combination there of;
2. All activities shall take place at least 100 feet from any property line adjacent to residential districts and 75 feet when adjacent to other districts;
3. D.O.T. Commercial Driveway Permit;
4. Health Approval;
5. Inspections Approval.

Other Requirements: (OUTDOOR)

1. The use shall not be detrimental to adjacent properties due to noise, refuse, traffic, topography, and other factors.
2. Parking shall not be detrimental to nearby properties due to noise, glare, congestion, or other factors.
3. The use shall not be permitted to locate adjacent to any existing place of worship, day care, nursing home, or school.
4. No outdoor storage shall be permitted.
5. No public address system shall be used adjacent to any residential district.
6. No night activity permitted when adjacent to any residential district (dawn to dusk).
7. Buffers will be required, such as netting or berms, to restrict projectiles or participants from leaving the property.
8. Evidence that liability insurance is provided for protection of adjoining properties.
9. The approving authority may add additional conditions to protect public health, safety, and general welfare.

RESERVED

ARTICLE 7

SIGNS

Sec. 7-1. Purpose and scope.

This section is intended to regulate and control signs and their placement throughout the Town of Wallburg for the following purposes:

- (A) To provide a pleasing overall environmental setting and good community appearance, which is deemed vital to the continued economic attractiveness of the Town;
- (B) To create a more productive, enterprising, professional business atmosphere;
- (C) To allow signs appropriate to the planned character and development of each zoning district;
- (D) To ensure that permitted signs do not become a hazard or nuisance;
- (E) To promote traffic safety;
- (F) To prevent business and advertising signs from conflicting with public safety signs; and
- (G) To protect and enhance the value of properties.

Sec. 7-2 Applicability

- (A) It shall be unlawful to construct, enlarge, modify, move or replace any sign or cause the same to be done, without first obtaining a zoning permit for such sign from the town or its designee.
- (B) Notwithstanding the above, changing or replacing the permanent copy on an existing lawful sign shall not require a permit, provided the copy change does not change the nature of the sign so as to render it in violation of this ordinance.
- (C) The provisions of Section 7-6 shall not apply to religious and/or educational institutions; however, without limitation, the provisions of Sections 7-7, 7-8, 7-9, and 7-12 shall apply to such institutions.

Sec. 7-3 Definitions

The following definitions shall apply to the regulation and control of signs within this section:

SIGN: Any device, fixture, placard, or structure that uses any color, form, graphic, illumination, symbol, or writing to advertise, announce the purpose of, or identify the purpose of a person or entity, or to communicate information of any kind to the public.

SIGN AREA. The area of a sign face.

SIGN FACE. That part of the sign that is or can be used to identify, advertise, or communicate information that is used to attract the attention of the public for any purpose. This definition includes any frame, structural member, or other part of the sign when such is designed or used, including the use of color or lighting, to attract the attention of the public.

SIGN HEIGHT. The distance from the base of the sign at normal grade to the top of the highest attached component of the sign, as detailed in section 7-4. (G).

SIGN STRUCTURE. The frame supporting a freestanding sign, wall sign, projecting sign, suspended sign, portable sign, marquee sign, or roof sign and poles or supports used to elevate or support the frame.

SIGN, ANIMATED. Any sign that uses movement or change of lighting to depict action or create a special effect or scene.

SIGN, BANNER. A sign intended to be hung either with or without a frame, possessing characters, letters, illustrations, or ornamentation applied to plastic or fabric of any kind, excluding flags and emblems of political, professional, religious, educational, or corporate organizations.

SIGN, BEACON. Any sign with one or more beams directed into the atmosphere or directed at one or more points not on the same zoning lot as the light source; also, any light with one or more beams that rotate or move.

SIGN, BILLBOARD. A type of off-premises sign, generally, but not always, consisting of a rigidly assembled sign, display, or device, that is affixed to the ground or to a building, the primary purpose of which is to display advertising posters.

SIGN, CAMPAIGN OR ELECTION. A sign that advertises a candidate or issue to be voted upon on a definite election day.

SIGN, CANOPY (AWNING). Any sign that is part of or attached to an awning, canopy, or other fabric, plastic, or structural protective cover over a door, entrance, window, or outdoor service area, excluding a marquee (see **SIGN, MARQUEE**).

SIGN, CHANGEABLE COPY. A sign or portion thereof with characters, letters, or illustrations that can be changed or rearranged without altering the remaining face or the surface of the sign.

SIGN, CONSTRUCTION. A sign placed at a construction site identifying or announcing the project or the name of the architect, engineer, contractor, financier, or others involved in the development of the project.

SIGN, COPY. Any words, letters, numbers, figures, characters, symbols, logos, or insignia that are used on a sign face.

SIGN, DIRECTIONAL OR INCIDENTAL. An on-premises sign designed to guide vehicular and/or pedestrian traffic by using such words as “Entrance”, “Exit”, “Parking”, “One-Way”, “Warning”, “No Trespassing”, or similar direction or instruction, but not including any advertising message. The name or logo of the business or use to which the sign is direction may also be included on the sign.

SIGN, DIRECTORY. A sign other than an identification sign, listing the names, uses, or locations of the various businesses or activities conducted within a building or group of buildings that is centrally located and intended to provide direction.

SIGN, ELECTION. Any sign that advertises a candidate or an issue that is to be voted on in a local, state, or federal election process.

SIGN, FLAG. Any fabric, banner, or bunting containing distinctive colors, patterns, or symbols, used as a symbol of a government, political subdivision, or other entity.

SIGN, FLASHING. A sign that uses an intermittent or flashing light source to attract attention.

SIGN, FREESTANDING. Any sign supported by POLES or supports that are placed on, or anchored in the ground and that are independent from any building or other structure.

SIGN, GOVERNMENT. Any temporary or permanent sign erected and maintained for any governmental purposes.

SIGN, GROUND MOUNTED. A sign which extends from the ground or which has a support which places the bottom thereof less than 3 feet from the ground.

SIGN, MARQUEE. Any sign attached to, in any manner, a marquee. For the purposes of this definition, a marquee is defined as a permanent roof-like structure projecting beyond a building or extending along and projecting beyond the wall of the building, generally designed and constructed to provide protection from the weather.

SIGN, MEMORIAL OR PLAQUE. A sign designating the name of a building and/or date or erection and other items such as architect, contractor, or others involved in the building's creation, cut into or attached to a building's surface.

SIGN, MONUMENT. A freestanding sign supported primarily by an internal structural framework or integrated into landscaping or solid structural features other than support poles where the base of the sign is on the ground or no more than twelve inches above the adjacent grade.

SIGN, OFF-PREMISES. A sign that directs attention to a business, commodity, or service, conducted, sold, or offered on the premises on which the sign is erected.

SIGN, ON-PREMISES. A sign that directs attention to a business, commodity, or service, that is conducted, sold, or offered on the premises on which the sign is erected.

SIGN, PENNANT. Any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in series, designed to move in the wind.

SIGN, PERMANENT BANNER. Any banner constructed of lightweight fabric or similar material that is permanently mounted to a building by a permanent frame, excluding flags.

SIGN, PORTABLE. Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including, but not limited to, signs converted to A

or T-frames; menu and sandwich board signs; balloons used as signs; umbrellas used for advertising; and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless said vehicle is used in the normal day-to-day operations of the business.

SIGN, PROJECTING. Any wall sign affixed to a building or wall in such a manner that its leading edge extends more than six inches beyond the surface of such building or wall.

SIGN, REAL ESTATE. A sign that is affixed to a building or wall in such a manner that its leading edge extends more than six inches beyond the surface of such building or wall.

SIGN, RESIDENTIAL. Any sign located in a district zoned for residential uses.

SIGN, ROOF. Any sign erected and constructed wholly or partially on or over the roof or parapet of a building.

SIGN, SUSPENDED. A sign that is suspended from the underside of a horizontal plane surface and is supported by such surface.

SIGN, TEMPORARY. A sign that is not permanently installed in the ground or affixed to any structure or building.

SIGN, WALL. Any sign attached to a wall, painted on the wall surface, or erected and confined within the limits of an outside wall of any building or structure, and which is supported by such wall.

SIGN, WINDOW. Any sign, pictures, symbol, or combination thereof, designed to communicate information about an activity, business, commodity, event, sale, or service that is placed inside a window or upon the window panes or glass and is visible from the exterior of the window.

Sec. 7-4. General Provisions.

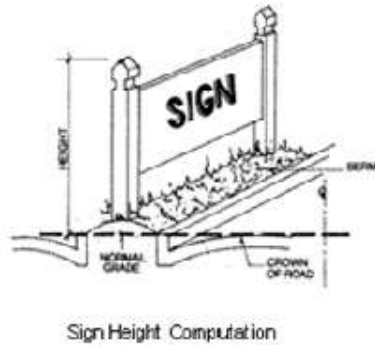
The following regulations shall apply to all signs.

(A) Construction Standards.

- (1) All signs shall be constructed and installed in accordance with the applicable provisions of the North Carolina State Building Code.
- (2) All temporary signs shall be constructed of materials and printed on by inks capable of withstanding normal weather conditions.
- (3) All signs, except for banners, flags, temporary signs, and window signs conforming in all respects with the requirements of this ordinance shall be constructed of permanent materials and shall be permanently attached to the ground, a building, or another structure by direct attachment to a rigid wall, frame, or structure.

- (B) Electrical Standards. All illuminated signs shall be installed in accordance with the applicable provisions of the North Carolina State Electrical Code and all detached signs shall be illuminated by an underground electrical source.
- (C) Maintenance of Signs. All signs shall be maintained in good structural and aesthetic condition. Deficiencies such as chipped paint, broken plastic, missing letters and exposed light bulbs shall be evidence of a lack of maintenance
- (D) Obstructions Prohibited. No sign shall be placed so as to obstruct the clear sight triangle at a street intersection nor shall any sign obstruct the view of motorists entering or leaving an off-street parking area.
- (E) Relation to Other Building Elements.
- (1) Signs shall relate in their placement and size to other building elements without obscuring building elements such as windows, cornices, or decorative details, except that signs may be placed on the inside of windows.
 - (2) Sign material, style and color shall complement the building façade in terms of design, scale, color, and materials.
 - (3) Individual shop signs in a single storefront shall relate to each other in terms of design, size, color, placement on the building, and lettering style.
 - a. Signs placed on the inside of the window areas shall conceal no more than twenty-five percent of the area of the window on which the signs are located.
- (F) Sign Lighting.
- (1) Neon, argon and similar lighting fixtures shall not be used anywhere on the exterior of a building; however, such signs if non-flashing and non-moving may be mounted on the inside of store windows.
 - (2) Signs shall be lighted with indirect light sources (e.g. backlighting); knockout signs are encouraged. Ground mounted floodlights may also be used if the light is directed only on the sign and not onto adjacent properties or roadways and the light fixtures are fully shielded from view through the use of landscaping.
- (G) Sign Height Computation. Sign shall be computed as the lower of: 1) existing grade prior to construction, or 2) the newly established grade after construction, exclusive of any filling, berming, mounding, or excavating solely for the purpose of locating the sign. The calculation of the height of any sign placed upon a berm or mound shall include the height of the berm or mound.
- (H) Sign Area Computation. The area of a sign face (which is also the sign area of a wall sign or other sign with only one face) shall be computed by means of the smallest square, circle, rectangle, triangle, or combination thereof that will encompass the extreme limits of the writing, representation, emblem, or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the

sign from the backdrop or structure against which it is placed, but not including any supporting framework, bracing, or decorative fence or wall when such fence or wall otherwise meets zoning ordinance regulations and is clearly incidental to the display itself.



- (I) Sign Area Computation for Multi-faced Signs. The sign area for a sign with multiple faces shall be computed by adding together the area of all sign faces visible from any one point. When a sign is composed of two or more sign faces, only one of which can be viewed from any one point, and when such sign faces are part of the same structure, the sign area shall be computed by the measurement of one of the faces.
- (J) Forfeiture of Illegal Signs Placed On or Over Public Property. Any sign installed or placed on or over public property, except in conformance with the requirements of this section, shall be forfeited to the public and be subject to confiscation and disposal. In addition to other remedies provided by this section and the Town Code of Ordinances, the town shall have the right to recover from the sign owner and/or installer the full costs of removal and disposal of such sign.

Sec. 7-5. Sign Placement.

The following provisions shall apply to the placement of all signs in all districts.

- (A) In General.
 - (1) Signs must be located entirely on private property, unless otherwise permitted by this section.
 - (2) No sign may be located so that it blocks the sight triangle at any driveway or public street intersection.
- (B) Wall Signs.
 - (1) Wall mounted signs shall not extend above the eave or parapet of any building.
- (C) Freestanding Signs.

- (1) All parts of freestanding signs must be set back a minimum of five feet from the property line.
- (2) No freestanding sign shall be located closer than fifteen feet from another structure on the same zoning lot.
- (3) No portion of a freestanding sign, including projections, may extend into or over an existing public right-of-way, unless expressly permitted by this article.

(D) Temporary Signs.

- (1) Temporary signs shall be located on private property unless expressly permitted by this section to be posted on public property.
- (2) All temporary signs shall be anchored, attached, or otherwise affixed to a structure or support so that the sign cannot be easily dislodged by strong winds or heavy rains.

Sec. 7-6. Permanent Signs By Zoning District.

Signs shall be permitted and prohibited within certain zoning districts as follows:

Permanent Signs By Sign Type and Zoning District

SIGN TYPE	RA-1	RA-2	RA-3	RS	RC	CS	O/I	HC	LI	PD-H
Canopy/Awning	-	-	-	-	P	P	P	P	P	-
Directional/Incidental ¹	-	-	-	-	Z	Z	Z	Z	Z	-
Directory	-	-	-	-	Z	Z	Z	Z	Z	-
Flag	P	P	P	P	P	P	P	P	P	P
Freestanding		-	-	-	Z	Z-	Z-	Z-	Z-	-
Marquee	-	-	-	-	-	Z	Z	Z	-	-
Monument	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z
Outdoor Advertising	-	-	-	-	-	-	-	-	-	-
Planned Development	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z
Portable	-	-	-	-	-	-	-	-	-	-
Suspended	-	-	-	-	Z	Z	Z	Z	Z	-
Wall	-	-	-	-	Z	Z	Z	Z	Z	-
Window	P	P	P	P	P	P	P	P	P	P

¹ Some signs in this category may be permitted without a permit. See section 7-10.

P = permitted without a permit

Z = permitted only upon issuance of a valid zoning permit

“-“ = not permitted

Sign types not specifically listed in this table are not permitted

NOTE: The provisions of Sec. 7-6 shall not apply to Religious and/or Educational Institutions (by Amendment 08-007, July 8, 2009)

Sec. 7-7. Sign Height.

The following provisions shall apply to the height of all signs.

- (A) Supporting elements of freestanding signs shall not extend above the sign face and shall be included in the measurement of sign height.
- (B) Maximum sign height shall be limited by the type of sign and the zoning district in which it is located, as follows:

Maximum Sign Height by Sign Type (in feet)

SIGN TYPE	RA-1	RA-2	RA-3	RS	RC	CS	O/I	HC	LI	PD-H
Canopy/Awning	-	-	-	-	n/a	n/a	n/a	n/a	n/a	-
Directional/Incidental ¹	-	-	-	-	4	4	4	4	4	-
Directory	-	-	-	-	5	5	5	5	5	-
Flag	*	*	*	*	*	*	*	*	*	*
Freestanding					12 ⁴	12 ⁴	12 ⁴	12 ⁴	12 ⁴	
Marquee	-	-	-	-	-	n/a	n/a	n/a	-	-
Monument	4	4	4	4	6	6	6	6	6	4
Outdoor Advertising	-	-	-	-	-	-	-	-	-	-
Planned Development	5	5	5	5	5	5	5	5	5	5
Portable	-	-	-	-	-	-	-	-	-	-
Suspended	-	-	-	-	n/a	n/a	n/a	n/a	n/a	-
Wall	-	-	-	-	n/a	n/a	n/a	n/a	n/a	-
Window	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	-

¹Repealed

²Shall not exceed 75% of the size of the marquee.

³Shall not exceed 25% of the wall surface on which signs are located, excluding window area.

*Shall not exceed twice the maximum building height permitted or 40 feet, whichever is less.

⁴ Minimum of 6' from the bottom of the sign

Sec. 7-8. Number of Signs Permitted.

The number of signs by sign type permitted on an individual zoning lot shall be as follows:

Maximum Number of Signs Per Sign Type Per Zoning Lot

SIGN TYPE	RA-1	RA-2	RA-3	RS	RC	CS	O/I	HC	LI	PD-H
Canopy/Awning ¹	-	-	-	-	1	1	1	1	1	-
Directional/Incidental ³	-	-	-	-	1	2	2	2	2	-
Directory	-	-	-	-	1	1	2	1	2	-
Flag	4	4	4	4	4	4	4	4	4	4
Freestanding ³					1	1	1	1	1	
Marquee	-	-	-	-	-	1	1	1	-	-
Monument	1 ³	1 ³	1 ³	1 ³	1 ³	1 ³	1 ³	1 ³	1 ³	1 ³
Outdoor Advertising	-	-	-	-	-	-	-	-	-	-
Planned Development	1 ³	1 ³	1 ³	1 ³	1 ³	1 ³	1 ³	1 ³	1 ³	1 ³
Portable	-	-	-	-	-	-	-	-	-	-
Suspended ²	-	-	-	-	1	1	1	1	-	-
Wall	-	-	-	-	1 ³	1 ³	1 ³	1 ³	1 ³	-
Window	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a

- 1 Per canopy or awning.
- 2 Per storefront.
- 3 Per street front or development entrance

Sec. 7-9. Sign Area By Zoning District

The amount of sign area permitted for each sign on a zoning lot shall be as follows:

Maximum Sign Area Per Sign Per Zoning Lot (in square feet)

SIGN TYPE	RA-1	RA-2	RA-3	RS	RC	CS	O/I	HC	LI	PD-H
Canopy/Awning	-	-	-	-	*	*	*	*	*	-
Directional/Incidental	-	-	-	-	2	2	2	2	2	-
Directory	-	-	-	-	12	12	12	12	12	-
Flag	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Freestanding					24	32	32	32	32	
Marquee	-	-	-	-	-	1	1	1	-	-
Monument	24	24	24	24	24	32	32	32	32	24
Outdoor Advertising	-	-	-	-	-	-	-	-	-	-
Planned Development	24	24	24	24	24	24	24	24	24	24
Portable	-	-	-	-	-	-	-	-	-	-
Suspended	-	-	-	-	#	#	#	#	-	-
Wall	-	-	-	-	2	2	2	2	2	-
Window	n/a	n/a	n/a	n/a	3	3	3	3	3	n/a

- 1 Shall not exceed 75% of the size of the marquee.
- 2 Shall not exceed 25% of the wall area of the façade on which it is located.
- 3 Shall not exceed 25% of the window area.
- * Shall not exceed 10% of the canopy or awning.
- # Shall not exceed ½ the size of the nearest window or door on the same building or façade.

Sec. 7-10. Permanent Signs Limited.

- (A) Notwithstanding section 7.6 and in addition thereto, the following permanent signs shall be permitted without a zoning permit.
- (1) Off-premises public sign kiosks or directory signs that display a directory of businesses, uses, or attractions may be placed within the public right-of-way provided that the sign kiosk or directory sign is erected and maintained by the town or state or an agent of such.
 - (2) Historical markers, regulatory signs, public interest signs, and warning signs erected and maintained by the town or state or an agent of such.
 - (3) On-premises directional signs not exceeding four feet in height nor four square feet in area.
 - (4) Identification signs not exceeding two square feet in area nor two feet in height.
 - (5) Incidental signs.
 - (6) Flags on permanent poles.
 - (7) Any sign not legible or easily noticeable from public property or a public right-of-way and obviously not intended to attract the attention of the public.
 - (8) Any public notice or warning required by a valid and applicable federal, state, or local law, regulation, or ordinance.
 - (9) Traffic control signs on private property, the face of which meets Department of Transportation standards and which contain no commercial message of any kind.
- (B) Notwithstanding section 7.6 and in addition thereto, the following permanent signs shall be permitted upon the issuance of a valid zoning permit.
- (1) Any sign not expressly listed as permitted without a permit shall require the issuance of a valid zoning permit prior to installation.
 - (2) Off-premises privately owned and maintained sign kiosks and directory signs that provide a directory to businesses, uses, or attractions not on the immediate property but at nearby development sites may be placed on private property provided that:
 - (a) The sign kiosk or directory sign shall serve to direct the public to a single development site or contiguous development sites; and
 - (b) The property on which the sign kiosk or directory sign is located is immediately adjacent to the businesses, uses, or attractions advertised; and
 - (c) The sign kiosk or directory sign does not exceed five feet in height nor thirty-two square feet in sign area; and

- (d) The property on which the sign kiosk or directory sign is located does not contain another kiosk or directory sign; and
- (e) The sign kiosk or directory sign is not located within fifty feet of another permanent, privately owned freestanding sign; and
- (f) No more than one such sign kiosk or directory sign is erected to direct the public to the development site(s); and
- (g) The sign kiosk or directory sign does not obstruct the clear sight triangle or in any other way interfere with the safe passage of vehicles, pedestrians, and bicyclists on, off of, or along public streets, sidewalks, or bike paths; and
- (h) If the directory sign is lighted, it shall be designed as a knockout backlit sign; and
- (i) Sign kiosks shall not be lighted; and
- (j) A conditional use permit is granted by the Board of Adjustment for the construction of the sign kiosk or directory sign.

Sec. 7-11. Temporary Signs Limited.

- (A) Temporary signs permitted without a permit. The following temporary signs are permitted without a zoning permit in all zoning districts, but shall be in conformance with all other requirements of this ordinance.
 - (1) Campaign or election signs shall be permitted provided that:
 - (a) Individual signs shall not exceed-six square feet in area nor four feet in height.
 - (b) All signs shall be removed within seven days after the election for which they were made.
 - (c) No signs shall be permitted in the public right-of-way.
 - (2) Real estate signs, excluding temporary development signs provided that:
 - (a) Signs advertising all residential lots, buildings, units, or spaces for sale or for lease shall not exceed six square feet in area nor four feet in height. Rider signs not exceeding a total of two square feet in sign face area shall be permitted in addition to the six square feet.
 - (b) Signs advertising all non-residential lots, buildings, units, or

spaces for sale or for lease shall not exceed one square foot of sign area for every five linear feet of frontage of the advertised property, up to a maximum sign face area of thirty-two square feet. Such signs shall not exceed a maximum height of six feet.

- (c) Only one sign per street front of the advertised property shall be erected.
 - (d) Properties having a continuous frontage in excess of eight hundred fifty linear feet may be allowed an additional sign so long as such sign is no closer than five hundred feet from another real estate sign on the same property.
 - (e) Signs shall not be illuminated.
 - (f) Signs shall be removed within seven days after the sale is closed or rent or lease transaction finalized.
- (3) Construction signs, other than temporary planned development signs, are permitted provided that:
- (a) Signs located on residential lots, excluding multi-family sites, shall not exceed six square feet in area. Rider signs not exceeding two square feet in area shall be permitted in addition to the six square feet. The maximum height of such signs shall be six feet.
 - (b) Signs for all multi-family development sites and nonresidential uses shall not exceed one square foot for every five linear feet of frontage of property under construction, up to a maximum sign face area of thirty-two square feet. Such signs shall not exceed a maximum height of six feet.
 - (c) Signs are confined to the site of construction.
 - (d) Only one sign per street front of the property under construction shall be erected.
 - (e) Signs shall not be illuminated.
 - (f) Signs shall be removed within seven days after the completion of the project.
- (4) Temporary farm products signs are permitted provided that:
- (a) Signs are located on the premises where the products are sold.
 - (b) Signs advertise products produced on-site only.
 - (c) Signs shall not exceed twenty-four square feet in area nor five feet in height.

- (d) Only one sign shall be erected.
 - (e) Signs shall be removed within seven days of the termination of sale activities.
- (5) Temporary special event signs or banners for religious, charitable, civic, fraternal, or similar organizations, are permitted provided that:
- (a) Signs shall not exceed thirty-two square feet in area nor five feet in height.
 - (b) Signs shall be erected no sooner than fourteen days before and removed seven days after the event.
- (6) Temporary directional signs within a planned development, but not visible from the road(s) fronting the overall development, shall be permitted so long as such signs do not exceed twelve square feet in sign area, six feet in height, and are removed upon completion of the portion of the project to which the signs are giving direction.
- (7) Holiday lights and decorations.
- (8) Any sign not legible or easily noticeable from public property or a public right-of-way and obviously not intended to attract the attention of the public.
- (9) Any public notice or warning required by a valid and applicable federal, state, or local law, regulation, or ordinance.
- (B) Temporary signs requiring a permit. Temporary signs permitted upon issuance of a valid zoning permit shall be limited as follows:
- (1) Temporary banners in commercial districts, provided that:
 - (a) Only one banner per establishment shall be allowed at a time.
 - (b) All banners shall be attached in total to a building wall or permanent canopy extending from a building.
 - (c) No paper banners shall be allowed.
 - (d) Banners shall be erected for a period not to exceed two weeks.
 - (e) No more than six such signs per establishment shall be erected within a calendar year.
 - (f) No banner shall extend above the second occupiable floor level of a building.
 - (2) Temporary planned development signs are permitted provided that:

- (a) Only one primary sign and two secondary signs shall be allowed per street front of development.
 - (b) The maximum sign face area of a primary sign shall not exceed thirty-two square feet; height of freestanding signs shall not exceed six feet.
 - (c) The maximum sign face area of secondary signs shall not exceed twelve square feet; height of freestanding signs shall not exceed six feet.
 - (d) Only one permit shall be required for all temporary planned development signs for each planned development. Permits shall be valid until a project is completed or two years, whichever comes first. Completion shall be evidenced by the issuance of all certificates of occupancy for a development by the building inspections department. If a project is not completed in two years, a new permit must be obtained. However, in no instance shall more than three permits be issued for a development. All secondary signs shall be removed when the first permit issued expires.
- (3) Temporary off-premise signs or banners for special community events, open to the general public and sponsored by non-commercial civic, charitable, community, or similar organizations, provided that:
- (a) Temporary signs shall be located outside of the public right-of-way or at least eleven feet from the edge of any public street if the right-of-way cannot be determined.
 - (b) Every temporary off-premise sign or banner shall be separated by a distance of four hundred feet from any other such temporary off-premise sign on the same side of a street, and by a distance of two hundred feet from any other sign on the opposite side of a street.
 - (c) Nothing in this provision shall be construed to authorize the posting of such signs or banners upon trees, utility poles, traffic control signs, lights or devices in any place or manner prohibited by the provisions herein, nor on private property without written consent of the owner.
 - (d) Any temporary sign not expressly permitted without a permit

Sec. 7-12. Prohibited Signs.

Notwithstanding Section 7.6 and in addition thereto, the following signs, both permanent and temporary, are prohibited in all zoning districts:

- (A) Signs extending into the public right-of-way other than those expressly permitted by this article or otherwise approved by the Board of Commissioners, if placed along public streets.

- (B) Roof signs.
- (C) Portable signs.
- (D) Flashing, fluttering, swinging, wind activated, rotating, animated signs including flashing time and/or temperature signs, and other digital or electronic message boards .
- (E) Any sign which obstructs the view of motorists, pedestrians, or cyclists using any street, sidewalk, bike path, or driveway, or which obstructs the approach to any street intersection or railroad crossing, or which interferes with the effectiveness of any traffic sign, device, or signal.
- (F) Illuminated or highly reflective signs which hamper the vision of motorists or cyclists.
- (G) Any sign that resembles traffic signals, traffic signs, or emergency vehicle lights and any other sign not erected by a public authority which may be erroneously construed as governmental signs or emergency warning signs.
- (H) Beacons, pennants, and strings of lights not permanently mounted to a rigid background, except those permitted as temporary signs.
- (I) Any sign that interferes with free passage from or obstructs any fire escape, downspout, window, door, stairway, ladder, or opening intended as a means of ingress or egress or providing light or air except for permitted window signs.
- (J) Any sign placed on any curb, sidewalk, post, pole, hydrant, bridge, tree, or other structure or surface located on, over, or across any public street right-of-way or property unless expressly authorized by this article or the Board of Commissioners.
- (K) Off-premises signs advertising adult establishments.
- (L) Off-premises signs on parcels of land which are zoned residential, used primarily for residential purposes, or which do not include an active permitted use as established by this article.
- (M) Inflatable devices or balloons.
- (N) High intensity searchlights.
- (O) Any object displayed in a manner which is intended to attract attention to a site, product, or event.
- (P) Any sign listed as not permitted in Section 7.6
- (Q) Any sign not expressly permitted by this article.

Sec. 7-13. Enforcement of Regulations.

Any sign, structure, or other form of advertising defined as a sign herein that is erected or placed anywhere in Wallburg after adoption of this ordinance that is not in compliance with the provisions of this section shall be subject to the enforcement provisions outlined in Article 13 of the Zoning Ordinance.

ARTICLE 8

OFF-STREET PARKING AND LOADING

Sec. 8-1. Off-Street Parking and Loading Required

No building permit, zoning compliance permit or certificate of occupancy shall be issued for uses of land, structures and buildings, either initially or for change in use or expansion of an existing use, unless the off-street parking and loading requirements of this article and/or special use permit conditions are met.

Sec. 8-2. Joint Parking Facilities

The required parking for any number of separate establishments may be combined in one lot, subject to the following requirements:

- a. The spaces allotted to each use must be shown on the application for a Zoning Compliance Permit;
- b. The distance from the farthest allotted space to the main entrance of the structure housing the use to which it is assigned shall not be more than 300 feet;
- c. Spaces assigned to one use may not be assigned to another use at the same time or any other time, except that one-half of the parking spaces required for uses such as churches, theaters, or assembly halls, whose peak attendance will be at night or on Sundays, may be assigned to use which will experience peak usage at other times. The Zoning Officer shall make the determination of relative peak usages.
- d. Cross easements of record shall be executed to insure the continued availability of the parking to the use it serves.

Sec. 8-3. Off Street Parking Design Standards

All required off-street parking shall meet the following requirements:

- a. Except where there is attendant parking or for single family dwellings, each space shall be so arranged that any vehicle may be parked and un-parked without moving another.
- b. Each parking space shall contain a minimum area of 180 square feet and have a minimum width of nine feet. However, where there are lots designed to accommodate more than 20 vehicles, up to 20% of the space may contain a minimum area of 112.5 square feet and a minimum width of 7.5 feet. The smaller **spaces, if provided shall be designated for use only by compact cars (manufacturers' frame classes 4 through 8).**
- c. Adequate maneuvering space shall be provided in association with each parking space, so that parking and un-parking can be accomplished in one continuous maneuver, without the need to back and fill.

*Amended: 1-03-05

- d. All maneuvering room and all off-street parking spaces shall be wholly on private property.
- e. Parked vehicles in off-street spaces shall be prevented from intruding on travel lanes, walkways, public property or other private property by means of walls, curbs, wheel stops or other appropriate means.
- f. Ingress and egress to parking lots shall conform to the design standards of the North Carolina

Department of Transportation.

g. Parking lots shall not encroach on any public right-of-way.

Sec. 8-4. Off Street Parking Requirements

Each use shall provide the following off-street parking:

Use Minimum Space Requirement

Residential

Single-family Dwelling	One space per dwelling unit.
Multi-family (including duplexes)	
Efficiency	One space per dwelling unit.
*One or more Bedrooms	Two spaces per dwelling unit
Rooming & Boarding Houses	One space per lodging unit, plus 2 additional Spaces for operators/owners.
Hotel and Motel	One space per lodging unit and 2 spaces per 3 employees on shift of average greatest employment.
Fraternities & Sororities	One space per lodging resident member.
Mobile Home Parks, Trailer Courts	One space per dwelling unit.

Commercial

Office Buildings, Banks, Business and Professional Services	One space per 300 square feet of gross area
Retail Stores, Shopping, and Convenience Goods	One Space per 200 square feet of gross area
Restaurants	One Space per each four seats
Automobile Sales	One space per 500 square feet of exhibit area.
Bowling Alleys	Four spaces per alley.

Medical

Hospitals	One and one-half spaces per bed.
Medical and Dental Offices	One space per 200 square feet of gross floor area.
Group Care Facilities	One space per two beds.

Educational

Elementary and Junior High Schools

One space per teacher and staff member plus 5 additional spaces.

High School

One space per four students, plus one space for each classroom and administrative employee.

Public Buildings

Auditoriums and Theaters, Stadiums and Arenas

One space per four seats

Museums and Libraries

One space per 300 square feet of gross floor area.

Industrial

Manufacturing, Warehouses and Wholesale

One space per two employees on the two largest shifts combined.

Sec. 8-5. Determination of Unlisted Uses

The Zoning Officer shall make a determination in the cases not listed in 8.4 above, of the minimum required off-street parking spaces. In reaching the determination, the Zoning Officer shall be guided by the requirements for similar uses, the number and kind of vehicles likely to be attracted to the proposed use and studies of the parking requirements of such uses in other jurisdictions.

Sec. 8-6. Off-Street Loading and Unloading Requirements

Every industrial and commercial structure shall provide space for off-street loading and unloading of vehicles.

Sec. 8-7. Off-Street Loading Space in Addition to Off-Street Parking Space

The requirement for off-street loading is supplementary to the requirements for off-street parking. Space designated for compliance with off-street parking requirements shall not be used to comply with the requirements for off-street loading space and vice versa.

Sec. 8-8. Off-Street Loading Space Defined

An off-street loading space, for the purposes of this chapter, shall have a minimum width of 12 feet, a minimum depth of 60 feet and have a vertical clearance of 16 feet above finished grade of the space.

Sec. 8-9. Access to Off-Street Spaces

The off-street loading spaces shall be so located and arranged that a semi-trailer truck (WB 50) shall be able to use it by means of one continuous maneuver.

Sec. 8-10. Minimum Off-Street Loading Space Requirements

Each use shall provide the following minimum off-street loading spaces:

USE MINIMUM SPACES

Retail Business: One space for each five thousand square feet of floor space or major fraction thereof, not to exceed two spaces.

Wholesale and Industrial Uses One space for each ten thousand square feet of floor space or major fraction thereof, not to exceed three spaces.

ARTICLE 9

NONCONFORMITIES

Sec. 9-1 Definitions

Nonconformities are classified as:

- A. Nonconforming use: A nonconforming situation that occurs when property (open land or a structure) is used for a purpose or in a manner made unlawful by the use regulations applicable to the district in which the property is located. The term also refers to the activity that constitutes the use made of the property.
- B. Nonconforming lot: A lot existing at the effective date of this ordinance or any amendment to it that cannot meet the minimum area or lot width requirements of the district in which the lot is located.
- C. Nonconforming structure: A lawful structure permitted in the zoning district in which it is located, but which does not comply with one or more requirements of the Area, Height and Placement requirements of this ordinance.
- D. Dimensional nonconformities: A nonconforming situation that occurs when the height, size or relationship between an existing building and other buildings or lot lines (e.g. setback requirements) does not conform to the regulations applicable to the district in which the property is located.

Sec. 9-2. Intent Concerning Nonconformities

It is the intent of this ordinance to require the cessation of certain nonconformities, and to permit others to continue until they are removed or cease, but not to encourage their survival.

It is further the intent of this ordinance that nonconformity shall not be used as grounds for adding other prohibited uses or structures, nor the enlarging by means of extension or expansion, except as specifically provided by this ordinance. It is the intent of this ordinance also that nonconforming uses shall be considered to be incompatible with the permitted uses within the several zoning districts. Such uses shall not be enlarged or extended, except as specifically provided by this ordinance.

Sec. 9-3. Special Use Permits Not to be Considered Nonconforming

Any existing use which would require a special use permit under the terms of this ordinance shall be deemed a conforming use. However, enlargement, replacement or modification of such a use shall require a special use permit as though it were a new use.

Sec. 9-4. Nonconforming Lots of Record

- A. Single Nonconforming Lots in Residential District. In any district which permits residential uses, a single-family house may be constructed or a manufactured home of a class permitted in that district may be placed on any lot made non-conforming by this ordinance as long as: (a) approval is granted by the Davidson County Health Department and (b) the home and customary accessory buildings do not encroach into required front, rear and side yard setbacks. If a proposed residence on a nonconforming lot is approved

by the Health Department but would encroach into required setbacks, a variance shall be sought from the Board of Adjustment.

B. Contiguous Nonconforming Lots in Residential Districts. Whenever two or more nonconforming lots in single ownership with contiguous frontage exists in a district zoned for residential uses, residential structures or manufactured homes of a permitted class may be erected on each lot if all setback requirements can be met and Health Department requirements can be satisfied. If all setbacks cannot be met, the lands involved shall be considered to be an individual parcel for the purposes of this ordinance. No portion of the parcel shall be used or sold which does not meet the dimensional requirements of this Ordinance.

Sec. 9-5. Nonconforming Uses of Open Land or Land with Minor Structures

Nonconforming uses of open land or land with a structure having a replacement cost of \$2,000 or combination of permanent structures with a replacement cost of \$2000 or combination of permanent structures with a replacement cost exceeding \$5,000 as determined by this Zoning Officer shall cease within two years of the adoption of this ordinance, or any amendment which shall cause such uses to assume nonconforming status. {Provision effective in initially zoned northern area of Davidson County as of 7- 27-81. Provision effective in remainder of County May 11, 1990.}

Prior to termination of the use the following limitations shall apply:

- a. There shall be no enlargement, increase, intensification or alteration to the use, its permanent structure or both;
- b. If the use ceases for more than 90 consecutive days, or a total of 180 days in one year period, subsequent use of the premises shall conform to the district regulations;
- c. No such use shall be relocated or moved to any portion of the lot other than that occupied at the time that nonconforming status was created;
- d. No such land shall be subdivided nor any structure added, except for purposes and in a manner conforming to district regulations. Subdivision, however, which does not increase the degree of nonconformity, shall be permitted.

Sec. 9-6. Nonconforming Uses of Structures or Structures and Premises

Nonconforming use of structures with a value higher than in Sec. 5 above, or of such structures and premises in combination, may be continued, provided: {Nonconforming uses of structures determined for entire County as of May 11, 1990.}

- a. Such uses may not be enlarged, extended, altered, or replaced, except for a change to a use permitted in the district in which it is located, except as provided below.
- b. A nonconforming use may be extended through portion of a building manifestly arranged or intended for such use, but not otherwise. However, it shall not extend to occupy land outside such building or any additional building not used for such nonconforming use at the time that nonconforming status was established. (This limit on expansion is subject to exception for nonconforming single family dwellings and commercial and manufacturing uses in C. and E. below).

Where the nonconforming use involves use of a building as well as open land, such as an automobile sales lot or an automobile graveyard, this provision shall be interpreted to prohibit

extension of the use beyond the sales and storage area existing at the time of adoption of this ordinance.

c. Existing single-family residential structures in commercial or industrial districts or on nonconforming lots may be enlarged, altered, or replaced, provided that no additional dwelling units result there from. However, any such enlargements, alteration or replacement shall comply with the area, height, setback and other placement requirements applicable in the RS district.

d. Class C manufactured homes are made nonconforming by adoption of this ordinance as of May 11, 1990. However, Class C homes registered in Davidson County at the time of adoption of this ordinance may be repaired or improved and may be transferred from one homesite to another as long as the new site is in the RA-2 or RA-3 district or is a family Hardship case, subject to issuance of a Special Use Permit by the Board of Adjustment. (See Article 6, Special Uses). The transfer of an existing Class C manufactured home from one lot to another within the same manufactured housing park does not require a Special Use Permit. An existing Class C home may be replaced with a Class B or a Class A manufactured home in any residential district.

e. Nonconforming commercial and industrial uses in residential districts may, by right, be maintained, repaired or rebuilt if destroyed as long as there is no physical expansion of the structure. (As with all nonconforming uses, there is no restriction on sale or transfer of such property by will). If a structure containing a nonconforming commercial or industrial use is repaired or rebuilt, it shall maintain the same business as was in existence at the time of adoption of this ordinance when it became a nonconforming use. It shall furthermore meet all dimensional and setback requirements of this district where it is located; if this is not possible it may only be rebuilt on its existing "footprint."

A Special Use Permit is required for expansion of nonconforming commercial or industrial use (contained within a structure in the case of expansion of present facilities or rebuilding where structures were destroyed. A Special Use Permit for expansion of such nonconforming uses shall limit expansion of 25% of the area of the facility existing at the date of adoption of this ordinance and shall require that all dimensional requirements and setbacks of the district where it is located are met.

f. All junkyards or automobile graveyards existing at the time of adoption of this ordinance-whether in districts where permitted, or as nonconforming uses-shall, within two years of the date of adoption of this ordinance (by May 11, 1992) comply with the Special Use requirements of this ordinance for new junkyards and automobile graveyards with respect to screening and fencing. (See Article 6) Nonconforming junkyards and automobile graveyards are also subject to the prohibition of expansion.

g. If a nonconforming use (including use of a lot for a Class C manufactured home) ceases for more than 180 days in any two year period, subsequent use shall conform to the regulations of the district in which located.

Sec. 9-7. Nonconforming Signs

A nonconforming sign, which is nonconforming due to non-compliance with one or more requirements of Article 7, Signs, may remain, provided: (Provisions effective in initially zoned northern area of Davidson County as of 7-27-81. Provision effective in remainder of County May 11, 1990.)

- a. A nonconforming sign may not be enlarged, extended, altered, replaced, or reconstructed, except in accordance with the provisions of Article 7, Signs.
- b. A nonconforming sign may not be relocated or moved to any portion of the lot other than that occupied at the time nonconforming status was created.

Sec. 9-8. Nonconforming Structures, Other than Signs

A structure which is nonconforming due to non-compliance with one or more requirements of the Area, Height and Placement Regulations of this ordinance and which is used for a use permitted in the district in which located may remain, provided:

- a. That any structural change to the building shall not increase the degree of nonconformity. Structural changes which decrease or do not affect the degree of nonconformity shall be permitted.
- b. A nonconforming structure, or a portion thereof, is destroyed to the extent of 60% or more or its current assessed valuation may only be reconstructed in accordance with the regulations of the district in which located.

Sec. 9-9. Nonconforming Characteristics of Use

Nonconforming characteristics of use, which may include, by way of illustration but no limitation, inadequate parking and loading facilities, inappropriate landscaping, lighting, emissions, etc., may continue to operate, but shall not be expanded, altered, changed or relocated in such a manner to increase the degree of nonconformity.

Sec. 9-10. Repairs and Maintenance

On any structure containing a nonconforming use or a nonconforming structure, work may be done in any period of twelve (12) consecutive months on ordinary repairs, or on repair or replacement of non-bearing walls, fixtures, wiring, or plumbing, to an extent not exceeding twenty percent (20%) of the current assessed value of the buildings, provided that the cubical content of the building as it existed at the time of passage or amendment of this ordinance shall not be increased. Buildings or structures (other than single-family houses, manufactured homes or commercial industrial uses) that are destroyed by any means to an extent of more than sixty percent (60%) of replacement cost or bulk, exclusive of foundations and land value, shall not be reconstructed except in conformity with the provisions of this ordinance. Nonconforming single family houses, manufactured homes or commercial/industrial uses that are damaged or destroyed may be rebuilt on the same lot in accordance with the provisions of this Article. Nothing in this ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any county official charged with protecting the public safety, upon order of such official.

ARTICLE 10

BOARD OF ADJUSTMENT

Sec. 10-1. Board of Adjustment Established

- A. Members. A Board of Adjustment is hereby established. It shall consist of five members, and two alternates, all of whom shall be residents of Wallburg.
- B. Terms. The members and alternates shall be appointed by the Town Council for terms of three years, and until their respective successors have been appointed and qualified; provided that the terms of the original members and alternates may be staggered so that all terms may not expire simultaneously. Each appointment to fill a vacancy shall be for the unexpired term.
- C. Reappointment and Term Limitation. A member who has completed his/her first three-year term of service is eligible for reappointment for an additional three-year term; however, service of such member shall be limited to two consecutive three-year terms not including the appointment by the Wallburg Town Council of such member to an unexpired term in the event of a vacancy of a seat on such Board. A former member of the Wallburg Planning Board and Board of Adjustment may be reappointed following a period of non-service of not less than one (1) year.
- D. Compensation. Members shall serve without compensation, but shall be reimbursed for direct expenses incurred in connection with the discharge of their duties.
- E. Alternates. Alternate members may serve only in the absence of regular members.

Sec. 10-2. Powers of Board

The Board of Adjustment shall have the following powers:

- a. Hear and decide appeals from and review any order, requirements, decision, or determination made by the Zoning Administrator or the Zoning Officer, in the performance of his duties.
- b. Hear and decide applications for the approval of those special uses requiring Board of Adjustment approval, in accordance with the rules and conditions laid down in this ordinance.
- c. Hear and decide appeals for variances from the dimensional regulations of this ordinance in accordance with the provisions of Section 10-5. Nothing in this section shall be construed to authorize the Board of Adjustment to permit a use in a district where that use is neither a permitted use nor a special one.
- d. Pass upon, decide or determine such other matters as may be required by this ordinance.

Sec. 10-3 Board of Adjustment Administration

- A. Rules. The Board shall adopt rules, of procedures and regulations for the conduct of its affairs.
- B. Rules. The Board shall keep a record of its meetings, including the vote of each member on every question, complete summary of the evidence submitted to it, documents submitted to it and all official actions.
- C. Notice. The Board shall give notice of matters coming before it by causing a public notice to be placed in a newspaper of general circulation in the county. The notice shall appear once a week for two consecutive weeks, the first insertion to be not less than 15 days prior to the meeting date.

- D. **Oaths.** The person acting as Chairman of the board is authorized to administer oaths to any witnesses in any matter coming before the Board.
- E. **Filing of Applications and Appeals.** Applications of special use approvals, applications for variances and appeals for review of decisions of the Zoning Officer shall be filed with the Zoning Officer, as agent for the Board. Applications and appeals shall be submitted on forms provided by the Zoning Officer.
- F. **Notice of Board Decisions.** It shall be the responsibility of the Zoning Officer to notify the applicant or appellate of the disposition which the Board made of the matter. This notice shall be made by certified mail.
- G. **Issuance of Permits.** It shall be the responsibility of the Zoning Officer to issue permits in accord with the Board's action on an application or appeal, if a permit is authorized by the Board action.
- H. **Execution of Board Actions; Enforcement of Conditions.** The Zoning Officer shall see to the faithful execution of all portions of the Board's actions, including the enforcement of all conditions which may have been attached to the granting of a variance or approval of a special use.

Sec. 10-4. Quorum and Vote Required

- A. **Quorum.** A quorum of the Board, necessary to conduct any business of the Board shall consist of four members.
- B. **Four-fifths Vote.** The concurring vote of four members of the Board present for the hearing shall be necessary in order:
 - 1. to reverse any order, requirement, decision or determination of the Zoning Officer, or
 - 2. to decide in favor of the applicant any matter upon which it is required to pass by this ordinance, or
 - 3. to effect any variation in this ordinance, and
 - 4. to grant a special use application.
- C. **Majority Vote.** A simple majority vote of those present shall be necessary to conduct routine business of the Board and to deny applications and appeals.

Sec. 10-5. Granting Variances

- A. **When Allowed.** A variance may only be allowed by the Board of Adjustment in cases involving practical difficulties or unnecessary hardships when substantial evidence in the official record of the application supports all the following findings:
 - 1. That the alleged hardships or practical difficulties are unique and singular as regards to the property of the person requesting the variance and are not those suffered in common with other property similarly located.
 - 2. That the alleged hardships and practical difficulties, which will result from failure to grant the variance, extend to the inability to use the land in question for any use in conformity with the provision of this ordinance and include substantially more than mere inconvenience and inability to attain a higher financial return.

3. That the variance, if allowed, will not substantially interfere with or injure the rights of others whose property would be affected by allowance of the variance.

4. That the variance is in harmony with and serves the general intent and purpose of this ordinance.

5. That allowing the variance will result in substantial justice being done, considering both the public benefits intended to be secured by this ordinance and the individual hardships that will be suffered by a failure of the Board to grant a variance.

- B. Evidence to Support Findings. All of these findings of fact shall be made in the indicated order by the Board of Adjustment, which is not empowered to grant a variance without an affirmative finding of fact on all five categories above. Each finding of fact shall be supported by substantial evidence in the record of proceeding before the Board.
- C. Conditions. The Board may impose reasonable conditions upon the granting of any variance to insure that the public health, safety, and general welfare shall be protected and substantial justice done. Violation of such conditions shall be a violation of this ordinance.

Sec. 10-6. Application of Special Use Power

- A. **Written Findings and Evidence.** Before any application for a special use shall be approved, the Board shall make written findings certifying compliance with the specific rules governing each individual special use and that the findings contained in Section 6-4C have been made. The Board shall make findings, supported by evidence in its record, on each criteria.
- B. **Conditions.** The Board may impose reasonable conditions upon the installation and operation of any special use to insure that the public health, safety and general welfare shall be protected and substantial justice done. Violation of such conditions shall be a violation of this ordinance.

Sec. 10-7. Application of Interpretation Power

An appeal from an order, requirement, decision or determination of the Zoning Officer shall be decided by the Board, based upon its findings of fact and to achieve the intent of the Ordinance. In exercising this power, the Board shall act in a prudent manner so that the purposes of the ordinance shall be served. The effect of the decision shall not be to vary the terms of the ordinance nor add to the list of permitted uses in the districts.

Sec. 10-8. Appeal Stays Further Proceedings

An appeal to the Board of Adjustment from a decision or determination of the Zoning Officer stays all proceedings in furtherance of the decision or determination appealed from, except as provided in Section 10-9.

Sec. 10-9. Exceptions to Stay of Action

- A. Certification by Zoning Officer. An appeal to the Board of Adjustment of a determination or decision of the Zoning Officer shall not stay further proceedings in furtherance of the decision or

determination appealed from, if the Zoning Officer certifies either:

1. that in the opinion of the Zoning Officer a stay would cause imminent peril to life and/or property.
2. that the situation appealed from is transitory in nature and, therefore an appeal would seriously interfere with enforcement of the ordinance.

In each instance, the Zoning Officer shall place in the certificate facts to support the conclusion.

Sec. 10-10. Appeals of Board of Adjustment Actions

Every decision of the Board shall be subject to review at the instance of any aggrieved party by the Superior Court by proceedings in the nature of certiorari. The appeal to Superior Court must be filed within 30 days of the filing by the Secretary of the Board of the decision in the office of the Zoning Officer or the delivery by the Zoning Officer of the notice required in Sec. 10-3F., whichever is later.

Sec. 10-11. Construction

Upon granting of any variance resulting in the issuance of a building permit, the permit must be obtained and construction or the proposed use begun within 180 days of the date of the Board of Adjustment hearing, after which the permit shall be null and void.

ARTICLE 11
AMENDMENTS

Sec. 11-1. Statement of Intent

For the purpose of establishing and maintaining sound, stable, and desirable development within Wallburg this ordinance shall not be amended except to correct a manifest error in the ordinance or, because of changed or changing conditions in a particular area or in the county generally, to rezone an area, extend the boundary of an existing zoning district, or to change the regulations and restrictions thereof, and then, only as reasonably necessary to the promotion of the public health, safety, or general welfare, and to achieve the purpose of a comprehensive plan.

Sec. 11-2. Amendment Initiation

Subject to the limitations of the foregoing Statement of Intent, an amendment to this ordinance may be initiated by:

- a. The Town Council on its own motion;
- b. The Planning Board;
- c. Application, by any property owner or his or her agent, a resident of the county or his or her agent.

Sec. 11-3. Procedure for Amendment

- A. Filing of Applications: All applications for amendments to this ordinance shall be in writing, signed and filed with the Zoning Administrator for presentation to the County Manager and Town Council. The application shall be examined and approved as to form by the Zoning Administrator.
- B. Contents of Application: All applications for amendments to this ordinance, without limiting the right to file additional material, shall contain at least the following:
 1. If the proposed amendment would require a change in the ZONING ATLAS, a fully dimensioned map at a scale of not less than 400 feet nor more than 20 feet to the inch showing the land which would be covered by the proposed amendment.
 2. A legal description of such land, if applicable.
 3. Any alleged error in this ordinance which would be corrected by the proposed amendment with a detailed explanation of such error in the ordinance and detailed reasons how the proposed amendment will correct same.
 4. The changed or changing conditions, if any, in a particular area or in the county generally, which make the proposed amendment reasonably necessary to the promotion of the public health, safety, and general welfare.
 5. The manner in which the proposed amendment will carry out the intent and purpose of the comprehensive plan.

6. All other circumstances, factors and reasons which applicant offers in support of the proposed amendment.

Sec. 11-4. Referral of Application to Planning Board

The Town Council upon receipt of the application to amend this ordinance, shall refer the same to the Planning Board for study and report. The Town Council shall not enact the proposed amendment until 30 days after such referral to the Planning Board or until the Planning Board makes its report, whichever first occurs.

Sec. 11-5. Reserved

Sec. 11-6. Public Hearing and Notice

A public hearing shall be held by the Town Council before adoption of any proposed amendment to this ordinance. Notice of the public hearing shall be given by publishing said notice at least twice in a newspaper of general circulation in the county, stating the time and place of such hearing and the substance of the proposed amendment. This notice shall appear in said newspaper for two successive weeks with the first notice appearing not less than 15 days nor more than 25 days before the date set for the public hearing.

Sec. 11-7. Receipt of Applications and Public Hearing by Town Council

The Town Council shall receive applications for amendments to this ordinance at any regular meeting and shall refer them to the Planning Board for recommendation as referred to in Sec. 11.4.

The Town Council shall schedule each application for a public hearing when they are received and accepted at a regular meeting. The Town Council shall hold public hearings on such applications for amendments to this ordinance at a regular meeting designated by the Board.

Sec. 11-8. Withdrawal of Application

An applicant may withdraw his or her application at any time by written notice to the County Manager. However, any withdrawal of an application after the giving of the first notice as required in Sec. 11-6 shall be considered, for the purposes of Sec. 11-9, a denial of the petition.

Sec. 11-9. Effect of Denial on Subsequent Petitions

When the Town Council shall have denied an application or the application shall have been withdrawn after the first notice of the public hearing thereon, the Town Council shall not receive another application for the same or similar amendment, affecting the same property or a portion of it until the expiration of one year period, extending from the date of denial or withdrawal, as appropriate.

Sec. 11-10. Fees

Fees for filing application for amendments shall be set by resolution of the Town Council.

Sec. 11-11. Comprehensive Review of Chapter

The Planning Board shall from time to time, at intervals of not more than three years, examine the

provisions of this ordinance and the location of Zoning District boundary lines and shall submit a report to the Town Council recommending changes and amendments, if any, which are desirable in the interest of public health, safety, and general welfare, mindful of the intent expressed in Sec. 11-1 above.

ARTICLE 12
ADMINISTRATION

Sec. 12-1. Establishment of Administrative Officer

The provision of this ordinance shall be administered by the Zoning Administrator, who shall be appointed by the County Manager.

Sec. 12-2. Duties of the Zoning Administrator

The Zoning Administrator shall have the power to grant Zoning Compliance Permits and Certificates of Occupancy and to make inspections of buildings or premises necessary to carry out the enforcement of this ordinance. In connection with the enforcement of this ordinance, the Zoning Administrator shall make all necessary determinations and interpretation as required by this ordinance. Persons aggrieved by a decision or a determination made by the Zoning Administrator may appeal that action to the Board of Adjustment.

Sec. 12-3. Powers and Limitations of Zoning Administrator

If the proposed excavation, construction, moving, alteration, or use of land as set forth in the application are in conformity with the provisions of this ordinance, the Zoning Administrator shall issue a zoning compliance permit; however;

- a. Issuance of a zoning compliance permit shall in no case be construed as waiving any provisions of this ordinance.
- b. Under no circumstances is the Zoning Administrator permitted to grant exceptions to the actual meaning of any clause, standard, or regulation contained in this ordinance to any person making application to excavate, construction, move, alter, or use either building, structures or land.
- c. Under no circumstances is the Zoning Administrator permitted to make changes to this ordinance or to vary the terms of this ordinance in carrying out his duties.
- d. The Zoning Administrator shall issue a permit when the imposed conditions of this ordinance are complied with by the applicant regardless of whether the use of their permit would violate contractual or other arrangements (including, but not by way of limitation, restrictive covenants) among private parties.
- e. If an application for such permit is disapproved, the Zoning Administrator shall state in writing the cause for such disapproval.

Sec. 12-4. Zoning Compliance Permit Required

It shall be unlawful to begin the excavation for the construction, the moving, alteration, or repair, except ordinary repairs, of any building or other structure, including an accessory structure, costing more than \$25.00 or exceeding on hundred square feet in area, until the Zoning Administrator has issue for such work a Zoning Compliance permit which includes a determination that plans, specifications and the intended use of such structure do, in all respects, conform to the provisions of this ordinance. Also, it shall be unlawful to change the type of use of land, or to change the type of use or type of occupancy of any building, or to extend any use

or any lot on which there is a nonconforming use, until the Zoning Administrator has issued for such intended use a Zoning Compliance Permit, including a determination that the proposed use does, in all respects conform to the provisions of this ordinance. In all cases where a Building Permit is required, application for Zoning Compliance Permit shall be made coincidentally with the application for Building Permit; in all other cases, it shall be made prior to that date when a new or enlarged use of a building or premises or part thereof is intended to begin. All Zoning Compliance Permit applications shall be made in writing to the Zoning Administrator on forms provided for that purpose. A record of all such applications shall be kept on file by the Zoning Administrator.

Sec. 12-5. Contents of Application for Zoning Compliance Permit

Every application for a Zoning Compliance Permit for site clearance, excavation, grading, filling, construction, moving, alteration, or change in type of use or type of occupancy, shall be accompanied by a written statement and plans or plats, drawn to scale, showing the following in sufficient detail to enable the Zoning Administrator to ascertain whether the proposed work or use is in conformance with the provisions of this ordinance;

- a. The actual shape, location, and dimensions of the lot; if the lot is not a lot of record, sufficient data to locate the lot on the ground.
- b. The shape, size, and location of all buildings, or other structures, to be erected, altered, or moved, and of any other buildings, or other structures already on the lot.
- c. The existing and intended use of the lot and of all structures upon it.
- d. Such other information concerning the lot, adjoining lots, or other matters as may be essential for determining whether the provisions of this ordinance are being observed.

Sec. 12-6. Certificates of Occupancy

No building, structure, or zoning lot for which a Zoning Compliance Permit has been issued shall be used or occupied until the Zoning Administrator has, after final inspection, recommended the issuance of a Certificate of Occupancy indicating compliance has been made with all the provisions of this ordinance. However, the issuance of a Certificate of Occupancy shall in no case be construed as waiving any provision of this ordinance.

Sec. 12-7. Health Department Approval Required

The Zoning Administrator shall not issue a Zoning Compliance Permit nor recommend the issuance of a Certificate of Occupancy until the Davidson County Health Department has approved the water supply and sewage disposal systems for the use of a structure on land.

Sec. 12-8. Fees

Before any Zoning Compliance Permit or Certificate of Occupancy shall be issued covering building or other operations regulated by this ordinance, a fee in an amount fixed by the Board of Commissioners shall be paid.

Sec. 12-9. Certification of Mobile Homes as Meeting Appearance Criteria

The Zoning Administrator shall determine that a mobile home or a model of mobile homes, in the case of identical units, meets the appearance criteria required by a certain zone and so specify.

Sec. 12-10. Administration and Enforcement of Performance Standards

- A. Administration and Enforcement of Performance Standards. Determinations necessary for administration and enforcement of performance standards set forth herein range from those which can be made with satisfactory accuracy by a reasonable person using normal senses and no sophisticated equipment to those requiring great technical competence and complex equipment for precise measurement. It is the intent of this ordinance that:
1. Where determinations can be made by the Zoning Administrator, using equipment normally available or obtainable without extraordinary expense, such determinations shall be so made before notice of violation is issued.
 2. Where technical complexity or extraordinary expense makes it unreasonable for the County to maintain the personnel or equipment necessary for making difficult or unusual determinations, procedures shall be available for causing corrections of apparent violations of performance standards, for protecting individuals from arbitrary, capricious, and unreasonable administration and enforcement of performance standard regulations, and for protecting the general public from unnecessary costs for administration and enforcement.
- B. Procedure Where Zoning Administrator Can Make Determination. Where the Zoning Administrator determines that there is a violation of performance standards relating to emission of smoke, fire, and explosive hazards influence, he shall take or cause to be taken lawful action to cause correction to within the limits set by such performance standards. Failure to obey lawful orders concerning such correction shall be punishable as provided in Article 14.
- C. Procedure Where Zoning Administrator Cannot Make Final Determination. If, in the considered judgment of the Zoning Administrator, there is probably violation of the performance standards as set forth in this ordinance, the following procedures shall be followed:
1. **The Zoning Administrator shall give written notice, by certified mail, to the person persons responsible for the alleged violation. The notice shall describe the particulars of the alleged violations and the reasons why the Zoning Administrator believes there is a violation in fact, and shall require an answer or correction of the alleged violation to the satisfaction of the Zoning Administrator within a time limit set by the Zoning Administrator. The notice shall state, and it is hereby declared, that failure to reply or to correct the alleged violation to the satisfaction of the Zoning Administrator within the time limit set constitutes admission of violation of the terms of this ordinance.**

The notice shall further state that upon request of those to whom it is directed, technical determinations as described in this ordinance will be made, and that if violations as alleged are found, costs of such determinations shall be charged against those responsible for the violation, in addition to such other penalties as may be appropriate, but that if it is determined that no violation exists, the cost of the determination will be paid by the County.

2. If there is no reply within the time limit set, but the alleged violation is corrected to the satisfaction of the Zoning Administrator, he shall note "violation corrected" on his copy of the notice, and shall retain it among his official records, taking such other action as may be warranted.
3. If there is no reply within the time limit set (thus establishing admission of violation as provided in a) and the alleged violation is not corrected to the satisfaction of the Zoning Administrator within the time limit set he shall proceed to take or cause to be taken such action as is warranted by continuation of a violation after notice to cease.
4. If a reply is received within the time limit set indicating that the alleged violation will be corrected to the satisfaction of the Zoning Administrator, but requesting additional time, the Zoning Administrator may grant an extension, if he deems it warranted in the circumstances of the case and if the extension will not, in his opinion, cause imminent peril to life, health, or property.

If reply is received within the time limit set requesting technical determination as provided in this ordinance, and if the alleged violations continue, the Zoning Administrator may call in properly qualified experts to make the determinations. If expert findings indicate violation of the performance standards, the cost of the determinations shall be assessed against the properties or persons responsible for the violation, in addition to such other penalties as may be appropriate under the terms of Article 14.

If no violation is found, the costs of the determinations shall be paid by the County without assessment against the properties or persons involved.

Sec. 12-11. Reserved

ARTICLE 13

VIOLATIONS, PENALTIES AND REMEDIES

Sec. 13-1. Violations

Whenever, by the provisions of this ordinance, the performance of any act is required, or the performance of any act is prohibited, or whenever any regulation, dimension or limitation is imposed on the use of any land, or on the erection or alteration of the use or change of use of a structure, or the uses within such structure, a failure to comply with such provisions of this ordinance shall constitute a violation of this ordinance. Every day on which a violation exists shall constitute a separate violation and a separate offense.

Sec. 13-2. Penalties

Any person who violates this ordinance shall be guilty of a misdemeanor and shall be punished as provided in G.S. 14-4. **Each day's violation is a separate offense and is subject to an additional \$50.00 fine.**

Sec. 13-3. Remedies

If a building or structure is erected, constructed, reconstructed, altered, repaired, converted, moved or maintained, or any building, structure or land is used in violation of this ordinance, the Zoning Officer, in addition to other remedies, may institute any appropriate action or proceedings to prevent the unlawful erection, construction, reconstruction, alteration, repair, conversion, moving, maintenance or use, to restrain, correct or abate the violation, to prevent occupancy of the building, structure or land, or to prevent any illegal act, conduct business or use in or about the premises.

ARTICLE 14

DEFINITIONS

ACCESSORY USE. A subordinate use which is customarily incidental to the principal use on the same lot.

ADULT USES.

Adult Bookstore. An establishment which has a substantial or significant portion of its stock in trade in books, magazines or other periodicals and which excludes minors by reason of age.

Adult Picture Theater. An enclosed building or portion thereof with a capacity of more than 50 persons used for showing movies, slide shows, closed circuit TV or similar offerings and from which minors are excluded by reason of age.

Adult Mini- Picture Theater. An enclosed building or part thereof with capacity of 50 persons or less used for showing movies, slide shows, closed circuit TV or similar offerings and from which minors are excluded by reason of age.

Adult Drive-In Theater. A drive-in theater for the showing of movies, slide shows, closed circuit TV or similar offerings and from which minors are excluded by reason of age.

Adult Cabaret. An establishment which features go-go dancers, exotic dancers, strippers, male or female impersonators or similar entertainments and from which minors are excluded by reason of age.

Adult Massage Parlor. An establishment in which body massages are offered as a service and from which minors are excluded by reason of age.

AGRICULTURE. The use of land primarily for production in the open of cash grains, field crops, vegetables, fruits, berries and nuts, trees, flowers; or raising and keeping of general livestock and poultry or the products thereof or the breeding of such livestock and poultry. Agriculture includes the buildings and structures which are customarily incidental and subordinate to the principal agricultural activities, including residences for the owners, operators and employees of a farm and their families.

ALLEY. A public roadway, other than a street, which affords only a secondary means of access to abutting property, and which is not intended for general traffic circulation.

ARENA.. An outdoor place of assembly to watch and/or hear athletic events, musical performances, dramatic or terpsichorean performances, speeches, contests or competition and/or ceremonies. The term is intended to include such uses as livestock shows, equestrian events, tractor pulls, farm equipment exhibition, and other events best suited for outdoor audience environments.

AUDITORIUM. A place of assembly to watch and/or to hear athletic events, musical performances, dramatic or terpsichorean performances, speeches, and/or ceremonies; the term is intended to include such uses as stadiums, coliseums, athletic centers and theaters. (enclosed/indoor; floor, walls and roof)

AUTOMOBILE GRAVEYARD. An establishment (specifically including but not limited to a residence and or unoccupied parcel of real property) or place of business which is maintained, used, or operated for storing, keeping, dismantling, salvaging, buying or selling four or more wrecked, scrapped, ruined,

dismantled, unlicensed, used motor vehicles which cannot be operated under their own power or junked motor vehicles.

BED AND BREAKFAST INN. A use that takes place within a building that, prior to such an establishment, was a single family residence, that consists of renting from one to six dwelling rooms on a daily basis to tourists, vacationers, and business travelers, where the breakfast meal only is provided and is available only to guests. Special events are permitted if all other requirements can be met.

BOARD OF ADJUSTMENT. A quasi judicial board composed of five residents of Wallburg empowered to hear appeals from decisions of the Zoning Administrator, grant variances from provisions of the Zoning Ordinance and grant special use permits.

BUILDING. Any structure having a roof, including but not limited to, tents, awnings, carports and such devices.

BUILDING HEIGHT. The vertical distance measured from the mean elevation of the proposed or completed finished grade at the front of the building to the highest point of the roof for flat roofs, to the ridge lines of mansard roofs, and to mean height between eaves and ridge for gable, hip and gambrel roofs.

BUILDING, ACCESSORY. A subordinate structure, whether attached or detached, or a subordinate adjunct to the principal building, the use of which is customarily incidental to the permitted use of the principal building.

BUILDING, PRINCIPAL. A building or, where the context so indicates, a group of buildings in which is conducted the main or principal use of the lot on which said building is situated.

CARNIVAL. A temporary use of land offering entertainment in the form of such things as thrill rides, games of chance, etc.

CHURCH. A structure along with its customary accessory uses in which persons regularly assemble for religious worship and which is maintained and controlled by a religious body organized to sustain public worship.

CLUB or LODGE, PRIVATE. An establishment operated by a corporation or association of persons for social, recreational, fraternal or charitable purposes, but which is not operated for profit or render a service which is customarily conducted as a business.

COMMERCIAL RECREATIONAL FACILITY (OUTDOOR). Commercial recreation premises consisting of woodland, water courses, and fields used for active recreational activities but not limited to, paintball and laser tag.

CONDOMINIUM DEVELOPMENT. Two or more single units in a multi-unit structure with common areas and facilities on one tract of land. Unit owners own only the interior portion of their unit and accessory space, and have an undivided interest in the common areas and facilities. Residential condominiums are considered multi-family developments.

DAY CARE FACILITY. Any child day care center or child care arrangement which provides day care **for more than 5 children, not including the operator's own school-aged children**, under the age of 13 years on a regular basis of at least once per week for more than four hours but less than 24 hours per day, regardless of the time of day and regardless of whether the same or different children attend.

DAY CARE HOME. Any day care program or child care arrangement in which any person other than a family member provides day care on a regular basis of at least once per week for more than four hours per day for more than 2 children under 13 years of age and fewer than 6 children at any one time, wherever operated, and whether or not operated for profit. The four hour limit applies regardless of the time of day and regardless of whether the same or different children attend. Notwithstanding the limit of 5 children (above), the day care operator may care for 3 additional school age children.

DUMPSTER SITE (BOX SITE). A site of not less than one-half acre nor more than two acres acquired and authorized by Wallburg (by lease, purchase, condemnation, etc.) for the location and operation of a collection point or repository for temporary storage and compaction of a household garbage and waste. Such sites by definition have frontage on a state maintained road and are surrounded by a solid fence or wall or a planted strip at least 5 feet wide of deciduous and/or evergreen trees spaced no more than 10 feet apart and at least one row of dense shrubs spaced no more than 5 feet apart.

DWELLING, MULTI-FAMILY. A building containing three or more dwelling units.

DWELLING, TWO FAMILY. A detached building containing two dwelling units. (Duplex)

DWELLING, SINGLE FAMILY. A detached building containing one dwelling unit.

DWELLING UNIT. A room or group of rooms forming a single independent habitable unit with facilities used or intended to be used for living, sleeping, cooking and eating by one family; for owner occupancy or for rental, lease or other occupancy on a weekly or longer basis, and containing independent cooking, sanitary and sleeping facilities. Units otherwise meeting this definition, but occupied by transients on a rental or lease basis for periods of less than one week, shall be construed to be lodging units.

ELECTRICITY GENERATION FACILITY. Industrial Facility for the generation of electric power or electricity.

FAMILY. Any number of related persons living together as a single housekeeping unit.

FAMILY CARE HOME. A home defined and described in Article 3 of G. S. 168 as having support and supervisory personnel that provides room and board, personal care and habitation services in a family environment for not more than six resident handicapped persons. A handicapped person is defined as a person with a temporary or permanent physical, emotional, or mental disability including but not limited to mental retardation, cerebral palsy, epilepsy, autism, hearing and sight impairments, emotional disturbances and orthopedic impairments but not including mentally ill persons who are dangerous to other as defined in G.S. 122C-3(11)b. In Wallburg no family care home may be located within a half-mile radius of an existing family care home.

FARM. A lot of more than 3 acres devoted to agriculture.

FLEAMARKET. A sales area indoors or outdoors in which space is set aside or rented and which is intended for use by one or more individuals to sell a variety of articles such as those which are either handmade, used, old or obsolete.

GROSS FLOOR AREA. The total area of all floors of a building is measured to the outside surface of exterior walls and including halls, stairways, elevator shafts, attached garages, porches, balconies and the like.

GROSS LAND AREA OF PD-H DISTRICTS. Gross land area of PD-H districts shall be computed as all area, except that to be devoted to nonresidential purposes, within district boundaries.

GROUP HOME. A residential facility for not more than 12 person licensed by the state of North Carolina, by whatever name it is called (e.g. domiciliary home, home for the aged, rest home, etc.) other than a “family care home” as defined by this ordinance, which has support and supervisory personnel and which provides room, board and personal care in a family or group setting. Refer to G.S. 131D-2.

HOME OCCUPATION. An accessory use of a dwelling unit conducted entirely within the dwelling unit, carried on solely by members of the resident family. The use must be clearly incidental and subordinate to the use of the dwelling unit for residential purposes in that:

- A. No external evidence of its existence shall be visible, except a sign as permitted in Article. 8.
- B. No more than 25% of the floor area of the dwelling unit or 500 square feet, whichever is less, can be used for the home occupation.
- C. No equipment or process shall be employed that will cause noise, vibration, odor or glare detectable to the normal senses at the lot lines in the case of detached dwelling units or outside the dwelling unit, in the case of attached dwelling units.
- D. The on-premises sale and delivery of goods which are not the products of the home occupation is prohibited.

HOTEL, MOTEL, MOTOR LODGE, MOTOR INN, INN, TOURIST COURT. A building or group of attached or detached buildings containing in combination ten or more lodging units, or ten or more dwelling units intended primarily for rental or lease to transients by the day or week, as distinguished from multi-family dwellings, rooming houses and residential hotels in which rentals and leases are for weekly or longer periods and occupancy is generally by residents rather than transients.

HOTEL, RESIDENTIAL. A building or group of attached or detached buildings containing in combination ten or more lodging units available for occupancy only for periods of 30 days or longer, provided, however, that temporary lodging units for guests of regular tenants may be provided in any residential hotel, with the number of such units limited to ten percent of the number of tenant lodging units.

JUNK. Scrap or used materials such as paper, metal, rubber, rags, glass, wrecked, used or dismantled products and articles such as machinery, vehicles, appliances and items.

JUNKED MOTOR VEHICLE. A motor vehicle that is partially dismantled or wrecked, cannot be self-propelled or moved in the manner originally intended and does not display a current license plate and registration.

JUNKYARD. An establishment (specifically including but not limited to a residence or an unoccupied parcel of real property) or place of business which is maintained, operated, or used for storing, keeping, buying, or selling junk, or for maintenance or operation of an automobile graveyard; however, permitted city or county landfills shall not constitute junkyards.

KENNEL. An establishment offering lodging and boarding facilities for dogs, cats and other domestic pets.

LANDFILL. A facility for disposal of solid waste on land in a sanitary manner, in accordance with rules concerning sanitary landfills set by the NC Department of Environment, Health and Natural Resources, called for in G. S. 130A.

LODGING UNIT. A room or rooms connected together, constituting a separate lodging for one family only, physically separated from any other rooms or dwelling or lodging units. Where two or more rooms are connected by a doorway or doorways, and arranged, equipped and furnished in such a manner that they might reasonably be rented, leased or occupied, either individually or in combination, each room shall be construed as a lodging unit.

LODGINGS. Living quarters which do not contain independent kitchen facilities, provided, however, that dwelling units occupied by transients on a rental or lease basis for periods of less than one week shall be considered lodging units even though they contain independent kitchen facilities.

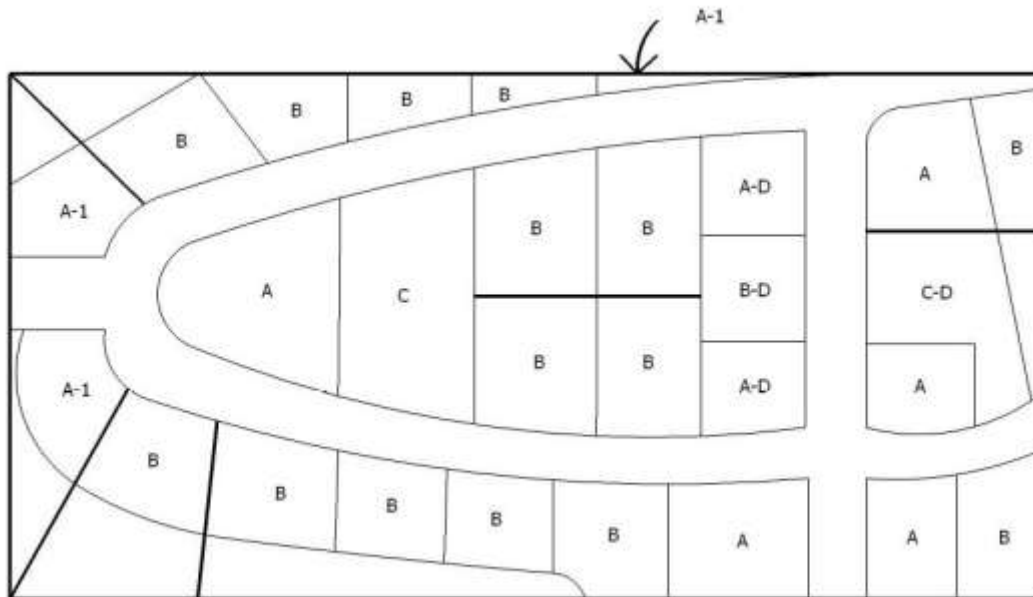
LOT. Land bounded by lines established for the purpose of property division. The term includes water contained in the property so enclosed. As used in this ordinance, unless the context indicates otherwise, the term refers to a zoning lot.

In cases where authorities empowered to exercise eminent domain, by purchase or condemnation, create residual lots of lesser area, width or a combination thereof that required in the district, such lots shall be construed to be nonconforming lots.

REGULAR LOT. A lot with direct vehicular access to a street as required by subdivision regulations and so located, shaped and oriented to adjacent lots as to be reasonably adapted to application of general measurements as indicated below, and with location of setbacks by type (front, side, rear and special) logically determined by and related to adjacent setback patterns.

Types of regular lots. In the diagram below, A= corner lot defined as a lot located at the intersection of two or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot (projected if rounded) meet at an interior angle of less than 135 degrees. (See lots marked A-1 in the diagram). B = interior lot, defined as a lot abutting only one street. C = through lot, defined as a lot on which frontage is at right angles or approximately right angles (interior angle less than 135 degrees) to the general pattern in the area. A reversed frontage lot may also be a corner lot (A-D in the diagram), an interior lot (B-D) or a through lot (C-D). Corner lots and through lots may be referred

to as double frontage lots.



IRREGULAR LOT. A lot so located, shaped or oriented to adjacent lots that application of general measurement methods or setback or dimensional requirements of the district in which it is located serves no significant public purpose, and/or with location of setbacks by type (from side and rear) not logically determined by nor related to setback patterns on nearby regular lots.

LOT, AREA, NET. Net lot area shall be computed as total horizontal area within lot lines.

LOT, BUILDABLE AREA OF. The portion of the lot remaining for construction after meeting minimum requirements for setbacks and other open space at ground level.

LOT LINE. A line which marks the boundary of a lot.

LOT LINE, FRONT. In the case of an interior lot, the lot line separating said lot from the street; in the case of the corner lot or through lot, the lot line separating said lot from the street which is designated as the front street in the request for a building permit.

LOT LINE, REAR. The lot line opposite and most distance from the front lot line; in the case of irregularly-shaped lots, such lot line shall be an imaginary line parallel to the front lot line but not less than 10 feet long and measured within said lot.

LOT LINE, SIDE. Any lot line which is not a front lot line or a rear lot line; a lot line separating a lot from a side street is an exterior side lot line, while a lot line separating a lot from another lot, or lots, is an interior side lot line.

LOT, NONCONFORMING. A lot existing at the effective date of this ordinance or any amendment to it that cannot meet the minimum area or lot-width requirements of the district in which the lot is located.

LOT, SUBSTANDARD.* A lot which is neither a zoning lot nor a nonconforming lot. Such a lot shall not be used or occupied until it is made to conform to the requirements of this ordinance and other applicable regulations.

LOT, ZONING.* A legally subdivided lot shown on a legally recorded plat and of sufficient area and dimensions to meet district requirements for area, width and use, and to provide such setbacks and other open spaces as are required at the effective date of this ordinance. A zoning lot may consist of combinations of legally subdivided and legally recorded adjacent individual lots and/or portion of such lots, provided, however, that except as provided below, in no case of division or combination shall a residual lot, portion of lot, or parcel be created which does not meet the requirements of this ordinance and the Wallburg Subdivision Regulations.

LOW EXPLOSIVES. Explosive materials which can be caused to deflagrate when confined (for **example, black powder, safety fuses, igniters, igniter cords, fuse lighters and “display fireworks”** classified as UNO333, UNO334, UNO335 by the U. S. Department of Transportation regulations at 49 CFR 172.101, except for bulk salutes as defined by the Department of Treasury, Bureau of Alcohol, Tobacco and Firearms/Federal Explosives Law and Regulations).

MANUFACTURED HOME. A single family dwelling unit, fabricated in an off-site manufacturing facility for assembling on the building site bearing a seal certifying that it was built in compliance with the Federal Manufactured Housing and Construction Safety Standards. Such unit is not constructed in accordance with the standards set forth in the North Carolina State Building Code; is composed of one or more components, each of which was substantially assembled in a manufacturing plant and designed to be transported to the home site on its own chassis; and exceeds forty feet in length and eight feet in width.

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

- (a) The manufactured home has a length not exceeding four times its width, with length measured along the longest axis and width measured at the narrowest part of the other axis and includes at least 960 square feet of enclosed living area;
- (b) The pitch of the roof of the manufactured home has a minimum vertical rise of two and two tenths feet for each twelve feet of horizontal run (2.2 feet and 12 feet) and the roof is finished with a type of shingle that is commonly used in standard residential construction;
- (c) All roof structures shall provide an eave projection of no less than six inches;
- (d) The exterior siding consists predominantly of vinyl or aluminum horizontal lap siding (whose reflectivity does not exceed that of gloss white paint), wood, or hardboard, comparable in composition, appearance and durability to the exterior siding commonly used in standard residential construction;
- (e) The manufactured home is set up in accordance with the standards set by the North

Carolina Department of Insurance and a continuous, permanent masonry foundation or masonry curtain wall, unpierced except for required ventilation and access, is installed under the perimeter of the manufactured home;

(f) Stairs, porches, entrance platforms, ramps and other means of entrance and exit to and from the home shall be installed or constructed in accordance with the standards set by the North Carolina Department of Insurance, attached firmly to the primary structure and anchored securely to the ground; and

(g) The moving hitch, wheels and axles, and transporting lights have been removed. (can be enclosed within foundation).

*Amended 5-8-06 It is the intent of these criteria to insure that a Class A manufactured home, when installed, shall have substantially the appearance of an on-site, conventionally built, single-family dwelling.

MANUFACTURED HOME, CLASS B. A manufactured home constructed after July 1, 1976, that meets or exceeds the construction standards promulgated by the U.S. Department of Housing and Urban Development that were in effect at the time of construction, or a manufactured home constructed after July 1, 1970, that is a labeled unit as labeled by an independent inspection agency that was approved and licensed to label mobile homes or manufactured homes under North Carolina Law pursuant to N.C.G.S. 143-147 (as of 3/11/1975) and as recognized by the regulations adopted by the North Carolina Department of Insurance; such manufactured home also (a) is set up in accordance with the standards set by the North Carolina Department of Insurance; (b) has a continuous foundation or curtain wall; (c) has all stairs, ramps, porches, etc. attached firmly to the primary structure and anchored securely to the ground;

MANUFACTURED HOME, CLASS C. Any manufactured home that does not meet the definitional criteria of a Class A or Class B manufactured home. Manufactured homes in this class are subject to special restrictions due to their age and due to the fact that they were not required to meet uniform construction standards deemed adequate for the current protection of the health and safety of potential inhabitants of said homes.

MANUFACTURED HOUSING PARK. A tract of land in single ownership to be used for the placement of two or more manufactured homes as dwelling units.

MODULAR HOME. A dwelling unit constructed in accordance with the standards set forth in the North Carolina State Building Code and composed of components substantially assembled in a manufacturing plant and transported to the building site for final assembly on a permanent foundation. Among other possibilities, a modular home may consist of two or more sections transported to the site in a manner similar to a manufactured home (except that the modular home meets the North Carolina State Building Code), or a series of panels or room sections transported on a truck and erected or joined together on the site.

NONCONFORMING USE. A nonconforming situation that occurs when property (open land or a structure) is used for a purpose or in a manner made unlawful by the use regulations applicable to the district in which the property is located. The term also refers to the activity that constitutes the use made of the property.

OPEN SPACE, REQUIRED. The yard space of a lot which is established by and between the street, or the lot lines, and the required setback line and which shall be open, unoccupied and unobstructed by any structure or part thereof from the ground to the sky, except as otherwise provided by this

ordinance.

OPEN SPACE, FRONT. The required open space extending the full width of the lot and to a depth equal to the required setback line, measured horizontally at right angles to the front lot line.

OPEN SPACE, REAR. The required open space extending the full width of the lot and to a depth equal to the required setback line, measured horizontally at right angles to the rear lot line.

OPEN SPACE, SIDE. The required open space extending from the required front open space to the rear required open space and of a depth equal to the side required setback line, measured horizontally at right angles to the side lot line.

OUTDOOR ADVERTISING INDUSTRY. The provision of outdoor displays or display space on a lease or rental basis.

PLANNED UNIT DEVELOPMENT (PUD). An unconventional subdivision of land not subsequently to be subdivided into conventional streets and lots and designated for ownership by separate property owners. A PUD may include within it a variety of forms of comparable residential and/or commercial occupancy and ownership such as single-family detached housing, single family attached housing, service establishments, officers and stores. Significant areas of common properties which may include private streets are owned and maintained by private ownership associations.

PLANNING BOARD. The Wallburg planning board appointed by the Town Council to carry out the duties set forth in G.S. 153A-321.

PRINCIPAL USE. The primary use and chief purpose for which a lot is used.

RESIDENTIAL FLOOR AREA. The sum of areas for residential use on all floors of the building measured from the outside faces of the exterior walls, including halls, lobbies, stairways, elevator shafts, enclosed porches and balconies, and below-grade floor areas used for habitation and residential access. Not countable as floor area are:

- (a) Open terraces, patios, atriums, or balconies;
- (b) Carports, garages, breezeways, tool sheds;
- (c) Special-purpose areas for common use of occupants, such as recreation rooms or social halls;
- (d) Staff space for therapy or examination in care housing;
- (e) Basement space not used for living accommodations;
- (f) Any commercial or other nonresidential space.

RESIDENTIAL LAND AREA. Residential land area shall be construed as all land for residential development and related uses, including open space, within the district in the case of PD-H zoning, or on the lot or tract where residential uses in other locations are controlled by these regulations. Such lands shall be construed to include streets entirely within residential portions of the development, common open space, and lands accepted for dedication for public purposes. Residential land area shall not be construed to include lands not beneficial to residential use due to location or character, or areas used predominantly for commercial or other nonresidential purposes.

As a further guide, where floor area of a building is predominantly in residential use, the building site shall be included in residential land area (as for example, is the case of a multi-family building with 10 percent of its floor area in accessory commercial and service uses).

RESTAURANT. An establishment whose principal business is the sale of food, frozen desserts or

beverages to the customer in a ready-to-consume state, and whose design or method of operation provides for consumption of foods, frozen desserts or beverages within the restaurant building, within a motor vehicle parked upon the premises, or at other facilities on the premises outside the building.

RESTAURANT, DRIVE-IN. As establishment whose principal business is the sale of food, frozen desserts or beverages to the customer in a ready-to-consume state, and whose design and method of operation provide for food, frozen desserts or beverages served directly to the customer in a motor vehicle or food service within the restaurant itself.

RIDING ACADEMY. A commercial establishment offering facilities for the teaching and practice of horseback riding and the boarding and care of horses and ponies.

ROOMING HOUSE. A building or group of attached or detached buildings containing in combination from three to nine lodging units for occupancy for weekly or longer periods, with or without board, as distinguished from hotels and tourists homes in which rentals are generally for daily or weekly periods and occupancy is by transients.

SANITARY SEWAGE SYSTEM. An approved sanitary sewage system means a complete system of collection, treatment and disposal and includes:

- a. connection to a public, community, or municipal sewage treatment and disposal system
- b. connection to a private or individual septic tank and ground absorption sewage treatment and disposal system with its collection and treatment components.
- c. proper and specific approval, including permits, operation, and maintenance, from the governing bodies and agencies having jurisdiction.

SERVICE STATION. An establishment where gasoline and/or diesel fuel is supplied and dispersed at retail and where, in addition, the following services may be rendered and sales made, and no other:

- a. Sale and servicing of spark plugs, batteries and distributors and ignition system parts;
- b. Sale, servicing and repair of tires, but not recapping or regrooving;
- c. Replacement of mufflers, tail pipes, water hose, fan belts, brake fluid, light bulbs, windshield wipers and blades, grease retainers, wheel bearings and the like;
- d. Radiator cleaning, flushing and fluid replacement;
- e. Washing and polishing and sale of automotive washing and polishing supplies;
- f. Greasing and lubrication;
- g. Providing and repairing of fuel pumps, oil pumps and lines;
- h. Minor adjusting and repair of carburetors;
- i. Emergency repair of wiring;
- j. Adjusting and repairing of brakes;
- k. Minor motor adjustments not involving removal of the head or crankcase;
- l. Sales of beverages, packaged foods, tobacco products and similar convenience goods for customers, as accessory and incidental to the principal operations;
- m. Provision of road maps and other travel information to customers;
- n. Provision of restroom facilities.

A service station is not a repair garage or a body shop. Uses permissible at a service station do not include major mechanical and body work, straightening of body parts, painting, welding, storage of automobiles or trucks not in operating condition or other operations involving noise, glare, smoke fumes or other characteristics to an extent greater than normally found in service stations.

SETBACK. An open space other than a court unoccupied and unobstructed by any structure or portion of a structure from 30 inches above the general ground level of the graded lot upward except and specifically provided in these regulations, provided, however, that fences and walls may be permitted in any setback subject to height limitations established generally or for the district, and further provided that poles, posts and other customary accessories, ornaments, furniture and landscaping shall be permitted in any setback if they do not constitute substantial impediments to free flow of light and air across the setback or violate provisions of these or other regulations regarding visibility.

SETBACK LINE, REQUIRED. A line marking the setback distance from the street or lot lines, which establishes the minimum required front, side and rear open space of a lot.

SPECIAL USE PERMIT. A special use permit may be granted by either the Wallburg Board of Adjustment or Town Council (as specified in the Zoning Ordinance) for a specified land use which is permitted in a given zoning district under ordinance provisions which authorize the use when the Board makes specified findings. The permitting board is also authorized to affix other reasonable and appropriate conditions to its permission for the protection of both neighboring properties and larger public interests. Special Use features introduce flexibility into the zoning ordinance so that uses that might otherwise be suitable in a district can be made satisfactory to neighbors in that district.

STRUCTURE. Anything constructed or erected, including but not limited to buildings, which requires location on the land or attachment to something having permanent location on the land.

STREET. A public thoroughfare which is maintained by State of North Carolina and affords the principal means of access to abutting property.

TOURIST HOME. A building or group of attached or detached buildings containing in combination three to nine lodging units for occupancy for daily or weekly periods, with or without board, and primarily for occupancy by transients, as distinguished from rooming houses, in which occupancy is primarily by residents rather than transients.

TOWNHOUSE. Two or more attached single family residences contained within one or more residential structures with each unit located on a separate plot.

TOWNHOUSE DEVELOPMENT. A development of one or more structures containing a total of two or more units intended for owner occupancy, where ownership of the land beneath each unit runs with that unit, where units and the individually owned lands on which they rest do not meet conventional lot requirements for street frontage and yard sizes, and where walls between units are constructed in accordance with North Carolina state building code requirements.

VARIANCE. A relaxation of the terms of this ordinance granted by the Board of Adjustment where such variance will not be contrary to the public interest and, where, owing to conditions peculiar to the property and not the result of actions or the situation of the applicant, a literal enforcement of the ordinance would result in unnecessary and undue hardship. A variance is authorized only for the dimensional controls of this ordinance; establishment or expansion of a use otherwise prohibited shall not be permitted by a variance.

WATER SUPPLY SYSTEM. An approved water supply system which, depending upon ownership and/or number of hook-ups, may be:

- a. connection to a public or municipal system
- b. connection to a community or non-community privately owned system serving an extended geographic area (system and extensions regulated by the Department of Human Resources, Division of Health Services)
- c. connection to a private well serving up to 14 connections and less than 25 residents (regulated by the County Health Department); Department of Natural Resources and Community Development, Division of Environmental Management; Division of Human Resources, Division of Health Services)
- d. connection to a public system with 15 or more connections serving 25 or more residents (approved by the Department of Human Resources, Division of Health Services)

WIRELESS TELECOMMUNICATION TOWERS & FACILITIES. A structure of structures including accessory facilities required to house maintenance equipment, designed to support antenna used for transmitting and receiving telecommunication transmissions. This includes but is not limited to facilities associated with all forms of digital telecommunications, analog telecommunications, personal communication systems (PCS), and cellular telecommunication services. This does not include HAM radio towers or radio and television broadcast towers or utility towers or emergency management broadcast towers. ADOPTED 2-5-98

ANALOG TELECOMMUNICATIONS. Moving information from place to place in the form of continuous electrical signals. Analog is the form of information that comes out of an ordinary voice telephone, or from a modem into a telephone line.

CELLULAR SERVICES. A telecommunications service that permits customers to use wireless, mobile telephones to connect, via low-power radio transmitter sites called cell sites, either to the public switched network (regular telephone) or to other mobile cellular phones.

DIGITAL TELECOMMUNICATIONS. An information transmission, storage and processing method that uses electronic or optical pulses, also called bits. Digital switching technology transmits and processes calls faster and better than analog transmission, its predecessor. This improves both the capacity and the efficiency of the network.

PERSONAL COMMUNICATIONS SERVICES (PCS). Digital wireless telephone technology such as portable phones, pagers, faxes, and computers. Such mobile technology promises to allow each consumer to use the same telephone number wherever he or she goes. Also known as Personal Communications Network (PCN).

WIRELESS TELECOMMUNICATION TOWERS & FACILITIES (CO-LOCATION). Co-location occurs when two or more providers place their transmitting facilities together in the same location or on the same tower or monopole. These facilities may provide identical, competing services or a variety of different telecommunication services. By using existing towers or poles, the need to erect new structures can be reduced and their overall visual presence in a jurisdiction can be minimized, without compromising their technical utility (Must be no increase in height of existing tower, and must present site plan showing the location of equipment structures to be located within previous approved fenced-in area.

WIRELESS TELECOMMUNICATION TOWERS (MONOPOLE). A single steel pole erected for the purpose of transmitting or receiving signals, including, without limitation, telephone, radio, television, cable television, or microwave signals.

ZONING ADMINISTRATOR. The Davidson County employee appointed by the County Manager to have overall responsibility for the execution of the county zoning ordinance and who shall be secretary to the Davidson County Planning Board.

ZONING OFFICER. The Davidson County employee who is secretary to the Davidson County Board of Adjustment and who has other assigned responsibilities with regard to the execution and enforcement of the county zoning ordinance.

ARTICLE 15

VESTED RIGHTS PURSUANT TO N. C. G. S. 153A-344.1

Section 15-1. Establishment of a Vested Right.

- a. A landowner may apply for the determination of a vested right pursuant to North Carolina General Statute 153A-344.1 on a form to be provided by the County at the same time as application is made for a zoning map amendment, subdivision plan approval, a conditional use permit, a special use permit, a site plan approval or a planned unit development approval.
- b. A vested right shall be deemed established upon the valid or conditional approval of a site specific development plan submitted with the application by the Planning Board, the Board of Adjustments or the Town Council (hereinafter referred to as the governing board) whichever has jurisdiction over the zoning action being considered following notice and a public hearing.
- c. Such vested right shall confer upon the landowner the right to undertake and complete the development and use of said property under the terms and conditions of the site specific development plan which plan may be approved upon such terms and conditions as may be reasonably necessary to protect the public health, safety, and welfare. Failure to abide by the terms and conditions imposed shall result in the forfeiture of a vested right.
- d. A right which has been vested as provided for in this section shall remain vested for a period of two years which period shall not be extended by any amendment or modification to a site specific development plan unless expressly provided by the governing board.
- 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 preclude ordinances or regulations that are general in nature and are applicable to all property subject to land-use regulation by the County, including, but no 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 article.
- f. Following approval or conditional approval of a site specific development plan, nothing in this article 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.

Section 15-2. Termination of Vested Right

A zoning right that has been vested as provided in this article shall terminate:

- a. at the end of the applicable vesting period with respect to buildings and uses for which no valid building permit application has been filed;
- b. with the written consent of the affected landowner;
- c. upon findings by the governing board, 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 County, 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 governing board, by ordinance after notice and a hearing, that the landowner or his representative intentionally supplied inaccurate information or made material misrepresentations which made a difference in the approval by the governing board of the site specific development plan; or

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 governing board may modify the affected provisions, upon a finding that the change in State or Federal law has a fundamental effect on the plan, by ordinance after notice and a hearing.

Section 15-3. Repealer

In the event that G. S. 153A-344.1 is repealed, this article shall be deemed repealed and the provisions hereof no longer effective.

Section 15-4. Effective Date

This article shall be effective October 1, 1991 and shall only apply to site specific development plans approved on or after October 1, 1991.

ARTICLE 16

LEGAL STATUS PROVISIONS AND EFFECTIVE DATE

Sec. 16-1. Severability

It is the legislative intent of the Town Council in adopting this ordinance that all provisions and sections thereof shall be liberally construed to protect and preserve the peace, health, safety and general welfare of the inhabitants of Wallburg and, further, that should any provision, portion, section, or subsection of this ordinance be held to be invalid, such a decision shall not be construed as affecting the validity of any of the remaining provisions, portions, sections or subsections; it being the intent of the Town Council that this ordinance shall stand, notwithstanding the invalidity of any provision, or section or part thereof.

Sec. 16-2. Conflict with other Laws

When provisions of this ordinance require a greater width or size of yards or courts or require a lower height of a building or fewer number of stories, or require a greater percentage of a lot to be left unoccupied, or impose other higher standards than are required in any other statute or local ordinance or regulation, then the provisions of this ordinance shall govern. When the provisions of any other statute or local ordinance or regulation require a greater width or size of yards or courts, or require a lower height of a building or a fewer number of stories, or require a greater percentage of a lot to be left unoccupied, or impose other higher standards than are required by the provisions made by this ordinance, then the provisions of that statute or local ordinance or regulation shall govern.

Sec. 16-3. Repeal of Existing Zoning Regulations

(Note: Davidson County's first zoning ordinance was adopted November 26, 1968. A second ordinance was adopted July 27, 1981, and amended April 19, 1984. A third ordinance was adopted May 10, 1990, effective May 11, 1990). This ordinance in part carries forward by reenactment, portions of the "Zoning Ordinance of Davidson County", and it is not the intention to repeal but rather to re-enact and continue in force such existing provision of said "Zoning Ordinance of Wallburg" so that all rights and liabilities that have accrued thereunder are preserved and may be enforced. All provisions of the "Zoning Ordinance of Wallburg" which are not re-enacted herein are hereby repealed. All suits at law or in equity and/or all prosecutions resulting from the violation of any ordinance provisions heretofore in effect, which are now pending in any court of this state or of the United States, shall not be abated or abandoned by reason of the adoption of this ordinance, but shall be prosecuted to their finality the same as if this ordinance had not been adopted; and any and all violations of the existing "Zoning Ordinance of Wallburg", prosecutions for which have not yet been instituted, may be hereafter filed and prosecuted; and nothing in this ordinance shall be so construed as to abandon, abate or dismiss any litigation or prosecution now pending and/or which may heretofore have been instituted or prosecuted.

Sec. 16-4. Effective Date

This ordinance shall take effect and be in force on January 1, 1994.

ARTICLE 17

OUTDOOR LIGHTING STANDARDS

Sec. 17-1. Purpose and intent.

- (A) Outdoor lighting is provided for a variety of purposes to the benefit of modern society. For work or recreation, it enables people to see essential detail in order that they may undertake their activities at night. It facilitates the safety or security of persons or property, for example through lighting of roads and pathways. It may be used to emphasize features of architectural or historical significance, and to light parks and gardens. It is used for advertising or display to promote products or services, or to call attention to commercial premises by means of area lighting or signs.
- (B) It is the intent of this section to preserve, protect, and enhance the lawful nighttime use and enjoyment of any and all property through the use of appropriate lighting practices and systems. Such individual fixtures and lighting systems are designed, constructed, and installed to maintain safety, security and productivity, reduce glare, and curtail the degradation of the nighttime visual environment in addition to promoting conservation of energy. It is the intent of these regulations that lighting unnecessary for safety or security be discouraged.

Sec. 17-2. Definitions.

AASHTO. American Association of State Highway and Transportation Officials.

CUTOFF FIXTURE. An outdoor lighting fixture shielded or constructed in such a manner that no more than 2 1/2 percent of the total light emitted by the fixture is projected above the horizontal plane of the fixture.

DIRECT LIGHT. Light emitted directly from the lamp, off of the reflector diffuser, or through the refractor or diffuser lens, of a luminaire.

FIXTURE. The assembly that houses the lamp or lamps and can include all or some of the following parts: a housing, a mounting bracket or pole socket, a lamp holder, a ballast, a reflector or mirror, and/or a refractor or lens.

FLOOD LAMP. A form of lighting designed to direct its output in a specific direction with a reflector formed from the glass envelope of the lamp itself. Such lamps are so designated by the manufacturers and are typically used in residential outdoor area lighting.

FLOODLIGHT. A form of lighting designated to direct its output in a diffuse, more or less specific direction, with reflecting or refracting elements located external to the lamp.

FOOTCANDLE (fc). The amount of light falling onto a surface.

FULL CUTOFF FIXTURE. An outdoor lighting fixture shielded or constructed in such a manner that it emits no light above the horizontal plane of the fixture.

GLARE. Light emitting from a luminaire with an intensity great enough to reduce a viewer's ability to see or to cause annoyance, and, in extreme cases, causing momentary blindness.

HOLIDAY DECORATION. Holiday displays, decorations and greetings, which relate to any federally designated holiday, legal holiday or religious holiday.

LAMP. The source of electric light: the bulb. To be distinguished from fixture and luminaire.

LUMEN. A unit of luminous flux. One foot-candle is one lumen per square foot. For the purposes of this section, the lumen-output values shall be the initial lumen output ratings of a lamp.

LUMINAIRE. A complete lighting system that includes a lamp or lamps and a fixture.

SEMI-CUTOFF FIXTURE. An outdoor fixture shielded or constructed in such a manner that it emits no more than five percent of its light above the horizontal plane of the fixture, and no more than 20 percent of its light ten degrees below the horizontal plane of the fixture.

UPWARD. Projection of light above the horizontal plane.

Sec. 17-3. Applicability.

- (A) All outdoor lighting installed on public or private property shall comply with the outdoor lighting standards as contained in this article, unless exempted in section 17-4.
- (B) In the event of a conflict between the outdoor lighting standards as contained in this article and any other section of this ordinance, the more stringent requirement shall apply.

Sec. 17-4. Exemptions.

The following are exempt from the provisions of the outdoor lighting standards as contained in this article:

- (A) All outdoor lighting lawfully installed prior to the effective date of the outdoor lighting standards contained in this article must be replaced in conformity with the outdoor lighting standards upon the earlier occurrence of the replacement of the fixture or the lamp.
- (B) Bona fide agricultural uses.
- (C) Traffic control signals and devices.
- (D) Temporary emergency lighting (i.e. fire, police, repair workers, highway maintenance and construction, etc.).
- (E) Moving vehicle lights.
- (F) Navigation lights (i.e. airports, heliports, radio/television towers, communication towers, etc.).
- (G) Holiday decorations using typical unshielded low-wattage incandescent lights, which are in place no longer than 60 days.
- (H) Security lights of any wattage that are controlled by a motion-sensor switch, which do not remain on longer than 12 minutes after activation, and do not exceed 150 watts (2200 lumens).

Sec. 17-5. Submittal requirements.

A lighting plan shall be submitted with site plan and/or building plans. The plan shall contain the following information:

- (A) Plans, drawn to scale, showing the location, type, and height of outdoor luminaires including both building, pole and ground fixtures;
- (B) A description of the luminaires, including lamps, poles or other supports and shielding devices, which may be provided as catalogue illustrations and product specifications from the manufacturer;
- (C) Photometric data, such as that furnished by the manufacturer, showing the angle of light emission and lumen output; and
- (D) Additional information as may be required by the planning department in order to determine compliance with this article.
- (E) Roadway lighting installed on state maintained roads must meet ASSHTO requirements for light levels and uniformity. Roadway lighting submittal requirements can be obtained in the NCDOT publication titled "Policies and Procedures for Accommodating Utilities on Highway Rights-of-Way". 1

Sec. 17-6. General standards for all areas.

- (A) Unless otherwise specified, the maximum light level shall be 0.5 foot-candle at any residential property line and 1.0 foot-candle at any nonresidential property line.
- (B) All floodlights shall be installed such that the fixture shall be aimed down at least 45 degrees from vertical, or the front of the fixture is shielded such that no portion of the light bulb extends below the bottom edge of an external shield.
- (C) Any facilities that require floodlighting may not arrange the light in such a way that it will shine towards roadways, onto adjacent residential property or into the night sky.
- (D) All flood lamps emitting 1,000 or more lumens shall be aimed at least 60 degrees down from the horizontal, or shielded such that the main beam from the light source is not visible from adjacent properties or the public street right-of-way.
- (E) All wall pack fixtures shall be full cutoff fixtures.
- (F) All lights shall be shielded in such a way as to direct light towards the earth's surface and away from reflective surfaces, except as expressly exempted from the provisions of these regulations.
- (G) Any temporary outdoor lighting that conforms to the requirements of this section shall be allowed. Nonconforming temporary outdoor lighting may be permitted by the Zoning Administrator after considering: 1) the public and/or private benefits that will result from the temporary lighting, 2) any annoyance or safety problems that may result from the use of the temporary lighting, and 3) the duration of the temporary nonconforming lighting.

- (H) If any subdivision proposes to have installed street or other common or public area outdoor lighting, the provisions of the outdoor lighting standards as contained in this article shall be adhered to. The required lighting plan and associated documents shall be submitted and approved by the Zoning Administrator prior to installation of any regulated lighting.
- (I) If any street will be taken over by NCDOT for maintenance, roadway lighting must meet AASHTO requirements, and must be installed and maintained according to the NCDOT publication titled "Policies and Procedures for Accommodating Utilities on Highway Rights-of-way".
- (J) Upward flagpole lighting is permitted for national and state flags provided that the maximum lumen output is 1300 lumens per flagpole.
- (K) Any interior-lighted signs may not be lit at night when the face of the sign is removed or damaged in such a way that the light may distract drivers or adjacent property owners.

Sec. 17-7. Lighting in parking lots and outdoor areas.

- (A) Other than floodlights and flood lamps, all outdoor area and parking lot lighting fixtures shall be full cutoff fixtures.
- (B) The mounting height of all outdoor lighting, except outdoor sports field lighting and outdoor performance area lighting, shall not exceed 30 feet above finished grade.
- (C) Any light fixture must be placed in such a manner that no lamp surface is visible from any residential area or public/private roadway.

Sec. 17-8. Lighting for vehicular canopies.

Areas under a vehicular canopy shall have a maximum point of horizontal illuminance of 24 maintained foot-candles (fc). Areas outside the vehicular canopy shall be regulated by section 17-6. Acceptable methods include one or more of the following:

- (A) Recessed fixture incorporating a lens cover that is either recessed or flush with the bottom surface (ceiling) of the vehicular canopy.
- (B) Light fixture incorporating shields, or shielded by the edge of the vehicular canopy itself so that light is restrained to five degrees or more below the horizontal plane.
- (C) Surface mounted fixture incorporating a flat glass that provides a semi-cutoff fixture or shielded light distribution.
- (D) Indirect lighting where light is beamed upward and then reflected down from the underside of the vehicular canopy. Such fixtures shall be shielded such that direct illumination is focused exclusively on the underside of the vehicular canopy.

Sec. 17-9. Outdoor sports field/outdoor performance area.

- (A) All outdoor sports field and outdoor performance area lighting fixtures shall be equipped with a glare control package (louvers, shields, or similar devices). The fixtures must be aimed so that their beams are directed and fall within the primary playing or performance area.
- (B) The hours of operation for the lighting system for any game or event shall be no later than 11:00 p.m., except to conclude a scheduled event that was in progress before 11:00 p.m. and circumstances prevented concluding before 11:00 p.m.

Sec. 17-10. Lighting of outdoor display areas.

- (A) Top mounted fixtures are required for legally existing lighted signs. Lighting fixtures used to externally illuminate an outdoor advertising sign shall be mounted on the top of the sign structure. All such fixtures shall comply with the shielding requirements of this section. Bottom mounted outdoor advertising shall not be used.
- (B) Outdoor advertising signs of the type constructed of translucent materials and wholly illuminated from within do not require shielding. Dark backgrounds with light lettering or symbols are preferred, to minimize detrimental effects. Unless conforming to the above dark background preference, total lamp wattage per sign shall not exceed 41 watts.

Sec. 17-11. Lighting of buildings and landscaping.

Lighting fixtures shall be selected, located, aimed, and shielded so that direct illumination is focused exclusively on the building facade, plantings, and away from adjoining properties, public or private rights-of-way, and the night sky.

Sec. 17-12. Prohibitions.

- (A) The use of laser source light or any similar high intensity light for outdoor advertising or entertainment, when projected above the horizon, is prohibited.
- (B) The operation of searchlights for advertising purposes is prohibited.
- (C) Electrical illumination of outdoor advertising off-site signs is prohibited.

ARTICLE 18

LANDSCAPING, SCREENING, AND BUFFERS

Sec. 18-1. Purpose and Scope.

The landscaping, screening, and buffer regulations, adopted and prescribed in this Ordinance, are found by the Board of Commissioners to be necessary and appropriate to:

- A. Maintain and enhance Wallburg's existing tree coverage;
- B. To promote careful landscaping of outdoor areas;
- C. To soften and enhance the manmade environment;
- D. Provide the separation necessary to permit certain land uses to coexist harmoniously which might not do so otherwise;
- E. Safeguard and enhance property values and protect public and private investment;
- F. Reduce the negative impact of glare, noise, trash, odors, overcrowding, traffic, lack of privacy, and visual disorder when incompatible land uses adjoin one another.

Sec. 18-2. Definitions.

BERM. An earthen mound designed to provide visual interest, screen undesirable views, and/or decrease noise.

BUFFER. A combination of open space, landscape areas, fences, walls, and berms used to physically separate or screen one use of property from another so as to visually shield or block noise, lights, or other nuisances. Buffers typically represent horizontal distances between uses, which provide functional separation.

CALIPER. Diameter measurement of a tree trunk taken at six inches above ground level for trees up to and including trees four inches in caliper. For larger trees, measurement of caliper shall be taken (12) inches above ground level.

CANOPY TREE. A species of tree which normally grows to a mature height of thirty-five (35) feet or more with a minimum mature crown width of thirty (30) feet and meets the specifications of the *American Standards for Nursery Stock* published by the American Association of Nurserymen.

CRITICAL ROOT ZONE. The rooting area of a tree established to limit root disturbance, generally defined as a circle with a radius extending from a tree's trunk to the furthest point of the crown's drip line.

DECIDUOUS. A plant with foliage that is shed annually.

DRIP LINE. An imaginary vertical line extending from the outermost portion of the tree's canopy to the ground.

EVERGREEN. A plant with foliage that persists year-round.

GROUND COVER. Any plant material that reached an average height of not more than twelve (12) inches.

INTERIOR LANDSCAPING. Landscaping required within the parking lot perimeters, including the planting islands, curbed areas, corner lots, parking spaces, and all interior driveways and aisles, except those with no parking spaces to either side.

LANDSCAPING. Any live plant material such as trees, shrubs, ground cover, and grass used in spaces void of any impervious material or building structure and areas left in their natural state.

PLANTING YARD. Area where required plantings are located.

ROOT PROTECTION ZONE. Generally 18 to 24 inches deep at a distance from the trunk equal to one-half of its height or to its drip line, whichever is greater.

SCREEN. A method of visually shielding or obscuring one abutting or nearby structure from another by fencing, walls, berms, or densely planted vegetation. Screens are typically vertical objects providing visual separation.

SHADE TREE. Usually a deciduous tree, rarely an evergreen, planted primarily for its high crown of foliage or overhead canopy.

SHRUB. A woody plant, smaller than a tree, consisting of several small stems from the ground or small branches near the ground; may be deciduous or evergreen.

TREE. A large, woody plant having one or several self-supporting stems or trunks and numerous branches. May be classified as deciduous or evergreen.

UNDERSTORY TREE. A species of tree which normally grows to a mature height of fifteen (15) to thirty-five (35) feet in height and meets the specifications of the *American Standards for Nursery Stock* published by the American Association of Nurserymen.

Sec. 18-3. Applicability.

(A) Exemptions: These requirements shall not apply to:

- (1) Single family detached dwellings or two-family dwellings on their own lots;
- (2) Multi-family developments containing four (4) or fewer dwelling units in a single zone (building) lot;
- (3) Property lines abutting railroad rights-of-way and utility easements in excess of sixty (60) feet in width; and

(B) Application: These requirements shall apply to the following:

- (1) New Principal Building or Use: Principal buildings or open uses of land constructed or established after the adoption of this Ordinance.
- (2) Expansions or Reconstruction: Expansions which will result in a parking or building square footage increases of more than three thousand (3,000) square feet for developments existing on the effective date of this Ordinance. In such cases the landscaping requirements shall apply only to the expansion.

Sec. 18-4. Planting Yards.

(A) Required Planting Areas: The following areas are required to be landscaped:

- (1) Street planting yards;
- (2) Parking lots (excluding vehicle loading, storage, and display areas); and
- (3) Planting yards.

(B) Planting Area Descriptions:

- (1) **Street Planting Yard:** A planting area parallel to a public street designed to provide continuity of vegetation along the right-of-way and a pleasing view from the road. No more than fifteen (15%) percent of the street planting yard may be used for walkways or signs. Parking, merchandise display and off-street loading are prohibited in the street planting yard. See "Street Planting Yard" figure in the appendix.
- (2) **Parking Lot Plantings:** Planting areas within and adjacent to parking areas designed to shade and improve the attractiveness of large areas of pavement. See "Parking Lot Plantings" illustration in the appendix for possible arrangements.
- (3) **Type A Planting Yard:** A high density screen intended to substantially block visual contact between adjacent uses and create spatial separation. A Type A Planting Yard reduces lighting and noise which would otherwise intrude upon adjacent uses. See "Planting Yard Type A & B" figure in the appendix.
- (4) **Type B Planting Yard:** A medium density screen intended to partially block visual contact between uses and create spatial separation. See "Planting Yard Type A & B" figure in the appendix.
- (5) **Type C Planting Yard:** A low density screen intended to partially block visual contact between uses and create spatial separation. See "Planting Yards Type C & D" figure in the appendix.
- (6) **Type D Planting Yard:** A peripheral planting strip intended to separate uses, provide vegetation in densely-developed areas and enhance the appearance of individual properties. See "Planting Yards Type C & D" figure in the appendix.

Sec. 18-5. Planting Yard Determination.

The definition of "Existing Adjoining Use" is defined by the zoning ordinance of the jurisdiction governing an adjoining parcel or tract.

Proposed Use	<u>Existing Adjoining Use</u>							
	SF	TF	EI	OF	CM	MF	IND	Undev
Single-Family(SF)	*	*	*	*	*	*	*	*
Two-Family(TF)	*	*	*	*	*	*	*	*
Educational-Institute(EI)	B	B	D	D	D	C	D	D
Office(OF)	B	B	D	*	*	D	D	D

Commercial(CM)	B	B	D	C	*	C	D	D
Multi-Family(MF)	B	C	D	D	*	*	*	D
Industrial(IND)	A	A	B	B	C	A	*	D

* = No Planting Yard Required

Planting Yard Rate Chart

Street Yard		
Min. buffer width	Understory Tree Rate	Shrub Rate
8'	2 per 100 lf	8 per 100 lf
Type "A" bufferyard design options		
Min. width	Min plant material per 100 lf	
15'	2 Canopy Trees;18 Understory Trees;20 Evergreen Interior Shrubs	
30'	3 Canopy Trees;18 Understory Trees	
40'	3 Canopy Trees;14 Understory Trees	
100'	3 Canopy Trees;10 Understory Trees	
200'	3 Canopy Trees;5 Understory Trees	
Type "B" bufferyard design options		
Min. width	Min. plant material per 100 lf	
15'	2 Canopy Trees;18 Understory Trees;20 Evergreen Interior Shrubs	
20'	2 Canopy Trees;18 Understory Trees;	
30'	3 Canopy Trees;13 Understory Trees	
40'	3 Canopy Trees;10 Understory Trees	
200'	3 Canopy Trees;5 Understory Trees	
Type "C" bufferyard design options		
Min width	Min. plant material per 100 lf	
10'	2 Canopy Trees;8 Understory Trees;10 Evergreen Interior Shrubs	
20'	2 Canopy Trees;8 Understory Trees;5 Evergreen Interior Shrubs	
30'	2 Canopy Trees;5 Understory Trees	
50'	2 Canopy Trees;3 Understory Trees	
Type "D" bufferyard design options		
Min. width	Min. plant material per 100 lf	
5'	2 Understory Trees;10 Evergreen Interior Shrubs	

Walls of masonry, stone, lumber 5' high may be used to reduce buffer widths by 10'

Sec. 18-6. Landscaping Design and Maintenance Standards.

- (A) Calculation of Street Planting Yards: Street planting yard rate and width calculations shall exclude access drives.
- (B) Plant Species: Species used in required street planting yards, parking lots and planting yards shall be of a locally adapted nature. Refer to the recommended plant species list in the appendix. Other species may be approved by the Zoning Administrator.

- (C) Dimension of Planting Areas: Each planting area containing trees, including those located in parking lots, shall have a minimum inside dimension of seven (7) feet and be at least two hundred (200) square feet in area.
- (D) Grouping: For the Type B, C, and D planting yards, shrubs and trees may be grouped or clustered; however, not more than fifty (50%) percent of each required plant material may be grouped or clustered. The remainder of the materials shall be distributed throughout the planting yard. There shall be at least one row of evergreen shrubs or evergreen understory trees in all Type A planting yards.
- (E) Parking Lot Spacing: Required canopy tree areas shall be distributed throughout parking lots and shall be located within or adjacent to parking lots as tree islands, at the end of parking bays, medians, or between rows of parking spaces. See "Parking Lot Plantings" figure in the appendix.
- (F) Canopy Tree Size: Canopy trees must be a minimum of eight (8) feet high and two (2) inches in caliper, measured six (6) inches above grade, when planted. When mature, a canopy tree should be at least thirty-five (35) feet high and have a crown width of thirty (30) feet or greater.
- (G) Understory Tree Size: Understory trees must be a minimum of four (4) feet high and one (1) inch in caliper, measured six (6) inches above grade, when planted.
- (H) Shrub Size: All approved shrubs shall be installed at a minimum size of eighteen (18) inches, spread or height and are expected to reach a minimum height of thirty-six (36) inches, and a minimum spread of thirty (30) inches within three (3) years of planting.
- (I) Berms: Berms may be used in an alternate planting plan as a substitute for some plant materials, subject to approval of the Zoning Administrator.
- (J) Wall Planters: Wall planters shall be constructed of masonry, stone, or pressure treated lumber stamped for ground contact. The minimum height of the wall planter shall be thirty (30) inches. The minimum height of shrubs in the wall planter shall be six (6) inches. The effective planting area of the wall planter shall be four (4) feet in width. If the wall planter is to contain trees, the effective planting width shall be seven (7) feet.
- (K) Encroachments Permitted in Required Planting Yards: The following are permitted in required planting yards provided the landscaping requirements are met and there is no interference with any sight area:
- (1) Landscaping features, including but not limited to ornamental pools, planting boxes, sculpture, arbors, trellises, and birdbaths.
 - (2) Pet shelters, at-grade patios, play equipment, outdoor furniture, ornamental entry columns and gates, flagpoles, lampposts, address posts, HVAC equipment, mailboxes, outdoor fire places, public utility wires and poles, pumps, wells, fences, retaining walls, or similar structures.
 - (3) Cornices, steps, canopies overhanging eaves and gutters, window sills, bay windows or similar architectural features, chimneys and fire places, fire escapes, fire balconies, and fire towers may project not more than two and one-half (2 1/2) feet into any required planting yard, but in no case shall be closer than three (3) feet to any property line.

- (4) Permanent runoff control structures.
- (L) Fence Location Within Required Planting Yards: The setback of fences within a required planting yard shall be subject to the approval of a landscaping plan.
- (M) Setback Less than Planting Yard: If the required building setback is less than the required planting yard, the building setback shall control, reducing the required planting yard width only alongside the building. The planting rate of the required planting yard shall still apply.
- (N) Location of Planting Material Outside Shade of Building: Where a building is located less than ten (10) feet from a property line, and the planting yard would be heavily shaded by buildings on both sides of the property line, the required trees and shrubs may be planted outside the shaded area to improve survivability.
- (O) Obstructions: Landscaping shall not obstruct the view of motorists using any street, driveway or parking aisle.
- (P) Location: Required trees and shrubs shall not be installed in street rights-of-way. Required trees and shrubs may be placed in water quality conservation easements. Required trees and shrubs may be planted in electric utility easements below overhead lines and in drainage maintenance and utility easements by approval of the Zoning Administrator.
- (Q) Plant Protection: Whenever planting areas are adjacent to parking lots or drives, the planting areas shall be protected from damage by vehicles, lubricants or fuels through the use of wheel stops, curb and gutter, or other approved parking barrier.
- (R) Maintenance: The owner is responsible for maintaining all required plant materials and planting areas in good health and appearance. Any dead, unhealthy or missing plants must be replaced within one-hundred and eighty (180) days with vegetation which conforms to the initial planting rates and standards. When plant material is severely damaged due to unusual weather conditions or other acts of God, the owner shall have two (2) years to replant.
- (S) Water wise Planting Techniques: The following soil preparation techniques shall be used for all required landscape areas.
- (1) Soil preparation for the entire landscaped planting yard includes the addition of organic amendments tilled to a depth of eight (8) to twelve (12) inches.
 - (2) All plantings in the landscape yards shall be mulched, including interior parking lot islands less than five hundred (500) square feet to a depth of three (3) to four (4) inches. The mulch shall be free of trash and maintained weed free thereafter.
 - (3) Earthen basins are constructed around the installed plants.
 - (4) Plants, as permitted by this Ordinance, are grouped together where possible.
 - (5) For establishment and survival, plants shall be watered in the first year of planting.

- (T) Irrigation: It is suggested that drip irrigation, which includes drip misters, be used for required landscaping planting beds during the required establishment period. After establishment, supplemental watering can be reduced and used on an as needed basis. Traditional spray irrigation is prohibited except for turf areas.
- (U) Pruning: All required trees shall be allowed to reach their mature size and shall be maintained at their mature size. Trimming and pruning shall be done in strict accordance with the American National Standards Institute (ANSI) standards. Topping is not an acceptable pruning practice. Topping is the reduction of a tree's size using heading cuts that shorten limbs or branches back to a predetermined crown limit. The Zoning Administrator may require the removal and replacement of any tree(s) that have been topped or excessively trimmed.

Sec. 18-7. Procedures.

- (A) Landscaping Plan Required: Prior to obtaining a building permit, an applicant must receive approval of a landscaping plan from the Zoning Administrator.

- (B) Installation of Plant Materials

- (1) Installation of plant material shall occur prior to the issuance of a Certificate of Occupancy.
- (2) If at the time of a request for a Certificate of Occupancy, the required planting areas are not complete and it can be determined that:
 - a. plant materials are unavailable,
 - b. completion of the planting areas would jeopardize the health of the plant materials, or
 - c. weather conditions prohibit completion of the planting areas, then the installation of plant materials may be deferred by the Zoning Administrator. The developer shall submit a copy of a signed contract for installation of the required planting areas and may be required to post a surety equal to the amount of the contract. In no instance shall the surety be for a period greater than one-hundred and eighty (180) days. The Zoning Administrator may issue a Temporary Certificate of Occupancy but shall not issue a Certificate of Occupancy until the planting areas have been completed and approved.

Sec. 18-8. Alternate Methods of Compliance.

- (A) General Provisions

- (1) Alternate landscaping plans, plant materials or planting methods may be used where unreasonable or impractical situations would result from application of landscaping requirements. Such situations may result from utility easements, streams, natural rock formations, topography, lot configuration, or where other physical conditions exist, or where other site conditions exist such as unified development design.

- (2) The Zoning Administrator may approve an alternate plan, which proposes different plant materials, planting yard widths, or methods provided that quality, effectiveness, durability and performance are equivalent to that required by this Ordinance.
 - (3) The performance of alternate landscaping plans must be reviewed by the Zoning Administrator to determine if the alternate plan meets the intent and purpose of this Ordinance. This determination shall take into account the land uses on adjacent property, number of plantings, species, arrangement and coverage, location of plantings on the lot, and the level of screening, height, spread, and canopy of the plantings at maturity.
 - (4) Decisions of the Zoning Administrator regarding alternate methods of compliance may be appealed to the Board of Adjustment.
- (B) Lot of Record Provisions: For lots less than one hundred (100) feet in width the following provisions may be applied:
- (1) For lots less than one hundred (100) feet and greater than eighty (80) feet in width where Type D Planting Yards are required, one (1) Type D planting yards may be eliminated from the landscaping plan if the Zoning Administrator finds that strict application of the requirements of this Section prevents reasonable use of the property. However, the plantings required for this yard shall be installed in remaining planting yards.
 - (2) For lots less than eighty (80) feet in width where Type D planting yards are required, two (2) Type D planting yards may be eliminated from the landscaping plan if the Zoning Administrator finds that strict application of the requirements of this Section prevents reasonable use of the property. All required plants for these yards shall be installed in remaining planting yards.

Sec. 18-9. Provisions for Preservation of Existing Trees.

- (A) General: Any existing tree or group of trees which stands within or near a required planting area and meets or exceeds the standards of this Ordinance may be used to satisfy the tree requirements of the planting area. The protection of tree stands, rather than individual trees, is strongly encouraged.
- (B) Protection of Existing Trees: To receive credit, trees must be protected from direct and indirect root damage and trunk and crown disturbance. The following standards shall apply:
 - 1. The protected area around trees shall include all land within the canopy drip line.
 - 2. Construction site activities such as parking, material storage, soil stock piling and concrete washout shall not be permitted within tree protection areas.
 - 3. Protective fencing shall be installed around tree protection areas prior to any land disturbance. Such fences shall be at least four (4) feet high and may consist of snow fence or polyethylene safety fencing. Fencing shall remain in place until construction is complete and other landscaping has been installed.
- (C) Dead or Unhealthy Trees: No credit will be allowed for any dead tree, any tree in poor health or any tree subjected to grade alterations. The death of any tree used for preservation credit shall require the owner to plant new trees equal to the number of credited trees.

- (D) Rate of Credit: Credits shall be allowed at the rate of one canopy tree for every three (3) inches of circumference measured at four and one-half (4.5) feet above grade. Credits shall be subtracted from the total number of canopy and understory trees required in the same planting yard where the tree is located. In every case, however, there shall be at least one canopy tree for every fifty (50) linear feet of street planting yard, existing or planted.

Sec 18-10. Suggested Plant Materials List.

The suggested plant materials list includes common trees and shrubs suitable for use in the Wallburg area. Due to the individual site soil, moisture, and microclimate conditions, professional expertise should be sought to determine the appropriate plant materials for any particular development project.

(A) Canopy Trees (mature height: thirty-five (35) feet or greater):

Willow Oak	Quercus phellos
Sugar Maple	Acer sacchrum
Red Maple	Acer rubrum
Scarlet Oak	Quercus coccinea
Southern Magnolia	Magnolia grandiflora
London Plane Tree	Platanus acerfolia
River Birch	Betula nigra
Japanese Zelkova	Zelkova serrata
Tulip Poplar	Liriodendron tulipifera
Pin Oak	Quercus palustris
Black Gum	Nyssa sylvatica
Littleleaf Linden	Tilia cordata
White Oak	Quercus alba
Japanese Scholartree	Sophora japonicum
Gingko	Gingko biloba
English Oak	Quercus robur
Japanese Katsura Tree	Cercidphyllum japonicum
Schumard Oak	Quercus schumardi
Chinese Elm	Ulmus parviflora

(B) Understory Trees (mature height: fifteen (15) to thirty-five (35) feet):

Yoshino Cherry	Prunus yedonesis
Golden Raintree	Koelreutria paniculata
Saucer Magnolia	Magnolia soulangeana
Weeping Cherry	Prunus subhirtilla pendula
Kwanzan Cherry	Prunus serrulata ‘Kwanzan’
Yellowood	Cladastris lutea
Ironwood	Carpinus carolineana
Pistachio	Pastachia chinensis
Redmond Linden	Tilia Americana ‘Redmond’
American Holly	Ilex opaca
Mountain Silverbell	Halesia monticola
Sourwood	Oxydendrum arboreum
Thornless Honeylocust	Gleditisia triacanthos ‘Inermis’
Eastern Redbud	Cercis canadensis

Mountain Ash	<i>Sorbus americana</i>
Japanese Maple	<i>Acer palmatum</i>
Japanese dogwood	<i>Cornus kousa</i>
Flowering Dogwood	<i>Cornus florida</i>
Smoketree	<i>Cotinus coggyyria</i>
Crape Myrtle	<i>Lagerstromia indica</i>
Crabapple (var.)	<i>Malus hybrida</i> (var.)
Amur Maple	<i>Acer ginnala</i>
Russian Olive	<i>Eleaagnus angustifolia</i>
Wax Myrtle	<i>Myrica cerifer</i>
Star Magnolia	<i>Magnolia stellata</i>

(C) Streetyard and Interior Shrubs (Mature height: approximately thirty-six (36) inches):

(1) Evergreen.

Warty Barberry	<i>Berberis verruculosa</i>
Dwarf Burford Holly	<i>Ilex cornuta</i> ‘Burfordii’ nana
Japanese Holly	<i>Ilex crenata</i> (var.)
Azalea (var.)	<i>Azalea</i> sp.
Mugo Pine	<i>Pinus mugo</i>
Juniper (var.)	<i>Juniperus</i> sp.
Euonymous (var.)	<i>Euonymous</i> sp.
Leatherleaf Viburnum	<i>Viburnum rhytidophyllum</i>

(2) Deciduous.

Forsythia	<i>Forsythia</i> sp.
Dwarf Burning Bush	<i>Euonymous alatus</i> ‘Compacta’
Thunberg Spirea	<i>Spirea thunbergi</i>
Viburnum (var.)	<i>Viburnum</i> sp.
Oakleaf Hydrangea	<i>Hydrangea quercifolia</i>
Japanese Flowering Quince	<i>Chaenomeles japonica</i>
Potentilla	<i>Potentilla fruticosa</i>
Ornamental Grass Varieties	
Oregonholly Grape	<i>Mahonia bealei</i>
Nandina	<i>Nandina domestica</i>
Dwarf Nandina	<i>Nandina domestica nana</i>

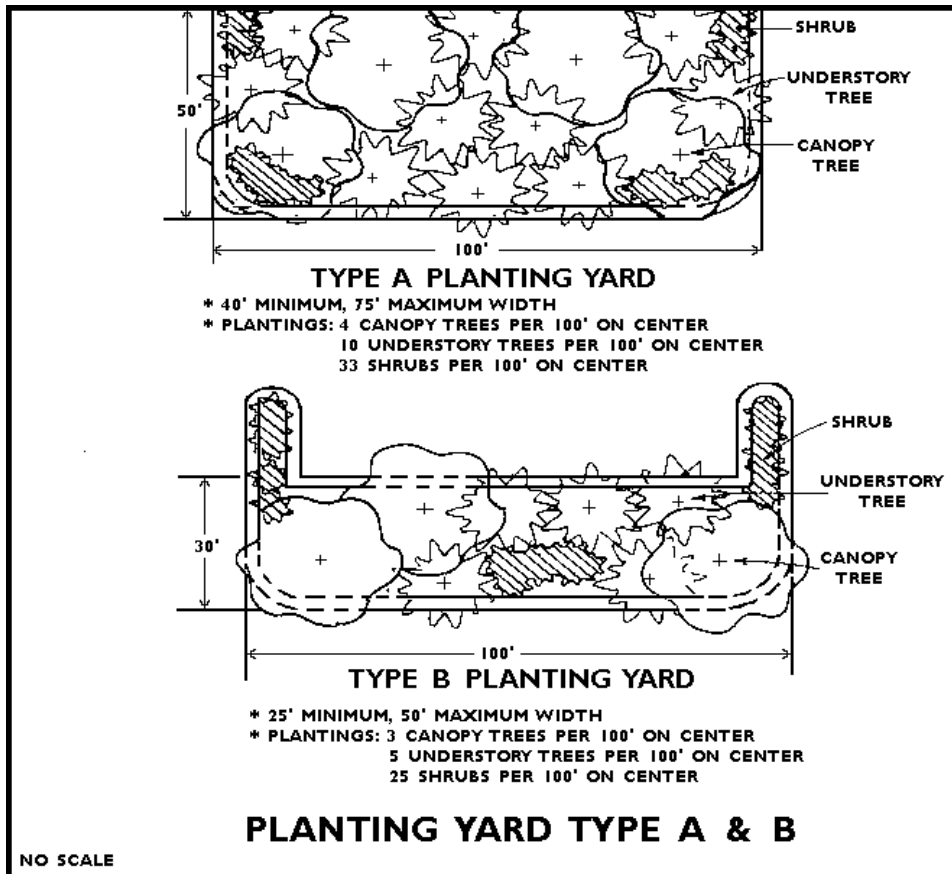
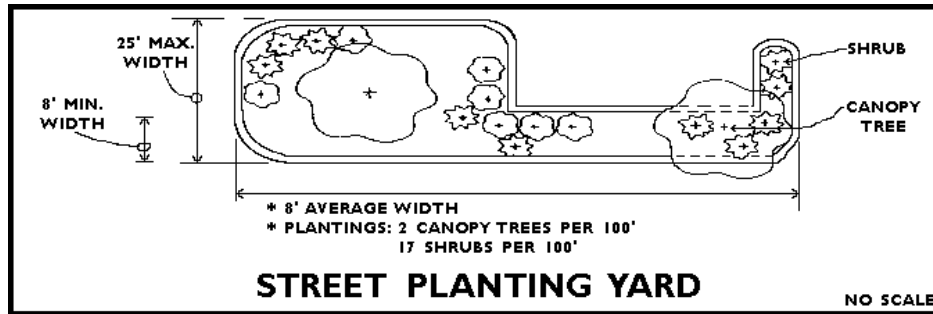
(D) Outdoor Storage Area Screening Plants

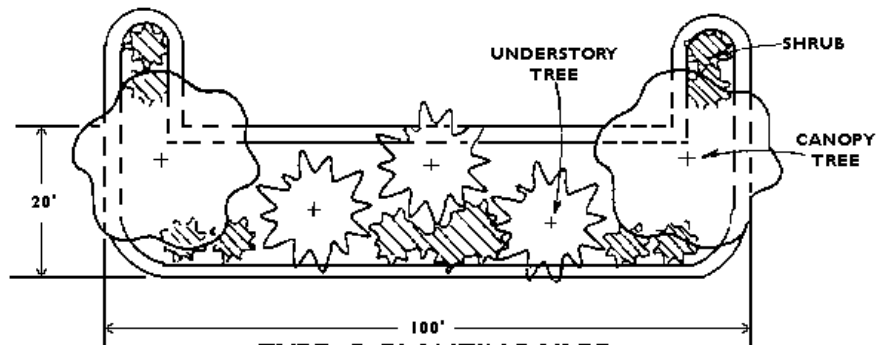
American Holly	<i>Ilex opaca</i>
Burford Holly	<i>Ilex cornuta</i> ‘Burfordii’
Nellie Stevens Holly	<i>Ilex cornata</i> ‘Nellie Stevens’
Red Tip Photinia	<i>Photinia glabra</i>
Wax Myrtle	<i>Myrica cerifera</i>
Hetz Juniper	<i>Juniperus hetzi</i>
Arborvitae	<i>Thuja occidentalis</i>
Eastern Red Cedar	<i>Juniperus virginiana</i>
Japanese Black Pine	<i>Pinus thunbergianan</i>

(E) Groundcovers

- | | |
|--------------------------|------------------------------|
| Lily-Turf | Liriope muscarii |
| Creeping Lilyturf | Liriope spicata |
| Hybrid Daylily | Hemerocallis hybrida |
| Periwinkle | Vinca minor |
| English Ivy | Hedera helix |
| Purpleleaf Wintercreeper | Euonymous fortunei coloratus |
| Aaronsbeard | Hypericum calycinum |
| Rockspray Cotoneaster | Cotoneaster horizontalis |

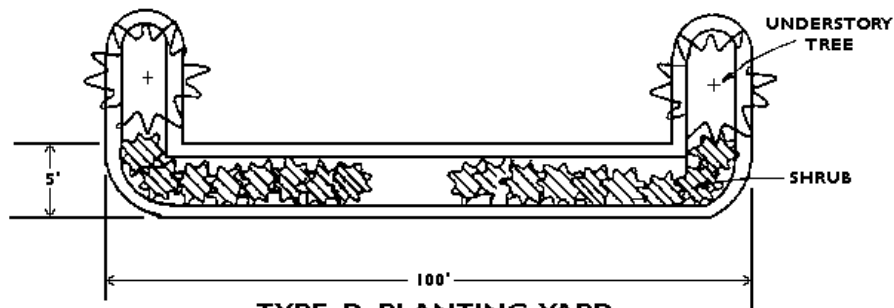
APPENDIX





TYPE C PLANTING YARD

- * 15' MINIMUM WIDTH, 40' MAXIMUM WIDTH
- * PLANTINGS: 2 CANOPY TREES PER 100'
- 3 UNDERSTORY TREES PER 100'
- 17 SHRUBS PER 100'



TYPE D PLANTING YARD

- * 5' MINIMUM WIDTH, 10' MAXIMUM WIDTH
- * PLANTINGS: 2 UNDERSTORY TREES PER 100'
- 18 SHRUBS PER 100'

PLANTING YARD TYPES C & D

NO SCALE

