

Town of Long View Zoning Ordinance

Adopted: August 1, 1995

ARTICLE 1

GENERAL PROVISIONS

1.1 Repeal of Existing Regulations.

The existing regulations of the Town of Long View relating to the use of land, water, structures and buildings, the provision of offstreet parking and loading and related matters, being the Long View Zoning Ordinance, effective November 7, 1967, as amended, are repealed and replaced by this Ordinance, except Ordinance #5-93, "Water Supply Watershed Protection District: (WSP District)", which was previously numbered Section 13A of Article II of the Long View Zoning Ordinance and the same has been renumbered as Article 18 and included in this ordinance.

1.2 Effect on Pending or Future Prosecution.

The adoption of this Ordinance shall not affect nor prevent any pending or future prosecution of, or action to abate, violations of the previous Town of Long View Zoning Ordinance which occurred prior to the effective date of this Ordinance.

1.3 Legislative Authority.

The board of aldermen of the Town of Long View enacts this ordinance in pursuance of the authority granted by the General Statutes of North Carolina (G.S. Chapter 160A, Article 19, part 3).

1.4 Intent and Purpose.

This Ordinance is made in accordance with a comprehensive plan and designed to lessen congestion in the streets; to secure safety from fire, panic and other dangers; to promote health and the general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; and to facilitate the adequate provision of transportation, water, and sewerage and other public requirements.

The regulations are made with reasonable consideration, among other things, as to the character of the district and its peculiar suitability for particular uses, and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the Town of Long View.

1.5 Short Title.

This Ordinance may be referred to and cited as the Long View Zoning Ordinance.

1.6 Separate Publication.

This Ordinance may be published as a separate book or pamphlet. This Ordinance may be included in the Code of Long View by reference. A copy of The Ordinance shall be kept on file in the office of the Town Clerk and available for public inspection.

ARTICLE 2

LANGUAGE RULES OF CONSTRUCTION AND DEFINITIONS

2.1 Rules for Construction of Language.

The following rules apply to the text of this Ordinance:

- (a) The specific controls the general.
- (b) In case of any difference of meaning or implication between the text of this Ordinance and any caption, illustration, summary table, or illustrative example, the text shall control.

(c) The word "shall" is mandatory and not discretionary. The word "may" is permissive. The word "should" is discretionary.

(d) Reserved.

(e) The term a "building" or "structure" includes any part thereof.

(f) The phrase "used for" includes "arranged for", "designed for", "maintained for" or "occupied for."

(g) The word "person" includes an individual, a corporation, a partnership, an incorporated association, a limited liability company, or any other similar entity.

(h) Unless the context clearly indicates the contrary, where a regulation involves two or more times, conditions, provisions, or events connected by the conjunction "and," "or," or "either..or," the conjunction shall be interpreted as follows:

(1)"And" indicates that all the connected items, conditions, provisions, or events shall apply.

(2) "Or" indicates that the connected items, conditions, provisions, or events may apply singly or in any combination.

(3) "Either..or" indicates that the connected items, conditions, provisions, or events shall apply singly, but not in combination.

(i) The word "includes" is intended to extend its meaning to all similar instances or circumstances.

(j) Words not defined in Section 2.2 shall have the meaning commonly assigned to them. The reference for dictionary common meanings shall be the latest edition of Webster's New World Dictionary of the American Language.

2.2 Defined Words.

The following words shall be defined for uses within this Ordinance as detailed below:

Accessory.

Having a subordinate function. (See also Building, Accessory; Structure, Accessory and Use, Accessory.)

Adult Uses.

Adult Arcade. (also known as "peep show") means any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to persons in booths or viewing rooms where the images so displayed depict or describe "specified sexual activities" or "specified anatomical areas."

Adult Bookstore. An establishment which has a substantial 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 Theaters. An enclosed building or part thereof with a 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 Parlour. An establishment in which body massages are offered as a service and from which minors are excluded by reason of age.

Adult Motel means a hotel, motel or similar commercial establishment that:

- (a) offers accommodations to the public for any form of consideration, provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions that depict or describe "specified sexual activities" or "specified anatomical areas" as one of its principal business purposes; or
- (b) offers a sleeping room for rent for a period of time that is less than 10 hours; or
- (c) allows a tenant or occupant of a sleeping room to subrent the room for a period of time that is less than 10 hours.

Escort Agency means a person or business that furnishes escorts, offers to furnish, or advertise to furnish escorts as one of its principal business purposes, for a fee, tip, or other consideration.

Nude Model Studio means any place where a person who appears semi-nude, in a state of nudity, or who displays "specified anatomical areas" is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of

consideration. Nude Model Studio shall not include a proprietary school licensed by the State of North Carolina or a college, junior college or university supported entirely or in part by public taxation; a private college or university which maintains and operates educational programs in which credits are transferrable to a college, junior college, or university supported entirely or partly by taxation; or in a structure:

- (a) that has no sign visible from the exterior of the structure and no other advertising that indicates a nude or semi-nude person is available for viewing; and
- (b) where in order to participate in a class a student must enroll at least three days in advance of the class; and
- (c) where no more than one nude or semi-nude model is on the premises at any one time.

Sexual Encounter Center means a business or commercial enterprise that, as one of its principal business purposes, offers for any form of consideration physical contact in the form of wrestling or tumbling between persons of the opposite sex, or activities between male and female persons and/or persons of the same sex when one or more of the persons is in a state of nudity or semi-nude.

Agriculture.

The use of the land for:

- (a) The tilling of the soil; (b) The growing of crops or plants, including truck farming, field crops, vegetables, fruit, nut, sod, seed, or tree production; (c) Pasturage, including pasture for cattle, horse, sheep or goats and other farm animals; (d) Forestry and other forms of food and fiber production for human and animal consumption; (e) Greenhouses, nurseries and ornamental horticulture; (f) The raising, breeding, working and use of farm animals; (g) Aquaculture; (h) Bee keeping.

Alcoholic Beverages.

Beverages containing more than one half percent alcohol by volume.

Alley.

A dedicated and publicly maintained right-of-way, twenty feet or less in width, that provides a secondary means of access to abutting property and not generally intended for traffic.

Amusement Services.

A commercial facility providing recreational activities including but not limited to swimming pools, amusement arcades, bowling alleys, shuffleboard courts, baseball hitting ranges, miniature and par three golf courses, golf driving ranges, billiard and pool halls, skating rinks, movie theaters, dance and exercise studios.

Animal Hospital or Veterinary Clinic.

Any structure and land used (primarily and essentially) for the medical and surgical care of ill, injured, or disabled animals other than humans.

Animals, Household.

Animals which are customarily kept for personal use or enjoyment within the home, not exhibited to the public, nor raised for commercial purposes. Animals which are dangerous to humans or property when they reach maturity or have cloven or solid hooves are not household animals. Household animals shall include but not be limited to domestic dogs, domestic cats, canaries, parakeets, love birds, parrots, cockatiels, finches, toucans, myna birds, guinea pigs, hamsters, mice, rats, gerbils, small reptiles, small amphibians, and aquarium fish.

Area of Special Flood Hazard.

The land area within the zoning jurisdiction of the Town of Long View which is subject to a one percent chance of flooding annually, i.e., the 100-year flood.

Art Gallery.

The use of a structure or building for the display of sculpture, painting, photographs, or other artistic works for public viewing with only incidental sales.

Bakery.

The use of a structure or building for the production of bakery products including but not limited to breads, cakes, pastries, and doughnuts. When identified in this Ordinance as a use under "Retail," the bakery products produced must be for the direct sale to the consumer with no wholesale production or sales. Wholesale bakeries, for the purpose of this Ordinance, shall be considered manufacturing.

Bank.

Financial institution engaged in deposit banking and closely related functions such as the extension of credit by means of loans and investments, and other financial activities.

Basement.

The lowest story of a structure which has its floor subgraded on all sides.

Boarding/Rooming House and Bed and Breakfast.

A dwelling or group of dwellings, as distinguished from a hotel or motel, containing in combination three or more lodging units intended primarily for rental or lease.

Buildable Area.

The portion of a lot remaining after required yards have been provided and any conservation or preservation areas, submerged lands, easements or road rights-of-way have been subtracted from the lot area.

Building.

Any roofed structure designed or intended for the support, enclosure, shelter, or protection of persons, animals, or property.

Building, Accessory.

A subordinate building detached and at least five feet from but located on the same lot as the principal building, the use of which is incidental and accessory to that of the principal building. Tractor trailers and manufactured homes are not accessory buildings.

Building, Principal.

A building or, where the context so indicates, a group of buildings in which is conducted the principal use of the lot on which such building is located.

Business School.

An establishment offering to the public, for a consideration, instruction in administration, accounting, bookkeeping, computer use, typewriting and other skills for use in commercial or service activities.

Business Services.

An establishment offering services to the business community and to individuals. Such services include but are not limited to advertising agencies, blueprinting and photocopying services, cleaning and maintenance of building services, computer and data processing services, detective agencies and security services, insurance agency, management consulting and public relations services, news syndicates, personnel services, photography, art and graphics services, and real estate services.

Campground.

Land containing two or more campsites which are located, established or maintained for occupancy by people in temporary living quarters, such as tents, recreation vehicles, or cabins, for recreation, education or vacation purposes.

Campsite.

Any plot of ground within a camp intended for the exclusive occupancy by a cabin, recreation vehicle or tent.

Car Wash.

An establishment engaged in the business of washing domestic vehicles with self serve, automated or staffed facilities.

Cemetery, Human.

Land used or intended to be used for the burial of the human dead and dedicated for cemetery purposes, including crematories, mausoleums, and mortuaries, if operated in connection with and within the boundaries of such cemetery.

Certificate of Occupancy.

A document issued by an authorized official setting forth that land, a building or structure complies with the Town of Long View Building Code, this Ordinance and other pertinent local and state requirements and that the same may be used for the purposes stated therein.

Certificate of Zoning Compliance.

A document issued by the Zoning Administrator certifying compliance with all terms of an approved Zoning Compliance Permit, and authorizing occupancy of a building, structure, or land. It may either be a separate document or part of the normal documents associated with a Certificate of Occupancy, Occupational License, Building Permit, or the like.

Child Care Center.

Any establishment that provides supervision and care for children on a regular basis for more than five children unrelated to the operator for a period of less than twenty-four hours a day and which receives a payment, fee or grant for any of the children receiving care, wherever operated, and whether or not operated for profit, except that the following are not included: public schools and non-public schools which are in compliance with the compulsory school attendance law, summer camps having children in full-time residence; summer day camps, and Bible schools normally conducted during vacation periods. The term includes kindergartens, nurseries, nursery schools, day care centers and day nurseries.

Church/Synagogue.

Tax exempt buildings used for non-profit purposes by a recognized and legally established sect for purpose of worship, including educational buildings when operated by such church/synagogue.

College/University.

A degree-granting establishment, accredited or qualified for accreditation by the Southern Association of Colleges and Schools, providing formal academic education and generally requiring for admission at least a high school diploma or equivalent academic training, including colleges, community colleges, universities, technical institutes, seminaries, and professional schools. Accessory uses under this definition include but are not limited to dormitories, cafeterias, bookstores, libraries, classrooms, administrative offices, research facilities, sports arenas, and auditoriums.

Commercial Vehicle.

Any vehicle, licensed by any state of the United States or Mexico or Province or Territory of Canada, other than domestic vehicles, as defined in this Ordinance, or over one ton in weight or 20 feet in length.

Communication Facilities.

The use of land, buildings or structures for uses such as but not limited to motion picture studios; radio and television receiving antenna and dishes; accessory, radio and television studios; and radio and television transmitting and receiving facilities.

Community Center.

The use of a structure or building by members of a community, as opposed to the general public, for social, cultural or recreational purposes and which are generally utilized by local clubs or groups, homeowners or civic associations or other such community groups.

Community Recreational Uses.

Parks and playgrounds, community centers, recreation clubs, such as Boys and Girls Clubs; golf clubs; swimming clubs; tennis clubs; country clubs; and paddle, racquetball, handball courts and greenways.

Congregate Living Facility.

Any building, buildings, section of a building, or distinct part of a dwelling unit, boarding/rooming house, home for the aged or other place, whether operated for profit or not, which provides for a period exceeding twenty-four hours, housing, food services, and one or more personal care services to persons not related to the owner or operator by blood, marriage, or adoption and licensed, certified or approved by the N.C. Department of Social Services. ["Personal Services," for the purpose of this definition, means services in addition to housing and food service which include, but are not limited to, personal assistance with bathing, dressing, ambulation, supervision of self-administered medication, transportation, emotional security, and other related service. Personal service does not include nursing or medical treatment.]

Such facilities shall contain congregate kitchen, dining and living areas only, with separate sleeping rooms. Further, such facilities shall not be used for those persons in need of a structured environment, as it is defined herein. For purposes of this Ordinance, Congregate Living Facilities shall not be deemed to include boarding/rooming houses; fraternities/sororities; monasteries; convents; hotels/motels; professional residential facilities; or nursing, convalescent and extended care facilities.

Contractors Office.

An establishment engaged in the provision of construction activities including but not limited to plumbing, electrical work, building, paving, carpentry and other such contracting activities. All materials kept on site must be stored in completely enclosed buildings.

Convenience Goods, Retail

Commercial establishments that generally service day-to-day commercial needs of a residential neighborhood, including, but not limited to, convenience stores, tobacco shops, newsstands, bakeries, candy, nut and confectionery stores, delicatessens, dairy products, meat and seafood markets, produce markets, food stores with less than ten thousand square feet in floor area, and eating establishments.

Correctional Facility.

A public facility for the housing of persons convicted of a crime; it is not a jail.

Crematorium.

An establishment for the burning of human or animal remains.

Cultural Facility.

The use of land, buildings, or structures to provide educational and informational services to the general public, including but not limited to aquariums, arboreta, botanical and zoological gardens, art galleries, museums, and libraries.

Development.

Any manmade change to improved or unimproved real estate, including, but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

Discotheque.

A nightclub for dancing to live or recorded music.

Domestic Vehicles.

Any vehicle, licensed by any state of the United States or Mexico or Province or Territory of Canada, as a private vehicle for operation on streets and may include but not be limited to automobiles, private pickup trucks and vans.

Dormitory.

A building used as group living quarters for a student body, religious order or other group as an associated use to a college, university, boarding school, orphanage, convent, monastery, or other similar use. Dormitories do not include kitchen facilities except a group kitchen to serve all residents.

Drinking Establishment.

An establishment where alcoholic beverages are served and where such beverages are consumed on the premises. If the facility also sells food and the sale of food products represent more than fifty percent of the facility's total sales, the facility shall be considered an Eating Establishment.

Drive-In Theater.

A facility designed for the outdoor projection of motion pictures onto a permanent screen to be viewed from the patron's automobile.

Drive-In Window.

A window or other opening in the wall of a principal or accessory building through which goods or services are provided directly to customers in motor vehicles by means that eliminate the need for such customers to exit their motor vehicles.

Dry Cleaners.

An establishment engaged in providing laundry, dyeing and dry cleaning services to individual customers.

Dry Cleaning Plant.

An establishment engaged in providing laundry, dyeing and dry cleaning services on a large scale for institutions, businesses or other such establishments.

Dwelling, Multiple Family.

A structure containing four or more dwelling units.

Dwelling, Single Family.

A structure containing a single dwelling unit.

Dwelling, Two Family.

A structure containing two dwelling units.

Dwelling, Three Family.

A structure containing three dwelling units.

Dwelling Unit.

A room or group of rooms forming a single independent habitable unit used for, or intended to be used for living, sleeping, sanitation, cooking, and eating purposes by one family only; for owner

occupancy or for rental, lease, or other occupancy on a weekly or longer basis; and containing independent kitchen, sanitary and sleeping facilities.

Eating Establishment.

An establishment whose principal business is the sale of food, frozen desserts or beverages to the customer in a ready to consume state.

Sit-down eating establishments are those at which food and/or beverages are served by waitresses or waiters to patrons seated at booths or tables. Walk-in/Drive-in eating establishments are those at which the customers receive but do not consume the food and/or beverages at a counter, bar, or from a drive-in window.

Electrical and Electronic Repair, Large.

An establishment engaged in the repair of electrically powered equipment or electronic equipment such as but not limited to large appliances, large computers, radio and television broadcasting equipment, and similar items.

Electrical and Electronic Repair, Small.

An establishment engaged in the repair of electrically powered equipment or electronic equipment such as but not limited to small appliances, televisions, radios, non-commercial stereo equipment, personal or mini computers, and similar equipment. As a general rule, if the item is too large to be hand carried by one or two people, it is not considered small equipment.

Family.

Any number of people related by blood, marriage or adoption or not more than five unrelated persons living together as a single housekeeping unit, using a single facility in a dwelling unit for culinary purposes. The term "family" shall not be construed to include a fraternity or sorority, club, rooming house, institutional group or the like.

Family Care Home - Group Home

A home with support and supervisory personnel that provides room and board, personal care and habilitation services in a family environment for not more than six resident handicapped persons.

Family Day Care Home.

A residence within which child care and supervision is provided for no more than five children, unrelated to the caregiver, for less than a twenty-four hour period.

Floor Area.

The sum of enclosed areas on all floors of a building or buildings measured from the outside faces of the exterior walls, including halls, lobbies, arcades, stairways, elevator shafts, enclosed porches and balconies, and any below-grade floor area used for habitation, access and storage. Not countable as floor area are garages, carports, screened porches, covered decks, open terraces, patios, atriums, balconies, breezeways, and outside open space devoted to commercial and service uses. Also not included are tool sheds, special purpose areas for common use (for instance, recreation and social rooms) and open basement areas not used for habitation.

Floor Area Ratio.

The ratio of permitted floor area to the gross land area of the lot.

Floor Area Ratio, Maximum Permitted.

The floor area ratio permitted as of right in the several districts, excluding any bonus or transferred floor area.

Funeral Parlor.

An establishment engaged in preparing human remains for burial and conducting funerals.

Furniture Refinishing and Repair.

An establishment engaged in the stripping, cleaning, painting, staining, sealing, varnishing, or other like refinishing of the wood or metal components of furniture or the replacement or repair of broken or missing portions of a piece of furniture.

Garage, Private.

A part of a building designed and used to contain no more than the number of vehicles in use in the principal structures, including not more than one commercial vehicle.

Gas Station.

An establishment where gasoline or diesel fuel is supplied and dispensed at retail and where no servicing or repair of vehicles is permitted. Convenience goods may be sold at such facilities but the sales shall be accessory to the sale of gasoline or diesel fuel.

Gross Land Area.

(a) Of Planned Development-Housing Districts (PD-H).

Gross land area of PD-H districts shall be computed as all area, except that devoted to non-residential purposes, within district boundaries, plus one half of adjoining permanent open space such as streets, parks, lakes, cemeteries and similar land uses.

(b) Of Lots.

Gross land area of lots shall be computed in the same manner as for PD-H districts.

Handicapped Person

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 others as defined in NC G.S. 122C-3(11)b.

Health Practitioner's Office.

An establishment offering diagnostic and routine health care on an outpatient basis by licensed practitioners such as but not limited to physicians, dentists and chiropractors.

Health Services.

The use of land, buildings and structures for uses such as but not limited to health practitioners, animal hospital or veterinarian clinic, hospitals, medical and dental laboratories, nursing, convalescent and extended care facilities, rehabilitation centers and sanitarium/mental institutions.

Height.

The vertical distance from the mean elevation at the finished grade along the front of the structure to the highest point of the structure or to the highest point of a flat or mansard roof or to the mean height between the eaves and ridge for a pitched roof in the case of buildings. See Article 6 and Table 5-2.

Home Occupation.

An accessory use of a dwelling unit which constitutes, either entirely or partly, the livelihood of the person(s) living in the dwelling unit. See Articles 7 and 11.

Hospital.

An institution providing physical and mental health services primarily for human in-patient medical or surgical care for the sick or injured, including related facilities such as laboratories, out-patient services, training facilities, central service facilities, emergency services and staff offices.

Hotel or Motel.

A building or group of buildings containing lodging units intended primarily for rental or lease to transients by the day or week, and which often provides additional services such as restaurants, meeting rooms and recreation facilities, available to general public and guests.

Housing, Elderly.

Housing development where all residents are 62 years of age or older, or where eighty percent of all units in a housing facility are occupied by residents who are 55 years of age or older.

Junk.

Old, dilapidated, scrap or abandoned metal, paper, building material and equipment, bottles, glass, appliances, furniture, beds and bedding, rags, rubber, motor vehicles and parts thereof.

Junkyard.

Land used for the storage, keeping, handling, or display of junk.

Kennel.

Any lot or premises on which six or more household or exotic animals, more than six months of age, are housed, groomed, bred, boarded, trained, or sold.

Land Excavation.

Removal of five hundred cubic yards or more of sand, soil, peat, much, clay, stone, shell and the like, for disposal off-site.

Landfill.

Land used for the disposal of waste excluding hazardous waste. Landfills are classified into two different types based upon the type of wastes received at the landfill.

(a) Sanitary Landfills - A facility used for the disposal of solid waste . Sanitary landfills are divided into two classes based on the amount of wastes received.

(b) Clean Material Landfills - Minor - Land used for the disposal of stumps, limbs, leaves, concrete, brick, wood, and only non-water soluble, non-decomposable, inert material and uncontaminated earth which is less than one (1) acres in size and is in operation for less than one (1) year.

Library.

A building in which literary, musical, artistic or reference materials are kept for use but not generally for sale.

Liquor Store.

An establishment engaged in the retail sale of packaged alcoholic beverages for consumption off-premises.

Livability Space.

Livability space is part of total open space appropriately improved and located as outdoor living space for residents and for aesthetic appeal. Such space includes lawns and other landscaped areas, walkways, paved terraces and landscaped portions of street rights-of-way. Such space shall not be used for vehicles, except for incidental service, maintenance or emergency access.

Loading, Off-Street.

Space located outside of any street right-of-way easement and designed to accommodate the temporary parking of vehicles used for bulk pickups and deliveries. See Article 11.

Lodging Places.

The use of land, structures, or buildings for the provision of lodging, such as but not limited to Boarding/Rooming Houses, Camps, Dormitories, and Hotels/Motels.

Lodging Unit.

A room or group of rooms forming a separate habitable unit used or intended to be used for living and sleeping purposes by one family only, without independent kitchen facilities; or a separate habitable unit, with or without independent kitchen facilities, occupied or intended to be occupied by transients on a rental or lease basis for periods of less than one week.

Lot.

Land bounded by lines legally established for the purpose of property division. As used in this Ordinance, unless the context indicates otherwise, the term refers to a Zoning Lot.

Lot Line.

A line that marks the boundary of a lot.

Lot Line, Interior.

Any lot line that is not a street lot line; a lot line separating a lot from another lot.

Lot Line, Street.

Any lot line separating a lot from a street right-of-way or general access easement. Where a lot line is located within such street right-of-way or easement, the right-of-way or easement boundary adjacent to the lot shall be considered the street lot line.

Lot of Record.

A lot which is part of a subdivision, the plat of which has been recorded in the appropriate office of the Register of Deeds, or a lot described by metes and bounds, that has been officially recorded by a deed in said office, provided such lot was of a size which met the minimum dimensions for lots in the district in which it was located at the time of recording or was recorded prior to the effective date of this ordinance.

Lot Width.

The horizontal distance measured along a straight line connecting the points where the minimum front yard line meets the interior lot lines or, if on a corner, the other front yard line.

Lumber and Other Building Materials Sales.

An establishment engaged in the retail sale of finished lumber, packaged roofing materials, doors, and other materials used by individuals or builders. All materials shall be stored and sold from a completely enclosed building with the exception of the lumber which may be stored in buildings with a roof and at least three sides.

Lumberyard.

An establishment engaged in the cutting, dressing, finishing and wholesale sale of lumber.

Manufactured or Mobile Home.

A dwelling that 1) 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; 2) is a minimum of forty (40) feet in length and eight (8) feet in width; 3) is constructed in accordance with the National Manufactured Home Construction and Safety Standards; and 4) is not constructed in accordance with the standards of North Carolina Uniform Residential Building Code for One - and Two-Family Dwellings.

- (a) Class AA: 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 satisfied the following additional criteria:
1. All homes must measure at least 1,150 square feet of enclosed and heated living space.
 2. Length shall not exceed 2.5 times width.
 3. Placement of homes: all homes shall be placed on the lot in harmony with the existing site-built structures. Where no neighboring structures are available for comparison, it shall be sited with the front running parallel to the street providing access to the site. On corner lots the side with the greatest road frontage shall be considered the front. On corner lots with equal road frontage, the Zoning Enforcement Officer shall make the decision. On cul-de-sacs the home shall be sited with the front running parallel to the street access. For other possible odd lots, the home shall be located according to Section 16.1, General Purpose and Intent, as interpreted by the Zoning Enforcement Officer.
 4. Only multi-section units permitted, no single-wides.
 5. The roof originally manufactured with the manufactured home shall have a minimum vertical rise of at least 2.75 feet for each 12 feet of horizontal run and the roof finished with a Class C or better roofing shingle that is commonly used in standard residential construction.

6. All roof structures shall provide an eave projection of no less than six inches, which may include a gutter.
7. Be permanently placed on a brick, concrete block or other masonry foundation. If any masonry other than brick is used, then it must be painted or stucco sided. The foundation shall be continuous and unpierced except for ventilation required by the NC State Building Code. A crawl space a minimum of 2 feet in height to the base of the frame shall be provided and an access crawl space door shall be required with the minimum dimensions of 22"h x 30"w. The exposed ground surface below the foundation shall be protected with a polyvapor barrier. Installation shall include a positive surface water drainage away from the home and installed according to the NC Department of Insurance and the North Carolina State Building Code.
8. The exterior siding consists predominantly of vinyl or aluminum 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 site-built construction.
9. Any moving hitch, wheels and axles, and transporting lights shall be removed.
10. At least two (2) standard 9 feet x 18 feet off-street parking spaces shall be provided. The spaces shall not be closer than 15 feet away from the right-of-way in order to protect sight distances of the driving public. A driveway at least 10 feet in width shall be provided to access the parking spaces. The parking spaces and driveway shall be paved or graveled with not less than four (4) inches of crushed stone or other equally effective landscaping material on a well compacted subbase. If an applicant wishes to construct a concrete drive in weather conditions that would not allow the construction, for example the cold of January, then a security deposit or letter of credit may be issued to the Town as in the manner of a subdivision for guaranteeing required improvements.
11. All areas not used for parking, the manufactured home or required porches shall be grassed or otherwise suitably landscaped to prevent erosion.

No exposed soils shall be permitted after issuance of the Certificate of Occupancy, except for agricultural activities.
12. All homes shall have either a deck, porch or a concrete patio with a minimum square footage for the entrance facing the street providing access (Refer to "Placement of homes" in this Section.) of at least 75 square feet. The foundation shall be constructed with compatible materials with the masonry underpinning on the outer perimeter of the foundation. Stairs, porches, entrance platforms, ramps and other means of access to all other entrances shall measure at least 3 feet by 5 feet and be installed or constructed at each entrance of the home 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.

13. The manufactured home must be in full compliance with Long View's Minimum Housing Standards.
 14. Proper anchoring shall be in compliance with N.C. State Building Codes as adopted by reference or amended by the Building Code from time to time.
 15. Permits Required: All standards must be met prior to the issuance of a Certificate of Occupancy on final inspection approval by the Town of Long View Code Enforcement Officer. A building permit must also be secured. Once installation and construction is complete and necessary inspections have been performed, and before occupancy and use, a certificate of occupancy must be secured. The certificate shall state that the property owner is responsible for assuring that all applicable conditions and requirements continue to be satisfied, and that appropriate enforcement actions will be taken if violations occur. This shall be in addition to all other permits.
- (b) Class A: Manufactured housing units which meet both State of North Carolina and U.S. Department of Housing and Urban Development Mobile Home Construction Standards and Federal design and construction standards but which do not meet Town of Long View appearance criteria, as determined by the Zoning Administrator. All Class A homes shall be equipped as follows:
1. The wheels and axles, transporting lights, and removable hitch shall be removed. If the hitch is not bolted on but welded, it shall be covered with the same material as the pre-fabricated skirting kit.
 2. It shall be skirted with a pre-fabricated skirting kit fabricated for this purpose and approved by the Zoning Enforcement Officer.
 3. Permanent stairs shall be constructed at all exterior doors. They shall be attached firmly to the primary structure deck or porch and anchored securely to the ground. The stairs must be in compliance with the North Carolina State Building Code and the Long View Minimum Housing Code.
 4. The manufactured home shall be set up in accordance with standards set by the North Carolina Department of Insurance.
 5. The roof, manufactured with the home, shall have a minimum vertical rise of at least 2.75 feet for each 12 feet of horizontal run.
 6. Permits Required: All standards must be met prior to the issuance of a Certificate of Occupancy of final inspection approval by the Town of Long View Code Enforcement Officer. A building permit must also be secured. Once installation and

construction is complete and necessary inspections have been performed, and before occupancy and use, a certificate of occupancy must be secured. The certificate shall state that the property owner is responsible for assuring that all applicable conditions and requirements continue to be satisfied, and that appropriate enforcement actions will be taken if violations occur. This shall be in addition to all other permits.

- (c) Class B: Manufactured housing units which do not meet State of North Carolina and U.S. Department of Housing and Urban Development (HUD) Mobile Home Construction Standards. The HUD codes were not effective until July 1, 1976; therefore, all homes built prior to July 1, 1976 do not meet the standards for a Class B home. The manufactured home shall be in full compliance with the Town of Long View's Minimum Housing Code.

Manufactured Home Park

A parcel of land divided into two or more manufactured home lots for sale or rental.

Manufactured Home Park, Existing. This is a parcel of land, divided into two or more lots for the placement of manufactured homes either for sale or rental, for which the construction of facilities to service the manufactured home on the lot, including as a minimum the installation of utilities is completed before the January 8, 1991 Manufactured Home Amendments.

Manufacturing, Processing and Assembling.

The mechanical or chemical transformation of materials or substances into new products. The land uses engaged in these activities are usually described as plants, factories, or mills and characteristically use power-driven machines and materials handling equipment. Establishments engaged in assembling component parts of manufactured products are also considered under this definition, if the new product is neither a fixed structure nor other fixed improvement. Also included is the blending of materials such as lubricating oils, plastics, resins or lacquers.

Medical and Dental Laboratory.

An establishment engaged in the testing and analysis of material for medical or dental services or for the patient on prescription of a health practitioner.

Membership Organizations.

A membership establishment operated by a corporation or association of persons for activities which include but are not limited to business, professional, social, literary, political, educational, fraternal, charitable or labor activities, but which are not operated for profit or to render a service which is customarily conducted as a business.

Mining of Earth Products.

Removal of one acre or more of sand, soil, peat, muck, clay, stone, shell and the like, for disposal off-site.

Motor Vehicle Repair - Minor.

- (a) Sale and service of spark plugs, batteries, and distributor and ignition system parts.
- (b) Sales, service and repair of tires, but not recapping or regrooving.

- (c) Replacement of mufflers, tail pipes, water hose, fan belts, brake fluids, light bulbs, fuses, floor mats, seat covers, windshield wipers and blades, grease retainers, wheel bearing, mirrors, and the like.
- (d) Radiator cleaning, flushing, and fluid replacement.
- (e) Greasing and lubrication.
- (f) Providing and repairing fuel pumps, oil pumps, and lines.
- (g) Minor adjustment and repair of carburetors.
- (h) Emergency repair of wiring.
- (i) Adjusting brakes and installing exchange brake shoes.
- (j) Minor motor adjustment not involving removal of the head or crankcase and grinding valves.
- (k) Wheel balancing.
- (l) Battery recharging.
- (m) Warranty maintenance and safety inspections.
- (n) Other minor servicing of a similar intensity to those listed above.

Motor Vehicle Repair - Major.

Any automotive repairs or servicing not listed under Minor, above.

Museum.

An establishment engaged in the procurement, care, study and display of objects of historical, educational and cultural value and interest.

New Construction.

Structures for which the start of construction commenced on or after the effective date of this Ordinance.

Nonconformity.

Lots, uses of land, uses of structures, structures, or characteristics of uses, which were lawful before this Ordinance was passed or amended, but which would be prohibited, regulated or restricted under the terms of this Ordinance. The following constitute types of nonconformities:

- (a) Lots;

- (b) Uses of land without structures or with minor structures only; (c) Uses of major structures and premises;
- (d) Structures; and
- (e) Characteristics of use which were lawful when established but would be prohibited, regulated or restricted by this Ordinance or a subsequent amendment.

Nonconformity may also be created where lawful public taking or actions pursuant to a court order have the same effect as violations of this Ordinance, if undertaken privately. (See Article 9.)

Nursing, Convalescent and Extended Care Facility.

Any facility which provides nursing services as defined in the North Carolina Statutes Annotated. Facility means any institution, building, residence, private home, or other place, whether operated for profit or not, including those places operated by a county or municipality, which undertakes through its ownership or management to provide nursing care, personal care, or custodial care for persons not related to the owner or manager by blood or marriage, who for reason of illness, physical infirmity, or advanced age require such services, but shall not include any place providing care and treatment primarily for the acutely ill.

Off-Premises.

Not located on the zoning lot with the principal use or structure.

Open Space.

- a. Open space is the total horizontal area of uncovered open space plus one half the total horizontal area of covered open space subject to limitations set forth below.
- b. Uncovered open space is total gross residential land area not covered by buildings, plus open exterior balconies and roof areas improved as recreation space.
- c. Covered open space is usable open space closed to the sky, but having two clear unobstructed open or partially open sides. Partially open is construed as 50 percent open or more. Examples of covered open space area are covered balconies, covered portions or improved roof areas, or spaces under buildings supported on columns or posts on cantilevers. The square footage countable as covered open space shall not exceed the square footage of the open sides.

Open Storage.

The storage outside of a building, or within buildings with less than three sides, of materials, stuff, supplies, merchandise, equipment, non-motorized commercial vehicles and like items, but excluding junk.

Parking, Off-Street.

Space located outside of any street right-of-way or easement and designed to accommodate the parking of motorized domestic and commercial vehicles.

Personal Care Services.

The furnishing of services to residents including but not limited to individual assistance with, or supervision of, essential activities of daily living, such as eating, bathing, grooming, dressing and ambulation; the supervision of self-administered medication and other similar services. Personal care services shall not be construed to mean the provision of medical, nursing, dental or mental health services.

Personal Services.

An establishment that primarily provides services generally involving the care of a person or a person's apparel, including but not limited to barber shops, beauty salons, seamstress shops, dry cleaning and laundry pickup facilities.

Place of Assembly.

A place designed to accommodate the assembly of persons attending athletic events, musical performances, dramatic or dance performances, speeches or ceremonies, and other such entertainment events, and including but not limited to coliseums, athletic centers, concert halls, and auditoriums.

Planned Development.

Land under unified control to be planned and developed as a whole in a single development operation or a definitely programmed series of development operations. A planned development includes principal and accessory structures and uses substantially related to the character and purposes of the planned development. A planned development is built according to general and detailed plans which include not only streets, utilities, lots and building location, and the like, but also site plans for all buildings as are intended to be located, constructed, used, and related to each other, and plans for other uses and improvements on the land as related to the buildings. A planned development includes a program for the 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 planned development district, but which will not be provided, operated, or maintained at general public expense.

Professional Services.

An establishment containing practitioners of a calling or vocation in which a knowledge of some department of science or learning is used in its application to the affairs of others. Such activities would include but not be limited to accounting, auditing and bookkeeping services, architectural

services, engineering and surveying services, interior design services and legal services. Physicians and dentists are classified as Health Practitioners. See Health Services and Health Practitioners.

Public Service Facilities.

The use of land, buildings, or structures by a public utility, railroad, or governmental agency, including water treatment plants, sewage treatment plants, telephone exchanges, resource recovery facilities, and other similar public service structures, but not including land, buildings, or structures devoted solely to the storage and maintenance of equipment and materials.

Public Use Facility.

The use of land, buildings, or structures by a municipal or other governmental agency to provide protective, administrative and social services directly to the general public, including police and fire stations, municipal buildings, community centers, and any other public facility providing the above services, but not including public land or buildings devoted solely to the storage and maintenance of equipment and materials and not including public cultural facilities or public service facilities.

Public Utility Facility.

Electric transmission and distribution lines, gas and water pumping stations, transformer stations, but not including land used for storage of materials and maintenance of equipment.

Publishing and Printing.

An establishment primarily engaged in preparing, publishing, and printing newspapers, periodicals, books and pamphlets.

Radio and Television Studio.

A facility for the production and broadcast of radio and television shows, including such things as offices, dressing rooms, broadcast and taping studios, file rooms, set storage and related installations, but not including radio and television transmitting and receiving facilities, as defined in this Ordinance.

Radio and Television Receiving Antenna and Dish, Accessory.

An antenna or dish designed for the above-ground reception of airborne radio or television signals and serving only the needs of the occupants of a single building or of a single residential development.

Radio or Television Transmitting or Receiving Facility.

The use of land, buildings, or structures for the above-ground transmission or reception of airborne radio or television signals, including all transmitting and receiving towers, dishes and antennas except accessory radio or television receiving antennas and dishes.

Recreation Services.

Privately owned outdoor amusement facilities such as golf and country clubs, swimming and tennis clubs, equestrian centers, marinas; not built as part of a residential development. The term also includes publicly owned and operated facilities such as athletic fields, golf courses, tennis courts, swimming pools, parks, marinas and similar uses not associated with a school.

Recreational Vehicle.

A vehicular type portable structure which can be towed, hauled or driven and is primarily designed as temporary living accommodations for recreational, camping and travel use and includes but is not limited to travel trailers, motor homes, camping trailers, campers, auto truck, and recreational vans.

Recreational Vehicle Park.

The provision of two or more recreational vehicle spaces on a single zoning lot.

Recreational Vehicle Space.

An area of land designated for the location of a recreational vehicle while said recreational vehicle is in use as a dwelling unit.

Rehabilitation Centers.

An establishment engaged exclusively in the provision of outpatient services to correct, cure or assist an individual in adjusting to a physical disability. Such services include but are not limited to physical therapy, occupational therapy, speech therapy, audiology, radiology and respiratory therapy, but excluding therapy for mental illness, drug or alcohol dependency, or rehabilitation of criminals.

Rental and Leasing of Light Equipment.

An establishment engaged in the renting or leasing of equipment including but not limited to wedding supplies, party supplies, small appliances, hand tools, furniture, and like items.

Repair Services.

The use of land, structures or buildings for the purposes of mending or restoring items after decay, damage, dilapidation or partial destruction. Such services include but are not limited to motor vehicle repairs, bicycle repair, electrical and electronic repairs, gunsmiths, locksmiths, reupholster

services, furniture, refinishing and repair, small motor repair, and watch, clock and jewelry repair. Construction activities shall not be included in repair services.

Research Activity.

Research, development, and prototype testing related to such fields as chemical, pharmaceutical, medical, electrical, transportation, and engineering, provided such activities are conducted within entirely enclosed buildings and produce no noise, smoke, glare, vibration, or odor detectable outside the buildings.

Residential Land Area.

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 where residential uses in other locations are established. Such land area shall be construed to include streets entirely within residential portions of the development, common open space, and lands accepted for dedication to public use. Residential land shall not be construed to include lands not beneficial to residential use due to character or location, or areas used predominately for commercial or other non-residential purposes. As a further guide, where floor area of a building is predominately in residential use, the building site shall be included in residential land area (as, for example, in the case of a multiple family building with 10 percent of its floor area in accessory commercial and personal service uses).

Retail.

The use of land, buildings or structures for the sale of merchandise to the consumer of the merchandise which may include but not be limited to convenience goods, shoppers goods', bicycle sales, gas stations, liquor stores, lumber and other building material sales, mail order pickup facilities, mobile home sales, motor vehicle sales, service stations, and sales of used merchandise. See also, Convenience Goods, Retail and Shoppers' Goods, Retail.

School.

A facility which is in compliance with the North Carolina Compulsory School Attendance Law and provides a curriculum of elementary and secondary academic instruction, including kindergartens, elementary schools, junior high schools, and high schools.

Service Station.

An establishment where gasoline and/or diesel fuel is supplied and dispensed at retail and where, in addition, the following services only may be rendered and sales made accessory to the sale of gasoline and/or diesel fuel:

- (a) Sales and service of spark plugs, batteries, and distributor and ignition system parts;
- (b) Sales, service, and repair of tires, but not recapping or regrooving;

- (c) Replacement of mufflers, tail pipes, water hose, fan belts, brake fluid, light bulbs, fuses, floor mats, seat covers, windshield wipers and blades, grease retainers, wheel bearings, mirrors, 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 fuel pumps, oil pumps and lines;
- (h) Minor adjustment and repair of carburetors;
- (i) Emergency repair of wiring;
- (j) Minor motor adjustment not involving removal of the head or crankcase;
- (k) Sale of beverages, packaged food, tobacco products, and similar convenience goods for customers, as accessory and incidental to principal uses;
- (l) Provision of road maps and other travel information to customers;
- (m) Provision of restroom facilities;
- (n) Warranty maintenance and safety inspections.

Uses permissible at a service station do not include major mechanical and body work, straightening of body parts; painting, welding, storage of automobiles not in operating condition, or other work involving noise, glare, fumes, smoke, or other characteristics to an extent greater than normally found in service stations.

Shoppers' Goods, Retail

Commercial establishments that, supply the more durable and permanent needs of a community, including but not limited to, apparel and footwear stores; appliance stores; art supplies stores; automotive supply stores; book and stationery stores; camera and photography supplies stores; department stores; discount stores; drug stores; drinking establishments; farm supplies stores; florists; furniture and home furnishing stores; gift shops; gun and ammunition sales; hardware stores; hobby, toy and crafts stores; jewelry stores; lawn and garden supply stores; novelty and souvenir shops; office equipment stores; optician and optical supplies stores; paint and wallpaper stores; pet shop; radio and television sales stores; sporting goods stores; supermarkets; trading stamps redemption stores; and variety stores.

Sign.

Any structure designed to inform or attract the attention of persons not on the premises on which the device is located.

Sign, Area.

The area of a sign shall be computed as including the entire surface area within a parallelogram, triangle, circle, semi-circle or other regular geometric figure, including all of the elements of the display, but not including, display of identification or licensing officially required by any governmental body, or any supporting framework or bracing that is clearly incidental to the display

itself and bearing no advertising matter. In the case of signs mounted back-to-back or angled away from each other, the surface area of each sign shall be computed. In the case of cylindrical signs, signs in the shape of cubes, or other signs which are substantially three-dimensional with respect to their display surfaces, the entire display surface or surfaces shall be included in computations of area.

In the case of embellishments (display portions of signs extending outside the general display area), surface area extending outside the general display area and bearing advertising material shall be computed separately as part of the total surface area of the sign. See Figure 8-1 on number and area of signs in Article 8.

Sign, Freestanding.

A sign which is attached to or a part of a completely self-supporting structure. The supporting structure shall be set firmly in or below the ground surface and shall not be attached to any building or any other structure whether portable or stationary.

Sign, Portable.

Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported.

Sign, Temporary.

Any sign that is used only temporarily and is not permanently mounted.

Signs, Number of.

For the purpose of determining the number of signs, a sign shall be considered to be a single display surface or display device containing elements organized, related, and composed to form a unit. Where matter is displayed in a random manner without organized relationship of units, where strings of lights are used, or where there is a reasonable doubt about relationship of elements, each element or light shall be considered to be a single sign, where sign surfaces are intended to be read from different directions (as in the case of back-to-back signs or those angled from each other) each surface shall be considered to be a single sign. See Figure 8-1 on number and area of signs, Article 8.

Slaughterhouse.

An establishment where animals are killed, butchered and prepared for further processing.

Solid Waste.

Garbage, rubbish, refuse or other discarded solid or semi-solid material resulting from domestic, commercial, industrial, agricultural activities and governmental operations, excluding solids or

dissolved materials in domestic sewage or other significant pollutants in water resources such as silt, dissolved or suspended solids in industrial waste water effluents, dissolved materials in irrigation return flows or other common water pollutants.

Special Use.

A use which would not be appropriate generally or without special study throughout the zoning district but which, if controlled as to number, size, location or relation to the neighborhood, would promote the public health, safety and general welfare. See Article 11.

Start of Construction.

The first placement of permanent construction of a structure (Including a manufactured home) on a site, such as pouring of slabs or footings or any work beyond the stage of excavation or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation such as clearing, grading and filling; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

Street, Private.

A roadway, not dedicated to the public, providing primary access to adjacent properties and meeting the regulations of the Town of Long View for private street development.

Street, Public.

A dedicated and accepted right-of-way maintained by the State of North Carolina or the Town of Long View and providing access to adjacent property.

Structural Alteration.

Any change, except for repair or replacement, in the supporting members of a structure, such as, but not limited to, bearing walls, columns, beams or girders.

Structure.

Anything constructed or erected which requires location on the ground or attachment to something having a fixed location on the ground, including but not limited to principal and accessory buildings, manufactured homes, signs, fences, walls, bridges, monuments, flagpoles, antennas, transmission poles, towers, and cables.

Structure, Accessory.

A subordinate structure detached and at least five feet from, but located on the same lot as the principal structure, the use of which is incidental and accessory to that of the principal structure. Tractor trailers and manufactured homes are not accessory buildings.

Structure, Principal.

A structure or, where the context so indicates, a group of structures in or on which is conducted the principal use of the lot on which such structure is located.

Structured Environment.

A residential setting within which persons, progressing from relatively intensive treatment for crime, delinquency, mental or emotional illness, as distinguished from mental or physical handicaps, alcoholism, drug addiction or similar conditions to full participation in community life, are provided professional staff services, as well as board, lodging, supervision, medication and other treatment.

Substantial Improvement.

Any repair, reconstruction, or improvement of a structure, within any twelve month period, where the cost equals or exceeds fifty percent of the market value of the structure, either (1) before the improvement or repair is started, or (2) if the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either (1) any project for improvement of a structure to comply with existing state and local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions.

Supermarket.

A retail grocery store with 10,000 or more square feet of gross floor area.

Technical Schools.

The use of land, structures or buildings for the provision of training in various skills and may include but not limited to business schools, trade schools and vocational schools.

Townhouse.

A single-family dwelling constructed in a series or group of attached units, allowed in districts permitting multiple family dwellings, with property lines separating the units and meeting the requirements of the North Carolina Building Code.

Use.

The specific activity or function for which land, a building, or a structure is designated, arranged, occupied, or maintained.

Use, Accessory.

A use on the same lot or in the same structure with, and of a nature and extent customarily incidental and subordinate to, the principal use of the lot or structure.

Use, Principal.

The primary use and chief purpose of a lot or structure.

Used Merchandise.

An establishment engaged in the sale of previously owned goods, except the sale of used motor vehicles.

Variance.

A relaxation by the Board of Adjustment of the dimensional regulations of this Ordinance where such action 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 this Ordinance would result in unnecessary and undue hardship. See Article 12.

Warehouse.

A building or group of buildings for the storage of goods or wares belonging either to the owner of the facility or to one or more lessees of space in the facility or both, with access to contents only through management personnel. Warehouse does not include the storage of dangerous or offensive items such as atomic waste or its byproduct-plutonium or any other hazardous waste classified as such by the state or federal governments. Operations existing as of date of adoption of this code and documented within one year with the Town Clerk, will be exempted from this requirement.

Warehouse, Mini.

A building or group of buildings in a controlled access and fenced compound that contains varying sizes of individual, compartmentalized and controlled access stalls or lockers for the storage of goods belonging to the individual lessees of the stalls and accessible to the lessees through individual doors.

Wholesale Distribution.

Establishments engaged in selling merchandise to retailers, to industrial, commercial, institutional or professional business users or to other wholesalers. Wholesale distribution does not include the

storage of dangerous or offensive items such as atomic waste or its byproduct-plutonium or any other hazardous waste classified as such by the state or federal governments. Operations existing as of date of adoption of this code and documented within one year with the Town Clerk, will be exempted from this requirement.

Yard.

An open space unoccupied and unobstructed by any structure or portion of a structure from thirty-six inches above the general ground level of the graded lot upward (except as otherwise provided by these regulations), provided, however, that fences and walls may be permitted in any yard subject to height limitations established herein., and further provided that poles, posts and other customary yard accessories, ornaments, and furniture shall be permitted in any required yard, if they do not constitute substantial impediments to free flow of light and air across the yard to adjoining properties. See Article 6.

Yard, Front.

A yard extending between the side lot lines across the portion of a lot adjacent to a street in residential or office and institutional districts or a yard extending between lot lines across the portion of a lot determined to be the front yard in commercial, industrial, and economic development districts as provided in Article 6.

Yard, Rear.

A yard extending across the rear of a lot between the side yard lines. The rear yard shall be at the opposite end of the lot from the front yard, excepting in the case of through lots, corner lots and waterfront lots. See Article 6.

Yard, Side.

A yard extending along the side of a lot between the front yard and the rear yard except on corner lots where the side yard is the yard along any interior lot line which intersects with a street lot line. See Article 6.

Zoning Compliance Permit.

A permit issued by the Zoning Administrator authorizing the recipient to make use of property in accord with the requirements of this Ordinance. This permit may either be a separate document or part of the normal permits associated with Certificates of Occupancy, Occupational License applications, Building Permits, or the like.

Zoning Districts.

Areas of land or water, whose boundaries are indicated on the Official Zoning Map, within which all properties are regulated by the general regulations of this Ordinance and the specific regulations of the individual district.

Zoning Lot.

A lot or combination of lots shown on application for a Zoning Compliance Permit.

ARTICLE 3
APPLICATION OF REGULATIONS

3.1 Area of Coverage.

The regulations of this Ordinance shall apply throughout the Town of Long View, as it may from time to time exist.

3.2 Ordinance Affects All Lands, Water, Structures, Uses and Occupancies.

No building, structure, land or water shall hereafter be used or occupied, and no building, structure, or part thereof shall hereafter be erected, reconstructed, moved, located, or structurally altered except in conformity with the regulations set out generally herein and for the district in which it is located.

3.3 Ordinance Affects Height and Bulk of Buildings, Population Density, Lot Coverage, Yards and Other Open Spaces, Off-Street Parking and Loading, Signs and Other Matters.

In particular, no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, located, moved or structurally altered in any manner than herein required or limited, so as:

- (a) To exceed the permitted height, bulk or floor area;
- (b) To accommodate or house a greater number of families or other occupants, or to provide a greater number of dwelling units;
- (c) To occupy a greater percentage or portion of lot area;
- (d) To provide less lot area per dwelling unit or to occupy a smaller lot;
- (e) To provide narrower or smaller yards or other open spaces, or spaces or separations between buildings or portions thereof;
- (f) To provide less off-street parking or off-street loading space;
- (g) To display more signs, signs of greater area; or signs of a different character;
- (h) To permit the use of the building or structure for a use not permitted in the district in which it is located;
- (i) To be in any other manner contrary to any provisions of this Ordinance.

3.4 Yard, Area, Open Space, Off-Street Parking and Off-Street Loading Space For One Structure or Use Not to be Used to Meet Requirements for Another.

No part of a yard, area, open space, or off-street parking or off-street loading space required for one structure or use shall be included as meeting requirements for another, except where specific provisions therefore are made in this Ordinance.

3.5 Creation of New Lots; Reduction of Lot or Yard Dimensions Below Minimum Requirements Prohibited.

No new lot shall be created after the effective date of this Ordinance except in conformity with the requirements of applicable regulations. No yard or lot existing at the time of passage of these regulations shall be reduced by private action in width, depth, or area below the minimum requirements set forth herein.

3.6 Reduction of Required Off-Street Parking or Off-Street Loading Space Prohibited.

No off-street parking or off-street loading space, affected by these regulations, which meets all or part of the requirements of this Ordinance for such space, shall be reduced or eliminated by private action, except where approved alternative off-street parking or off-street loading space, meeting such requirements, is provided, unless no longer required by this Ordinance.

3.7 Reserved.

3.8 Required Accessory Uses on Same Zoning Lot with Same Zoning.

All required accessory uses for any principal use, including but not limited to off-street parking and loading areas, retention or drainage areas, and private sewer or water systems shall be located on the same zoning lot as the principal use and shall have the same zoning district designation as the principal use, except as permitted elsewhere in this Ordinance. For example: Cannot receive a permit to allow an automobile garage as a principle use on a lot in a residential zone.

3.9 One Principal Structure Per Lot.

Only one principal structure is allowed per lot, except in the case of Planned Developments or Minor Planned Developments.

3.10 Calculation of Combined Requirements or Limitations; Rounding in Total Only

When making calculations as directed by this ordinance (for example, off-street parking requirements and dwelling units), fractions from .1 to .4 shall be rounded down and fractions from .5 to .9 shall be carried rounded up to the next whole number.

While land use situations vary widely, there are a number of regulations of general applicability that apply typically across the board. Additional provisions and exceptions to these appear in Article 6, Application of Area, Height and Placement Regulations.

ARTICLE 4

OFFICIAL ZONING MAP

4.1 Division of Zoning Jurisdiction of the Town of Long View into Zoning Districts and Identification in Official Zoning Map.

The zoning jurisdiction of the Town of Long View is divided by this Ordinance into Zoning Districts, the boundaries and designations of which is shown on a map covering the entire zoning jurisdiction of the Town of Long View, and identified as the Official Zoning Map of the Town of Long View, hereafter referred to as the Official Zoning Map.

4.2 Adoption of Official Zoning Map.

The Official Zoning Map, together with all lawfully adopted explanatory material shown thereon or therewith, is hereby adopted by reference and declared to be part of this Ordinance.

4.3 Other Supplements.

Other supplements, in the form of maps, indexes, guides, illustrations, records, reports, interpretive material and standards may be officially adopted, directly or by reference, to facilitate administration and public understanding of the Official Zoning Map, or of regulations adopted for the zoning districts or other division established thereby.

4.4 District Regulations Extend to All Portions of Districts Surrounded by Boundaries.

A district symbol or name shown within district boundaries on the Official Zoning Map indicates that district regulations pertaining to the district extend throughout the whole area surrounded by the boundary line, except as otherwise specifically provided in 4.5 below.

4.5 Rules Where There is Uncertainty as to Boundaries.

Where uncertainty exists as to boundaries of districts, or other areas delineated for regulatory purposes in the Official Zoning Map, the following rules shall apply:

(a) Boundaries Indicated as Approximately Following the Centerline of Streets, Alleys, Rights-of-Way, or Easements; Variation Between Actual and Mapped Location and Effect on Zoning Status of Property when closed or vacated.

Boundaries indicated as approximately following the centerline of streets, alleys, rights-of-way or easements shall be construed as following such centerline as they exist on the ground (except where

variation of actual location from mapped location would change the zoning status of a lot or parcel, in which case the boundary shall be so interpreted as to avoid such change). In the event of an abandonment of a right-of-way, the boundary shall remain in its location.

(b) Boundaries Indicated as Approximately Following Boundaries of Streets, Alleys, Other Public or Private Property Lines, Rights-of-way, or Easements.

Boundaries indicated as approximately following boundaries of streets, alleys, other public or private property lines, rights-of-way, or easements, shall follow such boundaries, except where variation of actual location from mapped location would change the district status of a lot or parcel, in which case the boundary shall be interpreted to avoid such change.

(c) Boundaries Indicated as Approximately Following Mean High Water Lines or Centerline of Rivers Or Other Bodies of Water.

Boundaries indicated as approximately following mean high water lines or centerline of rivers or other bodies of water shall be construed as following such mean high waterline, or centerline. If said mean high water line or centerline changes, the boundary shall be construed as moving with the change, except where such moving would change the district status of a lot or parcel, in which case the boundary shall be interpreted to avoid such change.

(d) Boundaries Indicated as Approximately Parallel to or Extensions of Features.

Boundaries indicated as approximately parallel to or extensions of features described in subsections (a), (b), and (c) above, shall be construed as being parallel to or extensions of such features.

(e) Distances Not Specifically Indicated

Where distances are not specifically indicated on the Official Zoning Map shall be determined by the scale of the map.

(f) Boundaries Indicated as Entering Any Body of Water.

Boundaries indicated as entering any body of water, but not continuing to intersect with other zoning boundaries or with the limits of the jurisdiction of the Town, shall be construed as extending, in the direction in which they enter the body of water, to intersect with other zoning boundaries or with the limits of Town jurisdiction.

(g) District Boundary Line Divides a Lot.

Where a district boundary line divides a lot which was in single ownership at the time of passage of this Ordinance, the regulations for either portion of the lot may be extended not to exceed 35 feet beyond the district line into the remaining portion of the lot.

(h) Excluded Areas.

Where parcels of land and water areas have been inadvertently excluded from a zoning district classification in any manner, said parcels shall be classified in conformance with that district which surrounds it or which is most restrictive adjacent to it, until changed after a public hearing.

(i) Action in Cases of Remaining Uncertainty, Conflicts.

In other circumstances not covered above, or where existing natural or man-made features are at variance with those shown in the Official Zoning Map, or where it is illegible or unclear, or where interpretation based on the above rules appears to produce contradiction or conflict with the intent of this Code, or upon request from the Zoning Administrator or from any affected property owner, the Board of Adjustment shall make a finding and interpretation concerning the boundaries involved in accord with the intent and purpose of this Ordinance.

In cases where such finding and interpretation involves only correction to the Official Zoning Map or any official supplement and does not change the zoning of any lot, the Board may direct corrections without proposing an amendment to the map involved. In cases where the zoning of any lot would be changed by such correction, the Board shall initiate a proposed corrective amendment.

4.6 Zoning Map Replacement

In the event that the Zoning Map becomes damaged, lost, destroyed or difficult to interpret, the Board of Aldermen may direct the preparation of a new Official Zoning Map or portion thereof and upon approval by the Board of Aldermen, it shall replace the previous Official Zoning Map or portion thereof.

The new Official Zoning Map or portion may correct drafting and clerical errors or omissions in the prior Official Zoning Map or portion, but no such correction shall have the effect of amending this Ordinance without following the procedure contained in Article 13.

4.7 Official Zoning Map; Authentication and Location

(a) Authentication.

The Official Zoning Map shall be authenticated by the signature of the Mayor; attested by the signature of the Town Clerk and bear the seal of the Town, under the following words:

"This is to certify that this is the Official Zoning Map referred to and adopted by reference by Ordinance No. of the Town of Long View, N.C., approved , 19 ."

(b) Location.

The Official Zoning Map shall be located in the Town of Long View Town Hall.

4.8 Official Zoning Map; Amendment.

The Official Zoning Map is subject to amendment by ordinance as set out in Article 13.

4.9 Official Zoning Map; Final Authority.

Regardless of the existence of purported copies of all or part of the Official Zoning Map which may from time to time be made, published, or reproduced, the Official Zoning Map shall be the final authority as to the current zoning status of all lands and waters within the zoning jurisdiction of the Town of Long View.

ARTICLE 5

SCHEDULES OF DISTRICT REGULATIONS

5.1 Introduction

There are three purposes to this Article. One, it is to establish types of zoning districts for grouping similar and compatible land uses throughout the Town of Long View. Secondly, it is to set forth a table of the permitted and permissible uses that lists types of land uses and their use status in each district, Table 5-1, Schedule of Permitted and Permissible Uses by District. Thirdly, it is to set out the table of dimensional regulations for height, area, bulk and placement, Table 5-2, Official Schedule of Area, Height, Bulk and Placement Regulations by District.

5.2 Adoption of Schedules of District Regulations

A substantial part of the regulations applying in many of the districts established by this Ordinance has been set out in tabular form in a series of sheets identified as the Official Schedules of District Regulations which are Table 5-1, Schedule of Permitted and Permissible Uses by District and Table 5-2, Official Schedule of Area, Height, Bulk and Placement Regulations by District which, together with all lawfully adopted explanatory material shown therein, are hereby adopted and declared to be part of this Ordinance.

5.3 Official Schedule of District Regulations; Final Authority.

The Official Schedules of District Regulations shall be located in the office of the Town Clerk. The Schedules located in the office of the Town Clerk shall be the final authority.

5.4 Updating Required

Amendments to Official Schedules of District Regulations shall be updated by the Town Clerk or designee within 30 working days of the effective date of an amendatory ordinance.

5.5 Schedule of Statements of Intent.

The following array presents for the several districts the Schedule of Statements of Intent applicable to each district:

a. Reserved.

b. R-2 District - Residential

The Residential (R)-2 District is established to provide a low intensity area for the development of single-family dwellings under conventional or planned development controls, and serviced by public or community water and/or public sewer systems, plus the governmental and other support facilities necessary to service urban levels of development. The overall gross density in R-2 will typically be 3 units per acre or less.

c. R-3 District - Residential

The Residential (R)-3 District is intended to accommodate low to moderate intensity residential areas, including single-family and two-family dwellings under conventional or planned development controls, and serviced by public or community water and/or public sewer systems, plus the governmental and other support facilities necessary to service urban levels of development. The overall gross density in R-3 will typically be 6 units per acre or less.

d. R-4 District - Residential

The Residential (R)-4 District is intended to accommodate moderate intensity residential areas, including single-family, two-family and three-family dwellings under conventional or planned development controls, and serviced by public or community water and public sewer systems, plus the governmental and other support facilities necessary to service development. It is also to accommodate multiple two and three family structures in group or planned development where adequate land is available to provide the necessary open space, thoroughfare access, buffering and screening from different land uses, efficient storm water drainage designs and paved parking.planned development controls, and serviced by public water and sewer systems, plus the governmental and other support facilities necessary to service urban levels of development. The overall gross density in R-4 will typically be 8 units or less per acre.

e. R-5 District - Residential

The Residential (R)-5 District is intended to accommodate a variety of moderate to high intensity residential uses, including single-family, two-family and multiple-family dwelling types, under conventional or planned development controls. Land designated as R-5 shall normally be located with access to major or minor thoroughfares with access through local residential streets

discouraged and shall be serviced by public water and sewer services, plus the governmental and support services necessary for urban levels of development. The overall gross density in multiple-family developments shall be 12 units or less per acre.

f. OI-1 District - Office and Institutional

The Office and Institutional (OI)-1 District is intended to provide a transition zone between residential and business or industrial districts and to accommodate a moderate to high intensity mixture of residential, office and institutional uses. Within this district, regulations shall provide for lower intensities of development in the areas in closest proximity to low and moderate intensity residential districts. Land designated O-1 shall normally be served with public water and sewer services and be located with access to major or minor thoroughfares with access through local residential streets discouraged.

g. C-3 District - Neighborhood Business

The Commercial (C)-3 District is intended to provide for the sale of convenience goods and a limited number of personal services to the residents of the surrounding neighborhood. These districts shall normally be located at intervals along major or minor thoroughfares, and these regulations shall provide standards for development of such retail and service uses on either free-standing parcels or in small commercial centers which shall be designed to protect the integrity of the surrounding residential neighborhood.

h. C-4 District - General Business

The Commercial (C)-4 District is intended to establish suitable development standards for the provision of convenience goods, shoppers goods and services at locations along major transportation routes to the motoring public, both local and transient. The C-4 District should always be located with access directly from major or minor thoroughfares, never local residential streets.

i. C-5 District - Mixed Used in Specified Existing Areas

The Commercial (C)-5 District is established to provide for a wide variety of retail, service, manufacturing and warehousing activities in areas where past land development practices have produced a mixed pattern of land uses and irregular lotting. It is the intent of the ordinance that the C-5 District shall not normally be extended or new areas of C-5 zoning established.

j. ED District - Economic Development

The purpose of the Economic Development (ED) District is to provide regulations for the development of areas generally devoted to light manufacturing, processing and assembly uses, warehousing, distribution and servicing enterprises and office activities controlled by performance standards to limit the effect of such

uses on uses within the district and on adjacent districts. Development in this district under the planned development process will be encouraged.

k. I District - Industrial District

The intent of the Industrial (I) District is to produce areas for intensive manufacturing, processing and assembly uses, controlled by performance standards to limit the effect of such uses on adjacent districts.

l. Water Supply Watershed Protection District (WSP District) and Planned Unit Development Districts.

The uses permitted or permissible in the Planned Development Districts are listed in Article 14 and the uses permitted or permissible in the Water Supply Watershed Protection District are listed in Article 18.

5.6 Schedule of Permitted and Permissible Special Uses by District.

(a) Legend Interpretation

Except as specifically provided in this Ordinance, regulations governing the use of land, water and structures within the various districts within the zoning jurisdiction of the Town of Long View shall be as shown in the Schedule of Permitted and Permissible Uses by District. (Table 5-1)

The meanings of the entries in the Schedule of Permitted and Permissible Uses by District are as follows:

- (1) "X" indicates the use is permitted principal use by right.
- (2) "Y" indicates the use is a permitted accessory use by right.
- (3) "Z" indicates the use is permitted by right subject to the Zoning Administrator's finding that additional development standards as set forth in Chapter 7 are met.
- (4) "A" indicates that the uses requires approval of a Special Use Permit Approved by the City Council and development standards are met as set forth in Chapter 7; and
- (5) "B" indicates that the uses requires approval of a Special Use Permit Approved by the Board of Adjustment and development standards are met as set forth in Chapter 7; and
- (6) A " Blank" indicates that this use is a Prohibited Use.
- (7) A "(number)" indicates that a footnote applies in addition to the letter information described in "a-e" above. Example: (1) Five or more non-residents.

Uses listed as Permissible Special Uses may be established in that district only after approval of an application for a Special Use Permit in accord with the procedures and requirements in Art. 11.

TABLE 5-1

SCHEDULE OF PERMITTED AND PERMISSIBLE USES BY DISTRICT

- X = Permitted Principal Uses (1) Five or more non-residents
 Y = Permitted Accessory Uses (2) Maximum number of residents is 12
 A = Special Use Approved by Board of Aldermen (3) Subdivision regulations approval procedures must be followed.
 B = Special Use Approved by Board of Adjustment (4) Only for uses permitted in the district.
 Z = Zoning Administrators (5) When catering to industrial clients
 Approval as Provided in Article 7. (6) Excluding the open storage of wrecked cars
 (7) Accessory Use to a hospital district
 Blank = Prohibited Use (8) As a replacement for existing Class AA, Class or B Manufactured Homes on individual lots or as a replacement for a non-conforming dwelling in Commercial, Industrial or Economic Development districts.
 (9) In existing mobile home parks (See Definitions) as a replacement for existing Class A or B Manufactured Homes

Use	R-2	R-3	R-4	R-5	0I-1	C-3	C-4	C-5	ED	I
AGRICULTURAL										
Animal Husbandry										
Bonafide Farms										
Commercial Greenhouses						X	X	X	X	X
Commercial Nurseries/Landscaping Businesses						X	X	X	X	X
Forestry	X	X	X	X	X	X	X	X	X	X
Gardening	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Hatcheries										
Livestock Sales										
Pasturage										
Private Greenhouses	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Roadside Stand - Commercial										
Roadside Stand - Residential										
Stable										
COMMUNICATIONS FACILITIES										
Ham Radio Antenna	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z
Radio and TV Studio					X		X	X	X	X
Communication Tower, Radio and TV Transmitting and Receiving Facility					Z		Z	Z	Z	Z
Radio and Television Receiving Antenna Dish, Accessory/ Satellite Dish	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z

TABLE 5-2

OFFICIAL SCHEDULE OF AREA, HEIGHT, BULK AND PLACEMENT REGULATIONS BY DISTRICT

SEE ALSO ARTICLE 6 and ARTICLE 7

DISTRICT	Minimum Lot Area Per Dwelling Unit (Feet)		Minimum Lot Width 1 (Feet)	Required Yards (Feet)			Max. Lot Coverage (%) ³	Max Bldg Height (Feet)	Max Floor Area (Ratio) ⁴
	First	Additional		Front	Side ²	Rear			
R-2									
No util.	20,000	(5) N/A	75	40	12	30	30	35	.20
One util.	15,000	N/A	75	40	12	30			
Two util.	12,000	N/A	75	40	10	30			
R-3									
Single Family									
No util.	20,000	N/A	75	40	12	30	30	35	.20
One util.	15,000	N/A	75	40	12	30			
Two util.	10,000	N/A	75	40	10	30			
Two Family									
Two util.	10,000	5,000	75	40	10	30	30	35	.20
R-4									
Single Family									
Two util.	8,000	N/A	75 (6)	35	10 (7)	30	30	35	.25
Two Family and Three Family									
Two util.	8,000	5,000	75 (6)	35	10 (7)	30	30	35	.25
R-5									
Single Family									
Two util.	8,000	N/A	75 (6)	35	10 (7)	25	30	35	.30
Two Family and Three Family and Multi-family									
Two util.	8,000	3,600	75 (6)	35	10 (7)	25	30	35	.30
O&I									
Two util.	10,000	5,000	75 (6)	20	15 (7)	25	30	35	.40

District	Minimum Lot Area (sq.ft.)	Minimum Lot Width (Feet) ¹	Required Yards (Feet)			Max Bldg Height (Feet)
			Front ⁸	Side ²	Rear	
C-3	8,000	70	40	10	30	35
C-4	10,000	100	20	10	30	50
C-5	10,000	60	20	10	15	50
ED	15,000	100	20	10	20	50
I	15,000	100	20	10	20	50

1. Measured at front setback line.

2. Minimum 20 feet from right-of-way on corner lots in residential, office and institutional, C-3 and C-4 districts; minimum of 15 feet from right-of-way in C-5, ED and I districts.

3. On any lot, the total area covered by all buildings, including accessory buildings, shall not exceed the percent of the area of such lot stated in the maximum lot coverage column.

4. For non-residential uses permitted in the zoning district.

5. Larger lots may be required by Department of Health.

5-7 (Revised Ordinance 07-96)

Use	R-2	R-3	R-4	R-5	0I-1	C-3	C-4	C-5	ED	I
COMMUNITY RECREATION USES										
Community Centers	A	A	A	A	X	X	X	X	X	X
County Clubs	A	A	A	A	X	X	X	X	X	X
Golf Courses (18-hole)	A	A	A	A	X	X	X	X	X	X
Greenways	X	X	X	X	X	X	X	X	X	X
Parks & Playgrounds	X	X	X	X	X	X	X	X	X	X
Recreation Clubs	A	A	A	A	X	X				
CULTURAL FACILITIES										
Art Galleries	A	A	A	A	X		X	X		
Libraries	A	A	A	A	X	X	X	X		
Museums	A	A	A	A	X		X	X		
MANUFACTURING, PROCESSING AND ASSEMBLY										
Asphalt Products										
Bedding and Carpet Manufacturing								X	X	X
Bottling Plants								X	X	X
Brick, Tile & Pottery Yards									X	X
Cabinet Shops										
Canvas Goods Manufacturing								X		X
Cardboard Containers								X	X	X
Case Goods								X	X	X
Chemical Manufacturing								X		X
Chrome Plating										
Clothing and Textiles								X	X	X
Concrete Products Production										
Electrical Appliances & Equipment								X	X	X
Farm Machinery								X	X	X
Fertilizers										
Fiberglass								X		X
Flour and Feed Mills										

Food & Food Products								X	X	X
Foundries								X		X
Furniture (except case goods & frames)								X	X	X
Use	R-2	R-3	R-4	R-5	0I-1	C-3	C-4	C-5	ED	I
Glass Products Assembly								X	X	X
Headquarters of Manufacturing, Processing & Assembly Firms					X	X	X	X	X	X
Hosiery Mills								X	X	X
Ice Manufacturing								X	X	X
Knitting Mills								X	X	X
Leather Products Assembly								X	X	X
Leather Tanneries										
Luggage								X	X	X
Machine Tools								X	X	X
Manufacturer's Showrooms							X	X	Y	Y
Meatpacking Plants										
Metal Fabricating Plants								X	X	X
Monument Works & Sales								X	X	X
Paints, Varnishes, Finishes								X		X
Paper Goods, Assembly								X	X	X
Pharmaceuticals								X	X	X
Pillow Manufacturing								X	X	X
Plastic Products, Manufacturing								X		X
Plastic Products, Assembly								X	X	X
Precision Instruments								X	X	X
Sawmills										
Sheetmetal Shops								X	X	X
Springs Manufacturing								X	X	X
Stone and Clay Products										
Textile Finishing & Dying								X	X	X
Transportation & Heavy Equipment Manufacturing								X	X	X
Upholstering Shops								X	X	X
Wooden Box Factories								X		X

Woodworking Shops									X		X
MISCELLANEOUS											
Accessory Uses (Customary)	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Adult Uses									A		
Use	R-2	R-3	R-4	R-5	0I-1	C-3	C-4	C-5	ED	I	
Armories							X	X	X	X	
Bakeries (wholesale)						X	X	X			
Construction Trailers	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z
Customary Accessory Uses - See Accessory Uses (Customary)											
Electrical Equipment Sales							X	X	X	X	
Equipment, Rental							X	X	X	X	
Firing Range, Outdoor											
Flea Markets, Indoor							Z	Z			
Flea Markets, Outdoor											
Heating and Refrigeration Shops								X	X	X	
Industrial Supplies and Equipment								X	X	X	
Kennel											
Livestock Sale Barns											
Lumberyard											
Membership Organizations				X	X	X	X				
Music Studios							X	X			
Oil and Gasoline Bulk Storage								X		X	
Places of Assembly					X	X	X	X			
Plumbing and Heating Supplies								X	X	X	
Publishing and Printing							X	X	X	X	
Research Activities							X	X	X	X	
Slaughterhouse											
Technical Schools					X		X	X			
Tire Recapping Shops								X		X	
Utility Company Operation Centers								X	X	X	

Vending Companies								X	X		X
OPEN USES OF LAND											
Cemetery, Human	A	A	A	A							
Junkyards											
Landfill-Clean Material-Minor									X	X	X
Landfill-Sanitary											

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Use	R-2	R-3	R-4	R-5	OI-1	C-3	C-4	C-5	ED	I	
Mining of Earth Products (sand, soil and clay)											
Open Storage (Accessory Use)								Z	Z	Z	
PUBLIC FACILITIES											
Public Service Facilities	A	A	A	A	A	A	X	X	X	X	
Public Use Facilities	A	A	A	A	A	A	X	X	X	X	
Public Utility Facility	X	X	X	X	X	X	X	X	X	X	
RESIDENTIAL SUPPORT FACILITIES											
Adult Care Center (more than 9)	A	A	A	Z	Z	Z	Z	Z	Z	Y	
Child Care Center (more than 5)	A	A	A	Z	Z	Z	Z	Z	Z	Y	
Church/Synagogue	X	X	X	X	X	X	X	X			
College/University/Tech College					X		X				
Home Occupation	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	
-Garage Sales Residential	Z	Z	Z	Z							
Schools (Elementary, Middle, High)	X	X	X	X	X	X	X	X			
Swimming Pools	Z	Z	Z	Z							
RESIDENTIAL USES											
Congregate Living Facility			A-2	A-2							
Dwelling Units											
-Multiple Family (includes condominiums)				X							
-Single Family, including modular	X	X	X	X							

-Two Family, including modular		X	X	X						
-Three Family			X	X						
Family Care Home (Group Home)	X	X	X	X						
Manufactured Homes										
-Class "AA" (8), mobile		X	X	X						
-Class "A" (9) (Single), mobile										
-Class "B", mobile										
-Mobile Home Parks, Planned Development. See Article 14			X	X						
Single Family Townhouse Subdivision		Z	Z	Z						

5-11

Use	R-2	R-3	R-4	R-5	0I-1	C-3	C-4	C-5	ED	I
RETAIL										
Convenience Goods										
- Bakeries						X	X	X		
-Candy, Nut & Confectionery Stores						X	X	X		
-Convenience Store						X	X	X		
-Dairy, Meat & Seafood Market						X	X	X		
-Delicatessen						X	X	X		
-Drug Stores (under 3,000 sq.ft.)					X	X	X	X		
-Newsstands					X	X	X	X		
Eating Establishment										
-Sit-down						X	X	X		
-Walk-in/Drive-in						X	X	X		
Shoppers Goods										
-Antique Shops							X	X		
-Apparel and Footwear							X	X		
-Appliances							X	X		
-Art Supplies							X	X		
-Automotive Supplies							X	X		
-Auto, Truck, Boat and										

Motorcycle Sales							X	X		
-Bicycle Sales and Service							X	X		
-Book and Stationery Stores							X	X		
-Camera & Photography Supplies							X	X		
-Department Stores							X	X		
-Discount Stores							X	X		
-Drinking Establishments							Z	Z		
-Drug Stores							X	X		
-Fabric Stores							X	X		
-Farm and Heavy Equipment Sales and Rental							X	X	X	X
-Farm Supplies							X	X		
-Floor Covering Stores							X	X		
-Florists							X	X		
-Furniture & Home Furnishings							X	X		

Use	R-2	R-3	R-4	R-5	OI-1	C-3	C-4	C-5	ED	I
- Furriers							X	X		
-Gas or Service Station							X	X		
-Gift Shops							X	X		
-Glass and Mirror Shops							X	X		
-Gun & Ammunition Sales							X	X		
-Hardware Stores							X	X		
-Hobby, Toy & Craft Stores							X	X		
-Jewelry Stores							X	X		
-Lawn and Garden Supply							X	X		
-Liquor Store							X	X		
-Lumber & Building Materials-Sales							X	X		
-Manufactured Home Sales							Z	Z		
-Recreational Vehicle Sales							X	X		
-Monument Sales								X	X	X
-Music Stores							X	X	X	X
-Office Equipment Stores							X	X		
-Optician & Optical Supply Stores							X	X		
-Paint & Wallpaper Stores							X	X		
-Parking - Off Street	X-4	X-4	X-4	X-4	X	X	X	X	X	X
-Pawn Shops							A	X		
-Pet Shops							X	X		
-Radio & TV Sales							X	X		
-Rental & Leasing of Light Equipment							X	X	X	
-Rental of Domestic Vehicles							X	X		
-Saddleries							X	X		
-Second Hand Stores & Swap Shops								X		
-Service Station							X	X		
-Sporting Goods							X	X		
-Supermarkets							X	X		
-Tailoring & Dressmaking Shops							X	X		

-Variety Stores								X	X		
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5-13

Use	R-2	R-3	R-4	R-5	OI-1	C-3	C-4	C-5	ED	I
SERVICES										
Amusement Services										
-Amusement Arcades							X	X		
-Amusement Park							X	X		
-Bowling Lanes							X	X		
-Batting Ranges							X	X		
-Circus, Carnival, Fair	A	A	A	A	A	A	A	A	A	A
-Health Clubs							X	X		
-Gymnasiums							X	X		
-Drag Strip/Race Track										
-Discotheques							X	X		
-Billiards or Pool Halls							X	X		
-Golf Driving Ranges							X	X		
-Miniature Golf							X	X		
-Dance Schools or Classes							X	X		
-Skating Rinks							X	X		
-Movie Theaters (Drive-in)							Z	Z		
-Par 3 Golf							X	X		
-Dance Studios							X	X		
Automatic Bank Teller						X	X	X		
Banks & Finance Companies							X	X		
Business Service Office										
-Advertising Agency					X		X	X	X	
-Arts & Graphics Services					X		X	X	X	
-Blueprints & Drafting Supplies					X		X	X	X	
-Building Cleaning & Maintenance										

Services					X			X	X	X
-Computer & Data Processing Services					X		X	X	X	
-Detective Agencies					X		X	X		
-Insurance Agencies					X		X	X		
-Linen & Uniform Supply Services								X	X	X
-Management Consultants					X		X	X	X	
-News Syndicates					X		X	X	X	

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Use	R-2	R-3	R-4	R-5	0I-1	C-3	C-4	C-5	ED	I
-Personnel Services					X		X	X	X	
-Photocopying Services					X		X	X	X	
-Photofinishing Laboratories					X		X	X	X	
-Photography Services & Studios					X		X	X	X-5	X-5
-Public Relations Services					X		X	X	X	
-Real Estate Services					X		X	X	X	
Health Services										
-Animal Hospital/Vet Clinic								X		X
-Health Practitioner's Office					X	X	X	X	X	
-Hospital					X		X	X	X	
-Medical & Dental Labs					X			X	X	X
-Medical/Dental Clinics					X	X	X	X	X	
-Nursing, Convalescent & Extended Care Facilities	A	A	A	A	X					
-Rehabilitation Center					X	X	X	X	X	
-Sanitarium & Mental Institutions					X-7		X-7			
-Lodging Places										
-Board/Rooming House & Bed & Breakfasts				B						
-Hotels/Motels							X	X		
Miscellaneous Services										
-Automotive Towing and Storage										

Services										Z
-Car Wash							X	X		
-Contractor's Office								X	X	X
-Dry Cleaners							X	X		
-Dry Cleaning Plants							X	X	X	X
-Exterminators								X	X	X
-Food Catering							X	X	X	
-Funeral Parlor					X		X	X		
-Landscapers								X	X	X
-Lawn & Garden Care							X	X		
-Machine & Welding Shops								X		X
-Mail Order Office							X	X		X

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Use	R-2	R-3	R-4	R-5	0I-1	C-3	C-4	C-5	ED	I
-Sign Painting								X	X	
-Tailoring & Dressmaking Shops								X	X	
-Truck, Farm Equipment & Heavy Equipment Sales & Service							X	X	X	X
Personal Service Office										
-Barber Shop/Beauty Shop					X	X	X	X		
-Coin Operated Laundry						X	X	X		
-Dry Cleaning & Laundry Pick-up Facilities					X	X	X	X		
-Seamstress Shop					X	X	X	X		
-Shoe Repair and Shining						X	X	X		
-Professional Service Office										
-Accounting					X		X	X	X	
-Architects					X		X	X	X	
-Auditors & Bookkeepers					X		X	X	X	
-Engineers					X		X	X	X	
-Interior Designers					X		X	X	X	

-Legal Services						X		X	X	X	
-Surveyors						X		X	X	X	
Repair Services											
-Bicycle Repair								X	X		
-Electronic & Electronic Repair (large)									X	X	X
-Electronic & Electronic Repair (small)								X	X		
-Furniture Refinishing & Repair									X		
-Gunsmith									X		
-Locksmith									X		
-Motor Vehicle Repair-Major								X-6	X-6	X-6	X-6
-Motor Vehicle Repair-Minor								X-6	X-6		
-Reupholstery									X	X	X
-Small Motor Repair									X	X	X
-Jewelry/Clock Repair								X	X		

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Use	R-2	R-3	R-4	R-5	0I-1	C-3	C-4	C-5	ED	I
TRANSPORTATION/WAREHOUSE FACILITIES										
Airport										A
Airstrip										A
Truck Terminal							X	X	X	X
Mini-warehouse							Z	Z	Z	Z
Moving/Transfer Companies							X	X	X	X
Warehouse							X	X	X	X
Wholesale Distribution							X	X	X	X

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(b) Determination for Unlisted Uses.

If a use is not listed in the Schedule of Permitted and Permissible Uses by District (Figure 5-1), the Zoning Administrator shall classify it with that use in the table most similar to it. The SIC Manual shall serve as a guide in classifying any unlisted use, the Zoning Administrator shall rely primarily upon similarity of operational characteristics and similarity of impacts upon adjacent properties. If the Zoning Administrator should determine that a use is not listed and is not similar to a use in the Schedule, then such use is not permitted.

5.7 Schedule of Area, Height, Bulk and Placement Regulations.

Except as specifically provided in this Ordinance, regulations governing the minimum lot width and area; required front, side and rear yards; maximum permitted floor area ratio, maximum permitted height of structures, maximum permitted lot coverage, and related matters shall be for the several regular districts as shown in Table 5-2, Schedule of Area, Height, Bulk and Placement Regulations. See below for additional regulations and Article 6, Area, Height and Placement Regulations and Article 7, Supplemental Regulations for interpretations and for exceptions.

5.8 Additional Requirements for Districts:

(a) Developments with 4 or more dwelling units.

- (1) Each dwelling unit shall be connected to municipal water and sewer systems.
- (2) To permit adequate fire protection, all portions of every building shall be located within three hundred (300) feet of a public street that furnishes direct access to the property unless the fire marshal determines that fire hydrants and service drives will offer adequate protection.
- (3) All common driveways shall have approved traffic circulation and shall be kept available for emergency and service use by any public vehicle.
- (4) Off-street parking spaces shall be located within 100 feet of each building in an amount proportional to the number of dwelling units in each building. No parking area with five (5) or more spaces shall be located closer than ten (10) feet to a dwelling wall with windows or doors.
- (5) Walkways shall be provided between parking areas and building entrances. Any walkway serving only one dwelling unit, other than a handicapped unit, shall have a minimum width of three (3) feet. All other walkways shall have a minimum width of four (4) feet. Walkways shall be constructed of concrete, asphalt, paving stone, brick other similar all-weather surfaces approved by the Zoning Administrator.

(6) Open Space and/or Recreation Facilities:

- a. The minimum open space shall be 70 percent of the total site area.
- b. At least 25 percent of the minimum 70% open space shall be open space designed and developed for use by the occupants of the development or others for recreation, courts, gardens, or household service activities, such as clothes drying, which space is effectively separated from automobile traffic and parking and is readily accessible. This 25 percent open space shall not include space devoted to street and parking.

(7) Stationary refuse containers (i.e. dumpsters or compactors) shall be provided in a number and size conforming with the requirements of the Town. No container location shall interfere with sight distance or the free movement of vehicles on streets or access drives. Such locations shall also allow collection trucks adequate maneuvering space to empty the containers (without interference from utility lines or other structures) and to leave the property without excessive backing. Concrete pads constructed in accordance with standards of the Town shall be located beneath and in the approach to each container.

(b) Additional Performance Standards for Manufacturing, Processing and Assembly Operations

(1) All off-street parking areas, and loading and unloading areas, shall be paved. All such areas located in the front yard must be curbed, guttered, and landscaped according to Article 10, Subsection 10.9. Location of loading areas are discouraged on the side of a building facing a public street.

(2) Outside storage or assembly shall be fully screened from ground level view from adjacent non-manufacturing, processing and assembly operation properties or public streets.

(3) Outside manufacturing or processing shall not be permitted.

(c) Non-residential Single Building Developments containing more than 30,000 square feet.

Non-residential single building developments containing more than 30,000 square feet shall use the Minor Planned Unit Development process for development, even if under one roof and one structure.

ARTICLE 6

APPLICATION OF AREA, HEIGHT AND PLACEMENT REGULATIONS

6.1 Introduction.

Article 6 provides the methods for applying the area, height and placement regulations found in Table 5-2, the placement of customary accessory uses and other regulations that apply to land across the board. In addition, this article provides the exceptions to these regulations and those found in Article 3.

6.2 Regulations Encumbering Land Required to Satisfy Ordinance Requirements.

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 and placement regulations of this Ordinance shall, through sale or otherwise, be used again as part of the lot required in connection with any other building, structure, or use.

6.3 Height Regulation, Generally.

(a) Structures Permitted Above Height Regulations.

Except as specifically provided herein, the height limitations of this Ordinance shall not apply to any roof structures for housing elevators, stairways, tanks, ventilating fans, solar energy collectors, or similar equipment required to operate and maintain a building, provided that such structures shall not cover more than thirty-three percent of roof area or extend over 10 feet in height; nor to church spires, steeples, belfries, cupolas, domes, monuments, water towers, skylights, flag poles, vents, construction or mining cranes or draglines, or similar structures, which may be erected above the height limit, nor to fire or parapet walls, provided, however, that such walls shall not extend more than five feet above the roof and that no penthouse or roof structure or any space above the height limit shall be allowed for the purpose of providing additional floor space for residential use.

(b) Aviation Hazards

No building or other structure, regardless of exclusions set forth at subsection (a) above, shall be located in a manner or built to a height which constitutes a hazard to aviation or creates hazards to persons or property by reason of unusual exposure to aviation hazards.

6.4 Permitted Encroachments into Required Setbacks

(a) Encroachments Permitted in Required Setbacks: the following are permitted in required setbacks provided 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; and
2. Pet shelters; at-grade patios; play equipment; outdoor furniture; ornamental entry columns and gates; flagpoles; lampposts; address posts; mailboxes; outdoor fireplaces; public utility wires, poles, pumps and boxes; wells; fences or retaining walls subject to the requirements of Section 6.7 (Fences); or similar structures.
3. Handicapped ramps

(b) Structures Permitted in required Setbacks: The following structures may encroach into any required setback:

1. Cornices, steps, overhanging eaves and gutters, window sills, bay windows or similar architectural features, chimneys and fireplaces, fire escapes, fire balconies, and fire towers may project not more than three feet into the required front setback, five feet into the required rear setback and two and one-half feet (2 1/2) into the required side setback, but in no case shall be closer than three (3) feet to any property line.
2. Mechanical equipment, such as air conditioning units, heat pumps, heating equipment, solar panels, and similar installations, may not project into the required front setback, but may project five feet into the required rear setback and two and one-half feet (2 1/2) into the required side setback.
3. Porches and decks may encroach into the required front and rear setbacks as follows:

<u>Type</u>	<u>Setback</u>	<u>Maximum Encroachment</u>	<u>Maximum Area</u>
Covered or Uncovered	Front	5 feet	35 sq. ft.
Uncovered Only	Rear	50% of setback	-

(c) Canopy Projections: Gas station and convenience store gasoline service island canopies may be located in the required street setback provided that no equipment or part of a canopy is located closer than fifteen (15) feet to a street right-of-way line.

(d) Utility Easement Encroachment: Utility substation buildings and structures may be located within utility easements.

6.5 Averaging Existing Residential Front Setback Line

Where the average of the front setbacks for all adjacent lots, which are located within two hundred feet of either side of a lot, is less than the minimum required front setback, the required setback line may be reduced to this lesser average depth, but in no case to less than 10 feet. For the purpose of

computing such average, an adjacent vacant lot shall be considered as having the minimum required front setback specified for the zoning district.

6.6 Accessory Use, Building and Structure Requirements

The following requirements are for customary accessory uses, buildings and structures. Other accessory buildings and structures, such as open storage, listed in Article 5, (Permitted Use Schedule) may have additional development requirements found in Article 7 (Supplemental Regulations.)

(a) Maximum Area

(1) The maximum total area of all accessory buildings for uses listed in Section 6.6(c)(2)a. shall not exceed fifty percent (50%) of the gross floor area of the principal building.

(b) Location (See Diagram page 6-8)

1. Residential Districts: All accessory buildings and structures shall be located behind the front building line or side building line, facing a public street, of the principal structure.
2. Nonresidential Districts: Accessory buildings and structures may be located in front of the front building line of the principal structure, but shall follow the same street setbacks as the principal building.
3. All Districts: No accessory building or structure, except for utility substations, shall be erected in any easement.
4. Minimum Building Separation: The distance between accessory buildings, or between accessory and principal buildings, shall be as follows:

<u>Accessory Building/Structure Size</u>		
<u>< 600 sq. ft.</u>	<u>> 600 sq. ft.</u>	
<u>Building</u>		
<u>Separation</u>	5 feet	10 feet

(c) Setback Requirements

1. Street Setbacks: Accessory buildings and structures shall meet required street setbacks except as otherwise allowed in Section 6.4 Permitted Encroachments into Required Setbacks).

2. Side and Rear Setbacks: Accessory buildings and structures shall meet the following side and rear setbacks except as otherwise allowed in Section 6.4 (Permitted Encroachments into Required Setbacks).

a. Accessory buildings and structures with Single Family Detached Dwellings, Two-Family Dwellings, Three-Family, Manufactured Dwellings (on individual lots), Family Care Homes, Boarding Houses, and Rooming Houses:

Location Relative
to Principal

Building Accessory Building/Structure Size

	<u>< 600 sq. ft.</u>		<u>> 600 sq. ft.</u>	
	<u>Side</u>	<u>Rear</u>	<u>Side</u>	<u>Rear</u>
Between Front Wall and Rear Wall	Same as Principal Building	Same as Principal Building	N/A	N/A
Behind Rear Wall	5 ft.	5 ft.	5 ft.	10 ft.

b. Accessory Buildings and Structures with Other Principal Uses: Accessory buildings and structures for principal uses other than those listed in Subsection (2)a. above shall meet the same minimum side and rear setbacks as principal buildings or structures.

(d) Height Requirements

1. Accessory Buildings and Structures: The height of all accessory buildings and structures, except for communication towers and as provided in Section 6.2 (Structures Permitted Above Height Limits), shall conform to the height limits of the zoning district in which they are located.

2. Accessory Communication Towers: Accessory communication towers may exceed the height limit of the district in which they are located with approval of from the Zoning Administrator and meeting of requirements in Article 7.

6.7 Fences

(a) Applicability

This Section shall regulate all fences unless otherwise stipulated in this Ordinance. Fences are permitted in required setbacks according to Subsection 6.4(a)(2) (Encroachments Permitted in Required Setbacks), provided the requirements of this Section are met and Section 6.8 Visibility at Intersections.

(b) Temporary Fences

Nothing in this Section shall preclude the installation of temporary fences around construction works, erected or maintained pursuant to the NC Building Code.

(c) Permitted Fence Types

The following fence types are permitted in all zoning districts:

1. Masonry or stone walls;
2. Ornamental iron;
3. Chain-link or woven wire.
4. Wood; or
5. Similar materials.

(d) Prohibited Fence Types

The following fence types are prohibited:

1. Fences constructed primarily of barbed or razor wire, except for the purpose of enclosing livestock in existing agricultural uses.
2. Fences carrying electrical current, except for the purpose of enclosing livestock in existing agricultural uses.
3. Fences constructed of readily flammable material such as paper, cloth, or canvas;
4. Fences topped with barbed wire or metal spikes in residential districts, except those serving a public institution for public safety or security purposes; and
5. Fences constructed of concertina wire.

(e) Maintenance

Fences shall be maintained in a safe manner plumb (vertical) to the ground. Fences no longer maintained in a safe manner through neglect, lack of repair, manner of construction, method of placement, or otherwise shall be repaired, replaced, or demolished.

(f) Height - The following height requirements shall apply to fences as well as Subsection 6.8, Visibility at Intersections.

1. Residential Uses:

a. Within Required Front Yard: No fence shall exceed four (4) feet in height within the required front setback.

b. Within Required Side Yard: No fence shall exceed six (6) feet in height within the required side setback.

c. Within Required Rear Yard and Otherwise: No fence shall exceed eight (8) feet in height.

2. Recreational and Existing Agricultural Uses: No fence shall exceed eight (8) feet in height unless the fence observes the required principal building setbacks or is at least fifteen (15) feet from all property lines. Otherwise, no fence shall exceed twelve (12) feet in height.

3. Commercial, Industrial, Institutional, Office, or Other Non-Residential Uses: No fence shall exceed eight (8) feet in height unless the fence observes the required principal building setbacks or is at least fifteen (15) feet from all property lines.

No fence shall exceed four (4) feet in height within the front yard unless the fence is at least 15 feet from the front and side property line.

4. Exceptions: Fence height limitations do not apply to fences built in conjunction with electric or gas substations; municipal solid waste disposal facilities; water or sewage treatment plants or facilities; municipal water storage facilities; public correctional and mental institutions; military facilities; or hazardous or radioactive waste storage or disposal facilities.

5. Measurements

a. Fence height shall be measured at the highest point, not including columns or posts, of the fence section as measured from the grade on the side nearest the abutting property or street.

b. Columns or posts shall not extend more than eighteen (18) inches above the built height of the fence. Columns or posts shall be separated by a horizontal distance of at least four (4) feet, except at gates.

- c. As measured in Subsection a. above, any retaining wall or berm below the fence shall be considered as part of the overall height of the fence. Safety railings required by the NC Building Code shall not be included in height measurements.

6.8 Visibility at Intersections

No structure or portion of any structure shall be placed or erected, no motor vehicle, trailer or equipment shall be allowed to park, stand, stop or be stored, and no vegetation shall be maintained, planted or allowed to grow in a manner which materially impedes the visibility from a street, alley or driveway of lawfully oncoming traffic from any direction in the intersecting public street, between the heights of two and one-half feet and ten feet, as measured from the pavement edge of the adjacent roadway, across triangles described as follows:

- (a) Start at the intersection of the rights-of-way of the two intersecting roadways or at the intersection of the pavement edges, if no right-of-way exists;
- (b) Measure from said intersection 70 feet along the major right-of-way or pavement edge, if none exists,; and ten feet along the minor; and
- (c) Connect the ends of the measurements to form a triangle.
- (d) This section does not apply to utility poles, vehicle parking facilities authorized by the Town Code of Ordinances and essential highway oriented signs installed by the Town of Long View and the North Carolina Department of Transportation.

6.9 Setbacks for Lots Along Thoroughfares

The thoroughfare setback line is intended to promote public safety by providing adequate sight distances for persons using the streets and sidewalks, lessening congestion in the streets and sidewalks, facilitating the safe movement of vehicular and pedestrian traffic on the streets and sidewalks, providing adequate fire lanes between buildings, protecting the public health by keeping dwellings and other structures an adequate distance from the dust, noise and fumes created by traffic on the street, and insuring an adequate supply of light and air.

- (a) Pursuant to the authority granted by G.S. 160A-306, the following setback requirements shall apply to lots along the following thoroughfares:

33rd Street, from the Southern Corridor north to 1st Avenue, NW
(More may be added at a later date.)

The minimum front or side street yards or setbacks for each zoning district which abuts a thoroughfare as shown in the Adopted Hickory-Newton-Conover Thoroughfare Plan shall be measured from the existing right-of-way line for each classification of thoroughfare as follows:

Thoroughfare Classification

Additional Setback

Existing street recommended for securing additional right-of-way of 10 feet or less

10 feet

Existing street recommended for securing additional right-of-way more than 10 feet

One-half the difference between the existing and recommended rights-of-way, but not less than 10 feet

Not recommended for securing additional right-of-way required

No additional setback

Where rights-of-way for street widening have been acquired, setbacks shall be measured from the right-of-way line that has been established.

(b) The additional setback adjacent to the existing right-of-way may not be developed for parking, but may be used for fences, buffers, landscaping, signs, lighting fixtures, or other similar improvements.

(c) An affected property owner shall have the right to appeal the thoroughfare setback requirement to the Board of Aldermen for a modification upon giving written notice within 10 days following the receipt of the written decision of the Zoning Administrator requiring setbacks. The Board of Aldermen may modify the requirements upon a showing that:

(1) the peculiar nature of the property results in practical difficulties or unnecessary hardships that impede carrying out the strict letter of the requirement;

(2) the property will not yield a reasonable return or cannot be put to reasonable use unless relief is granted; and

(3) in balancing the public interest of enforcing the setback requirements with the interest of the owner, the grant of relief is required by considerations of justice and equity.

A modification of the requirements necessary to retain a buildable area reasonably adapted for building construction may be granted either through a reduction or modification of the thoroughfare setback or through a reduction of the rear or side street setback up to an amount equal to the thoroughfare setback, but in no case to less than 10 feet. In granting relief the Board of Aldermen may impose reasonable and appropriate conditions and safeguards to protect the interest of neighboring properties. The Aldermen's decision shall be subject to review by the Superior Court by proceedings in the nature of certiorari.

6.10 Lots; Dimensional, Access, and Related

(a) Lots, Measurement of Width

The width of a lot shall be measured across the required front setback line, provided, however, that width between side lot lines where they intersect with 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 similar points of street curvature where the radius of 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 ninety feet. Diagram below indicates the relationships involved.

(b) Lot, Area

The area of a lot shall be construed as the total area within its boundaries, excluding all rights-of-way.

(c) Lots, Types

The Diagram below illustrates terminology used herein with reference to corner, interior, reversed frontage, and through lots.

In Diagram 6- , Lot A is a corner lot, defined as a lot located at the intersection of two or more streets. A lot abutting 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 that diagram.)

Lot B is an interior lot, defined as a lot other than a corner lot and abutting one street. Alleys shall not be considered as streets for purposes of this definition.

Lot C is a through lot, defined as a lot other than a corner lot, and with frontage on more than one street. Through lots abutting two streets shall be referred to as double-frontage lots unless a corner lot. Alleys shall not be considered as streets for purposes of this definition.

Lot D is a reversed frontage lot, defined as a lot on which the frontage is at right angles or approximately right angles (interior angles 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).

(d) Lot Frontage

On interior lots, the front of a lot shall be construed as the portion nearest the street.

On corner lots and through lots, the frontage of a lot shall be specified in writing by the property owner at the time of application for an initial building permit.

On through lots in commercial districts, a property owner may specify an interior lot line for the establishment of frontage and the front yard provided that proper vehicular access to the specified frontage can be secured.

(e) Lot Yards; Methods for Measurement; Special Requirements

The following rules shall apply with regard to determinations on yards on lots:

1. Yards Adjacent to Streets

Required yards adjacent to streets shall be measured as a line parallel to the street right-of-way line.:

2. Interior Side Yards

Interior side yards shall be construed as running from the rear line of the required front yard to the front line of the required rear yard, if required or, if no rear yard is required, to the opposite lot line. The width of a required side yard shall be measured perpendicular to the side lot line and the inner line of the required yard shall be parallel to such outer line, at the minimum distance therefrom prescribed in district regulations.

3. Interior Side Yards on Through Lots With More Than One Front Yard

Interior side yards on through lots with more than one front yard shall be construed as running to the rear lines of the front yards involved, and measurements and requirements shall be as for Subsection (e) (2), above.

4. Street Side Yards on Corner Lots

Street side yards shall be construed as running from the rear line of the required front yard to the opposite lot line. On corner lots in all residential, office and institutional, neighborhood business (C-3) and highway business districts (C-4), the side yard abutting a street shall not be less than twenty feet wide. In the general business district (C-5), and the economic development district (ED), such yards shall be not less than fifteen feet wide.

(f) Rear Yards

1. Rear Yards

Rear yards shall be construed as extending across the full width of the lot at its rear, except as stated in Subsection (e) 4. above, Street Side Yards on Corner Lots. Required depth of rear yards shall be determined in the same manner as required width of interior side yards.

2. Rear Yards on Corner Lots or Lots With More Than Four Sides

If the corner lot has more than four sides, the yards along the interior lot lines which do not intersect a street line shall be considered rear yards and meet the district requirements therefore.

(g) Special Yards

A special yard, for purposes of these regulations, shall be construed as a yard other than adjacent to a street, required to perform the same functions as a side or rear yard, but adjacent to a lot line so placed or oriented that neither the term "side yard" nor the term "rear yard," as generally determined, defined, or applied with respect to regular lots, fits the circumstances of the case. In such instances, the special yard shall be considered a rear yard unless the Zoning Administrator determines that side yard requirements of the district shall apply because of the relationship of the portion of the lot on which the yard is to be located to the adjoining lot or lots, with due regard to the orientation of structures and buildable areas thereon.

(h) Diagram: Yards

The Diagram below indicates nomenclature, and location, of yards.

Also see Section 6.10(d) and 6.10(e) for special provisions for through lots and corner lots.

(i) Minimum Lot Area

Minimum lot area is the minimum square footage required for a lot by this Ordinance. The minimum area shall not include submerged lands. Roadways or rights-of-way provided by the owner or developer of the lot may be included with the zoning lot for the purposes of calculating density or floor area ratio, but may not be included in calculating compliance with the minimum lot area for individual lots.

(j) Street Access

The lot shall have access to a public street. No dwelling shall be erected on a separate lot of record which does not abut on at least one public street for a distance of at least fifty feet (50), except if a lot abuts the circle of a cul-de-sac the distance may be reduced a minimum of thirty-seven and one-half (37 1/2) feet.

(k) Area Per Dwelling Unit

Area per dwelling unit is the minimum square footage required within a zoning lot for each dwelling unit on the lot. For single-family dwelling units, the area required is the same as the

minimum lot area; for two-family, three-family and multiple-family dwellings, the area per dwelling unit is equal to the minimum area divided by the maximum number of dwelling units permitted on the lot. The same requirements for calculating the area listed for Minimum Lot Area above apply when calculating Area per Dwelling.

ARTICLE 7

SUPPLEMENTAL REGULATIONS

7.1 Introduction

The regulations in this Article shall apply generally or in groups of districts as indicated, unless district regulations or regulations for particular uses specifically provide to the contrary. They qualify or supplement other regulations appearing in this Ordinance. The regulations applying generally to the Town, such as Buffer requirements, are in the front section of the ordinance. The performance standards applying to specific uses listed in Table 5-1, such as Ham Radio Antennas, follow the general regulations.

7.2 General Requirements Concerning Arrangement and Location of Structures and Landscaping; Access

In addition to minimum yard and building spacing requirements specified in this Ordinance, all buildings and other structures, land preparation, and landscaping shall be so located and arranged on lots as to provide safe and convenient access for emergency purposes, fire protection, servicing, and off-street parking and loading located on the premises. As to access through such premises, the following limitations shall apply:

Prohibition of Use of Residentially Zoned Property for Access to Uses Not Permitted in Residential Districts; Exceptions

No private land which is residentially zoned shall be used for vehicular or pedestrian access to land or structures in other districts used for any purpose not permitted in residential districts, except as provided below or otherwise authorized by this Ordinance or other lawful regulations:

- (a) Where provision does not exist for safe access for emergency and public service vehicles and such access is not reasonably feasible except through privately owned residentially zoned land, access reserved for and limited to such vehicles may be authorized by the Board of Adjustment, subject to conditions and safeguards designed to protect the tranquility and character of the residential land so traversed.
- (b) Where convenience and safety would be promoted, walkways and bicycle paths to non-residentially zoned land may be authorized by the Board of Adjustment across privately owned residentially zoned land, with the consent of the affected property owners, subject to conditions and safeguards to protect the tranquility and character of the residential land so traversed.

7.3 Buffers and Screening

In order to reduce the impact of a use of land on adjacent uses which are of a significantly different character, density or intensity, buffers and screening shall be required in accord with the following:

(a) Buffer Required

(1) A buffer consists of a horizontal distance from a lot line which may only be occupied by screening, underground utilities, retention areas and landscaping materials. The required buffering distance between the proposed land uses and the existing adjacent land use on adjoining zoning lots is set forth in the Buffer Matrix, Figure 7-1, below. If the land next to the proposed development is vacant, the buffering required shall be determined by the existing zoning on the adjacent vacant parcel. If the adjacent parcel is vacant, but is zoned for a more intensive zoning district, no buffer area shall be required of the less intensive use. Any use of land which is not expressly listed below shall be considered as listed in groups containing similar uses. The relative degree of intensity shall be determined as follows:

- A. Single Family (as used in this Section) shall be the least intensive.
- B. Two Family and Multiple Family, less than 8 units per acre, shall be the next least intensive.
- C. Multiple Family, more than or equal to 8 units per acre, shall be the next least intensive.
- D. Group 1 shall be the next least intensive.
- E. Group 2 shall be the next least intensive.
- F. Group 3 shall be the most intensive.

Figure 7-1
Buffer Matrix

Abutting Use or Zoning 8u/a	Single Family	Two Family, & Multi Family		Group 1	Group 2	Group 3	LT 8u/a	GT
PROPOSED USE								
Single family	0	0	0	0	0	0		
Two fam. or multi fam LT 8u/a	10	0	0	0	0	0		
multi fam GT 8u/a	10	5	0	0	0	0		
Group 1	10	10	10	0	0	0		
Group 2	15	15	15	10	0	0		
Group 3	30	30	30	20	15	0		

GROUP 1 UPDATE LIST OF USES TO MATCH PERMITTED USES

CULTURAL FACILITIES

- Art Galleries
- Museums
- Libraries

RESIDENTIAL SUPPORT USES

- Church/Synagogue
- Child Care Center
- College/University
- School

GROUP 2

COMMUNICATION FACILITIES

- Radio and Television Studio
- Motion Picture Studio
- Radio and Television Transmitting and
Receiving Facility

MEMBERSHIP ORGANIZATIONS

PUBLIC FACILITIES

- Public Service Facilities
- Public Use Facilities

RETAIL

- Convenience Goods
- Shopper Goods
- Bicycle Sales
- Gas Station
- Lumber and Other Building Materials
- Mail Order Pickup Facility
- Manufactured Home Sales
- Motor Vehicle Sales
 - Domestic Vehicle Sales
 - Commercial Vehicle Sales
- Service Station
- Used Merchandise Sales

SERVICES

- Banking
 - Automatic Teller
 - Bank
- Business Services
- Health Services
 - Health Practitioner's Office
 - Animal Hospital/Vet. Clinic
 - General
 - Small Animal
 - Hospitals
 - Medical and Dental Laboratories
 - Nursing, Convalescent and Extended
 - Care Facilities
 - Rehabilitation Centers
- Lodging Places
 - Hotels/Motels
- Professional Services
- Personal Services
- Recreation and Amusement Services
- Repair Services
 - Motor Vehicle Repair - minor
 - Bicycle Repair
 - Electrical and Electronic Repair - large
 - Electrical and Electronic Repair - small

Gunsmith
Locksmith
Reupholstery
Furniture Refinishing and Repair
Small Motor Repair
Jewelry/Clock Repair
Miscellaneous Services
Car Wash
Dry Cleaners
Exterminator
Food Catering
Funeral Parlor
Lawn Care/Landscaping
Mail Order Office
Photography Studio
Rental of Light Equipment
Rental of Vehicles or Heavy Equipment
Sign Painting Service

TECHNICAL SCHOOLS

Business Schools
Trade Schools
Vocational Schools

MISCELLANEOUS

Flea Markets, Enclosed
Parking, Off-street
Research Activities

GROUP 3

PLACE OF ASSEMBLY

MANUFACTURING, PROCESSING AND ASSEMBLY

OPEN USES OF LAND - HEAVY

Open Storage-(Accessory Use)

TRANSPORTATION FACILITIES

Truck Terminal

WAREHOUSING

Warehouse
Warehouse, Mini

MISCELLANEOUS

Adult Uses
Publishing and Printing
Stadium
Wholesale Distribution

(b) Screening Required

Screening shall be required along the property boundaries of the zoning lot with the exception that screening such as hedges, fences or walls, as described in this section, shall not be over four feet tall within the front yard(s).

(1) Within buffers of ten feet or less in required width, screening is required and shall consist of at least the following:

A. One of the following:

1. A row of evergreen conifers or broadleaf evergreens placed not more than five feet apart which would grow to form a continuous hedge of at least six feet in height within 2 years; or
2. A masonry wall located within the required buffer; such wall shall be a minimum height of six feet (above finished grade;) and, if a block wall, it shall be painted on all sides; or
3. A solid wooden fence six feet in height; or
4. A berm and planting combination, with the berm an average height of three feet and dense plantings which will, when combined with the berm, achieve a minimum height of six feet and completely blocking the view from one area to another.

B. Lawn, low-growing evergreen shrubs, evergreen ground cover, or rock or wood mulch covering the balance of the buffer.

(2) Within required buffers of 10.1 and fifteen feet in width, screening is required and shall consist of at least the following:

A. The requirements of (1) above; and

B. A row of evergreen shrubs or trees, which are not less than five feet in height at the time of planting and are spaced not more than fifteen feet apart.

(3) Within required buffers greater than fifteen feet in width, screening is required and shall consist of at least the following:

A. The requirements of (2) above for fifteen feet or more in width ; or

B. A double row of evergreen trees which are not less than 5 feet high at time of installation, planted no more than ten feet apart; and

C. Lawn, low-growing evergreen shrubs, evergreen ground cover, or rock or wood mulch covering the balance of the buffer.

(c) Alternative Buffers and Screening

In lieu of compliance with the above buffer and screening requirement, an applicant may submit to the Zoning Administrator for his review and approval a detailed plan and specifications for landscaping and screening. The Zoning Administrator may approve the alternative buffering and screening, with the consent of the affected property owner(s), in writing, upon finding that the proposal will afford a degree of buffering and screening, in terms of height, opacity and separation, equivalent to or exceeding that provided by the above requirements.

(d) Existing Vegetation

The retention of existing vegetation shall be maximized to the extent practicable, wherever such vegetation contributes to required buffering and screening or to the preservation of significant trees. Exotic, nuisance trees, as listed in the Manual of Practice, are not considered significant trees and their removal is encouraged. Where tree replacement is necessary or desired, the selection of significant trees to replace those removed is recommended.

(e) Maintenance and Irrigation of Landscaping

All landscaping and screening which provides required buffering and screening shall be maintained so as to continue their effectiveness. All buffer yards shall be properly maintained, and dead and diseased plants shall be replaced by the owner or occupant within 30 days of notice from the Zoning Administrator.

(f) Determination for Unlisted Uses

The Zoning Administrator shall make a determination, in the cases of uses not listed in Figure 7-1, of the Group appropriate for such uses. In reading the determination, the Zoning Administrator shall be guided by the requirements for similar uses having comparable external effects.

(g) Miscellaneous Buffering and Screening

(1) Screening of Mechanical Equipment

All non-residential uses shall screen from view from public places and neighboring properties all ground-mounted mechanical equipment, such as ground-mounted air conditioners or pumps, through the use of features such as berms, fences, false facades or dense landscaping. This does not include roof-mounted equipment.

(2) Central Solid Waste Storage Area

All new buildings and uses, except for single-family and two-family dwellings, shall provide facilities for the central storage of solid waste within the lot. Where such facilities are provided outside of a building, they shall be screened from adjacent property by an enclosure constructed of materials compatible with the materials on the front building wall of the main building.

(3) Fencing for Certain Utility Uses

All public utility uses involving dangerous apparatus shall be surrounded by a chain link fence at least eight feet in height, shall be screened with evergreen shrubs and shall observe a ten foot buffer.

7.4 Lighting.

Lights that illuminate any commercial, industrial or recreational facility (and any associated parking facilities) and/or separate parking facilities not associated with any commercial, industrial or recreational facility shall be arranged so as to reflect the light away from adjacent residential properties, streets or highways. A lighting plan shall be shown on the site plan and approved by the planning department.

7.5 Maintenance of Automobiles or Motor Vehicles in Residential Districts

The repair of an automobile or a motor vehicle in any residential zoning district is subject to the following restrictions:

(a) Only minor maintenance may be performed which, for purposes of this Section, are defined as the changing and replenishment of fluid levels, such as hydraulic fluid, windshield washer fluid, and lubricating oil, the replacement of sparkplugs, ignition points, the rotation of tires and the checking of adequate pressure; and the replacement of drive belts and hydraulic lines.

(b) Any other repairs on a motor vehicle or automobile shall be restricted to totally enclosed spaces and only accomplished on privately registered vehicles having current State of North Carolina license plates, or motor vehicles designated by the State of North Carolina as qualifying for an antique or horseless carriage designation.

7.6 Parking of Domestic, Recreational and Commercial Vehicles

(a) Domestic and Recreational Vehicles

An owner of domestic and recreational vehicles may park or store such vehicles on his private residential property, subject to the following limitations:

- (1) At no time shall such vehicles be occupied or used for living, sleeping or housekeeping purposes.
- (2) If a domestic vehicle or recreational vehicle is parked or stored outside of an enclosed garage, it shall be parked or stored not less than twenty feet from any street line, and not less than five feet from any interior lot line.
- (3) At no time shall such vehicles be connected to any utility service.

(b) Commercial Vehicles

The parking of more than one commercial vehicle per lot in any residential district is prohibited, except where such vehicles are located within entirely enclosed structures which meet the regulatory requirements for the applicable zoning district. This requirement shall not be interpreted to prohibit vehicles from loading and unloading in any residential district for a period not exceeding 24 hours.

Tractor-trailer combinations in any residential district is prohibited, except where such vehicle is located entirely within an enclosed structure which meets the regulatory requirements for the zoning district.

(c) The automobile or motor vehicles referred to in (a) and (b) above shall be registered showing the address at which the limited maintenance or other repairs are to be performed.

7.7 Reserved.

7.8 Reserved.

7.9 Reserved.

7.10 Automotive Towing and Storage Services

(a) The automotive storage area shall be surrounded by a minimum eight (8) foot high opaque fence of acceptable screening material approved by the Enforcement Officer -- this does not include inserts on a chain link fence.

(b) No outdoor disassembly or no salvaging shall be permitted.

7.11 Animal Hospital and Veterinary Clinics

(a) All activities, with the exception of animal exercise yards, shall be conducted within an enclosed building.

(b) Buildings housing animal hospitals or veterinary clinics shall be located no closer than one hundred feet from an adjacent residential district.

(c) Exercise and confinement yards shall be not less than two hundred feet from any dwelling unit on adjacent property.

7.12 Communication Towers and Antennas, Radio and Television Towers, etc.

The following specific standards shall be used in deciding applications for such uses:

(1) All towers and antennas shall have setbacks equal to or greater than the height of the proposed structure.

(2) Distance of any guy anchorage or similar device shall be at least ten (10) feet from any property line and an additional 15 (15) feet must be provided if the site abuts a residential district.

(3) Suitable protective anti-climb fencing and a landscape planting screen shall be provided and maintained around the structure and accessory attachments.

(4) The applicant shall present documentation of the possession of any required license by any federal, state or local agency.

(5) No structure shall be in excess of a height equal to the distance from the base of the structure to the nearest overhead electrical power line which serves more than one dwelling or place of business, less five (5) feet.

(6) Application for the permit must include construction drawings showing proposed method of installation, structural engineering analysis, and site plan depicting structures and plantings on the property and all adjacent properties. At the request of administrative authority, documentation of a maintenance program may be required.

(7) If any modifications are made to the structure, the zoning administrator shall have the authority to require proof that said addition, change or modification is in conformity with the permit and the Long View Building Code.

(8) The owners of such a structure shall assume complete liability in case of personal property damage.

7.13 Construction Trailers as Temporary Offices

(a) A contractor, engaged upon a construction project for which a Building Permit has been issued by the Town of Long View, may temporarily use a construction trailer for office facilities in the location where the work is being done; provided such construction trailer shall not be placed upon a public street, but only upon the property on which the Building Permit authorizes the construction. The construction trailer shall be removed within 30 days of completion of the work for which the permit has been issued.

(b) A Zoning Compliance Permit may be issued by the Zoning Administrator for a one-year period for the use of a manufactured home, or a modular home, as a temporary office while business properties are being remodeled, provided that it is placed upon the property for which there is a Building Permit issued by the Town of Long View for the remodeling. The permit shall be for a period of one year or until the remodeling is completed, whichever is the shorter period.

7.14 Discotheques

(a) The use shall not be within 1,000 feet of any Residential District. Distance shall be measured from property line to property line, along shortest distance between property lines, without regard to the route of normal travel.

(b) The property must abut and have its primary access to a major or minor thoroughfare as designated on the Hickory-Newton-Conover Urban Area Thoroughfare Plan adopted at time of application.

(c) Nothing in this subsection shall be construed to permit the operation of any business or the performance of any activity prohibited under any other section of this Ordinance or the laws of the Town of Long View or the State of North Carolina.

7.15 Drinking Establishments

(a) The use shall not be within 1,000 feet of any Residential District. Distance shall be measured from property line to property line, along shortest distance between property lines, without regard to the route of normal travel.

(b) The property must abut and have its primary access to a major or minor thoroughfare as designated on the Hickory-Newton-Conover Urban Area Thoroughfare Plan adopted at time of application.

(c) Nothing in this subsection shall be construed to permit the operation of any business or the performance of any activity prohibited under any other section of this Ordinance or the laws of the Town of Long View or the State of North Carolina.

7.16 Flea Markets, Indoor.

Each vendor must show necessary permits including Federal Tax ID number and one (1) parking space for each vendor to provide for employee parking.

7.17 Garage, Yard, etc. Sales

Garage, yard, tag, patio and apartment sales are specifically permitted as an accessory use in all residential districts. Such sales shall be limited to two during each twelve month period, for a maximum duration of two days per sale, sixty days apart.

7.18 Ham Radio Antenna

The following specific standards shall be used in deciding applications for such uses:

(1) The occupant shall possess a valid FCC license to operate radio transmitting and receiving equipment associated with the antenna.

(2) The antenna shall not be located in any required front and side yards and, if located in the required rear yard, shall not be located closer than 20 feet from any rear lot line.

(3) The antenna shall be so located, constructed and maintained as to avoid menacing adjacent property by collapse, overturning or by falling ice.

7.19 Home Occupations

A home occupation is that accessory use of a dwelling unit which shall constitute, either entirely or partly, the livelihood of a person living in the dwelling unit. Home occupations shall be subject to the following limitations:

(a) No home occupation shall be permitted that:

(1) Changes the outside appearance of the dwelling unit or is visible from a street;

(2) Generates traffic, parking, sewage or water use in excess of that which is normal in a residential district;

(3) Creates a hazard to persons or property or is a nuisance per se or per accidens;

(4) Results in outside storage or display of anything;

(5) Is conducted in any structure other than the principal structure;

(6) Employs or uses persons who are not residents of the premises;

(7) Devotes more than 25 percent of the usable floor area of the dwelling unit to the home occupation;

(b) The following are permitted home occupations in all residential districts, provided that they meet the requirements of (a), above:

(1) Dressmaking, sewing and tailoring;

(2) Painting, sculpturing and writing;

(3) Telephone answering service;

(4) Home crafts, such as weaving, lapidary, potting;

(5) Tutoring of no more than four students at a time;

(6) Computer programming;

(7) Barber shops and beauty parlors;

(8) Cooking and baking.

(c) The following are prohibited as home occupations:

(1) Animal hospitals;

(2) Physicians, dentists and chiropractors;

(3) Dance studios;

(4) Exercise studios;

(5) Mortuaries;

(6) Nursery schools;

(7) Private clubs;

(8) Repair shops;

(9) Restaurants;

(10) Stables and kennels;

(11) Automobile repair and paint shops.

(d) Any proposed home occupation that is neither specifically permitted by paragraph (b) nor prohibited by paragraph (c) shall, in order to be established, obtain a Class B Special Use Permit from the Board of Adjustment in accordance with Article 11.

7.20 Manufactured Home Sales Lot

Manufactured Homes Sales Lots are permitted when selling new (not previously owned) homes in good repair after review of the detailed site plan by the Zoning Administrator for such measures as parking, traffic flow and meeting of setback requirements.

7.21 Mini-Warehouse

Mini-warehouse facilities shall meet the following requirements:

- (a) Such facilities shall be used only for dead storage of materials or articles and shall not be used for assembly, fabrication, processing or repair.
- (b) The storage of dangerous or offensive items is prohibited.
- (c) The requirements of Section 7.12 shall be met unless the storage is located 200 feet from the zoning lot boundaries.

7.22 Model Dwelling Units

(a) In any residential district, the developers, builders or their agents may operate three model dwelling units as a sales office for the specific project under construction, subject to the following restrictions:

- (1) The model dwelling unit shall meet all district requirements for lot and yard dimensions.
 - (2) Signs shall not be illuminated.
 - (3) The model dwelling unit shall not be used for any business activity, other than showing and sales.
 - (4) At least five off-street parking spaces shall be provided on the same lot as the model dwelling unit or on a contiguous lot within the specific project.
 - (5) The model dwelling unit shall be discontinued when the specific residential project is sold out and shall comply with regulations generally applicable within the district.
 - (6) The model dwelling unit shall not be approved for occupancy unless the site conditions and access are free from hazards to the public.
- (b) Model dwelling units may be erected or displayed in districts which exclude residential uses, provided that such models shall not be used for residential purposes, but only for display as a

means to sell homes in districts in which they are permitted and provided that all other requirements of the district in which the model dwelling unit is erected shall be met.

7.23 Open Storage - Accessory Use

In addition to any buffer requirements, open storage areas shall be screened from view of any public street by a row of evergreen shrubs or trees planted to form a continuous hedge at least six feet high within two years of installation.

7.24 Satellite Radio and Television Receiving Dishes, Location Requirements

Any radio or television receiving dish in a residential district shall only be located within the rear yard.

7.25 Swimming Pools

(a) Setbacks: Pools shall be located to comply with the minimum setback requirements for accessory buildings, and structures in Article 6, Subsection 6.6 (c) (Setback Requirements for Accessory Uses).

(b) Use Separation: Pools which are not an integral part of the principal building shall be located a minimum of ten (10) feet from the principal building.

(c) Security Fencing: Swimming pools shall be protected by a fence or equal enclosure, a minimum of four (4) feet in height, and equipped with a self-closing and positive self-latching gate provided with hardware for permanent locking.

7.26 Townhouse Subdivisions

A Townhouse Subdivision consists of lots that have been divided for the purpose of conveyance of fee simple title after the construction thereon of a single-family townhouse residence which meets the standards of townhouse construction established by the North Carolina Building Code. Townhouse lots with dimensions smaller than those specified in Figure 5-2 may be created in conjunction with construction of single-family townhouses in zoning districts permitting the construction of multi-family dwellings in accordance with the following provisions:

(a) The minimum area required for creation of a townhouse subdivision of three or more lots shall be determined by the minimum lot size and dimensions required for multi-family housing in the zoning district. A two lot subdivision for townhouse dwellings may be created on tracts meeting the requirements for two-family development in the zoning district.

(b) In each district permitting townhouse development the lot size for each attached dwelling may be reduced from the general lot area of that district. Each townhouse lot shall have access to a public street through a portion of the lot or through commonly owned property in

accordance with 6.10(j) of this ordinance. The minimum width of a townhouse lot shall be twenty feet. The minimum required front, rear and side street setbacks of the district shall apply to townhouse lots. The minimum interior side lot setback required by the zoning district may be reduced to zero feet between adjoining attached townhouse units. Minimum interior side yard setbacks between groups of attached townhouse dwellings shall be as required by the underlying zoning district.

(c) The plat creating the townhouse subdivision shall state that individual lots are limited to townhouse construction.

(d) All areas within the townhouse subdivision other than public streets and individual townhouse lots shall be shown and designated as common areas, the fee simple title to which shall be conveyed by the developer to a non-profit corporate homeowners association, the members of which shall be all of the owners of residential sites within the development. Such common area shall not be subsequently subdivided or conveyed by the homeowners association.

(e) The homeowners association shall be organized and in legal existence prior to the sale of any residence in the development; membership in the homeowners association shall be mandatory for each original purchaser and each successive purchaser of a townhouse lot; the homeowners association shall be responsible for the maintenance of all facilities located on the common areas. Easements over common areas for access to public streets, recreation areas, parking, walkways, and for maintenance purposes shall be granted to each owner of a townhouse lot. Prior to approval of a townhouse subdivision, proposals for the establishment, operation and maintenance of common area facilities and improvements shall be reviewed by the Town Attorney who shall provide an opinion as to the legal sufficiency of the devices for insuring that the land shall be held and improved and maintained for the purposes set forth.

(f) The minimum land area for multi-family housing within the zoning district shall apply to townhouse subdivisions as a whole.

(g) Townhouses subdivisions shall provide buffers and screening in accordance with Article 7 with the dwelling unit densities required to determine the type of buffers and screening required to be established for the subdivision as a whole.

(h) Driveways for townhouse subdivisions must have the written approval of the Town Engineer.

(i) Building plans for the construction of the townhouse units shall be submitted prior to the final subdivision plat. The final plat may not be approved until construction plans are approved by the building inspector.

ARTICLE 8

SIGNS

8.1 Intent

It is the general intent of this Ordinance to regulate the number, size and location of signs in all districts -- to prohibit signs of a commercial nature in districts in which commerce is barred; to limit signs in the commercial districts in relation to the intensity of the use of the district and its surroundings; and to control the number, area and location of signs in other districts. These regulations are designed, among other purposes, to stabilize and protect property values, maintain the visual attractiveness of the Town of Long View and its environs and promote public safety.

8.2 Definitions

Sign.

Any structure designed to inform or attract the attention of persons not on the premises on which the device is located.

Signs, Area

The surface area of a sign shall be computed as including the entire area within a parallelogram, triangle, circle, semi-circle or other regular geometric figure, including all of the elements of the display, but not including any blank masking border (a plain strip, bearing no advertising matter around the edge of a sign), frames, display of identification or licensing officially required by any governmental body, or structural elements outside the sign surface and bearing no advertising matter. The width of the masking border or sign frame structure shall not extend beyond the maximum surface area more than six (6) inches.

Both sides of a double-faced or V-type sign shall be of equal size. In the case of signs mounted back-to-back or with an interior angle no greater than fifteen degrees, the sign area shall be measured by computing the area of one side of the sign. In the case of V-type signs with an interior angle greater than fifteen degrees, cylindrical signs, signs in the shape of cubes, or other signs which are substantially three-dimensional with respect to their display surfaces, the entire display surface or surfaces shall be included in computations of area.

In the case of embellishments (display portions of signs extending outside the general display area), surface area extending outside the general display area and bearing advertising material shall be computed separately as part of the total surface area of the sign.

See Figure 8-2 on number and area of signs.

Signs, Number of.

For the purpose of determining the number of signs, a sign shall be considered to be a single display surface or display device containing elements organized, related, and composed to form a unit. Where matter is displayed in a random manner without organized relationship of units, where strings of lights are used, or where there is a reasonable doubt about relationship of elements, each element or light shall be considered to be a single sign. For back-to-back signs or those with an interior angle no greater than fifteen degrees, both surfaces shall be considered to be a single sign. In the case of V-type signs with an interior angle greater than fifteen degrees, each surface shall be considered to be a single sign.

See Figure 8-2 on number and area of signs.

8.3 Signs Subject to Control; Exceptions

All signs visible from the public rights-of-way shall be erected, maintained and operated in accordance with this Ordinance and other relevant controls, unless specifically excepted. Signs not subject to the provisions of this Ordinance are listed in Section 8.4.

8.4 Signs Not Subject to Control

The following signs are not subject to the control of this Ordinance:

- (a) Non-illuminated signs not exceeding two square feet in area, not of a commercial nature and bearing only property identification numbers and names, post office box numbers and name(s) of occupant(s) of the premises.
- (b) Historic markers erected by a governmental body.
- (c) Legal notices, identification and informational signs and traffic directional signs erected by or on behalf of a governmental body.
- (d) Integral decorative or architectural features of buildings, except letters, trademarks, moving parts or moving lights.
- (e) Signs directing and guiding traffic on private property, but which bear no advertising matter and do not exceed four square feet in area.
- (f) Bulletin signs incidental to churches, provided they do not exceed twelve square feet in area and have a maximum height of six feet.
- (g) Incidental signs used in conjunction with equipment or other functional elements of a use or operation. These shall include, but not be limited to drive thru window menu boards, signs on automatic teller machines, gas pumps, express mail drop boxes, vending machines or newspaper delivery boxes, or signs painted or permanently attached to currently licensed motor vehicles that are not parked or located so as to function as a sign.

(h) Official flags, emblems, or insignia of corporate, professional, fraternal, civic, religious, or educational organizations limited to one per lot. Official flags, emblems, or insignia of any government.

8.5 Traffic Safety Precautions

The following practices in relation to signs are prohibited, notwithstanding any other provisions in this Ordinance, in order to preserve the safety of pedestrian and vehicular movement:

(a) No sign shall be erected so that any part of it intrudes into the sight preservation triangle established by Section 6.8.

(b) No sign shall use such words as "stop," "slow," "caution," "danger," or similar admonitions which may be confused with traffic directional signs erected by governmental agencies.

(c) No sign shall be erected so as, by its location, color, nature or message, to permit it to be confused with or obstruct the view of traffic signals or signs or so it would tend to be confused with the warning lights of an emergency or public safety vehicle.

(d) No sign shall contain pulsating, rotating, occulting or flashing lights, except those showing time and temperature information.

8.6 Prohibited Locations for Signs

Except where specifically exempted by this Ordinance or, in the case of the C-1 District, where Chapter 24 of the Town Code may be applied, all signs shall be located outside of required yards and public rights-of-way.

No sign shall be attached to any utility pole, tree, rock or other natural object.

8.7 Restriction on Direct Illumination

No source of illumination on a sign, such as floodlights, spotlights, unshielded bulbs, etc., shall be directly visible from any public right-of-way, from any residential district or from adjacent premises.

8.8 Zoning Compliance Permit Required

Before any sign, except those specifically exempted from such a requirement, shall be erected or structurally altered a Zoning Compliance Permit shall be obtained. See Sections 15.4 and 15.5.

8.9 Temporary Signs

(a) Not Requiring Permit

The following temporary, unlighted signs may be erected in the manner prescribed without the issuance of a Zoning Compliance Permit:

(1) Real estate signs. For lots of less than five acres in a residential, office or central business district, a single sign on each street frontage may be erected. It shall not exceed six square feet in area, shall observe a front setback of ten feet and contain the message that the property is for sale, lease or rent and the name, address and phone number of the agent. The sign shall be removed immediately upon the sale or lease of the property.

For lots of five acres or more in area in a residential, office or central business district, such signs may be up to thirty-two square feet in area.

For lots in commercial or industrial areas, not including the C-1 district, such signs may be up to thirty-two square feet in area.

(2) Construction sign. A single construction site identification sign shall be permitted. It shall not exceed 32 square feet in area, shall be located at least 10 feet from the front property line and may contain in its message identification of the project, its owner and/or developer, architect, engineer, land planner, landscape architect, contractor and sub-contractors.

The sign shall not be erected prior to issuance of a building permit, and the sign shall be removed within fifteen days after final inspection.

(3) A temporary banner sign in the C-4, C-5, ED and I district not covered in the foregoing categories, so long as such banners meet the following restrictions: Each business may have two such banners and must be attached to a permanent architectural feature not including any public utility fixture and no banner may exceed 40 square feet in surface area and shall be in good condition (not frayed or torn) as determined by the Code Enforcement Officer.

(b) Signs Requiring Permits

The following temporary signs require a Zoning Compliance Permit:

(1) Temporary signs or banner erected for not more than 14 days announcing a noncommercial and civic or philanthropic event in any district. Such signs or banners shall be limited to one per lot with the written permission of the owner and may be located in required yards.

(2) Two temporary off-premise directional signs of up to 10 square feet in area and 6 feet in height for any new business for a period of 90 days following issuance of a certificate of occupancy. Such signs shall be limited to one per lot with the written permission of the property owner, may not be located in any residential or office district, and may be located in required yards.

(3) Temporary signs for the sale of Christmas trees or similar items sold on a seasonal or temporary basis shall not exceed 32 square feet in area or 6 feet in height. Only one such sign per temporary business shall be erected and shall be safely affixed to the ground or a permanent structure on the lot. A copy of the privilege license for the temporary business shall be included in the permit application and the permit shall be kept at the business site. Such signs shall be removed within 7 days of the termination of sale activities.

(4) Two temporary off-premise signs directing construction traffic during the construction period of a new business. Such signs may not exceed 6 square feet in area or 3 feet in height, shall be limited to one sign per zoning lot with the written permission of the property owner, may not be located in any residential or office district, may be located in required yards and must be removed upon issuance of a certificate of occupancy.

(5) Trailer signs, A frame signs or electrified signs shall not be permitted to be used as temporary signs.

8.10 Nonconforming Signs; Inventory and Termination of Status.

See Article 9, Nonconformities.

.11 Off-premise Sign (Billboard) Regulations

Off-premise Signs advertising are prohibited from location within the Town of Long View.

8.12 Portable Signs Prohibited

Portable signs are prohibited from location or use within the Town of Long View and except for banners permitted by Section 8.8b.

8.13 Off-premise Directional Signs

The Zoning Administrator may issue a Zoning Compliance Permit for a single off-premise directional sign under the following standards:

(a) The principle use, located in a C-4, C-5, ED or I district does not have frontage on a major thoroughfare as shown on the Hickory-Newton-Conover Urban Area Thoroughfare Plan or has frontage on only one direction of a one-way thoroughfare.

(b) The sign shall not exceed 16 square feet per establishment nor 48 square feet for three or more establishments utilizing a single sign, nor exceed six feet in height. Signs providing directions to multiple establishments shall be of unified design.

(c) If the provisions of (e) below are met, the sign may be located within a residential, office or C-3 district and may be located in required yards. Compliance with Section 6.8, Visibility at Intersections, is required.

(d) Off-premise directional signs shall be limited to one per lot with the written permission of the property owner, shall be spaced at least two hundred feet from any other off-premise sign.

(e) Off-premise directional signs for churches or non-profit civic organizations not exceeding four square feet in area are permitted in any district with the written permission of the property owner. Such signs may be located in public rights of way subject to the approval of the Town of Long View Department of Public Works or the North Carolina Department of Transportation.

8.14 Signs in Front Yards

A single sign per zoning lot may be erected in the front yard.

8.15 Subdivision Name Markers

Name markers for subdivisions may be located within the street right-of-way or within the required front yard at the beginning of a subdivision road upon issuance of a Zoning Compliance Permit, provided the location of such marker is outside the intersection sight triangle (see 6.8) and the normal maintenance limits. In non-residential districts such markers may include a listing of the occupants of the subdivision. Issuance of a Zoning Compliance Permit shall be subject to the following conditions:

(a) All costs will be the responsibility of the applicant.

(b) Neither the Town nor the N.C. Division of Highways shall maintain the marker or the area around the marker.

(c) The markers shall be removed, if not properly maintained or if required for street improvement purposes, at no expense to the public.

(d) One such marker shall be permitted for each intersection with a major street and a maximum of two markers shall be permitted for each subdivision.

(e) If the sign is to be located within the right-of-way of any N.C. State system road, approval of the Division of Highways shall be required.

(f) The applicant shall assume tort liability for such markers.

(g) For residential subdivision markers the size restrictions are 16 square feet with a maximum height of 6 feet. For non-residential markers the size restrictions of Figure 8-2 shall apply.

(h) Markers in non-residential districts which list the occupants of the subdivision shall also be subject to the following requirements:

1. A rendering indicating color, size, shape, and lighting mechanisms for the marker shall be submitted.

2. All marker panels shall be of unified design (color, size, shape) and shall not include company logos.

3. The light source for the marker shall not be directly visible from adjoining properties or rights-of-way.

(i) The applicant shall agree in writing to these conditions.

8.16 Political Signs

Non-illuminated political signs, not exceeding sixteen square feet in area, are permitted in required front yards. Such signs shall be removed within two days subsequent to the election or campaign to which they pertain.

8.17 Freestanding Signs

Freestanding signs shall be allowed as follows:

(a) One sign shall be permitted in the required front yard.

(b) No signs shall be permitted in required side or rear yards, except as provided for in subsection (c).

(c) Freestanding signs not exceeding six feet in height are permitted in the required street setbacks on each additional street front on multiple frontage lots, provided they are separated from any other freestanding sign by 150 feet.

(d) Additional signs are permitted outside of required yards in commercial, economic development or industrial districts.

(e) All signs shall observe the maximum sign area and height requirements of Figure 8-2.

(f) All signs shall comply with Section 6.8, Visibility at Intersections.

(g) A consolidated sign of unified design and construction is encouraged where more than one use is located on a single lot.

8.18 Interstate Highway Users' Signs

(a) It is the intention of the Town Council to create and from time to time amend a series of districts which overlap and overlay existing zoning districts, the extent and boundaries of which shall be indicated on the official zoning map. Within these districts businesses which rely principally on limited access highways for their trade may erect a single hi-rise sign of extraordinary height according to the following standards.

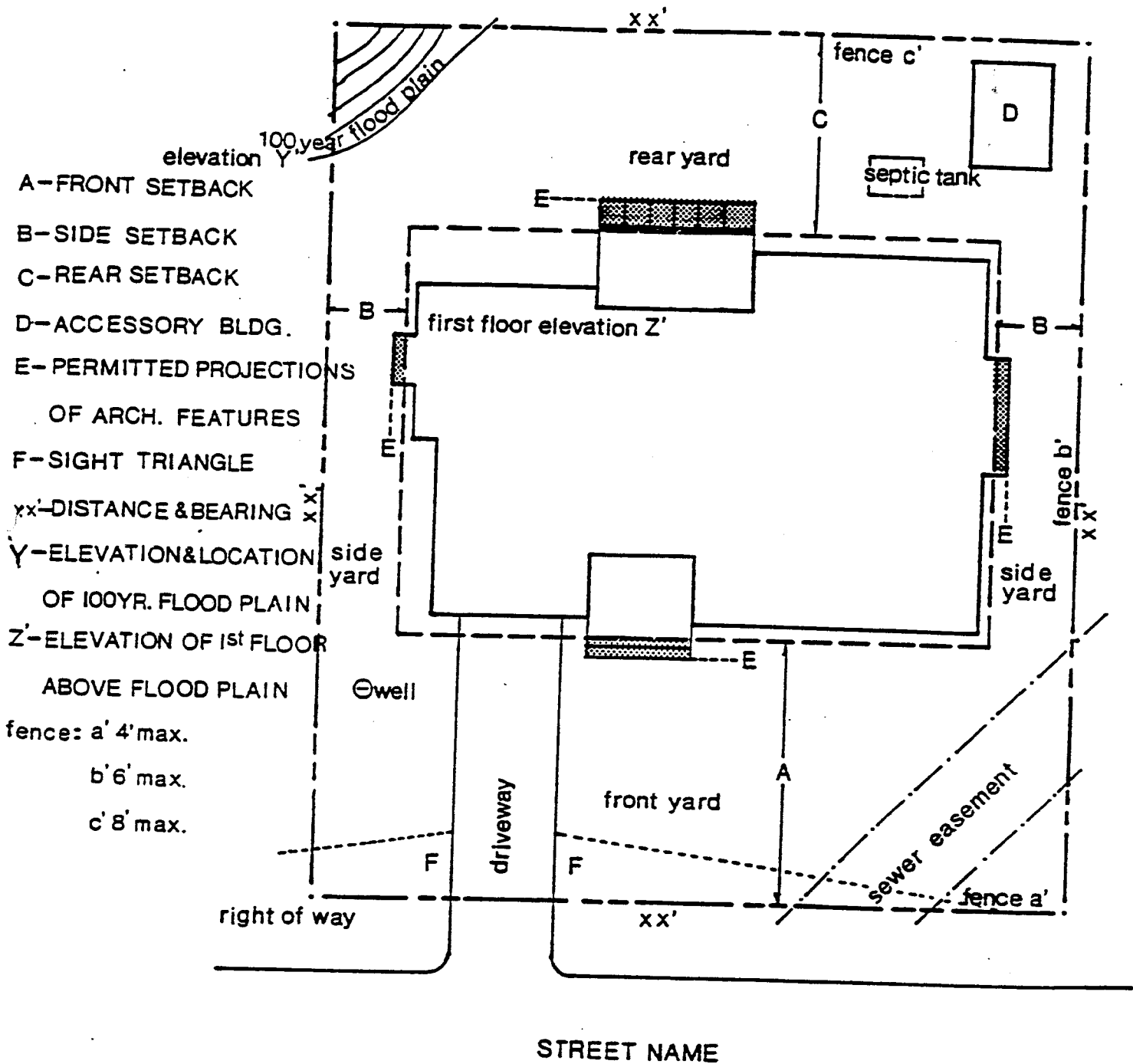
- (b) A Single hi-rise sign may be permitted as follows:
- (1) The use requesting the sign must principally offer travel services, which are defined as gas, food, lodging or camping, and must occupy a lot of at least one acre.
 - (2) Maximum height is limited to 60 feet and maximum area of 100 square feet.
 - (3) Notwithstanding subsection (2), the Zoning Administrator may allow a greater height, up to a maximum of 120 feet in order to permit 7 seconds of visibility of the sign prior to the beginning of the exit ramp for traffic travelling at the legal speed limit. If the Zoning Administrator allows additional height, the maximum sign size may be increased 5 square feet for each foot of allowed height above 60 feet.
 - (4) All such signs shall observe a 10-foot setback from all lot lines.
 - (5) Where a hi-rise sign is installed, all other signs on that lot shall be either freestanding signs not exceeding six feet in height or attached signs. Notwithstanding the foregoing an additional freestanding sign may be installed, if it is separated from the limited access highway user sign by more than 400 feet. The area of the hi-rise sign shall be excluded from calculations of permitted sign area.
 - (6) Where a hi-rise sign is installed the applicant may not utilize off-premise advertising on limited access highways within the Town of Long View that advertise the use upon which the hi-rise sign is located.

Figure 8-1

Insert Graphics Here

TYPICAL SITE PLAN

(single family residential)



- A-FRONT SETBACK
 - B-SIDE SETBACK
 - C-REAR SETBACK
 - D-ACCESSORY BLDG.
 - E-PERMITTED PROJECTIONS OF ARCH. FEATURES
 - F-SIGHT TRIANGLE
 - xx'-DISTANCE & BEARING
 - Y-ELEVATION & LOCATION OF 100YR. FLOOD PLAIN
 - Z'-ELEVATION OF 1ST FLOOR ABOVE FLOOD PLAIN
- fence: a' 4' max.
 b' 6' max.
 c' 8' max.

zoning _____
 tax map _____ block _____ lot _____
 property owner's name _____

scale 1 = X
 surveyor's certification

ARTICLE 9

NONCONFORMITIES

9.1 Classification

Nonconformities are classified as

- (a) Lots;
- (b) Uses of land without structures or with minor structures only;
- (c) Uses of major structures and premises;
- (d) Structures; and
- (e) Characteristics of uses which were lawful but would be prohibited, regulated or restricted by the enactment of this Ordinance or a subsequent amendment thereto.

Nonconformity may also be created where lawful public taking or actions pursuant to a court order have the same effect as violations of this Ordinance, if undertaken privately.

9.2 Intent Concerning Nonconformities Generally

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.

It is further the intent of this Ordinance that nonconformity shall not be used as grounds for addition of other prohibited uses or structures on the site or in the area, nor the enlarging by means of extension or expansion, except as specifically provided by this Ordinance.

All rights and obligations associated with a nonconforming status run with the land and are not personal to the present ownership or tenant of the land, and are not affected by a change in ownership or tenancy, unless abandoned. (See subsection 9.6(b) and 9.7(c)).

9.3 Special Uses Not to be Considered Nonconforming

Any existing use which would require Special Use Permit approval under the terms of this Ordinance shall be deemed a conforming use. However, enlargement, replacement or modification of such a use shall require approval of a Special Use Permit application, as though it were a new use.

9.4 Nonconforming Lots

(a) Use of Single Nonconforming Lot for a Single Family Dwelling

In residential districts, a single-family dwelling and customary accessory structures may be erected, occupied and used on a separate, nonconforming lot of record, which is not in continuous frontage with other lots in the same ownership (except as provided in (c) below) in accord with other requirements applying in the district in which the lot is situated.

(b) Use of Single Nonconforming Lot for Nonresidential Uses

In other than residential districts, a nonconforming lot of record, which is not in continuous frontage with other lots in the same ownership (except as provided in (c) below), may accommodate uses permitted within that district in accord with other requirements applying in that district.

(c) Rules Concerning Combination of Contiguous Nonconforming Lots in Same Ownership and with Continuous Frontage

Combinations Required, Where Nonconforming Status was Created at Enactment or Amendment of this Ordinance

- (1) Where two or more nonconforming lots in single ownership and with continuous frontage exist, they shall be considered a single zoning lot and a Zoning Compliance Permit authorizing their use shall only be issued when the lot area and lot width requirements for the district in which the lots are located are satisfied, except as provided in (2) below. Full setback requirements shall apply to all of the newly created combined lots.
- (2) Land After Recombination - the "eighty percent" rule. If, after combining lots to achieve a district's minimum lot size requirements, leftover land remains, it will be considered a viable, developable lot if it contains an amount equal to eighty (80%) percent or more of the minimum lot size its district requires.

9.5 Nonconforming Uses of Land Without Structures or with Minor Structures

Nonconforming uses of land not involving any permanent structure, with a replacement cost of more than \$2,000 or a combination of permanent structures with a replacement cost not exceeding \$5,000, as determined by the Zoning Administrator, shall cease within two years of the adoption of this Ordinance, or any amendment which shall cause such uses to assume nonconforming status.

In making determinations regarding replacement costs, the Zoning Administrator shall use the Dodge Reports, Marshall Swift, or their successors, as a basic reference.

Prior to termination the following limitations shall apply:

- (a) There shall be no enlargement, increase in intensity or alterations to the use, its permanent structure or both.

(b) If the use ceases for more than 180 consecutive days or a total of 360 days in a two-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.

9.6 Nonconforming Uses of Major Structures, or Structures and Premises in Combination

Nonconforming use of structures with a value higher than specified in Section 9.6 above, or of such structures and premises in combination, may be continued, provided:

(a) A nonconforming use shall not be changed to another nonconforming use unless such use is determined by the Board of Adjustment to be of equal or less intensity. The burden of proof of showing that the new nonconforming use is the same or lesser intensity than the existing nonconforming use will rest completely with the applicant. A process similar to that used in conditional use permitting will be used when changing from one nonconforming use to another. In determining whether a nonconforming use is of equal or less intensity, the Board of Adjustment shall consider:

1. anticipated traffic of each use
2. parking requirements of each use;
3. anticipated number of persons on the premises of each use at peak demand; and
4. off-site impacts of each use, such as noise, glare, dust, odor, vibration, or smoke. For example, will the nonconformity generate or have the potential to generate a significantly higher volume of traffic than surrounding land use?

In permitting a change, the Board of Adjustment may impose conditions upon the proposed use.

(b) A nonconforming use may not be extended, but the extension of a use to any portion of a building, which portion is at the time of the adoption of this Ordinance primarily designed for such nonconforming use, shall not be deemed to be an extension of a nonconforming use;

(c) If active operations are discontinued for a period of 360 days in any consecutive two year period, subsequent use shall conform to the regulations of the district in which located.

(d) When a building or structure devoted to a nonconforming use is damaged or deteriorated, as determined by the Zoning Administrator, to the extent of fifty percent or more of the building's or structure's assessed taxable value, such building, if restored, shall comply with the dimensional requirements of this ordinance.

(e) Any nonconforming single-family detached structures that exist may be altered, repaired, enlarged or replaced with a single-family detached structure, provided that the altered or replaced structure meets the dimensional requirements of this Ordinance. A nonconforming single-family dwelling may be replaced by a Class AA or Class A manufactured home if it is located in a commercial, industrial or economic development district.

(f) The following rules shall apply to nonconforming manufactured homes within the Town of Long View:

(1) Nonconforming manufactured homes on individual lots in the R-4 and R-5 zoning districts or in a manufactured home park existing prior to January 8, 1991, may be replaced with a Class AA manufactured home meeting the appearance criteria set out in Article 2.

(2) It is not intended that these regulations interfere with any easement, covenants or other agreements between parties. However if these regulations impose a greater restrictions or higher standards, then these regulations shall apply.

(3) Manufactured Homes that are nonconforming by virtue of more than one principal use per lot and existing prior to adoption of the Long View Zoning Ordinance in 1967 and are not in an Existing Manufactured Home Park prior to January 8, 1991; shall not be replaced if removed for any length of time from its nonconforming location, unless the lot can be subdivided meeting the dimensional requirements of the residential zone.

9.7 Nonconforming Structures, Other than Signs

A structure, other than signs, which is nonconforming, due to noncompliance with the dimensional requirements of the Official Schedule of District Regulations of this Ordinance and which is used for a use permitted in the district in which it is located may remain, provided:

(a) That any structural change to the structure 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, if damaged, deteriorated or destroyed to the extent of more than 60 percent or more of its current assessed valuation, may only be reconstructed in accordance with the regulations of the district in which it is located.

(c) Routine repairs and maintenance of a nonconforming structure, fixtures, wiring and plumbing or the repair or replacement of walls shall be permitted.

9.8 Nonconforming Signs; Inventory and Termination of Status

The Zoning Administrator, within one year of the effective date of this Ordinance, shall make, or cause to be made, an inventory of all signs. This inventory, which shall include all land within the Town of Long View, shall contain the location and description of the sign and the name and address of the owner(s) of the lot on which each sign is located, as they appear in the current tax roll.

Additionally, for each sign, the Zoning Administrator shall note the reasons for the determination that each sign falls under the provisions of this Article and whether the sign is conforming or nonconforming.

Upon completion of the inventory, the Zoning Administrator shall notify, by first-class mail, the owner(s) of the lot upon which each nonconforming sign is located. Such notice shall also include a copy of this Article, along with the name and official address of the Zoning Administrator.

Prior to the issuance of a certificate of zoning compliance for any new construction upon a zoning lot or a change in occupancy of a zoning lot upon which a non-conforming on-premise sign or signs is located, such sign or signs shall be removed or brought into compliance with the requirements of this ordinance.

Prior to the issuance of a building permit for any new exterior construction on a zoning lot, upon which any non-conforming off-premise sign is located, such non-conforming sign shall be removed or brought into compliance with the requirements of this ordinance.

All nonconforming signs shall be subject to the provisions of Subsections 9.7(a), 9.8(b), 9.8(c) and Section 9.12.

9.9 Nonconforming Characteristics of Use

(a) Nonconforming characteristics of use, which may include, by way of illustration but not limitation, inadequate parking and loading facilities, 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 without approval by the Board of Adjustment.

(b) Open Storage- Exception. At a minimum, the screening requirements of Subsection 7. 23, Open Storage, shall be met within 1 year of the passage of this ordinance.

9.10 Unsafe Nonconforming Structures

Nonconforming structures or portions thereof, which are declared unsafe by the Building Inspector or other competent authority, may be repaired and restored, except as provided in Subsections 9.7(d) and 9.8 (b).

9.11 Repairs and Maintenance of Structures Containing Nonconforming Use(s)

Repairs and maintenance on any structure devoted, in whole or in part, to a nonconforming use, may be done in any period of twelve consecutive months by ordinary repairs, or by repair or replacement of non-bearing walls, fixtures, wiring or plumbing, to an extent not exceeding ten percent of the current replacement value of the building.

Nothing in this Section shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by an official charged with protecting the public safety, upon order of such official.

ARTICLE 10

OFF-STREET PARKING AND LOADING

10.1 Intent

It is the intent of these regulations to encourage the appropriate location of off-street parking and off-street loading to provide the needed levels of service to the citizens of and visitors to the Town of Long View and its environs, to avoid undue congestion on the streets, to protect the capacity of the street system to move traffic, to avoid unnecessary conflicts between vehicles and pedestrians, to preserve and enhance the designated pedestrian activity areas within the Town and to facilitate access from streets to off-street parking lots and structures and off-street loading spaces.

10.2 Off-Street Parking Required

In all districts in connection with every industrial, commercial, institutional, residential or any other use, at the time any new structure is erected or any use of a structure or land is enlarged or increased in density or intensity, off-street parking shall be provided for motor vehicles in accordance with requirements contained in this Article. Conformance with the new parking requirements herein shall be for the new use or the enlarged portion of the use(s) or structure(s) only and not the existing use or structure.

10.3 Compliance with Regulations

The requirements for off-street parking space and off-street loading space applicable to newly erected or altered structures and uses shall be a continuing obligation of the owner of the real estate upon which any such structure is located, so long as the structure or use is in existence and its use requiring parking or loading, or both, continues. It shall be unlawful for an owner of any structure affected by this Ordinance to discontinue, change or dispense with, or cause the discontinuance or change of the required vehicle parking or loading space apart from the discontinuance of such structure, without establishing alternative parking and loading space which meets the requirements of and is in compliance with this Ordinance.

10.4 Methods of Providing Required Parking

All required parking shall be located on the same zoning lot as the principal use(s) it serves, except as provided below.

(a) In lieu of actual construction of required on-site parking spaces, all or any portion of the off-street parking required in this Article may be provided as follows:

(l) Required parking for a use on a zoning lot may be located on another zoning lot, either by itself or combined with parking for other uses, subject to certification by the Zoning Administrator that the following requirements have been met:

A. The use being served by the off-site parking shall be a permitted principal use as established in Article 5, in the zoning districts within which the zoning lot containing such parking is located, or parking is a permitted principal use in the district where the offsite parking is located;

B. The off-site parking spaces shall be located within four hundred feet walking distance of a public entrance to the structure or land area containing the use for which such spaces are required. A pedestrian route shall exist or be provided between the off-site parking and the use being served;

C. The continued availability of off-site parking spaces, necessary to meet the requirements of this Article, shall be ensured by an appropriate agreement, with the Town of Long View as one of the parties with the right of enforcement, satisfactory to the Office of the Town Attorney, filed with the Zoning Administrator, and recorded with the Register of Deeds of the county in which the use is located.

D. For purposes of determining applicable minimum and maximum intensities, the land area devoted to off-site parking shall be added to the land area of the zoning lot containing the use being served by such parking and shall be subtracted from the area of the zoning lot containing the off-site parking.

E. Off-site required off-street parking shall not be separated from the use it serves by a street with more than four lanes, or other similar physical barriers to convenient access between the parking and the use, unless a controlled pedestrian crossing is provided or exists.

F. The zoning compliance permit covering such approval shall include the requirement that the permit is valid only so long as the conditions described in the application for the permit exist.

10.5 Joint Use Facilities and Shared Parking

(a) Nothing in this Ordinance shall be construed to prevent the joint use of off-street parking or off-street loading space for two or more structures or uses, if the total of such spaces, when used together, will not be less than the sum of the requirements of the various individual uses computed separately in accordance with the requirements of this Ordinance.

An agreement for such joint use, in a form acceptable to the Town Attorney shall be filed with the Zoning Administrator and recorded with the Register of Deeds for the county in which the use is located.

(b) No part of an off-street parking area or off-street loading area required for any structure or use for the purpose of complying with the provisions of this Ordinance shall be included as a part of an off-street parking area or off-street loading area similarly required for another structure or use, unless the Zoning Administrator determines that the period(s) of peak demands for off-street parking for such structures or uses will not be simultaneous with or overlap each other.

An agreement, with the Town of Long View as one of the parties with a right of enforcement, for such joint use, in an agreement acceptable to the Office of the Town Attorney shall be filed with the Zoning Administrator and recorded with the Register of Deeds for the county in which the use is located.

The Zoning Compliance Permit covering such approval shall include the requirements that the permit is valid only so long as the conditions described in the application for the permit exist.

10.6 Number of Required Off-Street Parking Spaces

(a) Required Off-Street Parking Spaces

The number of required off-street parking spaces shall be as set forth in Table 10-1, below.

TABLE 10-1

REQUIRED PARKING SPACES

<u>USES</u>	<u>SPACES PER UNIT OF MEASURE</u>
AGRICULTURE AND RELATED USES	3.0 per 1,000 sq. ft. GFA*
	* GFA = Gross Floor Area
CULTURAL FACILITIES	
Art Galleries	1.2 per 1,000 sq. ft. GFA
Museums	1.2 per 1,000 sq. ft. GFA
Libraries	1.2 per 1,000 sq. ft. GFA

USES

SPACES PER UNIT OF MEASURE

COMMUNICATION FACILITIES

Radio and Television Studio
Transmitting and Receiving
Facility 1.0 per 1,000 sq. ft. GFA Radio and Television
1.0 per employee

COMMUNITY RECREATIONAL USES

3.3 per 1,000 sq. ft. GFA,
or 1.0 per 30% of the
maximum capacity for
open uses

MANUFACTURING, PROCESSING AND
shift

0.6 per employee of largest ASSEMBLY

MEMBERSHIP ORGANIZATIONS

3.3 per 1,000 sq. ft. GFA

PLACE OF ASSEMBLY

0.3 per seat

PUBLIC FACILITIES

Public Service Facilities 1.0 per employee
Public Use Facilities 3.3 per 1,000 sq. ft. GFA

RESIDENTIAL SUPPORT USES

Church/Synagogue 0.3 per seat
Child and Adult Care Center 1.0 per employee, plus
1.0 per facility

vehicle, plus 1.0 per

15 children

College/University 0.5 per student

School, Elementary, Junior High 1.6 per classroom

School, Senior High

0.33 per student, plus 1.0

per

staff member

RESIDENTIAL USES

Congregate Living Facility
1.0 per employee of
largest shift, plus 1.0 per facility
vehicle, plus 0.2 per resident

Elderly Housing

0.5 per bedroom

Multiple-Family Dwellings efficiency	1.25 per dwelling unit	1 bedroom
2.0 per dwelling unit	2.0 per dwelling unit	2 or more bedrooms
Conventional	Single-Family Dwellings	
2.0 per dwelling unit	Two-Family Dwellings	Manufactured Home 2.0 per dwelling unit

USES SPACES PER UNIT OF MEASURE

Nursing, Convalescent largest shift, plus	1.0 per employee of largest shift, plus	resident 1.0 per facility vehicle, plus 0.33 per
Professional Residential Facility largest shift, plus	1.0 per employee of largest shift, plus	resident 1.0 per facility vehicle, plus 0.2 per
Boarding and Rooming Houses	1.0 per bedroom	

RETAIL

Convenience Goods 10.0 per 1,000 sq. ft. GFA	4.0 per 1,000 sq. ft. GFA	Eating establishment, walk in/drive in, sit down
Drinking establishment	10.0 per 1,000 sq. ft. GFA	
Shopper Goods		
Apparel stores 4.0 per 1,000 sq. ft. GFA	4.0 per 1,000 sq. ft. GFA	Department stores 1.0 per 1,000 sq. ft. GFA
Furniture and home furnishings stores		
Supermarket 1.0 per four pumps	5.0 per 1,000 sq. ft. GFA	Gas Station
Service Stations repair bay	1.0 per four pumps, plus	3.0 per
Manufactured Home and Recreational Vehicle Sales	2.0 per 1,000 sq. ft. GFA	
Motor Vehicle Sales	2.0 per 1,000 sq. ft. GFA	
All Other Retail	4.0 per 1,000 sq. ft. GFA	

SERVICES

Airport by individual review	by individual review	Airport Support Uses
Banking		
Automatic Teller Bank	2.0 per machine 4.0 per 1,000 sq. ft. GFA,	plus
100.0 ft. of	queuing area per drive-in window	

Bus Terminal waiting area	8.0 per 1,000 sq. ft.		
Business and Professional Services Services Office	3.5 per 1,000 sq. ft. GFA		and Personal
Health Services			
Clinic	Health Practitioner's Office 5.0 per 1,000 sq. ft. GFA	5.0 per 1,000 sq. ft. GFA Hospitals	Animal Hospital/Vet. 2.0 per bed

<u>USES</u>	<u>SPACES PER UNIT OF MEASURE</u>		
Medical and Dental	4.0 per 1,000 sq. ft. GFA		
Laboratories			
Nursing, Convalescent and Extended Care Facilities		0.35 per bed	
4.0 per 1,000 sq. ft. GFA	Taxi Stand		Rehabilitation Center
Truck Terminal	1.0 per employee	1.0 per employee	
WAREHOUSING			
Warehouse	0.6 per employee of largest shift		
Warehouse, Mini	1.0 per 10 storage units,		plus
1.0 per employee			

<u>USES</u>	<u>SPACES PER UNIT OF MEASURE</u>		
Adult Uses	3.0 per 500 sq. ft.	Amusement Park	by individual
review	Circuses, Carnivals and Fairs	by individual review	Dry Cleaning
Plant	1.0 per employee on largest shift, plus		
	0.25 per seat of chapel	1.0 per facility	Funeral Home
		employee vehicle	capacity plus 0.33 per
Flea Markets-Indoor	3.0 per 1,000 sq. ft. GFA	Publishing	and Printing
1.0 per 1,000 sq. ft. GFA			

<u>USES</u>	<u>SPACES PER UNIT OF MEASURE</u>		
Rental and Leasing of Light Equipment	3.0 per 1,000 sq. ft. GFA		
Rental and Leasing of Domestic Vehicles	3.0 per 1,000 sq. ft. GFA		
Rental and Leasing of Commercial Vehicles and Heavy Equipment	3.0 per 1,000 sq. ft. GFA		
Research Activities	1.4 per employee	Stadium	
by individual review			
Wholesale Distribution	0.6 per employee of largest shift		

(b) Calculation of Certain Parking Requirements

Where parking requirements relate to number of seats, and seating is in the form of undivided pews, benches, and the like, twenty linear inches shall be construed to be equal to one seat. Where parking requirements relate to movable seating in auditoriums and other assembly rooms, fifteen square feet of net floor area shall be construed to be equal to one seat, except where otherwise specified. Net floor area shall be the actual area occupied by seating and related aisles, and shall not include accessory unoccupied areas or the thickness of walls.

10.7 Determinations for Unlisted Uses

The Zoning Administrator shall make a determination, in the cases of uses not listed in Table 10-1, of the required off-street parking spaces.

In reaching the determination, the Zoning Administrator shall be guided by the requirements for similar uses, the number and kind of vehicles likely to be attracted to the proposed uses and studies of the parking requirements of such uses in other jurisdictions.

10.8 Off-Street Parking Space Standards

(a) Regular Car Parking

The minimum dimensions for required off-street spaces shall be as shown in Tables 10-2:

<u>USES</u>		<u>SPACES PER UNIT OF MEASUREMENT</u>										
		<u>TABLE 10-2</u>										
		Angle (in degrees)										
<u>DIMENSION</u>	<u>DIAGRAM 10-1</u>	<u>0</u>	<u>45</u>	<u>60</u>	<u>75</u>	<u>90</u>						
Stall width, parallel 21.4 19.5 18.0	A	9.0	12.7	10.4	9.3	9.0	to aisle			B	24.0	24.5
Stall length of line	C	9.0	17.0	18.5	19.0	18.0						
Aisle width between stall lines	D	12.0	12.0	16.0	22.0	24.0						
Stall depth, interlock 43.8 51.5 59.3 60.0	E	9.0	14.8	17.0	18.3	18.0	Module, wall to			F	30.0	
Module, interlocking	G	30.0	41.6	50.0	58.6	60.0						
Module, interlock to curb face	H	30.0	41.8	49.4	56.9	58.0						
Bumper overhang (typical)	I	0.0	1.5	1.8	2.0	2.0						
Offset	J	----	6.3	2.7	0.5	0.0						

Setback	K	24.0	11.0	8.3	5.0	0.0
Cross aisle, one-way	L	18.0	18.0	18.0	18.0	18.0
Cross aisle, two-way	-	24.0	24.0	24.0	24.0	24.0

(b) Handicapped Parking

Parking for the handicapped shall be provided in the following quantities:

Total Parking in Lot	Required Minimum Number of Accessible Spaces
1 to 25	1
26 to 50	2

51 to 75		3
76 to 100		4
101 to 150		5
151 to 200	6	
201 to 300	7	
301 to 400		8
401 to 500		9
501 to 1000	*	
1001 and over	**	

* 2 percent of total.

** 20 plus 1 for each 100 over 1000

Such parking spaces for the handicapped shall be designed and located as follows:

- (1) All spaces shall be accessible to a curb ramp or curb cut, when necessary to allow access to the building, structure, or use served, and shall be so located that users are not compelled to wheel behind parked vehicles.
 - (2) One in every eight handicapped parking spaces, but not less than one, shall be a minimum of 16 feet wide. Other handicapped parking spaces shall be a minimum of 13 feet wide.
 - (3) Parallel parking spaces shall be located either at the beginning or end of a block or adjacent to an alley entrance. Curbs adjacent to such spaces shall be of a height which will not interfere with the opening and closing of motor vehicle doors.
 - (4) Each such parking space shall be prominently outlined with paint and posted with a non-movable fixed sign of a color and design approved by the North Carolina Department of Transportation.
- (d) Except for single- and two-family dwellings and agricultural use, every off-street parking area shall be surfaced with asphaltic or concrete pavement or an alternative approved by the Zoning Administrator so as to provide a durable and dustless surface. In making a determination as to the suitability of a proposed alternative, the Zoning Administrator shall find that such improvement:
- (1) Provides a safe and permanent surface, suitable for the quantity and quality of traffic expected to use it;
 - (2) Provides a surface which will accept permanent delineation of parking spaces, aisles, accessways and maneuvering areas;
 - (3) Provides a surface that will not contribute to subsidence, erosion or sedimentation, either on-site or off-site, and

(4) Provides a surface that meets the design standards of the Town of Long View Engineering Department.

(e) All off-street parking lots shall be graded and drained so as to dispose of all surface water accumulated within the area, in accordance with the design standards of the Town of Long View Engineering Department.

(f) Lighting, if provided, shall be directed away from public streets and residential areas and shall not be a hazard or distraction to motorists traveling on a street. (See Section 7.7)

(g) Sales, dead storage, repair, dismantling and service of motor vehicles shall not be permitted on off-street parking spaces.

(h) All off-street parking spaces, including all areas for maneuvering, shall be located solely on private property, and shall not use public property or public rights-of-way.

(i) All off-street parking areas shall be designed to provide safe and convenient circulation, in accordance with commonly accepted traffic engineering practices and subject to the review and approval of the Zoning Administrator in accordance with said practices.

10.9 Landscaping Standards for Off-Street Parking

(a) It is the intent of this Section to protect and promote the public health, safety, and general welfare by requiring the landscaping of parking areas which will serve to reduce radiant heat from surfaces, reduce wind and air turbulence, reduce noise, reduce the glare of automobile lights, ameliorate stormwater drainage problems, and protect and preserve the appearance, character, and value of adjacent properties.

(b) Except for single- or two-family or three-family dwellings, all parking facilities, unless located entirely underground, shall meet the following minimum landscaping requirements:

(1) Driveways into parking facilities shall be bordered by a buffer strip a minimum of eight feet in width, which shall be landscaped using shrubbery or low growing evergreens planted in a minimum of a single row spaced five feet apart with the remaining in a ground cover of seeded grass, sod, or rock, brick, or wood mulch or any combination.

(2) Ground-level parking facilities and the ground level of parking structures shall be landscaped by a buffer strip a minimum of eight feet in width exclusive of abutting right-of-way. Said buffer shall consist of shrubbery or low growing evergreens planted a minimum of a single row spaced five feet apart with the remaining width in a ground cover of seeded grass, sod, or rock, brick or wood mulch or any combination. Where the parking facilities abut the required screening buffer, the buffer strip shall be deleted.

(3) Parking facilities, unless located on or within a structure, shall be encouraged to be separated from the exterior wall of a structure, exclusive of paved pedestrian entrance ways or loading areas, by a buffer strip at least five feet in width which shall be landscaped.

(c) In providing the vegetation required above, the retention of existing significant vegetation shall be encouraged.

(d) All landscaping and screening which provides buffering and screening shall be maintained so as to continue their effectiveness.

(e) These provisions of Section 10.9 shall not apply to lots containing 10,000 square feet or less with at least one driveway access from United States numbered highways.

10.10 Required Off-Street Loading Space

(a) Every use requiring the receipt or distribution, by vehicles, of materials and merchandise shall have one or more loading berths or other space for standing, loading and unloading on the same or adjoining premises. Loading space shall be sufficient to allow normal loading and unloading operations of a kind and magnitude appropriate to the property served. Also, a required loading space shall be available for the loading and unloading of vehicles and shall not be used for the storage of vehicles or materials, or to meet off-street parking requirements, or in conducting the use.

(b) The requirements in Table 10-4 shall apply to new structures or additions to structures, and shall not be considered to make any existing structure nonconforming for lack of such off-street loading.

TABLE 10-4

Off-Street Loading Requirements

<u>Land Use Classification</u>	<u>Space Requirements</u>
Office and hotel uses (ft.)	One loading berth for every 10,000 square feet of Floor area, up to a maximum of 5 berths.
	(larger than 1500 sq. maximum of 5
Industrial and commercial follows:	Minimum number of loading berths required: uses as
Under 8,000 square feet	1 berth
8,000 - 25,000 square feet	2 berths
25,000 - 50,000 square feet	3 berths
50,000 - 100,000 square feet	4 berths

Over 100,000 square feet 5 berths plus 1 for each
additional 100,000 sq. ft.

10.11 Determination of Unlisted Uses.

For any land use which is not listed in Table 10-4, the Zoning Administrator, upon review of the proposed use, shall specify the required number of loading spaces to be provided, using generally accepted traffic engineering practices and standards.

10.12 Off-Street Loading Space Standards.

All off-street loading spaces shall meet the following standards:

- (a) Off-street loading spaces shall be located and arranged so that a semi-trailer truck (WB 50 class) shall be able to gain access to and use such spaces.
- (b) Loading space shall observe the minimum street and interior setbacks established for structures.
- (c) All loading space and maneuvering space shall be surfaced with an all-weather material which shall be maintained in a safe, sanitary, and neat condition.
- (d) No loading space shall be located so that a vehicle using such space intrudes on or hinders the use of the public right-of-way, or adjacent properties.
- (e) Each required off-street loading space shall have a minimum width of twelve feet and a minimum vertical clearance of sixteen feet above finished grade of the space. The length shall be a minimum of thirty feet for local delivery and sixty feet for semi-trailers. A maximum of two-thirds of the required loading spaces can be used for local delivery vehicles.

ARTICLE 11

SPECIAL USES

11.1 Intent

It is the intention of the Board of Aldermen to create, and from time to time amend, a list of Special Uses within the Table of Permitted Uses which, because of their inherent nature, extent and external effects, require special care in the control of their location and methods of operation. The Board of Aldermen 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 Board of Aldermen intends that the general standards, established in Section 11.2, and the more specific requirements, established below shall be used by the Board of Adjustment, the Planning Board and the Board of Aldermen, as appropriate, to direct deliberations upon applications for the approval of Special Uses. It is the express intent of the Board of Aldermen 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.

11.2 General Standards

The following general standards shall be met by all applicants for approval of Special Uses:

- (a) The use will promote the public health, safety and general welfare, if located where proposed and developed and operated according to the application;
- (b) 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, including the provisions of Articles 5, 6 and 7 of this Ordinance, unless greater or different regulations are contained in the individual standards for that Special Use;
- (c) That the use will maintain or enhance the value of contiguous property, or that the use is a public necessity;
- (d) That the use is in compliance with the general plans for the physical development of the City as embodied in these regulations.

The Board of Adjustment or the Board of Aldermen, as appropriate, 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.

11.3 Establishment of Classes of Special Uses; Authority to Approve or Disapprove

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

Class A - Approved or disapproved by Board of Aldermen

Class B - Approved or disapproved by Board of Adjustment.

11.4 Procedure for Submission and Consideration of Applications for Approval of Special Uses

(a) Application Submitted to Zoning Administrator

Application for approval of Special Uses shall be filed with the Zoning Administrator, who shall, before accepting any application, ensure that it contains all required information, as specified in Section 11.6.

Applications which are not complete, or otherwise do not comply with the provisions of this Article, shall not be accepted by the Zoning Administrator, but shall be returned forthwith to the applicant, with a notation by the Zoning Administrator of the deficiencies in the application.

(b) Planning Director Prepares Analysis and Recommendation

The Town Planner shall cause an analysis to be made of the application and, based upon that analysis, prepare a recommendation for consideration by the Planning Board if it is a Special Use to be acted on by the Board of Aldermen; if it is a Special Use to be acted on by the Board of Adjustment then skip procedures (c) and (d) below.

(c) Recommendation Submitted to Planning Board Prior to Board of Aldermen Review.

If the Special Use requires review by the Board of Aldermen, within a minimum of 15 and a maximum of 45 days of the acceptance of the application for approval of a Special Use, the Town Planner shall submit the results of the analysis and recommendation required in (b) to the Planning Board.

(d) Planning Board Action prior to Board of Aldermen Review.

The Planning Board, within 30 days of the meeting at which the Town Planner's recommendation is submitted shall prepare and submit to the Board of Aldermen, in the case of Class A applications a recommendation concerning the disposition of the application.

In order to approve any special use petition a majority of the members of the Planning Board must vote in favor of the petition. For the purposes of this section, vacant positions on the Board and

members who are disqualified from voting on a quasi-judicial matter shall not be considered “members of the Board” for calculating the requisite majority.

Failure of the Planning Board to submit a recommendation within the required time shall be deemed a favorable recommendation, without conditions.

(e) Public Hearing Required; Notice Specified

Prior to consideration of the application for approval of a Special Use, a public hearing thereon shall be held by either the Board of Aldermen or the Board of Adjustment, as appropriate for the class of application involved.

The Zoning Administrator shall cause public notice to be given of the date, time and place of the public hearing to be held to receive comments, testimony and exhibits pertaining the application for approval of a Special Use.

Such notice shall be published in the newspaper of general circulation in the Town of Long View once a week for two successive weeks, with the first notice to be published not less than fifteen nor more than twenty-five days prior to the date of the hearing.

(f) Action on the Application

After completion of the public hearing, the Board of Aldermen or the Board of Adjustment, as appropriate, shall take action upon the application. This action shall be one of the following:

1. Approval;
2. Approval with conditions attached;
3. Denial.

In every case, the action of the Board of Aldermen or the Board shall include a summary of the evidence supporting the action taken by it on the application.

(g) Action Subsequent to the Decision

The Zoning Administrator shall cause notice of the disposition of the application to be sent by certified mail to the applicant and a copy of the decision to be filed in the office of the Town Clerk. The Zoning Administrator, in the case of approval or approval with conditions, shall issue the necessary permit in accord with the action.

11.5 Imposed Conditions

The Board of Aldermen or the Board of Adjustment, as appropriate, may impose such reasonable conditions upon approval of a Special Use as will afford protection of the public health, safety and general

welfare, ensure that substantial justice is done and equitable treatment provided.

Such conditions shall run with the land and shall be binding on the original applicant(s) as well as all successors, assigns and heirs.

11.6 Contents of Application for Approval of Special Use

The application for approval of a Special Use shall be submitted on forms provided by the Zoning Administrator. Such forms shall be prepared so that, when completed, a full and accurate description of the proposed use, including its location, appearance, and operational characteristics shall be disclosed. Additionally, the forms shall, when completed by the applicant, disclose the name(s) and address(es) of the owner(s) of the property involved, the name(s) and address(es) of the applicant, if different from the owner(s), and all relevant information needed to show compliance with the general and specific standards governing the Special Use which is the subject of the application.

11.7 Minor Changes to be Approved by Zoning Administrator; Modifications Require Action by Approving Body

The Zoning Administrator 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 body, 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. The Zoning Administrator shall use the following criteria in determining whether a proposed action is a minor change or a modification:

- (a) Any change in location or any increase in the size or number of signs shall constitute a modification.
- (b) 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 or an increase in outside land area devoted to sales, displays, or demonstrations.
- (c) Any change in parking areas resulting in an increase or reduction of 5% or more in the number of spaces approved by either the Board of Aldermen or the Board of Adjustment shall constitute a modification. In no case shall the number of spaces be reduced below the minimum required by this ordinance.
- (d) 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.
- (e) Substantial change in the amount or location of open space, recreation facilities or landscape screens shall constitute a modification.

(f) A change in use shall constitute a modification.

(g) Substantial changes in pedestrian or vehicular access or circulation shall constitute a modification.

The Zoning Administrator shall, before making a determination as to whether a proposed action is a minor change or a modification, review the record of the proceedings on the original application for the approval of the Special Use.

The Zoning Administrator 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.

11.8 RESERVED

11.9 Standards Applicable to Individual Special Uses

In addition to the general standards contained in Section 11.2, the following specific standards for individual Special Uses shall be used in deciding upon applications for Special Uses.

(a) Adult Uses

The following specific standards shall be used in deciding applications for approval of such uses:

(1) All windows, doors, entries, etc., for all adult uses shall be so located, covered, screened or otherwise treated that views of the interior of the establishment are not possible from any public or semi-public area, street or way.

(2) No adult use shall be located within a 1,000-foot radius of another adult use. Distance shall be measured from property line to property line, along the shortest distance between property lines, without regard to the route of normal travel.

(3) No adult use shall be located within 1000 feet of any Residential District.

(4) Nothing in this subsection shall be construed to permit the operation of any business or the performance of any activity prohibited under any other section of this Ordinance or the laws of the Town of Long View or the State of North Carolina.

(b) Airport/Airstrip

The following standards shall be used in deciding applications for approval of this use.

(1) No airport/airstrip shall be located on a parcel of land less than ten (10) acres.

(2) All FAA (Federal Aviation Administration) regulations that apply shall be met and indicated to the Board prior to approval, if applicable.

(3) The minimum length for the landing strip shall be 3,000 feet long.

(4) Each end of the landing strip shall be at least 600 feet from any exterior property line of the parcel of land the airport/airstrip is located on.

(5) The Board may require other conditions that would protect the property values and living standards of properties in the area, including but not limited to; sound barriers, hours of operation, size and type of aircraft, etc.

(c) Reserved.

(d) Bed and Breakfast Operation and Boarding and Rooming House

The following specific standards shall be used in deciding an application for these uses:

(1) All required off-street parking shall be located outside of required yards.

(2) No more than four bedrooms shall be donated to accommodation of transients.

(3) The operators shall be full-time residents of the premises.

(4) Signs shall be limited to one non-illuminated sign of not more than six square feet.

(5) The serving of meals to transients shall be limited to breakfast only.

(6) A minimum lot size of 2 acres in residential zone.

(e) Reserved.

(f) Cemetery, Human

The following standards shall be used in deciding an application for approval of this use:

(1) All requirements of the North Carolina General Statutes, regarding the interment of the human dead, shall be met.

(2) A minimum lot size of 85,000 square feet shall be provided.

(3) There shall be adequate space within the site for the parking and maneuvering of funeral corteges.

- (4) No interment shall occur within 30 feet of any lot line.
- (5) All structures shall be set back a minimum of 25 feet.
- (6) All structures over 25 feet in height must be set back a minimum of 25 feet plus two feet for each foot, or fraction thereof, of height above 25 feet to the maximum height permitted in the district in which it is located or 50 feet, whichever is more restrictive.

(g) Child and Adult Care Center

The following specific standards shall be used in deciding an application for approval of these uses:

- (1) A paved circular driveway, 20 feet in width with a minimum inside radius of 20 feet, shall be provided.
- (2) A fenced outdoor playing area for children shall be provided in the rear yard.
- (3) Uses designed to accommodate more than 30 children shall be located upon and have direct access to an arterial or collector street as shown on the Hickory-Newton-Conover Thoroughfare Plan.
- (4) Uses designed to accommodate more than 30 children shall have a minimum lot size of 30,000 square feet.
- (5) Such use should, as a usual practice, be located so that it forms part of a group of community service uses, such as churches, schools, parks, etc.
- (6) Evidence that the requirements and standards of the N.C. Department of Human Resources have been and shall continue to be met.

(h) Circus, Carnival and Fair

The following specific standards shall be used in deciding an application for approval of this use:

- (1) The site shall have direct access to a major or minor thoroughfare as shown on the Hickory-Newton-Conover Thoroughfare Plan.
- (2) All required state and local licenses and permits have been obtained.
- (3) The maximum duration of the use shall be ten days.

(i) Community Recreational Uses

The following standards shall be used in deciding an application for approval of this use:

- (1) Where membership is not limited to residents of adjacent residential areas, the site shall have direct access to a major or minor thoroughfare as shown on the Thoroughfare Plan.
- (2) All required yards shall be 40 feet.
- (3) A minimum lot size of 40,000 square feet shall be provided.
- (4) The light source of outdoor lighting fixtures shall not be directly visible from property outside the zoning lot on which the fixture is located. Additionally, the maximum illumination permitted at the zoning lot line shall be 0.20 foot candles.

(j) Congregate Living Facility

The following specific standards shall be used in deciding an application for approval of these uses:

- (1) No such use shall be established within 1,200 feet of another such use or a professional residential facility.
- (2) The requirements and standards of the North Carolina Department of Human Resources have been and shall continue to be met.
- (3) No external evidence of such use, distinguishing the Congregate Living Facility from a regular dwelling, shall be visible from adjacent property, public or private.
- (4) Each facility shall be designed and built to appear as similar to a residential structure as possible.

(k) Cultural Use Facility; Libraries, Museums

The following standards shall be used in deciding applications for approval of this use:

- (1) The use shall have direct access to an arterial or collector street, as shown on the Thoroughfare Plan.
- (2) A minimum lot size of 40,000 square feet shall be required.
- (3) Retail sales of historical, educational and cultural objects shall be limited to 5% of the total usable floor area of the use.
- (4) No external evidence of retail sales shall be permitted.

(l) Drive-In Theaters

- (1) No part of any theater screen, projection booth, or other building shall be located closer than three hundred feet from any residential district nor closer than fifty feet from any lot line.
- (2) The image on the theater screen shall not be visible from any arterial or collector street or from any residential district.
- (3) Queuing space within the zoning lot shall be provided for patrons awaiting admission in an amount equal to twenty percent of the vehicular capacity of the theater.

(m) Home Occupation

The following standards shall be used in deciding applications for approval of such uses:

- (1) A maximum of 25 percent of the usable floor area of the dwelling unit shall be devoted to the home occupation.
- (2) The home occupation shall be conducted only in the principal structure.
- (3) The provisions of subsection 7.21(a) shall be met.

(n) Reserved

(o) Nursing, Convalescent and Extended Care Facilities

The following specific standards shall be used in deciding applications for approval of such uses:

- (1) All nursing, convalescent and extended care facilities shall have direct access to a collector or arterial street, as shown on the Thoroughfare Plan.
- (2) Minimum lot size shall be 40,000 square feet with a minimum frontage of 150 feet.
- (3) Front, rear and side setbacks shall be a minimum of fifty feet.
- (4) Buffers and screening shall be as required by Section 7.3.
- (5) Signs shall be limited to one non-illuminated sign with a maximum area of six feet. Said sign shall be attached either flush to the wall of the building or else shall be located at ground level with a maximum height of 4 feet from the ground. No other external evidence of the use for identification or advertising purposes shall be permitted.

(6) Evidence that all the requirements of the State of North Carolina have been and shall continue to be met.

(7) Paved circular driveway access for ease of pick-up and delivery.

(p) Reserved.

(q) Public Service Facility

The following specific standards shall be used in deciding applications for approval of such uses:

1. Operating requirements shall necessitate locating in the district.
2. Buffers and screening shall be provided as required by Section 7.3, Buffer and Screening.
3. Front, rear and side setbacks shall be a minimum of 50 feet.
4. Whenever possible, such facilities shall be designed and constructed to have the same height and bulk as adjacent structures.
5. When operating requirements necessitate heights above the district maximum, an additional one foot setback shall be required for each foot of height above the district maximum.

(r) Public Use Facility

The following specific standards shall be used in deciding applications for approval of such uses:

- (1) The facility shall have direct access to a collector or arterial street as shown on the Thoroughfare Plan.
- (2) Buffers and screening shall be as required by Section 7.3, Buffer and Screening.
- (3) Front, rear and side setbacks shall be a minimum of 50 feet.
- (4) Whenever possible, such facilities shall be designed and constructed as to have the same height and bulk as adjacent structures.

(s) Sanitarium/Mental Institution

The following specific standards shall be used in deciding applications for approval of such uses:

- (1) All sanitarium/mental institutions shall have direct frontage onto a major or minor thoroughfare, as shown on the Hickory-Newton-Conover Thoroughfare Plan.
- (2) The minimum lot size shall be five acres with a minimum frontage of 200 feet.
- (3) The structures shall be located a minimum of 200 feet from any zoning lot boundary.
- (4) Signs shall be limited to one non-illuminated sign with a maximum area of six square feet. No other external evidence of the sanitarium for identification or advertising purposes shall be permitted.
- (5) At the time of the Special Use request, the operator of such a facility shall provide information on, and if approved, shall utilize adequate measures to prevent the unauthorized exit of the patients. The more dangerous the patients are to the public, the more elaborate and certain the security measures shall be.
- (6) Buffers and screening shall be as required by Section 7.3.
- (7) Parking shall be provided at the rate of .35 parking spaces per bed.
- (8) The facility shall comply with all applicable Federal, State and local requirements.

ARTICLE 12

BOARD OF ADJUSTMENT

12.1 Establishment of Board

There is hereby established the Long View Board of Adjustment, hereafter the Board according to Section 160A-388 of the General Statutes of North Carolina.

12.1.1 Composition

The Board of Adjustment shall consist of five (5) members. Each Alderman shall have the opportunity to appoint a resident of their Ward or any other town resident to one of the five (5) regular board seats. This appointee must then be approved by a majority of the Board of Aldermen. The Board of Aldermen may appoint two (2) alternate members to serve on the Long View Board of Adjustment in the absence or temporary disqualification of any regular member. Alternate members shall be appointed for the same term, at the same time, and in the same manner as regular members. Each alternate member while attending any regular or special meetings of the Board and serving in the absence of a regular member, shall have and may exercise all powers and duties of a regular member.

12.1.2 Tenure

Each of the members shall be appointed for a three-year term, although the initial terms may be staggered to avoid simultaneous expiration of terms. Members may be reappointed for consecutive terms. Members may be removed for cause by the Aldermen upon written charges after a public hearing.

12.1.3 Compensation and Reimbursement

Members of the Board shall serve without compensation, but may be reimbursed for direct expenses incurred in connection with the discharge of their duties.

12.2 Powers of Board

The Board shall have the following powers:

- (a) Hear and decide appeals from and review any order, requirement, decision, or determination made by the Zoning Administrator 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 Section 12.5. Nothing in this Section shall be construed to authorize the Board to permit a use in a district where that use is neither a permitted use nor a permissible Special Use.
- (d) Pass upon, decide or determine such other matters as may be required by this Ordinance.

(e) To make interpretations of the meaning and intent of this Ordinance in accord with Section 12.7.

(f) The Board of Adjustment shall have the power to authorize, in specific cases, minor variances from the terms of the Watershed Ordinance as will not be contrary to the public interests where, owing to special conditions, a literal enforcement of this Ordinance will result in practical difficulties or unnecessary hardship, so that the spirit of this Ordinance shall be observed, public safety and welfare secured, and substantial justice done. In addition, the Town of Long View shall notify and allow a reasonable comment period for all other local governments having jurisdiction in the Lake Hickory watershed where the variance is being considered.

12.3 Organization

A Chairman and Vice-Chairman shall be elected by the Board of Adjustment members. Terms of the chairman and vice-chairman shall be for one year and shall begin June 1 each year. The board shall adopt from time to time such rules and regulations as it may deem necessary to carry into effect the provisions of this section.

12.4 Meetings; Quorum and Vote Required

(a) All meetings of the board shall be open to the public. The board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, an indication of such fact. The final disposition of appeals shall be made by recorded resolution indicating the reasons of the board therefor, all of which shall be a public record.

(b) A quorum of the Board, necessary to conduct any business of the Board, shall consist of ~~four~~ members— a simple majority.

(c) The concurring vote of ~~four~~ ¾ of the members of the Board, ~~present for the hearing~~ excluding vacant seats and disqualified members, shall be necessary in order:

(1) to reverse any order, requirement, decision or determination of the Zoning Administrator;

(2) to decide in favor of the applicant any matter upon which it is required to pass by this Ordinance;

(3) to approve any application for a variance.

(d) A simple majority vote of the quorum shall be necessary to conduct routine business of the Board and to deny applications and appeals.

12.5 Application of the Variance Power

A variance may only be allowed by the Board in cases involving practical difficulties or unnecessary hardships when substantial evidence in the official record of the application supports all the following findings:

(a) That the alleged hardships or practical difficulties are unique and singular as regards the property of the person requesting the variance and are not those suffered in common with other property similarly located;

(b) 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.

(c) 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.

(d) That the variance is in harmony with and serves the general intent and purpose of this Ordinance and the adopted Land Development Plan.

(e) 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.

All of these findings of fact shall be made in the indicated order by the Board, 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 proceedings before the Board.

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.

12.6 Application of Special Use Power

Before any application for a Special Use shall be approved, the Board shall make written findings certifying compliance with the specific standards governing each individual Special Use and that the General Standards contained in Section 11.2 are met. The Board shall make appropriate findings, supported by evidence in its record, on each general and specific standard.

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.

12.7 Application of Interpretation Power; Appeals

An appeal from an order, requirement, decision or determination of the Zoning Administrator 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 or permissible uses in the districts.

The Board of adjustment shall fix a reasonable time for the hearing of appeals or other matters referred to it, and give due notice thereof to the parties in interest, and decide the same within a reasonable time. Upon hearing, any party may appear in person, by agent or by attorney.

12.8 Appeal Stays Further Proceedings

An appeal to the Board from a decision or determination of the Zoning Administrator stays all proceedings in furtherance of the decision or determination appealed from, except as provided in Section 12.9.

12.9 Exceptions to Stay of Action

An appeal to the Board of a determination or decision of the Zoning Administrator shall not stay proceedings in furtherance of the decision or determination appealed from, if the Zoning Administrator certifies either:

- (a) that a stay would cause imminent peril to life or property.
- (b) that the situation appealed from is transitory in nature and, therefore, an appeal would seriously interfere with enforcement of this Ordinance.

In each instance, the Zoning Administrator shall place in the certificate facts to support the conclusion.

12.10 Appeals of Board Actions

Any person or persons, joint or separately, aggrieved by any decision of the Board, or any taxpayer, or any officer, department, board or bureau of the Town, may within 30 days after filing of the decision of the Board but not thereafter, present to the Superior Court of competent jurisdiction, setting forth that such decision is illegal, in whole or in part, specifying the grounds of illegality, whereupon such decision of such Board shall be subject to review by certiorari as provided by law.

12.11 Conflicts on Quasi-Judicial Matters

A member of the Board of Adjustment shall not participate in or vote on any quasi-judicial matter in a manner that would violate affected persons' constitutional rights to an impartial decision maker. Impermissible conflicts include, but are not limited to, a member having a fixed opinion prior to hearing the matter that is not susceptible to change, undisclosed ex parte communications, a close familial, business, or other associational relationship with an affected person, or a close financial interest in the outcome of the matter. If an objection is raised to a member's participation and that member does not recuse himself or herself, the remaining members shall by majority vote rule on the objection.

12.12 Acting as the Planning Board

The Board of Adjustment may also serve, if appointed by the Mayor and Board of Aldermen, as the Town of Long View Planning Board.

ARTICLE 13
AMENDMENTS

13.1 Reserved.

13.2 Amendment Initiation

Subject to the limitations of the foregoing Statement of Intent, an amendment to this Ordinance may be initiated by:

- (a) The Board of Aldermen on its own motion;
- (b) The Planning Board;
- (c) Application by any property owner or his or her agent within the Town of Long View; or
- (d) Any interested party or his or her agent who can show just cause for an amendment.

13.3 Filing and Contents of Application

Filing of Applications: Applications submitted by an individual property owner or interested party who are not acting in an official capacity of the Town of Long View shall comply with the following:

13.3.1 Application submission. Any application for an amendment to the zoning ordinance shall be filed with the town at least twenty (20) days prior to the date of which it is to be introduced to the planning board.

13.3.2 Contents of Application: All applications for amendments to this Ordinance, without limiting the right to file additional material, shall contain at least the following:

(a) Each application involving a change to the official zoning map shall be signed, be in duplicate, and shall contain at least the following information:

1. The applicant's name in full, applicant's address, address or description of the property to be rezoned.
2. Applicant's interest in the property and the type of rezoning requested.
3. If the proposed change would require a change in the zoning map, an accurate diagram of the property proposed for rezoning showing:

All property lines with dimensions including north arrow.

Adjoining streets with rights-of-way and paving widths.

The location of all structures, the use of all land.

Zoning classification of all abutting zoning districts.

Names of all adjoining property owners.

- (b) A legal description of such land, if applicable.
- (c) 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.
- (d) The changed or changing conditions, if any, in the jurisdiction of the Town of Long View generally, which make the proposed amendment reasonably necessary to the promotion of the public health, safety and general welfare.
- (e) All other circumstances, factors and reasons which applicant offers in support of the proposed amendment.

13.3.4 Planning Board Consideration

Upon receipt of the application to amend this Ordinance, which has been examined and approved as to form, the application shall be referred to the Planning Board for study and report. The Board of Aldermen shall not enact the proposed amendment until 31 days after such referral to the Planning Board or until the Planning Board makes its report, whichever first occurs. The Planning Department shall prepare and submit a written report to the Planning Board at or prior to the meeting to consider the application and also to the Board of Aldermen prior to the public hearing described in Section 13.6.

13.3.5 Planning Board's Review/Recommendation

The Planning Board shall review each proposed zoning map amendment or zoning text amendment and shall advise and comment on whether the proposed amendment is consistent with any officially adopted plan that is applicable. The Planning Board shall provide a written recommendation to the Board of Alderman that addresses any matters deemed appropriate by the Planning Board, but a comment by the Planning Board that a proposed amendment is inconsistent with any adopted plan shall not preclude consideration or approval of the proposed amendment by the Board of Alderman. The recommendation to the Board of Alderman shall include a statement recommending approval, approval with modifications, or denial. The Planning Board shall make its recommendation to the Board of Alderman within no more than two consecutive meetings.

13.5 Planning Board Composition

The members of the Town of Long View Planning Board shall be those same persons as the members of the Long View Board of Adjustment.

13.6 Public Hearing and Notice

- (a) A public hearing shall be held by the Board of Aldermen 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 Long View, 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 ten days nor more than twenty-five days before the date set for the public hearing.

(b) North Carolina GS 160A-384, as it is amended from time to time, may require additional notice. Please refer to NCGS 160A-384 for further reference.

13.7 Reserved

13.8 Reserved

13.8.1 Notice for Multiple Contiguous Properties

When a zoning map amendment is proposed for multiple contiguous properties, the Town of Long View shall not be required to post notice on each individual parcel, but shall rather post one official sign for each 750 feet of road frontage or fraction thereof. A minimum of at least one official sign shall be posted for each road frontage. Unless otherwise expressly provided in state statutes or this Ordinance, required posted notice shall be in place at least 10 days before the public hearing, meeting, or date of action that is the subject of the notice.

13.8.2 Large Scale Rezoning

If a zoning map amendment directly affects more than 50 properties, owned by a total of at least 50 different owners, the Town of Long View may follow the notification procedures typical of smaller zoning map amendments, or may elect to eliminate the mailed notice and utilize a one-half page notice of the public hearing that is published at least twice in a newspaper having general circulation in Long View. The notice shall appear in the newspaper for 2 successive weeks with the first notice appearing not less than 10 calendar days nor more than 25 calendar days before the date of the public hearing.

13.9 Protest Petition; Vote Required, Form, Contents and Timing

In case, however, of a protest against an amendment to the Zoning Map, signed by the owners of twenty percent or more either of the area of the lots included in a proposed amendment, or ~~of those immediately adjacent thereto either in the rear thereof or on either side thereof, extending 100 feet there from, or of those directly opposite thereto extending 100 feet from the street frontage of the opposite lots,~~ five percent of a one hundred foot buffer extending along the entire boundary of each discrete or separate area proposed to be rezoned. A street right-of-way shall not be considered in computing the one hundred foot buffer as long as that street right-of-way is one hundred feet wide or less. When less than the entire parcel of land is subject to the proposed map amendment, the one hundred foot buffer shall be measured from the property line of that parcel. In the absence of evidence to the contrary, the Town of Long View may rely on either the Catawba County or Burke County tax listings to determine the owners of potentially qualifying

areas. An amendment shall not become effective except by favorable vote of three fourths of all the members of the Board of Aldermen. The foregoing provisions concerning protests shall not be applicable to any amendment, which initially zones property added to the territorial coverage of the Ordinance as a result of annexation or otherwise. No protest against any change in or amendment to the Official Zoning Map shall be valid or effective for the purposes of this section unless it be in the form of a written petition actually bearing the signatures of the requisite number of property owners and stating that the signers do protest the proposed amendment, and unless it shall have been received by the Town Clerk in sufficient time to allow the Town at least two normal working days, excluding Saturdays, Sundays and legal holidays, before the date established for a public hearing on the proposed amendment to determine the sufficiency and accuracy of the petition.

13.10 Withdrawal of Application

An applicant may withdraw the application at any time by written notice to the Zoning Administrator. However, any withdrawal of an application after the giving of the first notice as required in 13.6 shall be considered, for the purposes of 13.9, a denial of the application.

13.11 Effect of Denial on Subsequent Petitions

When the Board of Aldermen shall have denied an application or the application shall have been withdrawn after the first notice of the public hearing thereon, the Board of Aldermen shall not receive another application for the same or similar amendment, affecting the same property or a portion of it until the expiration of a one-year period, extending from the date of denial or withdrawal, as appropriate.

13.12 Fees Each petition for an amendment shall be accompanied by a fee of seventy-five dollars (\$75.00) to help defray the cost of advertising the public hearing required by Article 19, Chapter 160A-364 of the North Carolina General Statutes.

13.13 Comprehensive Review of Ordinance

The Planning Board and the Zoning Administrator, on the election year of a new Mayor, should examine the provisions of this Ordinance and the location of zoning district boundary lines and shall submit a report to the Board of Aldermen 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 13.1 above.

13.14 Water Supply Watershed Protection District Consideration

Under no circumstances shall the Board of Aldermen adopt such amendments, supplements or changes that would cause the watershed ordinance to violate the watershed protection rules as adopted by the N.C. Environmental Management Commission. All amendments must be filed

with the N.C. Division of Environmental Management, N.C. Division of Environmental Health, and the N.C. Division of Community Assistance.

ARTICLE 14

PLANNED DEVELOPMENT

14.1 Planned Development Districts, Generally

Within districts now existing or which may hereafter be created, it is intended to permit establishment of 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 adopted Land Use Plan Goals and Policies and to the performance standards of the separate categories of PDs with due consideration given to the existing and prospective character of surrounding development.

PD Districts shall be related to the general objectives of the adopted Land Use Plan 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. Housing, commercial and service facilities, and principal places of employment shall be related by physical proximity and by major street networks to promote these objectives.

Within PD Districts, regulations adapted 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; such regulations are designed 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.

14.2 Planned Development, Defined

For purposes of this Ordinance, a Planned Development is:

- (a) Land under 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 streets, utilities, lots or building sites, and the like, but also site plans for all buildings as intended to be located, constructed, used and related to each other, and 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 which will not be provided, operated or maintained at general public expense.

14.3 Relation of PD Regulations to General Zoning, Subdivision or Other Regulations; Modifications on Equal Satisfaction of Public Purposes

The Planned Development regulations which follow shall apply generally to the initiation and regulation of all PD Districts. Where there are conflicts between the special PD regulations herein and general zoning, subdivision, or other regulations or requirements, these PD regulations shall apply in PD Districts, unless the Board of Aldermen find, in the particular case, that provisions herein do not serve public purposes to a degree at least equivalent to such general zoning, subdivision, or other regulations or requirements.

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

14.4 Planned Development Districts; Where and How Permitted

Planned Development Districts may hereafter be established by amendment to the Official Zoning Map and related amendatory action, changing the designation of a lot from its existing classification to one of the several PD Districts contained in this Article, 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, in accord with the adopted Land Use Plan, 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 13, 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 major or minor thoroughfares, and shall be designed to provide direct access to and from 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, water lines, storm and surface drainage systems, and other utilities systems that neither extension nor enlargement of such systems will be required in manner, form, character, location, degree, scale of 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 located to necessary public facilities (for example, schools, parks, and playgrounds in the case of PD Housing (PD-H Districts) to have access to such facilities in the same degree as would development permitted under existing zoning and shall be 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 make provisions acceptable to the Town for offsetting any added net public cost or early commitment of public funds made necessary by such development, the proposed PD District may be approved.

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

(c) Physical Character of the Site; Relation to Surrounding Property

The tract shall be suitable for development in the manner proposed without hazards to persons or property, on or off the tract, free from the probability of flooding, erosion, subsidence or slipping of the soil, or other dangers. Conditions of soil, ground water level, drainage, and topography shall all be appropriate to both the kind and pattern of use intended. If appropriate to the form of planned development, lands to be included in PD Districts may be divided by streets, alleys, rights-of-way, or easements, but shall be so located, sized, 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.

(d) Reduction or Increase in Minimum Area Generally Required

In connection with a particular PD rezoning proposal, the Board of Aldermen may approve as part of the amendment action:

(1) Lesser areas than generally required upon findings, 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

(2) Greater areas than generally required upon findings that, the proposed plan of development or the character of the property involved, in themselves or as it may reasonably be expected to develop, require such increase to meet the requirements and intent of PD zoning or to provide necessary special protection.

(e) Additions to PD Districts Not Subject to Minimum Area Requirements

Where PD additions are proposed to existing PD Districts, and where the land and the proposed plan of development are approximately related to the existing PD District and provide necessary safeguards in relation to the surrounding area, PD amendments allowing such additions may be made without regard to the minimum area requirements set forth herein. Such additions may be of the same classification as the PD District being added to, or may be of another classification, if the Board of Aldermen approves the other classification and proposed plans therefore as complementary to the original PD District.

14.5 Procedures for PD Amendments

14.5.1 Applications; Materials to be Submitted

Applications for PD amendments shall be submitted as for other amendments (see Article 13). Material submitted with the application, or on subsequent request by the Zoning Administrator, shall include, in addition to the basic material required by Article 13, all plans, maps, studies, and reports which may reasonably be required to make the determinations called for in the particular case, with sufficient copies for necessary referrals and records.

More specifically, all of the following shall be required before the application shall be considered filed for processing:

(a) Report

A report identifying all property ownerships and beneficial interests within the boundaries of the proposed PD District and giving evidence of unified control of its entire area. The report shall state agreement of all present owners and holders of beneficial interest:

(1) To proceed with the proposed development according to regulations existing when the map amendment creating the PD District is passed, with such modifications as may be set by the Board of Aldermen in the manner provided in Section 14.3 above; and

(2) To conform in the process of development to the preliminary development concept plan, and to proposals for staging of development, according to requirements set below; and

(3) To provide such bonds, dedications, easements, guarantees, agreements, deeds of trusts, contracts, and/or covenants acceptable to a Town Attorney as may be reasonably necessary to protect the public interest in completion of such development according to approved plans, and for provision and continuing operation and maintenance of such areas, facilities, and functions as are not to be provided, operated, or maintained at general public expense, and to provide such dedications, contributions, or guarantees as are required for provision of needed public facilities and services.

(b) Survey

A survey of the proposed PD District showing property lines and ownerships; and existing features, including streets, alleys, easements, utility lines, existing land use, general topography, and physical features.

(c) Preliminary Development Concept Plan

A preliminary Development Concept Plan for the PD District, indicating:

(1) The name of the proposed PD, and the names of the developer(s) and professional planner(s).

(2) Scale, date, north arrow.

(3) Location, height, floor area, and use of existing structures, if any, and approximate location, orientation, height, floor area, and use of proposed structures or portions of structures.

(4) Points of ingress and egress for principal pedestrian, private automotive, and waterway traffic, and circulation patterns within the PD District.

(5) Location, character, and scale of parking and service facilities, such as area and number of spaces in parking lots, character of structural parking, and the like; location of principal service areas for major structures or complexes.

(6) Relation of abutting land uses and zoning districts, including, where view protection is an objective, location of principal public viewpoints into or through the proposed PD District.

(7) Existing lots and blocks, if any, and general pattern of proposed lots and blocks, if any.

(8) Location of existing public and quasi-public facilities for pedestrian use or common enjoyment (excluding automotive uses); scale of such systems; indication of open air and internal components.

The Preliminary Development Concept Plan is required for determination as to internal relationships between or among uses and activities proposed and their supporting systems and facilities, and relation to surrounding uses, activities, systems, and facilities.

With respect to preliminary development concept plans, it is the intent of these regulations that such plans shall include all data reasonably necessary for determining whether the proposed development meets the specific requirements and limitations, and the intent, concerning a particular type of PD District. Therefore, information in addition to that specified above may be requested in connection with preliminary development concept plans, when necessary to make such determinations with respect to a particular PD District. Such information shall be provided, if reasonably necessary to make such determinations, before processing proceeds.

(d) Special Surveys, Approvals, or Reports Required Where Development is Dependent on Surveys, Approvals, or Reports

Special surveys, approvals, or reports required by law in the circumstances of a particular PD proposal are required where development of a major element of the proposal or the entire proposal is dependent upon such special surveys, approvals, or reports.

(e) Indications as to Nature and Succession of Staging

Where a PD is to be constructed in stages, indications as to the nature of the PD, uses, location, and floor areas or residential densities to be developed, and timing of the beginning and end of development of the first stage; and similar information on succeeding stages; provided, that in lieu of an indication of specific timing on succeeding stages, the initiation of succeeding stages may be made dependent upon completion of all or substantial portions of the first stage, within the time limits provided.

(f) Proposals on Provision and Continuing Operation and Maintenance of Facilities for Common Use

Proposals describing provisions to be made concerning establishment and continuing 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 and persons visiting the district, but which will not be provided,

operated, or maintained at general public expense. These proposals shall give adequate assurance to the Town that such areas, facilities and improvements will be continued, operated, and maintained without future expense to the taxpayers of the Town of Long View.

(g) Proposals Concerning Restrictive Covenants

Proposals concerning any restrictive covenants to be recorded with respect to property included in the PD District.

14.5.2 Preliminary Review of Application

On receipt of the application, preliminary concept plan, and detailed proposals as indicated above, the Zoning Administrator shall cause a study to be made by the Planning and Development Department, the Town Engineer and such other agencies or officials as appear appropriate in the circumstances of the case, to determine conformity with the adopted Land Use Plan Goals and Policies, zoning, and other regulations applicable in the case.

14.5.3 Preliminary Conference with Applicant

Following such study, unless complete conformity is found, the applicant shall be notified in writing by the Zoning Administrator 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 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 conferences, the Zoning Administrator shall proceed to prepare the report described in 14.5.4 below.

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 period specified for Zoning Administrator 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 recommendations or their disagreement and the reasons therefore; such response by applicants shall also be included in the record.

14.5.4 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 the Board of Aldermen, containing findings:

- (a) As to the suitability of the tract for the general type of PD zoning proposed, physical characteristics of the land, and relation of the proposed development to surrounding areas and existing and probable future development;
- (b) As to relation to major roads, utilities and other facilities, and services;
- (c) 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 in those proposed;
- (d) As to the suitability of proposed plans and the desirability of amendments;
- (e) As to the adherence of 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;
- (f) As to the suitability of the proposed time for the beginning and the completion of the PD.

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

14.5.5 Actions by the Board of Aldermen

Actions by the Board of Aldermen shall be as provided for amendments generally (see Article 13). As in Article 13, prior to review by the Board of Aldermen the Planning Board may review and make a recommendation to the Board of Aldermen.

The Board of Aldermen may make one of the following recommendations:

- (1) Grant the application in accord with proposed PD and other regulations applicable,
- (2) approve with modifications as provided in Section 14.3 above, or
- (3) may deny the application.

If the amendment is granted, the Board of Aldermen shall, in its amending action, approve the Preliminary Development Concept Plan or indicate required modifications. Such approved plan, with required modifications, if any, shall be binding in determinations concerning final development plans and shall conform to any time limitations established by the Board of Aldermen 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(s) or agencies.

14.5.6 Zoning Administrator's Action on Final Plans

After a PD District has been established, no building permit shall be issued unless and until the Zoning Administrator has approved final plans and reports for the development as a whole or for 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 zoning, subdivision, or related regulations, generally or for particular PD Districts, and in the rules of the Town 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 Board of Aldermen in its amending action.

Final plan approval is an administrative action. No public notice or hearing is required in connection with approval proceedings on final plans or changes in approved plans. The Zoning Administrator may hold meetings, with such notice as he deems appropriate, in connection with such actions.

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.

14.5.7 Changes in Approved Preliminary Plans

Changes in approved preliminary plans may be permitted by the Zoning Administrator, with review and concurrence by the Town Attorney, on application by the original applicant or successors in interest, but only upon making a finding that such changes are:

(a) 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

- (b) In accord with all applicable regulations currently in effect, without modification; or
- (c) In accord with the approved development concept plan, including any required modifications.

In reaching his decision as to whether or not the change is substantial enough to require reference to the Board of Aldermen, the Zoning Administrator shall use the following criteria:

- (1) Any increase in intensity of use shall constitute a modification requiring Board of Aldermen' action. An increase in intensity of use shall be considered to be an increase in usable floor area, an increase in the number of dwelling or lodging units, or an increase in outside land area devoted to sales, displays, or demonstrations.
- (2) Any change in parking resulting in an increase or reduction of five percent or more in the number of spaces approved shall constitute a change requiring Board of Aldermen' action.
- (3) Structural alternations significantly affecting the basic size, form, and style of building, as shown on the approved plan, shall be considered a change requiring consideration by the Board of Aldermen.
- (4) Any reduction in the amount of open space, resulting in a decrease of more than five percent or any substantial change in the location or characteristics of open space, shall constitute a change requiring consideration by the Board of Aldermen action.
- (5) Any change in use from one use group to another shall constitute a change requiring consideration by the Board of Aldermen.
- (6) Substantial changes in pedestrian or vehicular access or circulation shall constitute a change requiring consideration by the Board of Aldermen.

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

14.5.8 Expiration of Time Limits of 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 Board of Aldermen:

- (a) That PD zoning for the entire area be continued with revised time limits; or
- (b) That PD zoning be continued for part of the area, with or without revised time limits, and the remainder be rezoned to an appropriate category; or
- (c) That the entire district be rezoned from PD to an appropriate category.

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

14.5.9 Conditions of Approval

The applicant or the Town of Long View may propose specific conditions, but only those conditions mutually approved by the applicant and the Town of Long View may be incorporated into the use approval. Conditions and site-specific standards imposed shall be limited to those that address the conformance of the development and the use of the property(s) to this Land Development Code and those that address the impacts reasonably expected to be generated by the development of use of the property(s).

14.6 RESERVED

14.7 Planned Development-Housing (PD-H) Districts

A PD-Housing District (PD-H) shall be used when more than one principal structure is planned on a zoning lot. The following regulations and requirements apply to PD-Housing (PD-H) Districts.

14.7.1 PD-Housing Districts: Where Permitted

PD-Housing Districts may here after be established in accordance with the general procedures and requirements set forth in Section 14.5 and with intensities and in locations in accordance with the Official Zoning Map.

Where developments exist, or are 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 PD-Housing status, and shall thereafter be subject to the regulations and requirements for such districts.

14.7.2 Permitted Principal and Accessory Uses and Structures

(a) Principal Uses and Structures Permitted Generally

- (1) Dwellings, one-family, two-family, three-family and multiple family as allowed within the various zoning districts as shown in Table 5-1.
- (2) Churches;
- (3) Schools;
- (4) Noncommercial social, recreational, and cultural facilities such as neighborhood or community centers, gamerooms, library, golf courses, swimming pools, 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 regulations, subject to the requirements thereof;

(b) Permitted Accessory Uses and Structures

Uses and structures which are customarily accessory and clearly incidental to permitted principal uses and structures, including, in a multi-family building or closely related complex of multi-family buildings having a total of at least 50 dwelling units, establishments for sale of convenience goods, eating and drinking and professional and personal services, provided that the floor area occupied by all such establishments shall not exceed 10 percent of the residential floor area of such multiple family building or complex. Such establishments shall be designed and scaled to meet only the requirements of occupants and their guests. There shall be no evidence of such establishments from any public street.

14.7.3 Minimum Land Areas for PD-Housing Districts

The minimum gross land area required for formation of a PD-H district in each zoning district shall be:

R-2	435,600 square feet (10 acres)
R-3	217,800 square feet (5 acres)
R-4	120,000 square feet
R-5	80,000 square feet

14.7.4 Maximum Allowed Density of Residential Development Permitted

The maximum permitted density of residential development within the various zoning districts shall be as shown in Table 5-2, Official Schedule of Area, Height, Bulk and Placement Regulations by District.

14.7.5 Site Planning

(a) 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:

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 or traffic dividers and extra width of the approach street shall be required where existing or anticipated heavy flows indicated 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.

Access for pedestrians and cyclists entering or leaving the district shall be by 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.

Protection of visibility-automotive traffic, cyclists and pedestrians, shall be as generally provided in Article 6, Section 6.8, Visibility at Intersections.

Uses adjacent to single-family residence districts. Where a PD-Housing 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-Housing 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.

In lieu of development, common open space for the PD-Housing 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 25 feet of the district boundary in such circumstances.

Yards, fences, walls, or vegetative screening at edges of PD-Housing 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 within the PD-Housing District. 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. The buffer requirements of Section 7.3, Buffers shall be met as a minimum.

Height limitations at edges of PD-Housing Districts. Except along boundaries where adjoining districts permit greater heights within similar areas, in addition to height limitations applying generally within PD-Housing 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.

Signs visible from outside PD-Housing Districts. No signs visible from outside PD-Housing Districts shall be erected within such districts other than, and not to exceed, two signs identifying the development, with total maximum surface area not to exceed 16 square feet, at each principal entrance to the development. In addition, during the process of construction and initial sale of rental within such development, temporary announcement signs may be allowed, as provided in Section 8.9, Temporary Signs.

(b) Internal Relationships

The site plan shall provide for safe, efficient, convenient, and harmonious grouping 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:

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.

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

(1) 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.

(2) Vehicular access to other streets or portions of streets from off-street parking and service areas shall be 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.

Ways for pedestrians and cyclists; Use by emergency or service vehicles. 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.

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.

Protection of visibility-automotive traffic, cyclists, and pedestrians. Protection of visibility for automotive traffic, cyclists, and pedestrians shall be provided in Article 6, Section 6.8, Visibility.

(c) Open Space and Building Spacing

(1) Intent

Yards, courts, and other open space required herein in relation to structures or portions of structures containing dwelling or lodging units are intended to perform a variety of functions. Among these (as appropriate to, and required by, the uses involved and their location) are assuring adequate privacy, desirable outlook, natural light, and ventilation; access to and around service areas; space for landscaping; spacing between buildings and portions of buildings for reducing potential adverse effects of noise, odor, glare, or hazards from fire; and recreation space near buildings.

(2) Calculations of Building Spacing Requirements

Spacing requirements for buildings or portions of buildings containing dwelling or lodging units shall be based on horizontal length of walls, number of stories, type of windows in walls involved, and orientation of main exterior entrance to individual units.

Each building shall have yards surrounding them as calculated by the formulas described in (g) below. The outer perimeter of these required yards shall be defined as the building site line. The distance between adjacent buildings shall be, at a minimum, the sum of the required yards for each building. The distance between a building and the lot line shall be, at a minimum, the yard required by this Section. Figure 14-1 illustrates these relationships.

Figure 14-1

Yard A is the left yard required by Building 1

Yard B is the right yard required by Building 1

Yard C is the left yard required by

Building 2

Yard D is the right yard required by Building 2

B + C = the

required spacing between Buildings 1 and 2

(3) Definitions and Classifications Relating to Windows and Building Walls

For purposes of establishing open space requirements adjacent to building walls, enclosing dwellings or lodgings, the following definitions and classifications shall govern:

- a. Habitable rooms are rooms designed and used for living, sleeping, eating, cooking, or combinations thereof. Bathrooms, toilet compartments, closets, halls, storage rooms, laundry and utility spaces, basement recreation rooms, and similar areas are not considered habitable rooms.

b. Primary windows are windows in habitable rooms except bedrooms and kitchens; this includes living rooms and dining rooms.

c. Primary walls are walls containing primary windows or main exterior entrances to individual living quarters when directly facing a primary wall.

d. Secondary windows are windows of habitable rooms other than primary windows and includes bedrooms and kitchens.

e. Secondary walls are walls containing only secondary, or secondary and tertiary, windows.

f. Tertiary windows are windows other than for habitable rooms and including bathrooms, toilet compartments, closets, halls, storage rooms, laundry and utility spaces, basement recreation rooms, and similar areas are not considered habitable rooms.

g. Tertiary walls are windowless walls or walls containing only tertiary windows.

4. Length of Walls

Length of walls shall be measured as the horizontal distance from corner to corner. Where walls in continuous general frontage (as in the case of attached dwellings) are offset by angles or setbacks of six feet or more, length of each segment so set off shall be measured separately in establishing pertinent yard depth. Where walls in continuous general frontage enclose portions of buildings varying one story or more in height, the length of each segment so varying shall be measured separately in computing pertinent yard depth. Length of the wall of a circular building shall be construed as the diameter of the buildings.

5. Height in Stories

Height in stories shall be computed as the actual number of stories in the wall above ground level, with the following exceptions. Where the wall is along a slope, the number of stories shall be construed as the arithmetic mean number, with half a story or more considered as a full story, and less than half a story ignored in computations. When height per story exceeds an average of eleven feet, calculations involved in yard or spacing determination shall be based on an assumed number of stories served by dividing building height by ten feet.

Penthouses, roof shelters, and housing for mechanical equipment shall be ignored in computations, except where they are visible from the ground level within the lot or the building site, are ten feet or more in height, or occupy fifty percent or more of the length of the wall at their bases, in which case an additional story shall be included in the computation.

6. Yard or Other Space Depth; How Measured

Yard or other open space depth between exterior building walls and adjacent lot or building site lines shall be measured horizontally in relation to the ground, and perpendicularly to straight walls or radially to curved walls. Distance at all points shall be at least equal to minimum requirements set forth herein, except yard space for two walls may overlap where it does not affect the distance between two buildings.

See Figure 14-2 for illustration. On the left side of the building, the height and size of the upper portion of the building results in a yard, (A), which is greater than the yard, (B), which would be required by the lower portion. The greater yard, (A), would be the required yard for the left side of the building. On the right side of the building, the lower portion of the building extends further toward the lot line such that its yard, (D), would move the building further from the lot line than the yard, (C), required by the taller portion of the building. The yard labeled (D) would be the required yard for the right side of the building. Figure 14-2

Where portions of buildings contain different numbers of stories, and different offsets, the required yard shall be as established for the portion of the proposed building nearest to the lot or adjacent building except where a portion of the proposed building requires a greater yard because of its greater number of stories or size. Lower portions of buildings may extend into yards required for upper portions, but shall provide the yards required by their size and height.

7. Formulas Determining Minimum Open Space Requirements Adjacent to Walls

Minimum distance from building walls to lot lines or buildings containing dwelling units shall be computed as follows, where D is depth in feet, L is length of building in feet, and S is height in stories:

- (1) Primary walls: $D = 6 + 2S + L/10$.
- (2) Secondary walls: $D = 2 + S + L/10$, but not less than ten feet if adjacent to zoning lot boundaries.
- (3) Tertiary walls: Only as required for required yards, as required for fire protection by building or other applicable codes or five feet, whichever is greater. If a tertiary wall occurs next to a zoning lot line, the minimum distance is ten feet.

The yard requirements stated above are minimums. If greater yard requirements are established elsewhere in this Ordinance, said greater requirements shall apply.

8. Additional Open Space and Interior Site Requirements for Developments with more 4 or more dwelling units.

- (1) Each dwelling unit shall be connected to municipal water and sewer systems.

(2) To permit adequate fire protection, all portions of every building shall be located within three hundred (300) feet of a public street that furnishes direct access to the property unless the fire marshal determines that fire hydrants and service drives will offer adequate protection.

(3) All common driveways shall have approved traffic circulation and shall be kept available for emergency and service use by any public vehicle.

(4) Off-street parking spaces shall be located within 100 feet of each building in an amount proportional to the number of dwelling units in each building. No parking area with five or more spaces shall be located closer than ten (10) feet to a dwelling wall with windows or doors.

(5) Walkways shall be provided between parking areas and building entrances. Any walkway serving only one dwelling unit, other than a handicapped unit, shall have a minimum width of three (3) feet. All other walkways shall have a minimum width of four (4) feet. Walkways shall be constructed of concrete, asphalt, paving stone, brick or other similar all-weather surfaces approved by the Zoning Administrator.

14.8 Planned Development-Shopping Center (PD-SC) Districts

A Planned Development-Shopping Center (PD-SC) shall be used when more than one principal structure is planned on a zoning lot or when the .

14.8.1 PD-Shopping Center Districts; Where Permitted; Intent

PD-Shopping Center Districts may hereafter be established in accordance with the general procedures and requirements as set forth in Section 14.5. 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-Shopping Center Districts shall provide a broad range of facilities and services appropriate to the general need of the area serviced; to these ends:

Access. PD-Shopping Center Community centers shall be located only with direct access to, and preferably at intersections of, streets of a major thoroughfare or more intensive use category, or on suitable frontage roads adjacent to such streets. Such centers may have secondary access to minor

thoroughfares. Access from minor streets is prohibited, except where such access would not encourage through traffic on such streets.

14.8.2 Permitted Principal and Accessory Uses and Structures

The following principal and accessory uses and structures may be permitted in PD-Shopping Center 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-Shopping Center 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.

(a) PD-Shopping Center

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

- a. 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;
- b. Clothing stores, shoe stores;
- c. Drugstores, newsstands, tobacco shops;
- d. Florists, gift shops, jewelry stores; stationery stores, specialty shops;
- e. Groceries, supermarkets;
- f. Hardware, sporting goods, garden supply stores and retail automotive supply;
- g. Variety stores.

(2) Personal service establishments, including:

- a. Barber shops, beauty shops;
- b. 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.

(3) Eating and drinking establishments.

(4) Medical and dental offices and clinics.

- (5) Service stations and minor repair garages, provided that not more than one service station shall be permitted in any PD-Shopping Center, and that no site service station shall occupy more than 25,000 square feet and that total area in service station use shall not exceed 2 percent of the area of the district.
- (6) Public buildings and uses appropriate to the character of the district or requiring location within the district.
- (7) 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 screening hedge.
- (8) Uses and structures which are customarily accessory and clearly incidental to permitted principal uses and structures.
- (9) Shoppers goods, consumer retail stores.
- (10) Financial institutions, such as branch banks and savings and loan institutions.
- (11) Offices, with total office space not exceeding 20 percent of total gross leasable area.
- (12) Theaters.
- (13) Consumer Retail/Wholesale Automotive supply establishments.
- (14) Bowling alleys and similar commercial recreation establishments; no outside recreational uses.

14.8.3 Minimum and Maximum Net Land Area for PD-Shopping Center Districts

Minimum net land area required for creation of PD-Shopping Center Districts shall be 2.0 acres.

Minimum land area requirements shall not apply where a PD-Shopping Center District previously created is proposed for enlargement.

14.8.4 Height Limitations

Maximum height of buildings within 35 feet of property lines at the edges of the district shall be 35 feet. Height may be increased one foot for each foot of additional distance from such property lines.

14.8.5 Pedestrian and Landscaped Common Area Requirements

An area equal to at least .20 times the 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 area, 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.

14.8.6 Off-Street Parking; Loading Requirements

Off-street parking shall be provided as required by Article 10. 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.

14.8.7 Underground Electrical and Telephone Utilities

Electrical and telephone service lines shall be underground in any PD-Shopping Center District.

14.8.8 Sign Limitations

No signs intended to be read from outside the district shall be permitted except:

(a) One sign structure, not exceeding 35 feet in height and having not more than two sign surface areas may be erected to identify the center along each principal street frontage from which there is a major entrance to the center. Such signs, which may not exceed 200 square feet in total sign area, may identify the center, as a whole, and the establishment's activities and facilities within the center, but shall not include other advertising.

(b) Signs directing traffic.

(c) For 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 maximum of 30 square feet shall be permitted.

Insofar as reasonably practicable, no signs in PD-Shopping Center Districts shall be oriented toward nearby residential districts.

14.8.9 Site Planning

(a) External Relationships

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

(2) 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 (a)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, and hazards, except where signalization is used in such a manner as to provide save pedestrian and vehicular movements;

(3) External yards with a minimum width of 35 feet shall be provided along all property lines at edges of PD-Shopping Center Districts except where such districts adjoin other commercial or industrial districts.

(4) Landscaping and use of such yards, except where traversed by permitted vehicular accessways, shall be as provided below:

a. Along minor or major thoroughfares, except in areas described in (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.

b. Where sideyards in residential districts adjoin the PD-Shopping Center District without an intervening street, the nearest 15 feet to the zoning boundary line within the PD-Shopping Center 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.

c. Where lots in residential districts face a PD-Shopping Center District across minor streets, the nearest 10 feet to the right-of-way within the PD-Shopping Center 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.

d. Where O & I Districts are adjacent to PD-SC, the nearest 10 feet to the district boundary shall be maintained in landscaping, including walkways, except for permitted vehicular accessways; 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 view -- fences, walls, or hedges of an appropriate character shall be required. The buffer requirements of Section 7.3, Buffers shall be met as a minimum.

(b) Internal Relationships

In general, the plan shall provide a unified and well-organized arrangement of buildings, service areas, parking, 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.

14.8.10 Maximum Permitted Floor Area Ratio

The maximum floor area ratio in this district shall be 0.60

14.9 PD Office and Institutional (PD-O&I) Districts

14.9.1 PD Office and Institutional Districts: Defined, Intent, Where Permitted

A PD-Office & Institutional District (PD-O&I) shall be used when more than one principal structure is planned on a zoning lot.

PD-Office and Institutional Districts may hereafter be established in accordance with the general procedures and requirements set forth in Section 14.5. Such districts are defined as PD Districts for establishment of complementary groupings of office and institutional uses. Where developments exist, or are 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 PD-Office and Institutional 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 adopted Land Use Plan in accordance with standards set forth herein.

It is further intended that PD-Office and Institutional development shall be scaled, balanced, and located to reduce general traffic congestion by providing employment close to principal places of residence, and convenient pedestrian circulation systems.

Within such districts, it is intended that uses shall be so arranged as follows:

- (a) That major vehicular traffic flows and other disquieting influences be so separated from residential areas as to protect privacy and tranquility; and
- (b) That general commercial and service uses be concentrated for maximum pedestrian convenience and located for easy accessibility by workers and visitors.

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 potentially adverse effects.

14.9.2 Permitted Principal Uses and Structures

The following permitted principal uses and structures are allowed:

- (a) Offices; clinics (other than veterinary offices or clinics); studios; laboratories.
- (b) Funeral homes.
- (c) Banks, savings and loan associations, and similar financial institutions.
- (d) Hospitals.
- (e) 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.
- (f) Schools, primary and secondary.
- (g) Churches.
- (h) Cemeteries, human.
- (i) Business, professional, labor, civic, social, and fraternal offices.
- (j) Child care nurseries; day care centers; pre-kindergarten, kindergarten, play and other special schools.
- (k) Adult care centers.
- (l) Library and museums.
- (m) Auditoriums and their accessory facilities.
- (n) Community center buildings.

14.9.3 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.

14.9.4 Permitted Intensity of Development

The maximum permitted floor area ratio in these districts shall be 0.65.

14.9.5 Setbacks Required Adjacent to Residential Districts

Where PD-Office and Institutional Districts adjoin residential districts without an intervening street or alley, a setback at least 30 feet in width shall be provided along such joint boundary. Setbacks required above shall not be used for parking nor shall they be used for driveways serving five or more parking spaces.

14.9.6 Site Planning

(a) External Relationships

Relations of the district to surrounding areas shall be as provided for PD-Housing districts at Subsection 14.7.5(a), External Relationships.

(1) Requirement for major or minor thoroughfare access. No PD-Office & Institutional District shall be created except where direct access to an major or minor thoroughfare street is available, or is made available, at convenient locations at the edges of or within the district. Such street access shall be at a scale and of a character suited to the needs of occupants and visitors.

(2) Location of uses in relation to adjoining residential districts. Where a PD-Office & Institutional District adjoins any district, with or without an intervening street or alley, to the maximum extent reasonably practicable, nonresidential uses and signs shall be located or oriented away from the residential district.

(3) The buffer requirements of Section 7.3 shall be met.

(b) 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 be related 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 minor thoroughfares, or vertical, with vehicular areas under buildings.

(3) Spacing of Buildings or Portions of Buildings shall be as provided in 14.7.5 (c)

14.9.7 Sign Limitations

The following limitations and requirements shall apply to signs in PD-Office and Institutional Districts:

(a) Offsite Advertising Signs Prohibited

Offsite advertising signs are prohibited in PD-O&I districts.

(b) 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 signs or sign structures erected by the Town.

(c) General identification signs for the development as a whole shall be permitted as follows: One sign structure, not exceeding 35 feet in height, and having not more than two sign surface areas, each limited to 40 square feet, may be erected inside or outside required setbacks adjacent to public streets, provided that no such sign shall overhang 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.

(d) 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.

(e) Identification signs for major buildings or complexes shall be erected only upon the walls of buildings, and shall not project more than 1.5 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 200 square feet.

Such signs shall indicate only the name of the building or complex and the nature of the establishments therein.

(f) Signs identifying individual establishments or offices from public streets shall be permitted as follows:

(1) 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 18 inches 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.

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

14.10 PD-Mixed Use (PD-MU) Districts

A PD - Mixed Use shall be used when more than one principal structure is planned on a zoning lot or when two or more permitted uses per principal structure is developed on a single zoning lot.

The following regulations and requirements apply to PD-Mixed Use Districts.

14.10.1 PD-Mixed Use Districts; Defined, Intent, Where Permitted

PD-Mixed Use Districts may hereafter be established in accordance with the general procedures and requirements set forth in Section 14.5. Such districts are defined as PD 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 PD-Mix Use 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 adopted Land Use Plan, and in close proximity to minor or major thoroughfare facilities, in accord with standards set forth herein.

It is further intended that PD-Mix Use 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.

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

- (a) That residential uses be so separated from major vehicular traffic flows and other disquieting influences as to protect privacy and tranquility; or
- (b) 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 that commercial frontage is uninterrupted by residential or office uses; and
- (c) That major office uses be so located as to be convenient to minor or major thoroughfares. 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.

14.10.2 Permitted Principal and Accessory Uses and Structures

The following permitted principal uses and structures are allowed:

- (a) Dwellings, one family, two-family, three-family and multi-family, detached, semi-detached, and attached.
- (b) Offices, clinics, studios, laboratories.

- (c) Banks, savings and loan associations, and similar financial institutions.
- (d) Retail stores except those dealing in secondhand merchandise.
- (e) Eating and drinking establishments, catering establishments, delicatessens, and bakeries with products sold at retail on the premises.
- (f) Barber shops, beauty shops, and similar personal service establishments.
- (g) 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.
- (h) Tailoring, custom dressmaking, millinery, and similar establishments with on-premise retail sales only.
- (i) Repair establishments for home appliances, bicycles, lawn mowers, shoes, clocks and watches, and the like.
- (j) Hotels, motels.
- (k) Child care nurseries, day care centers, pre-kindergarten, kindergarten, play and other special schools.
- (l) Adult care center.
- (m) Churches, synagogues, temples, and the like.
- (n) Recreation establishments, including theaters, bowling alleys, billiard parlors, and the like.
- (o) 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 rights-of-way, 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.
- (p) Accessory uses and structures which are customarily and clearly incidental to permitted principal uses and structures shall be permitted in this district.

14.10.3 Minimum Required Gross Land Area

The minimum required gross land area for the establishment of PD-Mix Use Districts shall be 2 acres.

14.10.4 Maximum Permitted Floor Area Ratio

The maximum permitted floor area ratio for PD-Mix Use districts shall be 1:5.

14.10.5 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 open 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.

14.10.6 Recreation Space

Recreation space shall not be required, except in connection with residential uses, see Section 5.14(a) 6.

14.10.7 Off-Street Parking

Off-street parking shall be provided as required in Article 10.

14.10.8 Minimum Yard Requirements Adjacent to Public Streets

Minimum front yards adjacent to public streets shall be 30 feet.

14.10.9 Yards Required Adjacent to Residential Districts

Where PD-Mix Use Districts adjoin residential 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.

14.10.10 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 residential districts shall not be used for driveways serving five or more parking spaces.

14.10.11 Site Planning

(a) External Relationships

Relation of the district to surrounding areas shall be as provided for PD-Housing Districts at Subsection 14.7.5(a)

1. Requirement for street access. No PD-Mix Use District shall be created except where direct access to an major thoroughfare is available, or is made available, at convenient locations at the edges of or within the district. Such street access shall be at a scale and of a character suited to the needs of occupants and visitors.

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

(3) The Buffer requirements of Section 7.3 shall be met as a minimum.

(b) 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 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 minor thoroughfares, 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 districts, or may be separated vertically from commercial and service concourses.

(4) Spacing of Buildings or Portions of Buildings shall be as provided in Article 14.7.5 (c)

14.11 Planned Development - Corporate Park (PD-CP) for Mixed Use Industrial/Light Industrial or ED/ Office/Retail Development

This district shall be used when more than one principal structure is planned on a zoning lot or when two or more permitted uses from the separate zoning classifications from industrial, office and institutional or retail in Article 5 is developed on a single zoning lot.

The following regulations and requirements apply to PD- Corporate Park Districts.

14.11.1 PD-Corporate Park: Defined, Intent, Where Permitted

PD-Corporate Park Districts may hereafter be established in accordance with the general procedures and requirements set forth in Section 14.5. Such districts are defined as PD Districts for establishment of complementary groupings of related manufacturing, processing, assembly, research, office **and retail** activities, and related uses. It is the intent of these regulations to provide for development of such districts at locations appropriate in terms of the adopted Land Use Plan and in accord with standards set forth herein.

It is further intended that PD-Corporate Park shall be developed to:

- (a) Encourage concentration of complementary uses grouped adjacent to streets serving large traffic volume, providing well-planned development on sites with adequate frontage and depth to permit controlled access to streets and reduce marginal traffic friction;
- (b) Serve as an alternative to further extensions of economic development zoning allowing disorderly strip development; and
- (c) Protect stability and property values in surrounding residential neighborhoods.

14.11.2 Minimum Area and Access Requirements for Establishment of District

No such district shall be established with a 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 major or minor thoroughfare.

14.11.3 Permitted Principal and Accessory Uses and Structures

Permitted principal and accessory uses and structures shall be according to Article 5, Schedules of District Regulations, and the corresponding zoning districts of I, ED, C-4, C-3 and OI-1. Residential uses are not allowed. Business and professional service offices are permitted uses as well as retail development related to the project, but not including the dealing of secondhand merchandise; however, these uses shall not exceed 30% of the floor area. In addition, applications for amendments to PD Corporate Park zoning districts 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 zoning.

14.11.4 Floor Area Limitations

The maximum floor area ratio permitted in any PD-Industrial Park District shall be 0.75.

14.11.5 Height Limitations

Maximum height of buildings shall be 50 feet; structures of greater height shall be permitted if, for every foot of height or portion thereof above 50 feet, such structures shall be set back one foot more than the minimum setback specified and the emergency services are available to adequately protect the structure.

14.11.6 Off-Street Parking and Loading Requirements

Off-street parking and loading requirements shall be as established in Article 10, Parking.

14.11.7 Underground Electrical and Telephone Utilities

Electrical and telephone service lines shall be underground in any PD-Corporate Park District.

14.11.8 Sign Limitations

Sign limitations shall be as provided for PD-Shopping Center Districts.

14.11.9 Site Planning

Site planning considerations and requirements shall be as provided for PD-Mix Use Districts at Subsection 14.10.11.

14.12 Planned Development Manufactured Home Park (PD-MHP)

The following regulations and requirements apply to Planned Development Manufactured Home Park (PD-MHP) districts, defined for purposes of these regulations as a Planned Development district for manufactured homes and related uses and facilities.

14.12.1 PD-MHP Districts: Where Permitted; Intent

PD-MHP districts may hereafter be established as provided in the Land Development Plan Map in the R-4 and R-5 zones in accordance with the general procedures and requirements set forth in Sections 14.4 and 14.5. Where developments exist, or are 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 PD-MHP 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 parks in scale with surrounding areas, at locations appropriate and in accord with standards set forth herein, designed to meet the needs of the residents, and to achieve a satisfactory relationship to adjoining and nearby property. Location on minor thoroughfares or collector streets is encouraged. Where location on a major thoroughfare is proposed, special attention shall be given to entrance design, and a minimum setback of 60 feet shall be provided along the major street. Preservation or planting of trees in this setback is required. Classification of major or minor thoroughfares shall be made by reference to the Long View Thoroughfare Plan.

14.12.2 Permitted Principal and Accessory Uses and Structures

(a) Principal Uses and Structures Permitted

- (1) AA Manufactured Homes developed according to appearance criteria in Article 2, Definitions.
- (2) Service buildings and areas necessary to provide laundry, sanitation, storage, vending machines, and other similar services provided by the facility operator for the use and convenience of district occupants.
- (3) Recreation buildings and areas serving only the district in which they are located.
- (4) Caretaker's or manager's home or office.
- (5) Customary accessory buildings and facilities necessary for operation of the district in which located.
- (6) Sales of manufactured homes to be located within the district are permitted only for manufactured homes which are already located on approved and established manufactured home lots or spaces.
- (7) 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 district.

14.12.3 Minimum Land Area for PD-MHP Districts

The minimum gross land area required for formation of a PD-MHP district is 3 acres.

14.12.4 Maximum Allowed Intensity of Residential Development Permitted

The maximum permitted intensity of residential development within a PD-MHP district shall be 5 dwelling units per acre.

14.12.5 Development Requirements for PD-MHP Districts

- (a) The surface of each manufactured home site shall be graded for proper drainage and configured per the setback and required yard provisions of Figure 5-2 of Article 5 for the R-4 districts.
- (b) No manufactured home site may have direct access to an existing public street.
- (c) PD-MHP streets shall meet the residential street standards of the Subdivision Ordinance.

(d) Reserved.

(e) Existing site trees shall be preserved, where possible; where they do not exist, appropriate street trees shall be provided, planted and serviced in accordance with the landscaping standards and specifications of the Zoning Ordinance.

(f) Individual manufactured homes shall be sited with their longest side parallel to the street providing access to the site.

(g) Reserved.

(h) Natural site features shall, to the extent feasible, be preserved.

(i) Each manufactured home must have a permanent patio or treated wood deck, at least 180 square feet in area, located adjacent to the manufactured home.

(j) A walkway of dustless all-weather material shall be constructed for each manufactured home site to connect the parking area and patio.

14.12.6 Open Space Dedication in PD-MHP Districts

The minimum unobstructed open space shall be 70 percent of the total site area. At least 25 percent of open space shall be usable open space. Usable open space shall be defined as an open area designed and developed for use by the occupants of the development or others for recreation, courts, gardens, or household service activities, such as clothes drying, which space is effectively separated from automobile traffic and parking and is readily accessible. The term shall not include space devoted to streets and parking.

14.12.7 Manufactured Home Appearance Criteria for PD-MHP Districts

Only Class AA manufactured homes are permitted in PD-MHP districts. Skirting for all manufactured homes in the PD-MHP district shall be of uniform material resistant to rust or decay. Samples of proposed skirting shall be submitted for approval as a part of the PD-MHP report.

Class A manufactured homes are permitted in manufactured home parks, existing or approved before January 8, 1991, provided the siting does not enlarge or extend the area of the park and these homes meet the appearance standards of Class A manufactured homes as defined in Article 2.

14.12.8 Site Planning

(a) 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:

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 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.

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.

Protection of visibility--automotive traffic, cyclists and pedestrians, shall be as generally provided in Article 6, Visibility.

Yards, fences, walls or vegetative screening at edges of PD-MHP districts shall be provided per Article 7, Figure 7-1 the Buffer Matrix, 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 PD-MHP district.

Signs visible from outside PD-MHP districts. No signs visible from outside PD-MHP districts shall be erected within such districts other than two signs identifying the development, with total maximum surface area not to exceed 16 square feet, at each principal entrance to the development. In addition, during the process of construction and initial sale or rental, temporary announcement signs may be allowed, as provided in Section 8.9.

(b) Internal Relationships

The site plan shall provide for safe, efficient, convenient and harmonious grouping 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:

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 the use and shape of the site and the convenience and safety of occupants.

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

(1) 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.

(2) Vehicular access to other streets or portions 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.

Ways for pedestrians and cyclists: Use by emergency or service vehicles. 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 so as to minimize contacts with normal automotive traffic. If substantial bicycle traffic is anticipated, bicycle paths shall be coordinated with the walkway system. Street crossings shall be held to a minimum on such walkways, shall be located and designed 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.

Protection of visibility--automotive traffic, cyclists and pedestrians. Protection of visibility for automotive traffic cyclists and pedestrians shall be as provided in (a) above.

4.13 Minor Planned Developments

The minor planned development (PD) procedure offers developers the possibility of more efficient and flexible methods for developing property by allowing more than one principal building or use on a zoning lot. The Zoning Administrator with review and final approval by the Board of Aldermen may approve this form of development provided:

(a) The general zoning ordinance provisions and requirements shall apply, unless otherwise provided for in this Section;

- (b) For minor PD's in commercial districts, the sign limitations of Section 14.8.8 shall apply; for minor PD's in office and institutional, and industrial districts the sign limitations of Section 14.9.7 shall apply;
- (c) In all minor PD's electrical distribution wires, telephone lines and any other wire installations shall be underground unless the Town Engineer determines, based on documentation submitted to the Zoning Administrator, that underground installation is infeasible;
- (d) In residential minor PD's vehicular access to private streets shall be limited and controlled according to Section 14.7.5(B);
- (e) Only principle uses or accessory uses permitted within the respective zoning district are permitted in minor PD's;
- (f) The overall floor area ratio, maximum lot coverage, or number of units per acre shall not exceed the limitations of the district in which the minor PD is located;
- (g) All streets, street or driveway connections and utilities must be designed and constructed to the standards of the Long View Subdivision regulations;
- (h) The minimum minor PD size shall be 40,000 square feet;
- (i) The maximum minor PD size shall not exceed 217,800 sq. ft or five acres for office, commercial or industrial classifications and 80,000 square feet for a residential development.
- (j) The setbacks from public streets and adjacent property lines shall be no less than the greater of the setback requirements of the district in which the minor PD is located and in the case of minor PD's for two-family, three-family or multi-family dwellings meet the requirements of Section 14.7.5
- (c)
- (k) Within residential minor PD's for two-family, three-family or multi-family dwellings the minimum open space and building spacing requirements of 14.7.5 (C) shall apply to residential minor PD's; in other minor PD's the yards and setbacks of the respective zoning district shall apply.
- (l) The arrangement and location of all streets, buildings and uses of land within a minor PD shall conform to the official Hickory-Newton-Conover Thoroughfare Plan.

14.14 Procedures for Minor PD Approval

14.14.1 Materials to be Submitted

Materials submitted for minor PD approval shall be the same as required by Section 14.5.1.

14.14.2 Review of Minor PD Proposals

On receipt of a complete preliminary development concept plan and detailed proposals as indicated above, the Zoning Administrator shall cause a study to be made by the Planning and Development Department, the Department of Public Works, the Utilities Department, the Town Engineer, the Fire Department, the County Health Department, and other such agencies or officials as appear appropriate in the circumstances of the case, to determine conformity with the adopted zoning and other regulations applicable in the case. Following such study, unless complete conformity is found, the developer shall be notified in writing by the Zoning Administrator of discrepancies, and of the willingness of the Zoning Administrator to confer for the purpose of assisting in bringing the material submitted into conformity with requirements.

If the developer does not desire to participate in such conferences, the Zoning Administrator shall disapprove the application and state in writing the cause of such disapproval. If the developer 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. At such time when the Zoning Administrator determines that the application conforms in all regards to the provisions of this ordinance, the plan will be submitted to the Board of Aldermen for review. At such time when the plan receives approval from the Board of Aldermen a Zoning Compliance Permit shall be issued in accordance with the provisions of Article 15, Administration.

14.14.3 Zoning Administrator's Action on Final Plans

After a minor PD has been approved by the Board of Aldermen, a Zoning Compliance permit shall be issued in the same manner as for permits generally, provided that any requirements concerning the order and location in which building permits are to be issued in the particular minor PD shall be observed.

Except as provided below, approval of final plans and reports shall be binding on the developer and any successors in title, so long as appropriate zoning applies to the land.

14.14.4 Changes in Approved Plans

Minor PD plan approval is an administrative action. No public notice or hearing is required in connection with approval proceedings on final plans or changes in approved plans. The Zoning Administrator may hold meetings, with such notice as he deems appropriate, in connection with such action.

ARTICLE 15

ADMINISTRATION

15.1 Establishment of Administrative Officer

The provisions of this Ordinance shall be administered by the Zoning Administrator, who shall be designated by the Town Administrator.

15.2 Duties of the Zoning Administrator

The Zoning Administrator, or his designee, shall have the power to grant Zoning Compliance permits and Certificates of Zoning Compliance and to make or cause to be made 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 interpretations 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.

15.3 Powers and Limitations of Zoning Administrator

If any proposed excavation, construction, moving, alteration, or use of land as set forth in an application for a Zoning Permit is in conformity with the provisions of this Ordinance, the Zoning Administrator shall issue a Zoning Permit; however;

- (a) Issuance of a Zoning 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, standards, or regulation contained in this Ordinance to any person making application to excavate, construct, move, alter, or use building, structures or land.
- (c) Under no circumstance 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 the 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 of such disapproval.

15.4 Zoning Permit Required

(a) 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 one hundred square feet in area, until the Zoning Administrator has issued for such work a Zoning Permit. The Zoning Permit shall include a determination that plans, specifications and the intended use of such structure and land do, in all respects, conform to the provisions of this Ordinance. Prior to the issuance of a Zoning Permit, the Zoning Administrator shall consult with all applicable departments including, but not limited to, the Department of Public Works and the Utilities Department.

(b) 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 Permit, including a determination that the proposed use does, in all respects, conform to the provisions of this Ordinance.

(c) All Zoning 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.

(d) Any Zoning Permit issued shall expire and be cancelled unless the work authorized shall have commenced within six (6) months of its date of issue, or if the work authorized by it is suspended or abandoned for a period of one year. If a zoning permit is requested for the establishment of vested rights, upon approval it shall be valid for a period of two (2) years from its date of issue (NC G.S. 160A-385.1).

15.5 Contents of Application for Zoning Permit

Every application for a Zoning 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 including parking, landscaping, screening, buffering, signage, flood hazards, floor areas. (See Figure 15-1)

15.6 Certificate of Zoning Compliance

No building, structure, or zoning lot for which a Zoning Permit has been issued shall be used or occupied until the Zoning Administrator has, after final inspection, issued a Certificate of Zoning Compliance indicating compliance has been made with all the provisions of this Ordinance. However, the issuance of a Certificate of Zoning Compliance shall in no case be construed as waiving the provisions of this Ordinance.

15.7 Reserved.

15.8 Fees

Before any Zoning Permit or Certificate of Zoning Compliance shall be issued covering building or other operations regulated by this Chapter, a fee in an amount fixed by the Board of Aldermen shall be paid.

ARTICLE 16

RESERVED

ARTICLE 17

RESERVED

ARTICLE 18

WATER SUPPLY WATERSHED PROTECTION DISTRICT (WSP DISTRICT)

18.1. General Purpose & Intent.

The purpose of this division is to regulate the development and land use density in order to limit water supply watershed exposure to non-point source discharge and pollution. The non-point source discharge can contribute biological contamination, sediment from soil erosion, nutrient enhancement and heavy metal pollution; all of which endanger the water supplies.

As required by the Water Supply Watershed Protection Act of 1989, the State of North Carolina has reclassified each of North Carolina's drinking water supply watersheds to appropriate classification. Lake Hickory watershed, a portion of which is in the Long View jurisdiction, is classified as "WS IV" and are protected water supplies that are generally moderately to highly developed.

This effort is a proactive approach, rather than reactive, to assure a clean, safe, and healthy water supply for the citizens and businesses of North Carolina.

18.2. Authority & Enactment.

The statutory authority for this division is mandated by North Carolina General Statutes Chapter 160A, Article 8, Sections 174 and Section 193; Chapter 143, Section 214.5; and Chapter 160A Section 360. The Town of Long View Board of Aldermen enacts into law this division as the "Water Supply Watershed Protection District," which may be referred to as the WSP District.

18.3. Jurisdiction and Affected Area.

The provisions of this division shall apply only to those lands within the Town of Long View corporate boundaries that have been designated as a Public Water Supply Watershed by the NC Environmental Management Commission. These areas are defined and established by the overlay district "Water Supply Watershed Protection District" on the official zoning map and delineated on the map entitled "Watershed Protection Area of Long View" which is adopted as a part of this division and permanently kept on file in the office of the Town Clerk.

18.4. Exceptions to Applicability.

(A) Existing development, as defined in Section 18.9 Existing Requirements, is not subject to the requirements of this division. Expansions to structures classified as existing development must meet the requirements of this division; however, the built-upon area of the existing development is not required to be included in the density calculations.

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

(C) If a use or class of use is not specifically indicated as being allowed in the watershed protection district, such use or class of use is prohibited.

(D) It is not intended that these regulations interfere with any easement, covenants or other agreements between parties. However if these regulations impose greater restrictions or higher standards, then these regulations shall apply.

(E) If the requirements of this ordinance conflict with other ordinances adopted by the Long View Town Board, the more restrictive of each particular item shall apply.

(F) Projects in the WSP District that do not require a Sedimentation and Erosion Control Plan are exempt from this Division.

18.5 Severability.

Should any section or provision of this division be declared invalid or unconstitutional by any court of competent jurisdiction, the declaration shall not affect the validity of the Zoning Ordinance as a whole or any part thereof that is not specifically declared to be invalid or unconstitutional.

18.6. Effective Date.

This division was adopted on September 28, 1993 by the Long View Town Board. This division shall become effective and be in force on and after October 1, 1993.

18.7. Development Regulations.

The WSP District is intended to accommodate a moderate to high land use intensity pattern as permitted by the WS IV classification of the Lake Hickory Water Supply Watershed.

(A) Allowed Uses in the WSP District:

(1) Agriculture is allowed, subject to the provisions of the Food Security Act of 1985 and the Food, Agricultural, Conservation Act of 1990.

(2) Silviculture is allowed, subject to the provisions of the Forest Practices Guidelines Related to Water Quality (15 NCAC II.6101-.0209).

(3) Residential development is allowed where the underlying primary zoning district permits.

(4) Non-residential development is allowed where the underlying primary zoning district permits, excluding the storage of toxic and hazardous materials unless a spill containment plan is implemented.

(B) Density and Built-upon Criteria:

(1) Single Family Residential Development. Residential lots should not be less than 21,780 square feet (.5 acre) for projects with curb and gutter system, or 14,520 square feet (.33 acre) for projects without curb and gutter street system. Where the particular zoning district permits a smaller lot size, then such smaller lot size is permitted, however the maximum built-upon area must not exceed the standards in sub-paragraph (b)(2) below.

(2) All Other Residential and Non-Residential Development. For projects with curb and gutter system development shall not exceed 24% built-upon area on a project by project basis. For projects without curb and gutter street system development shall not exceed 36% built-upon

area on a project by project basis. For the purpose of calculating the built-upon area, total project area shall include acreage in the tract on which the project is to be developed.

(3) In addition to the development allowed under paragraphs (1) and (2) above, new development and expansions to existing development may occupy up to ten percent (10%) of the protected area with up to seventy percent (70%) built-upon area when approved as a special intensity allocation (SIA). The Planning Director is authorized to approve SIAs consistent with the provisions of this ordinance. Projects must, to the maximum extent practicable, minimize built-upon surface area, direct stormwater away from surface waters and incorporate Best Management Practices to minimize water quality impacts.

18.8. Buffer Area Requirements.

(A) A minimum thirty (30) foot wide vegetated buffer is required for all new development along all perennial waters indicated on the most recent version of USGS 1:24,000 (7.5 minute) scale topographic maps or as determined by local government studies. Desirable artificial streambank stabilization is permitted.

(B) No new development is allowed in the buffer except for water dependent structures, other structures such as flag poles, signs and security lights which result in only diminimus increases in impervious area and public projects such as road crossings, water and sewer lines and associated improvements and greenways where no practical alternative exists. These activities should minimize built-upon surface area, direct runoff away from the surface waters and maximize the utilization of stormwater best management practices.

(C) This division shall not reduce the development standards and specifications as required by Article 7.12, Buffers and Screening.

18.9 Existing Development.

Existing development as defined in this division, may be continued and maintained subject to the provisions provided herein. Expansions to structures classified as existing development must meet the requirements of this division, however, the built-upon area of the existing development is not required to be included in the built-upon area calculations.

(A) Uses of land existing at the time of the effective date of this division, but which would not be permitted to be established hereafter in the WSP district, may continue except as follows:

- (1) When such use of land has been changed to an allowed use, it shall not thereafter revert to any prohibited use.
- (2) Such use of land shall be changed only to an allowable use.
- (3) When such use or occupancy ceases for a period of at least 360 continuous days, it shall not be reestablished. Refer to Article 9, Nonconformities of the Long View Zoning Ordinance.

(B) Reconstruction of buildings or built-upon areas not in conformance with the restrictions of this division that has been damaged or removed may be repaired and/or reconstructed, except that there are no restrictions on single family residential development, provided it meets the following conditions:

- (1) Repair or reconstruction is initiated within twelve (12) months and completed within two (2) years of such damage.

- (2) The total amount of built-upon area may not be increased.

18.10. Public Health Regulations.

(A) Public Health In General. No activity, situation, structure or land use shall be allowed within the WSP district which poses a threat to water quality and the public health, safety and general welfare. Such conditions may arise from inadequate on-site septic systems which utilize ground absorption, inadequate sedimentation and erosion control measures, the improper storage or disposal of junk, trash or other refuse on the property, the absence or improper implementation of a spill containment plan for toxic and hazardous materials, improper management of stormwater runoff, or any other situation found to pose a threat to water quality.

(B) Abatement.

(1) The planning director or his designee shall monitor land use activities within the WSP district to identify situations that may pose a threat to water quality.

(2) The planning director shall report all findings to the city manager. He may consult with any public agency or official and request recommendations.

(3) Where the planning director or his designee finds a threat to water quality and the public health, safety and general welfare, the planning director shall institute any appropriate action or proceeding to restrain, correct or abate the condition and/or violation.

18.11. Administration.

(A) The planning director shall keep all records of the amendments to the water supply watershed regulations and shall provide copies of all amendments upon adoption to the Water Quality Section of the Division of Environmental Management.

(B) The planning director or his designee may enter any building, structure, or premises, as authorized by law, to perform any duty imposed upon him by this division.

(C) The planning director shall keep a record of variances to this division. The record shall be submitted to the Water Quality Section of the Division of Environmental Management by the 1st day of January for the preceding year and shall provide a description of each project receiving a variance and the reasons for granting the variance.

(D) The Planning Director shall keep records of the jurisdiction's use of the provision that a maximum of ten percent (10%) of the protected area of WS-IV watersheds may be developed at up to seventy percent (70%) built-upon surface area. Records for each watershed shall include the total acres of non-critical watershed area, total acres eligible to be developed under this option, total acres approved for this development option, and individual records for each project with the following information: location, acres, type of land use and stormwater management plan (if applicable).

18.12. Variances.

(A) The Zoning Board of Adjustment shall have the power to authorize, in specific cases, minor variances, as defined herein, from the terms of this division as will not be contrary to the public interest. Application for a variance shall be made in accordance with Article 12, Board of Adjustment of this ordinance.

(B) If the application for a variance calls for the granting of a major variance, as defined herein, and if the Board of Adjustment decides in favor of granting the major variance, the board shall prepare a preliminary record of the hearing within thirty (30) days. The preliminary record of the hearing shall include:

- (1) The variance application;
- (2) The hearing notices and advertisements;
- (3) The evidence presented;
- (4) Motions, offers of proof, objections to evidence, and rulings on them;
- (5) Proposed findings and exceptions; and,
- (6) The proposed decision, including all conditions proposed to be added to the permit.

The preliminary record shall be sent to the Environmental Management Commission for its review as follows:

(A) If the Commission concludes from the preliminary record that the variance qualifies as a major variance and that:

- (1) the property owner can secure no reasonable return from, nor make any practical use of the property unless the proposed variance is granted, and
- (2) the variance, if granted, will not result in a threat to the water supply; then the Commission shall approve the variance as proposed or approve the variance with conditions. The Commission shall prepare a Commission decision and send it to the Long View Board of Adjustments, in care of the planning director. If the Commission approves the variance as proposed, the Board of Adjustment shall prepare a final decision granting the proposed variance. If the Commission approves the variance with conditions and stipulations, the Board of Adjustments shall prepare a final decision including such conditions and stipulations, granting the proposed variance.

(B) If the Commission concludes from the preliminary record that the variance qualifies as a major variance and that:

- (1) the property owner can secure a reasonable return from or make a practical use of the property without the variance, or
- (2) the variance, if granted, will result in a serious threat to the water supply, then the Commission shall deny approval of the variance proposed. The Commission shall prepare a Commission decision and send it to the Long View Board of Adjustments, in care of the planning director. The Board of Adjustment shall prepare a final decision denying the variance as proposed.

(C) Public health. Refer to 18.10.

18.13. Definitions.

The intent of the definitions found within this section is to apply specifically to watershed management measures. These terms are intended as a supplement to the definitions found in Article 2, Definitions, of this ordinance.

Agricultural Use. The use of waters for stock watering, irrigation and other farm purposes.

Best Management Practices (BMP). A structural or nonstructural management based practice used singularly or in combination with another BMP to reduce non-point source inputs to receiving waters in order to achieve water quality protection goals.

Buffer (watershed protection only). An area of natural or planted vegetation through which stormwater runoff flows in a diffuse manner so that the runoff does not become channelized and which provides for infiltration of the runoff and filtering of pollutants. The buffer is measured landward from the normal bank of each side of the streams.

Built-upon Area. That portion of a development project that is covered by impervious or partially impervious cover including buildings, pavement, gravel areas (e.g. Roads, parking lots, paths), recreational facilities (e.g. tennis courts); wooden slat decks, and the area covered by water in a swimming pool is not built-upon area.

Cluster Development. The grouping of buildings in order to conserve land resources and provide for innovation in the design of the project including minimizing stormwater runoff impacts. This term includes non-residential development as well as single family residential and multi-family developments.

Development (watershed protection only). Any land disturbing activity which adds to or changes the amount of impervious or partially impervious cover on a land area or which otherwise decreases the infiltration of precipitation into the soil.

Development, Existing (watershed protection only). Those projects that are built or those projects that at a minimum have established a vested right under North Carolina zoning laws as of the effective date of this ordinance based on at least one of the following criteria.

- (1) substantial expenditure of resources (time, labor, money) based on good faith reliance upon receiving a valid local government approval to proceed with the project, or
- (2) having an outstanding valid building permit as authorized by NCGS 160A-385.1, or
- (3) having an approved site specific development plan as authorized by NCGS 160A-385.1.

Development, Industrial (watershed protection only). Any non-residential development that requires an NPDES permit for an industrial discharge and/or requires the use or storage of any hazardous material for the purpose of manufacturing, assembly, finishing, cleaning or developing any product or commodity.

Development, Non-residential (watershed protection only). All development other than residential development, agriculture and silviculture.

Development, Residential (watershed protection only). Buildings for residences such as attached and detached single family dwellings, apartment complexes, condominiums, townhouses, cottages, etc. and their associated accessory structures such as garages, storage buildings, gazebos, etc. and customary home occupations.

Development, Single Family Residential (watershed protection only). Any development where:

- (1) no building contains more than one dwelling unit,
- (2) every dwelling unit is on a separate lot, and
- (3) where no lot contains more than one dwelling unit (e.g. single family detached or manufactured home).

Dwelling Unit (watershed protection only). A building or portion thereof providing complete and permanent living facility for one family.

Family Subdivision. Family subdivision means a division of a tract of land: (a) to convey the resulting parcels, with the exception of parcels retained by the grantor, to a relative or relatives as a gift or for nominal consideration, but only if not more than one parcel is conveyed by the grantor from the tract to any one relative (within any 12 month period); or (b) to divide land from a common ancestor among tenants in common, all of whom inherited by intestacy or by will.

Hazardous Material. Any substance listed as such in SARA section 302, Extremely Hazardous Substances, CERCLA Hazardous Substances or Section 311 of the Clean Water Act (oil and hazardous substances).

Landfill. A facility for the disposal of solid waste on land in a sanitary manner in accordance with Chapter 130A Article 9 of the N.C. General Statutes. For the purpose of this ordinance this term does not include composting facilities.

Lot. A parcel of land occupied or capable of being occupied by building or group of buildings devoted to a common use, together with the customary accessories and open spaces belonging to the same.

Lot, Existing. A lot which is part of a platted subdivision of which has been recorded in the Office of the Register of Deeds office in Catawba County prior to the effective date of this division, or a lot described by metes and bounds, the description of which has been so recorded prior to the effective date of this division.

Nonconforming Lot of Record. A lot described by a plat or a deed that was recorded prior to the effective date of this ordinance (or its amendments) that does not meet the minimum lot size or other development requirements of this ordinance.

Plat. A map or plan of a parcel of land which is to be, or has been subdivided.

Protected Area. The area adjoining and upstream of the critical area in which protection measures are required. The boundaries of the protected area are defined as extending five (5) miles upstream and draining to water supply reservoirs or to the ridge line of the watershed ; or within 10 miles upstream and draining to the intake located directly in the stream or river or to the ridgeline of the watershed.

Residuals. Any solid or semi-solid waste generated from a wastewater treatment plant, water treatment plant or air pollution control facility permitted under the authority of the Environmental Management Commission.

Street (Road). A right-of-way for vehicular traffic which affords the principal means of access to abutting properties.

Structure. Anything constructed or erected which requires location on or attachment to the land or attachment to something having permanent location on the land.

Subdivision. All divisions of a tract or parcel of land into two or more lots, building sites, or other divisions for the purpose of sale or building development (whether immediate or future) and shall include all division of land involving the dedication of a new street or a change in existing streets; but the following shall not be included within this definition nor be subject to the regulations authorized by this ordinance:

(1) The combination or recombination of portions of previously subdivided and recorded lots where the total number of lots is not increased and the resultant lots are equal to or exceed the standards of this ordinance;

(2) The division of land into parcels greater than 10 acres where no street right-of-way dedication is involved;

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

(4) The division of a tract in single ownership whose entire area is no greater than two acres into not more than three lots, where no street right-of-way dedication is involved and where the resultant lots are equal to or exceed the standards of this ordinance;

(5) The division of a tract into plots or lots used as a cemetery.

Toxic Substances. Any substance or combination of substances (including disease causing agents), which after discharge and upon exposure, ingestion, inhalation, or assimilation into any organism, either directly from the environment or indirectly by ingestion through food chains, has the potential to cause death, disease, behavioral malfunctions (including malfunctions or suppression in reproduction or growth) or physical deformities in such organisms or their offspring or other adverse health effects.

Variance, Major. A variance from the minimum statewide water supply watershed protection criteria that results in the relaxation of, by a factor greater than 10%, of any management requirement under the low density option.

Variance, Minor. A variance from the minimum statewide water supply watershed protection criteria that results in the relaxation, by a factor of up to ten (10) percent, of any management requirement under the low density option.

Watershed. The entire land area contributing surface drainage to a specific point (e.g. the water supply intake).

ARTICLE 19

ENFORCEMENT

19.1 Violation

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 or limitation is imposed on the use of any land and water, or on the erection of a structure, a failure to comply with such provisions shall constitute a violation of this Ordinance.

19.2 Liability

The owner, tenant, or occupant of any land or structure, or part thereof, and any architect, builder, contractor, agent or other person who participates in, assists, directs, creates, or maintains any situation that is contrary to the requirements of this Ordinance shall be held responsible for the violation and be subject to the penalties and remedies provided herein.

19.3 Reserved.

19.4 Penalties.

(a) Any violation of the articles of this Ordinance or amendments thereto shall subject the offender to a civil penalty in the amount of fifty dollars (\$50.00) per day. Violators shall be issued a written citation by registered mail or by hand delivery when the deliverer is accompanied by a witness, and said citation must be paid within seventy-two (72) hours of receipt.

(b) Each day that a violation continues shall be considered a separate offense and punishment assigned accordingly.

(c) Notwithstanding subsection (a) above, this Ordinance may be enforced by a court of competent jurisdiction and no higher notice of any action to enforce this Ordinance shall be required.

(d) In addition to or in lieu of remedies authorized in subsections (a) and (c), violations of any articles of this Ordinance may be prosecuted as a misdemeanor or otherwise in accordance with G.S. 160A-175.

19.5 Remedies.

If a building or structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained, or any building, structure or land is used in violation of this Ordinance or a regulation made under authority conferred by this Ordinance, the Zoning Administrator, in addition to other remedies, may institute any appropriate action or proceedings to prevent the unlawful erection, construction, reconstruction, alteration, repair, conversion, 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 20

LEGAL STATUS

20.1 Severability

It is the legislative intent of the Board of Aldermen in adopting this Ordinance that all provisions thereof shall be liberally construed to protect and preserve the peace, health, safety, and general welfare of the inhabitants of the Town of Long View and its extraterritorial jurisdiction. It is the further intent of the Board of Aldermen that this Ordinance shall stand, notwithstanding the invalidity of any part thereof, and that should any provision of this Ordinance be held to be unconstitutional or invalid, such holding shall not be construed as affecting the validity of any of the remaining provisions.

20.2 Effective Date.

The provisions of Article 18, Water Supply Watershed Protection District, shall be effective October, 1993. All other provisions of this ordinance shall be effective the _____ day of _____, 1995.