TOWN OF LANDIS

ZONING ORDINANCE

CHAPTER 16 OF THE LANDIS TOWN CODE

AS APPROVED BY THE LANDIS BOARD OF ALDERMEN
ON OCTOBER 7, 1996
Amended Through May 2006
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ARTICLE I
PURPOSE AND APPLICABILITY

Section 16-1.1 Authority and Purpose (Revised 3/14/06)

In pursuance of authority granted by the General Assembly of North Carolina in General Statutes 160A-381 to 160A-392, and for the purpose of promoting the public health, safety, morals, and general welfare of the inhabitants of the Town of Landis by promoting the orderly development of the community; lessening congestion in the roads and streets; securing safety from fire, panic, and other dangers; providing adequate light and air; preventing the overcrowding of land; avoiding undue concentration of population; facilitating the adequate and efficient provision of transportation, water, sewerage, schools, parks, and other public requirements; preserving the natural environment; and ensuring the development of a future environment that realizes the greatest possible use and enjoyment of individual properties.

The zoning districts and maps have been made with due consideration of future growth, development, and change in land development according to objectives expressed in the comprehensive plan, as well as with due consideration of existing development and uses of land in the Town of Landis.

These regulations and districts represent reasonable consideration of the character of the particular suitability for particular uses of land and have been made with a view to preserve the existing environment and/or assure the development of a future environment that realizes the greatest use and enjoyment of the land on individual properties. This is balanced against the necessary protection of values of buildings and land and the use and enjoyment of land on adjacent properties and with the objective of promoting and protecting the public welfare through the regulation of land use and the process of land development.

Section 16-1.2 Title

This ordinance is referred to as "The Zoning Ordinance of the Town of Landis, North Carolina" and shall be known as the "Zoning Ordinance" and the map referred to, which is identified by the title "Official Zoning Map, Landis, North Carolina", shall be known as the "Zoning Map", or "Official Zoning Map".
Section 16-1.3 Jurisdiction

These regulations govern the development and use of all land and structures within the corporate limits of the Town of Landis, North Carolina as now or hereafter fixed, said territory being indicated on the Official Zoning Map of Landis, North Carolina as is on file at the office of the Zoning Administrator Officer. This map and its boundaries shall be incorporated and made part of this Ordinance.

No building, structure, or land shall be used or occupied, and no building, structure, or part thereof shall be erected, constructed, reconstructed, moved, enlarged, or structurally altered, unless in conformity with all the provisions of this Ordinance for the district in which it is located and other applicable regulations, except as otherwise provided by this Ordinance.

Section 16-1.4 Bona Fide Farms Exempt

The provisions of this ordinance shall not apply to bona fide farms. A bona fide farm is any tract of land containing at least ten acres which is used for the production of, or activities relating to, or incidental to, the production of crops, fruit, vegetables, ornamental and flowering plants, dairy, livestock, poultry, and all other forms of agricultural or forest products having a domestic or foreign market.

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

Section 16-1.5 Relation to Other Ordinances

It is not intended that this Ordinance shall in any way repeal, annul, or interfere with the existing provisions of any other law or ordinance except any ordinance which these regulations specifically replaces. It is not intended that these regulations shall interfere with any easements, covenants, or other agreements between parties. However, if the provisions of these regulations impose greater restrictions or higher standards for the use of a building or land, for yards, or for the size of structures than is called for by other ordinances, permits, easements, or agreements, then the provisions of these regulations shall control. In the event of any conflict in limitations, restrictions, or standards applying to a project or developments, the more restricted provision shall apply.

Section 16-1.6 Separability

If any section or specific provision or standard of this Ordinance or any zoning district boundary that may exist in the future is found by a court to be invalid for any reason, the decision of the court shall not affect the validity of any other section, provision, standard, or district boundary of these regulations except the provision in question. The other portions of these regulations not affected by the decision of the court shall remain in full force and effect.
Section 16-1.7 Effective Date

These regulations shall become effective on October 7, 1996. Upon such date, these regulations shall replace the Landis Zoning Ordinance adopted on November 1, 1965 and any amendments to said Ordinance made after said date. All suits of law and/or all prosecutions resulting from the violation of any Zoning Ordinance heretofore in effect, which are now pending in any of the courts of this State or of the United States, shall not be abated or abandoned by reason of the adoption of this Ordinance but shall be prosecuted to their finality, the same as if this Ordinance had not been adopted, and any and all violations of the existing Zoning Ordinance, prosecutions for which have not yet been instituted, may be hereafter filed and prosecuted. Nothing in this Ordinance shall be construed as to abandon, abate or dismiss any litigation or prosecution now pending, and/or which may heretofore have been instituted or prosecuted.
ARTICLE II
DEFINITIONS

For the purpose of interpreting this Ordinance, certain words or terms are herein defined. Except as defined herein, all other words used in this Ordinance shall have their everyday dictionary definition.

Section 16-2.1 Interpretation of Terms and Words

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

(2) Words used in the singular number include the plural, and words used in the plural number include the singular.

(3) The word "person" includes a firm, association, organization, partnership corporation, trust and company as well as an individual.

(4) The word "lot" includes the word "plot" or "parcel", or "tract".

(5) The word "shall" is always mandatory and not merely directory.

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

(7) The words "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged, or designed to be used or occupied".

(8) The word "Zoning Map", or "Landis Zoning Map", or "Official Zoning Map" shall mean the Official Zoning Map of Landis, North Carolina.

(9) Any word denoting gender includes the female and the male.

(10) The term "Town Board" shall mean the "Board of Aldermen of Landis, North Carolina".

(11) The term "Planning Board" shall mean the "Planning and Zoning Board of Landis, North Carolina".

(12) The term "Board of Adjustment" shall mean the "Board of Adjustment of Landis, North Carolina".

(13) The term "Zoning Administrator" shall mean the "Zoning Administrator of Landis, North Carolina".

(14) The term "Street" shall mean "Road".
(15) In the event of a conflict between the text of these regulations and any caption, figure, illustration, or table, the text of these regulations shall control.

(16) In the event of any conflict in limitations, requirements, or standards applying to an individual use or structure, the more stringent or restrictive provision shall apply.

(17) Any reference to a Article or Section shall mean a Article or Section of this Ordinance, unless otherwise specified.

(18) Where uncertainty exists on the part of the Zoning Administrator with regard to the meaning of any portion of the Zoning Ordinance text, the Zoning Administrator may request the Board of Adjustment to render an interpretation in accordance with Section 16-12.6 of this Ordinance.

Section 16-2.2 Interpretation of Zoning District Boundaries

Where uncertainty exists as to the boundaries of any district shown on the Official Zoning Map, the Zoning Administrator shall employ the following rules of interpretation.

(1) Centerline: Where a boundary line lies within and follows a street or alley right-of-way, a railroad right-of-way, or utility easement, the boundary shall be construed to be in the center of such street or alley right-of-way, railroad right-of-way, or utility easement. If such a street or alley right-of-way, railroad right-of-way, or utility easement forming the boundary between two separate zoning districts is abandoned or removed from dedication, the district boundaries shall be construed as following the centerline of the abandoned or vacated road bed or utility easement.

(2) Edge Line: Where a boundary line follows the edge of a street or alley right-of-way, a railroad right-of-way, or utility easement, the boundary shall be construed to be in the edge of such street or alley right-of-way, railroad right-of-way, or utility easement. If such a street or alley right-of-way, railroad right-of-way, or utility easement forming the boundary between two separate zoning districts is abandoned or removed from dedication, the district boundaries shall be construed as following the edge of the abandoned or vacated road bed or utility easement.

(3) Lot Line: Boundaries indicated as approximately following lot lines shall be construed as following such lot lines. In the event that a district boundary line divides a lot or tract, each part of the lot or tract so divided shall be used in conformity with the regulations established by this Ordinance for the district in which said part is located.

(4) Town Limits: Boundaries indicated as approximately following town limits or extraterritorial boundary lines shall be construed as following the town limits or extraterritorial boundary lines.
(5) Watercourses: Boundaries indicated as approximately following the centerlines of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such center lines.

(6) Extensions: Boundaries indicated as parallel to or extensions of street or alley rights-of-way, channelized waterways, railroad rights-of-way, utility easements, lot lines, city limits, county lines, or extraterritorial boundaries shall be so construed.

(7) Scaling: In a case where a district boundary does not coincide with any boundary lines as above and no distances are described by specific ordinance; the boundary shall be determined by the use of the scale appearing on the map.

(8) Where the Zoning Administrator determines that (i) physical features existing on the ground, or (ii) actual property lines or other man-made boundary lines used to depict zoning district boundaries, are at variance with those shown on the Official Zoning Map, the Board of Adjustment shall have the authority to interpret Zoning district boundaries in accordance with Article 12.

Section 2.3 Fractional Requirements

When any requirement of these regulations results in a fraction of a dwelling unit or other measurement, that fraction will be disregarded and the next lowest whole number shall apply if the fraction is less than one-half (1/2). If the fraction is one-half or greater, the fraction shall be rounded to the next highest whole number.

Section 2.4 Distance Measurements

Distance separations for various uses are required for many uses in this Ordinance. Unless otherwise specified, the following rules shall apply in determining such measurements:

1. Measurements shall be made from lot line to lot line (rather than from the edge of a building footprint).

2. Measurements shall be made using the shortest straight-line distance (i.e., "as the crow flies") between lots.

Section 16-2.5 Definitions

Abandonment

A use shall be deemed to be abandoned when:

(a) The use is discontinued (other than in association with the settlement of an estate or for any use which is seasonal in nature); or

(b) The premises are devoted to another use; or

(c) When the characteristic equipment and furnishings of a non-conforming
nonresidential use have been removed from the premises and have not been replaced by the same or similar equipment within six month (180 days); or

(d) Failure to take all positive action to resume the non-conforming use with six months (180 days), including the failure to advertise the property for sale or for lease.

**ABC Store**

A retail establishment at which liquors are sold to the general public and which is run under the auspices of the local Alcohol and Beverage Control (ABC) Board.

**Adjacent**

Having common property boundaries or lot lines which are not separated by a street or alley or body of water.

**Adult Establishments**

Any structure or use of land which meets the definition of adult establishment as outlined in North Carolina General Statute Section 14-202.110.

**Agricultural Use**

The commercial production, keeping or maintenance, of plants and animals useful to man, including but not limited to: forages and sod crops; grains and seed crops; dairy animals and dairy products, poultry and poultry products; livestock, including the breeding and grazing of any or all of such animals; bees and apiary products; fur animals; trees and forest products; fruits of all kinds, including nuts; vegetables; nursery, floral and ornamental nursery, floral and ornamental products; or lands devoted to a soil conservation or forestry management program. Uses which shall not be deemed as "agricultural uses" include (1) zoos, (2) animal kennels, and (3) riding stables and academics.

**Alley**

A public or private way which affords only a secondary means of access to abutting property and is not intended for general traffic circulation.

**Alteration**

A change in the size, configuration, or location of a structure; or a change in the use of a structure or lot from a previously approved or legally existing size, configuration, location, or use.

**Amusement/Fun Park**

A permanent, outdoor, pedestrian-oriented facility containing a cluster of structures and facilities which house devices for entertainment, including but not limited to rides, booths for the conduct
of games, food and souvenir stands, buildings for shows and entertainment (movies), video
games, go-carts, remote control cars track, and miniature golf.

Animal Grooming Facility

An indoor facility where household pets, primarily dogs and cats are bath, clipped, and styled. No overnight care is given and no outside runs or kennels are permitted.

Animal Hospital (Indoor)

A place where animals are given medical or surgical treatment and the boarding of animals is incidental to the hospital use. All facilities associated with an animal hospital shall be located indoors.

Animal Hospital (Outdoor)

A place where animals are given medical or surgical treatment or care; where boarding of animals is incidental to the hospital use; and where facilities such as outdoor kennels and runways and barns or pens associated with the animal hospital may be located outside; and where adjacent or on-site parking for vehicles and trailers is provided.

Animal Kennel

A commercial enterprise where more than six (6) dogs or other domesticated animals are bred or boarded.

Animal Shelter

A public, non-profit or not-for-profit facility at which dogs, cats, and other domesticated animals are kept (primarily outdoors) for purposes of distribution to the general public.

Animal Supply Store

A retail establishment whose business is limited to the sale of supplies (e.g., feeds and pharmaceutical) and equipment (e.g., bridles, barbed wire) related to the keeping of horses, and farm animals, or household pets.

Art Gallery

A commercial establishment where individual pieces of art are sold to the general public on a retail basis.

Auction House

A facility which is used for the purpose of having auctions on a regularly established basis.

Automobile Broker

A business dealing with the trading of automobiles without the use of a sales lot.
Auto Body Shop

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

Automobile Detailing Shop

An establishment primarily engaged in the hand-cleaning and waxing of automobiles. Such activities may take place both indoors and outdoors. Such facilities are distinguished from "Automobile Washes" in that there is typically no automated equipment involved with the cleaning or waxing of vehicles.

Automobile Parts and Repair Store

A retail establishment engaged in the selling of automobile and automotive parts, supplies, and accessories. The sale of automotive fuels (in pumps) and on-site repair and maintenance of vehicles shall be prohibited.

Automobile Repair Shop

A commercial establishment whose primary purpose involves the maintenance and servicing of vehicles. "Auto body work" (i.e., work normally associated with an "Automobile Body Shop", may not be performed on-premises unless the zoning district in which the use is located allows for an "Automobile Body Shop". The sale of automotive fuels and accessory automobile parts to the public may be provided on an accessory basis. Notwithstanding, an "Automobile Repair Shop" is

differentiated from an "auto parts store" or "automobile parts and repair store" in that the sale of automotive parts is not the primary service being offered.

Automobile Salvage Yard

See "Junk Yard and Automobile Salvage Yard".

Automobile Service Station (i.e., gas station)

A retail establishment primarily engaged in the sale of automotive fuels to the general public. Other products which may be sold on-premises include accessory automobile supplies including (but not limited to) vehicle lubricants, batteries, tires, and convenience items (e.g., sodas, candy, newspaper, tobacco products). Vehicle repair services (except for paint and body work) may be conducted on-premises. An automatic car wash may be provided on-site so long as it meets all of the criteria in that zoning district for Automobile Wash, Class 2. Such use shall be distinguished from a "convenience store" or "mini-mart" given that the primary product for sale is automotive fuels.

Automobile Towing and Wrecker Service

An establishment primarily engaged in the towing of motor vehicles and vehicular storage associated with vehicle accidents and violations. This shall not include vehicular salvaging
operations nor the sale of salvaged vehicular parts. This use is not to be construed as a junkyard nor an automobile salvage yard.

**Automobile Wash, Class 1** (i.e., self-service car washes)

A commercial establishment primarily engaged in the washing of automobiles, motorcycles, and pick-up and panel trucks. Such washing shall be done manually by the customer or by fully automated machines. (i.e., the use of chain conveyors or other devices which move the vehicle through a washing device shall not be permitted). Accessory self-vacuuming facilities shall be allowed.

**Automobile Wash, Class 2** (i.e., automatic car wash)

A commercial establishment primarily engaged in the washing of automobiles, motorcycles, and pick-up and panel trucks using a combination of personnel and automated systems to wash the vehicle. The retail sale of fuels and related automotive goods may also be provided on-premises on an accessory basis.

**Automobile Wrecker Service**

See "Automobile Towing and Wrecker Service"

**Awning**

A structure made of cloth, metal, or other material affixed to a building in such a manner that the structure may be raised or retracted from a building to a flat position against the building, but not to include a canopy.

**Bakery (Retail)**

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 retail use, the bakery products produced are for the direct sale to the consumer with no wholesale production or sales.

**Balance of Watershed**

Remaining area of a WS III watershed outside of the designated critical area.

**Bank Teller Machine**

A machine which dispenses cash and allows the user to make bank transaction without personal contact and without entering a bank or other financial institution. Use of machines is generally not limited to specific hours of operation. Unit maybe associated with a financial institution or free standing either outdoor or within a building.
Banner

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

Bed and Breakfast Inn

A use that (i) takes place within a building that prior to such establishment, was designed and used as a single-family residence, (ii) that consists of renting one or more dwelling rooms on a daily basis to tourists, vacationers and similar transients, (iii) where the provision of meals, if provision of meals is made, is limited to the breakfast meal, available only to guests, and (iv) where the bed and breakfast operation is conducted primarily by persons who reside in the dwelling unit, with the assistance of not more than the equivalent of 1 full-time employee.

Best Management Practices (BMP)

A structural or nonstructural management-based practice used singularly or in combination to reduce non-point source inputs to receiving waters in order to achieve water quality protection goals.

Blood Relative

For the purposes of this ordinance, a blood relative(s) shall be the great grandparents, grandparents, parents, children, brothers, sisters and their spouses and the parents-in-law of the owner/occupant of the principal structure.

Book Store

A commercial establishment where books are the primary item sold. An establishment which sells books and meets the definition of "adult use", as herein defined, shall not be considered a "book store".

Buffer Area

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 pool elevation of impounded structures and from the bank of each side of streams or rivers.

Buffer Strip

A strip of land with natural or planted vegetation located between a structure and a side or rear property line intended to separate and partially obstruct the view of two adjacent land uses or properties from one another. A buffer area may include any required screening for the site.
Building
A temporary or permanent structure having a roof supported by exterior walls or constructed columns and which can be used for residence, business, industry, or other public or private purposes or accessory thereto. The term "building" shall be construed as if followed by the words "or parts thereof".

Building, Accessory
A structure that is customarily or typically subordinate to and serves a principal use or structure; is clearly subordinate in area, extent, or purpose to the principal use or structure served; and is located on the same lot as the principal use or structure. In no event shall "accessory structure" be construed to authorize a principal use or structure not otherwise permitted in the district in which the use is located.

Building, Principal
A building in which is conducted the principal use on the lot on which said building is situated. In any Residential (R) Zoning District any structure containing a dwelling unit shall be deemed to be the principal building on the lot where it is located.

Building and Home Materials Center (i.e., hardware stores)
A retail establishment which may sell various household goods, paints, building and hardware products, household animal supplies, nursery and yard goods, and durable goods (e.g., lawn mowers, appliances, etc.) Such an establishment shall have a gross leasable area of no greater than fifteen-thousand (15,000) square feet. All retail stock (except plant materials) which is stored outside must be screened in accordance with Section 16-5.5.

Building Height
The vertical distance from the mean elevation of the finished grade along the front of the building to the highest point of a flat roof, or to the deck line of a mansard roof, or to the mean height level between eaves and ridges for gable, hip and gambrel roofs.

Building Setback Line
A line establishing the minimum allowable distance between the nearest portion of any building (or any attached appurtenance thereof), including eaves and overhangs, and the nearest edge of the street right-of-way when measured perpendicular thereto.

Built-upon Area
Built-upon areas shall include 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) recreation facilities (e.g., tennis courts), etc. (Note: Wooden slatted decks and the water area of a swimming pool are considered pervious).
Bulletin Board

A sign used to announce meetings or programs to be held on the premises of a church, school, auditorium, library, museum, community recreation center, or similar noncommercial places of public assembly.

Business Park

A development on a tract of land which contains two (2) or more separate office buildings, constructed and managed in an integrated and coordinated basis. A business park may also be cited as an "office park".

Caliper

Quantity in inches of the diameter of trees measured at the height of six (6) inches above the ground for trees less than four (4) inches in trunk diameter and twelve (12) inches above the ground for trees over four (4) inches or more in trunk diameter.

Camping and Recreational Vehicle Park

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 travel trailers which are used for recreation or vacation purposes. A "manufactured home park" shall not be deemed a "camping and recreational vehicle park".

Campsite

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

Canopy

A permanent structure other than an awning made of cloth, metal or other material attached or unattached to a building for the purpose of providing shelter to patrons or automobiles, or as a decorative feature on a building wall. A canopy is not a completely enclosed structure.

Carnival

A travelling enterprise offering outdoor amusements, games, rides and shows for entertainment purposes.

Catalogue Sales Store

A store where a large variety of household items are sold to the general public on a retail basis primarily through the use of in-store catalogues.
Cemetery

Property used for the interment of the dead, which use may include the commercial sale and location of burial lots, crypts, or vaults for use exclusively on the subject property. A cemetery shall not be used for the preparation or embalming of bodies or the cremation of bodies. Setback for cemeteries shall be measured from the nearest structure or gravesite. This definition shall be construed to include bona fide pet cemeteries. A cemetery may also include a columbarium.

Certificate of Occupancy

A certificate allowing the occupancy or use of a building and certifying that the structure or use has been constructed or will be used in compliance with this Ordinance and all other applicable regulations.

Changeable Copy

The display area of a sign where characters, letters, or illustrations can be changed or rearranged without altering the face or surface of the sign.

Church (or Other House of Worship)

A building or structure, or group of buildings or structures, which by design and construction are primarily intended for conducting organized religious services whose site may include an accessory area for the interment of the dead. Day care centers [which have enrollment capacities in excess of twenty-five (25) enrollees] and/or schools operated by the church on the facilities of the church shall be considered separate principal uses.

Circus

A large enclosed area used especially for sports and animal performance which operates on an itinerant basis.

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 nonresidential development as well as single-family residential subdivisions and multi-family developments.

College/University

A private or public educational institution where students attend to earn associates, baccalaureate, masters or doctoral degrees. A college/university shall not be considered a "vocational school" or a "school for the arts".

Commercial Vehicle Storage and/or Operations Center

A facility specifically designated for routine storing and/or servicing of six (6) or more commercial vehicles (except septic tank and solid waste vehicles) operated by the same entity.
Common Open Space
Land and/or water areas within the site designated for development, not individually owned or dedicated for public use, which are designated and intended for the common use or enjoyment of the residents of the development but not including any lands occupied by streets, street right-of-way, or off-street parking.

Common Open Space, Improved
Common open space which has been improved with recreational areas and amenities such as, but not limited to, ballfields, tennis courts, swimming pools, nature trails, clubhouses, etc.

Communication Tower
A tower facility, including, but not limited to, radio and television transmission towers or similar utilities, microwave towers, and mobile telephone or radio towers. This term shall not include radio transmission facilities for use by ham radio operators or two-way local radio facilities for business or governmental purposes that are under one hundred feet (100') in height and that, at a height of fifty feet (50') above the base, have a maximum horizontal measurement of eighteen inches (18''), nor shall it include any tower erected by a public authority for public safety or emergency services communication purposes.

Community Center
A building used for recreational, social, educational and cultural activities, usually owned and operated by a public or non-profit group or agency.

Composting Facility
A facility in which only stumps, limbs, leaves, grass and untreated wood collected from land clearing or landscaping operations is deposited.

Conditional Use
A use permitted in a particular zoning district by the Town Board after having held a public hearing and determined that such use in a specified location complies with certain findings of fact as specified in this Ordinance.

Conditional Use Permit
A special authorization for a conditional use which may be subject to any specific restrictions or conditions on its size, location, intent, character of use, etc. as determined by the Town Board.

Construction Trailer
A structure standing on wheels towed or hauled by another vehicle and used for neither overnight nor year-round occupancy at the construction site on a temporary basis for office purposes.

Contractors' Storage and Equipment Yards
A place where construction equipment used by building contractors is externally stored.
Contiguous

Next to, abutting, or touching and having a boundary, or portion thereof, which is contiguous including properties traversed or separated by a road, stream, right-of-way or similar man-made or natural configuration. The term "contiguous" shall also mean "abutting".

Continuing Care Facility

A residential complex which contains a variety of living facilities which may include independent living units (i.e., apartments, condominiums, cottages), assisted living (domiciliary care) facilities and/or nursing home beds. Residents of such a facility may either pay rent or purchase their living quarters. If the unit is occupant-owned, the unit normally reverts to the development owner upon the death of the resident or to a surviving spouse.

Convenience Store

A one story, retail store containing less than three-thousand (3,000) square feet of gross floor area that is designed and stocked to sell primarily fuel, food (packaged and/or prepared), beverages, and other household supplies to customers who purchase a relatively few items (in contrast to a "food store"). It is designed to attract and depends upon a large volume of stop-and-go traffic.

Correctional Facility, Class 1

A facility operated by Rowan County (or a private contractor thereof) used for the temporary incarceration of persons after arrest or pending hearing or trial or for the incarceration and/or housing of persons serving sentences or incarceration or housing of persons serving criminal sentences. Such sentences are generally shorter than those assigned to State institutions and may involve work release or other types of overnight and/or weekend only incarceration in the facility.

Correctional Facility, Class 2

A facility operated by the State of North Carolina or U.S. Government (or a private contractor thereof) used primarily for the incarceration or housing of persons serving criminal sentences. State prisons, prison camps, and penitentiaries are examples of such a facility.

Country Club

A land area and buildings containing recreational facilities, clubhouses and usual accessory uses, open to members and their guests which is privately operated. Uses at a country club frequently include golf courses, swimming pools (outdoors), and club-houses. Meal service may be available, but is generally limited to members and their guests. A country club may be developed as a free-standing entity or as part of a residential community or planned residential development.

Craft Studio

An establishment where works of art are individually created on-premises by no more than five artisans and which are sold at the same location to the general public. Artisans shall include
sculptors, potters, wood and leather craftsmen, glass blowers, weavers, silversmiths, designers of ornamental and precious jewelry, screen printers, and air brushers.

**Crematorium**

A facility designed for the cremation of human bodies.

**Critical Area**

The area adjacent to a water supply intake or reservoir where risk associated with pollution is greater than from the remaining portions of the watershed. The critical area is defined as extending either one-half mile from the normal pool elevation of the reservoir in which the intake is located or to the ridge line of the watershed (whichever comes first); or one-half mile upstream from the intake located directly in the stream or river (run-of-the-river), or the ridgeline of the watershed (whichever comes first). Local governments may extend the critical area as needed. Major landmarks such as highways or property lines may be used to delineate the outer boundary of the critical area if these landmarks are immediately adjacent to the appropriate outer boundary of one half-mile.

**Cul-De-Sac**

The turn around at the end of a dead-end street.

**Customary Home Occupation**

Any use conducted for gain entirely within the dwelling and carried on by the occupants thereof (no outside employees), which use is clearly incidental and subordinate to the residential use (not over 25% of total floor space) and which does not change the character thereof and in connection with which there is no display. When observed from beyond the lot on which it is located, the home occupation does not give visual, audible, sensory, or physical evidence that the property is used for any nonresidential purpose. No sign display allowed.

**Day Care Center**

An establishment where attendant care is provided in a group setting on a regular basis to persons on a fee basis. Persons are normally left off at the facility and picked up at a designated time later that day or night. Such a facility may be a principal or accessory use, in accordance with the regulations of this Ordinance.

**Day Care Center, Accessory**

A day care center facility located on the premises of an office use, institutional use, commercial use, industrial use, or unified development for the primary purpose of care for the dependents of employees of such commercial, office, institutional, or industrial use. At least sixty-six (66) percent of the clients enrolled shall be dependents of employees of the establishment(s) to which the day care center is accessory. In locating an accessory day care center, consideration shall be given to the safe access of clients entering and leaving the facility.
Day Care Center, Class 1
A detached single-family residence in which temporary care is regularly provided to five (5) or less children, disabled/handicapped persons, or senior citizens, unrelated by blood or marriage and who are not the legal wards or foster children of the attendant adult(s). Persons who are related by blood or marriage or who are the legal wards or foster children of the attendant adult(s) shall not be counted as patrons of the "Day Care Center" Class, 1". A "Day Care Center, Class 1" shall be deemed an accessory use to said residence. The principal use of the dwelling shall be the single-family residence. A day care center operation in a detached single-family residence in which temporary care is regularly provided to six (6) or more children, handicapped/disabled persons, or senior citizens, unrelated by blood or marriage and who are not the legal wards of foster children of the attendant adult(s) shall be deemed a "Day Care Center Class 4".

Day Care Center, Class 2
A day care center run by a church or school where temporary care is provided to up to fifty (50) children, handicapped/disabled persons, or senior citizens. (Enrollment limits are determined by State of North Carolina licensing requirements, as applicable.) The day care center may be located on the grounds of the church or school; located on a piece of property owned by the church or school which lies within five-hundred (500) linear feet of the lot containing the church or school; or, on another lot owned by the church or school where religious or educational activities are regularly conducted. A church or school day care center which provides care to more than fifty (50) clients shall be deemed a "Day Care Center Class 3".

A pre-school operation shall not be deemed a "Day Care Center, Class 2," provided its hours of operation are limited to no more than five (5) hours per day. After-school care programs shall also not be deemed a "Day Care Center, Class 2", provided the after school care program is located in a public or private elementary or secondary school.

Day Care Center, Class 3
A day care center run by a church or school where temporary care is provided to more than fifty (50) children, handicapped persons, or senior citizens. (Enrollment limits are determined by State of North Carolina licensing requirements, as applicable.) The day care center may be located on the grounds of the church or school; located on a piece of property owned by the church or school which lies within five-hundred (500) linear feet of the lot containing the church or school; or, on another lot owned by the church or school where religious or educational activities are regularly conducted.

Day Care Center, Class 4
A commercial establishment serving as a principal use or as a separate use within a unified development where care is regularly provided to children, handicapped persons, or senior citizens or a day care center operating from a detached single-family residence in which day care is regularly provided to six (6) or more children, handicapped persons, or senior citizens. A "Day Care Center, Class 4" is distinguished from others in that it is not located on the grounds of a church or school.
Density, Gross

A ratio expressed as the number of dwelling units per gross acre. The ratio is derived by dividing the total number of dwelling units by the total land area (in acres) used or proposed to be used for purposes such as buildings, roads, public facilities, and open spaces.

Development

Any land disturbing activity which adds to or changes the amount of impervious or partially impervious cover on a land area or which otherwise decreases the infiltration of precipitation into the soil.

Development, Existing

Those projects that are built or those projects that at a minimum have established a vested right under North Carolina Zoning Law as of the effective date of this ordinance based on at least one of the following criteria:

1. substantial expenditures of resources (time, labor, money) based on a good faith reliance upon having received a valid local government approval to proceed with the project, or
2. having an outstanding valid building permit as authorized by the General Statutes (G.S. 160A-385.1), or
3. having an approved site specific as authorized by the General Statutes (G.S. 160A-385.1).

Discharging Landfill

A facility with liners, monitoring equipment and other measures to detect and/or prevent leachate from entering the environment and in which the leachate is treated on site and discharged to a receiving stream.

Doctor's Office

An office facility containing space for patient waiting rooms and laboratory space for medical doctors (M.D.'s), osteopaths, chiropractors, dentists, podiatrists, acupuncturists, or psychologists, licensed nurse/midwife, licensed physical therapist, licensed respiratory therapist or optometrist.

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 or such customers to exit their motor vehicles.

Drugstore

See "Pharmacy".
Dry Cleaning and Laundry Plant

A commercial facility at which clothes are brought to be dry cleaned and/or laundered from individual dry cleaning services. Such a facility may be free-standing or combined with a dry cleaning service facility.

Dry Cleaning Services Outlet

An establishment engaged in providing laundry, dry cleaning, and other related services on a pick up and drop off basis to individual customers. The actual laundering and/or dry cleaning of clothes may only take place at a "dry cleaning and laundry plant".

Duplex

Two dwelling units, including modular homes, attached along and sharing one or more common walls and located on a single lot. This shall also include the term "two-family dwelling".

Dwelling, Attached

A single-family dwelling attached to two or more one-family dwellings by common vertical walls.

Dwelling, Detached

A dwelling unit that is developed with open yards on all sides. This shall include modular homes but shall not include manufactured homes.

Dwelling, Single-Family

A detached building designed for or occupied exclusively by one (1) family, but not to include manufactured homes as defined by this Ordinance.

Dwelling, Two-Family

A building arranged or designed to be occupied by two (2) families living independently of each other, sharing one or more common walls and located on a single lot.

Dwelling, Multi-Family

A building, or portion thereof, used or designed as a residence for three (3) or more families living independently of each other, including apartment houses, apartment hotels and group housing projects.

Dwelling Unit

A building, or portion thereof, providing complete and permanent living facilities for one (1) family. The term "dwelling" shall not be deemed to include a motel, hotel, bed and breakfast inn, manufactured home or other structure designed for transient residence.
Essential Services

Publicly or privately owned facilities or systems for the distribution of gas, electricity, steam, or water; the collection and disposal of sewage or refuse; the transmission of communications; or similar functions necessary for the provision of public services. Radio transmission facilities for use by ham radio operators or two-way radio facilities for business or governmental communications shall be deemed accessory uses and not essential services, provided no transmitter or antenna tower exceeds one hundred (100) feet in height. Essential Services are divided into the following three classes:

Class 1

Transmission lines (whether subterranean or overhead) including electrical, natural gas, and water distribution lines; sewer gravity lines and pressure mains; underground septic tanks and drain fields, cable television and telephone transmission lines; or similar utility lines; pumping stations; lift stations; telephone switching facilities (up to 100 square feet gross floor area).

Class 2

Elevated water storage tanks; booster stations, package treatment plants, telephone switching facilities (over 100 square feet gross floor area), substations, or other similarly required facilities in connection with telephone, electric, steam, water, sewer, or other similar utilities.

Class 3

Generation, production, or treatment facilities such as power plants, water treatment plant, sewage treatment plants (excluding package treatment plants), radio and television transmission towers, or similar utilities; microwave towers; cellular telephone communication towers; sanitary landfills; septic tank waste disposal facilities.

Essential Services Operation Center

A facility where trucks, goods and/or equipment for an essential service operation (e.g., a public utility) are stored (either indoor or outdoors). The facility may also serve as a base of operations for certain workers employed by the essential service operation.

Existing Lot (Lot of Record)

A lot which is part of a subdivision, a plat of which has been recorded in the Office of the Register of Deeds prior to October 1, 1993 of this Ordinance, or a lot described by metes and bounds, the description of which has been so recorded prior to October 1, 1993. (Note: This definition containing the October 1, 1993 stipulation shall be applicable only to Section 16-13 (watershed regulations) of this Ordinance. Otherwise, the term "existing development" shall be with reference to time on and after the effective date of this Ordinance.)
Fairgrounds

An area where outdoor fairs, circuses, or exhibitions are held.

Family

An individual, or two or more persons related by blood, marriage or adoption living together as a single housekeeping unit, exclusive of household servants; or a group of not more than six persons who need not be related by blood, marriage, or adoption living together as a single housekeeping unit.

Family Care Home

A single-family detached dwelling that is licensed, regulated, and supervised by an agency of the State of North Carolina with on-site support and supervisory personnel that provides room, meals and board, personal care, and rehabilitation services in a family environment for not more than six resident (1-6) handicapped persons, as defined by NCGS 168-21(2) as said statute existed on 06/16/2003.

Farm Supply Store

An establishment where feed, seed, animal and agricultural supplies are primarily sold in bulk quantities.

Farmer's Market

An outdoor market open to no greater than fifty (50) vendors at which locally grown fruits and vegetables, bakery items, condiments, flowers, plants and craft goods are sold on a retail basis. Vehicles used to transport the products to be sold shall be limited to cars, vans and trucks of no greater than three-quarter (3/4) ton in weight capacity.

Fence

A device made of chain links, posts, wires, or boards designed to serve as a barrier or otherwise to make off the boundaries of a piece of property, or portion thereof. A fence is not a structure.

Finance Company

A commercial establishment which makes short and long term loans to individuals.

Financial Institution

A commercial bank, a mortgage bank, a savings bank, a saving and loan association, or a credit union any of which are licensed, insured or chartered by the United States of America or the State of North Carolina.
Flag

A piece of durable fabric of distinctive design attached to a permanent pole, that is used as a symbol or decorative feature.

Flea Market

A market held on pre-established dates in an open area or structure where individual sellers offer goods for sale to the public. Such sellers may set up temporary stalls or tables for the sale of their products. Such sales may involve new and/or used items and may include the sale of fruits, vegetables and other eatable items. The individual sellers at the flea market need not be the same each time the market is in operation. A farmer's market, where food items predominate, is different than a flea market.

Floor Area Ratio

The gross floor area of all buildings and structures on a lot divided by the lot area. When computing this figure, the gross floor area of all enclosed parking deck buildings shall be excluded.

Florist, Retail

A retail commercial establishment where flowers or ornamental plants are sold indoors.

Food Catering Facility

A facility at which a pre-arranged amount and type of food is prepared for consumption off-premises or in a meeting room on-premises. A food catering facility differs from a restaurant in that food is not offered for sale to the general public on a retail basis.

Food Store

An establishment which may sell a wide variety of fresh produce, canned and packaged food items, small household goods and similar items which are consumed and used off premises. In addition, the store may contain a delicatessen section in which prepared foods are sold and may be consumed on premises in a specially designed sit-down area. Sales of grocery items are highly dependent on comparison shopping.

Fortune Teller

A commercial establishment where people go to have their fortunes predicted through the use of astrology, card reading, numerology, etc. If located in a Residential zoning district, it may only take place on a customary home occupation basis only.

Fraternal and Service Organization Meeting Facility (Non-Profit and Not-For-Profit)

A facility operated by an association of persons for activities which include, but are not limited to 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.
Fuel Station (formerly Gas Station)

A fuel dispensing pump, which may contain more than one fuel nozzle, designed to accommodate one or two vehicles at a time. If two vehicles are accommodated at the same time, fuel nozzles serving the two vehicles shall be located on opposite sides of the fuel pump.

Funeral Home

A facility used for the preparation of the deceased for burial and the display of the deceased and ceremonies connected therewith before burial or cremation.

Game Room/Video Arcade

An indoor commercial facility providing recreational and entertainment activities that typically include coin-operated amusement machines such as pinball machines, electronic video games and skeeball machines. A facility shall be deemed a video arcade if it has eight (8) or more of such machines. If three (3) or more pool tables are provided, the facility shall also be deemed a "pool hall". Facility could include food and beverage services, but incidental to the games.

Garage Sale

See "Yard Sale"

Garden Supply and Seed Store

A retail establishment at which animal feed, crop seeds and related products are sold. The milling and grinding of feed or flour at such establishments shall be prohibited as shall the storage of milled products. The sale of agricultural chemicals shall be limited to general retail use (as distinguished from an "animal supply store" where large quantities of agricultural chemicals are sold for agricultural purposes).

Golf Course

A tract of land for playing golf, improved with tees, fairways, hazards and which may include clubhouses and shelters. A "golf course" may also include "par 3" facilities.

Golf Course, Miniature

A commercial enterprise consisting of a golf course open to the general public where each hole is enclosed in a contained area.

Grade of Street

The height of the top of the curb, or if no curb exists, the height of the edge of pavement in the lane of travel adjacent to the side of the street at which grade is being measured.
Greenhouse

A building whose roof and sides are made largely of glass or other transparent or translucent material and in which the temperature and humidity can be regulated for the cultivation of delicate or out-of-season plants for subsequent sale.

Gross Floor Area

The sum of the gross horizontal areas of each floor of the principal building, measured from the exterior walls or from the center line of the party walls, including the floor area of accessory structures. The term does not include any area used exclusively for the parking of motor vehicles or for building or equipment access such as stairs, elevator shafts and maintenance crawl space or unused attics. This term also excludes pedestrian walkways and common areas within enclosed shopping areas.

Ground Covers

Low growing plants such as grasses, ivies, creeping bushes and similar decorative plantings. Where required by this Ordinance, ground covers shall have the capability of soil stabilization and erosion control.

Group Care Facility

A facility licensed by the State of North Carolina, by whatever name it is called, other than a "Family Care Home", as herein defined) with support and supervisory personnel that provides room and board, personal care, or habilitation services in a family environment for not more than thirty (30) handicapped persons.

Group Development

A group of two (2) or more principal structures built on a single lot, tract or parcel of land not subdivided into the customary streets and lots and which will not be so subdivided, and designed for occupancy by separate families, businesses, or other enterprises. Examples of a group development include: multi-family developments, school and hospital campuses, shopping centers, business parks, etc.

Group Home

A residential home provided by a certified agency or organization or an individual for persons who need sheltered living conditions for rehabilitation or extended care purposes.

Gunsmith

A commercial facility limited to the repair and servicing of guns and rifles.

Handicapped Person

A person with a physical or mental impairment which substantially limits one or more of such person's major life activities; a person with a record of having such an impairment; or a person
who is regarded as having such an impairment. This term does not include current, illegal use of or addiction to a controlled substance as defined in 21 U.S.C. § 802.

**Hardware Store**

See "Building and Home Materials Center".

**Hazardous Material**

Any substance listed as such in: SARA Section 302, Extremely Hazardous Substances, CERCLA Hazardous Substances, or Section 322 of CWA (oil and hazardous substances).

**High Density Option**

A development which contains engineered stormwater control devices approved in a manner as called for in this Ordinance, thereby enabling development to occur at a higher intensity (than if the low-density option were used) as prescribed by the Environmental Management Commission's adopted Water Supply Watershed Protection Rules.

**Home Centers** (i.e., home improvement store)

An establishment which may sell various household goods, tools and building materials, durable household goods (e.g., refrigerators, lawn care machines, washing machines), electronic equipment, household animal supplies, nursery products, etc. Retail stock (e.g., nursery items, lumber goods,) may be kept outdoors. All such stock (except plant materials) shall be screened in accordance with Section 16-5.5.3. At least seventy-five (75%) percent of all indoor floor-good space shall be for retail sales. Likely examples of such uses include "Home Depot", "Home Quarters", etc.

**Home for the Aged**

A facility licensed by the State of North Carolina to provide basic living needs to seven (7) or more elderly or disabled in-house residents who need assistance in meeting their day to day basic needs. Congregate meals are served on site to residents and 24-hour in-house services are provided. Also called rest home or nursing home.

**Home Decorating Center**

A commercial establishment which sells decorating items (e.g., paint, wallpaper, carpet, linoleum, tile, etc.) and may also supply in-house professional home decorating assistance.

**Home Improvement Stores**

See "Home Centers".

**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

A facility offering transient lodging accommodations to the general public and which may provide additional services such as restaurants, meeting rooms and recreation facilities.

Impervious Surface

Any material which reduces and prevents absorption of storm water into previously undeveloped land. This includes but is not limited to, buildings, roads, pavement, gravel surfaces, etc. Items not considered to be "impervious" include the water area of a swimming pool and wooden slatted decks.

Industrial Development

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, assembling, finishing, cleaning or developing any product or commodity.

Impervious Surface Ratio

The gross area of all impervious surfaces on a lot divided by the lot area.

Independent Living Center

An establishment which provides living facilities to seven or more persons with physical or mental disabilities (irrespective of age). Congregate meals may be provided at such facilities. However, residents are expected to provide other basic living services.

Institutional Uses

Where used in this Ordinance to identify a group of similar uses, such term shall include (but not be limited to) schools, churches, libraries, governmental offices, and other uses at which a service is provided to the public, primarily on a not-for-profit basis.

Interior Decorator

A commercial establishment from where professional home interior decorating services are provided. The on-site retail sale of furniture and other home furnishings to the general public shall not be offered, however, cloth, wall paper, and paint samples maybe provided.

Junk Yard and Automobile Salvage Yard

The use of more than six hundred (600) square feet of the area of any lot for the outdoor storage, keeping or abandonment of junk, including scrap metals or other scrap materials, or for the dismantling, demolition or abandonment of automobiles, vehicles or machinery or parts thereof.
Landfill, Demolition

A landfill that is limited to receiving stumps, limbs, leaves, concrete, brick, wood, uncontaminated earth or other solid wastes meeting the standards of the State of North Carolina. A clean fill operation which is conducted to improve or recontour land using only soil or a fill operation, as defined by N.C.G.S. 130A-294(m) in such a landfill, however, an operation which consists of used asphalt or used asphalt mixed with dirt, sand, gravel, rock, concrete or similar nonhazardous materials shall not be construed to be such a landfill.

Landfill, Demolition (On-Site)

A demolition landfill which is located within the confines of property being developed or in use, and used only for the disposal of acceptable materials which are generated on the property being developed.

Landfill, Sanitary

A solid waste disposal facility designed to meet the minimum standards of the State of North Carolina wherein refuse as defined by State standards is disposed of by utilizing acceptable landfill engineering technology.

Laundromat

A commercial facility open to the general public where coin-operated washing and drying machines are available for use.

Loading Space, Off-Street

An off-street space or berth on the same lot with a building or contiguous to a group of buildings for the temporary parking of commercial vehicles while loading or unloading merchandise or materials.

Lot

A parcel of land whose boundaries have been established by some legal instrument such as a recorded deed or a recorded map and which is recognized as a separate legal entity for purposes of transfer of title.

Lot Area

The total area circumscribed by the boundaries of a lot, except that: (i) when the legal instrument creating a lot shows the boundary of the lot extending into a public street right-of-way, then the lot boundary for purposes of computing the lot area shall be the street right-of-way line, or (ii) if the right-of-way line cannot be determined, a line running parallel to and thirty feet from the center of the traveled portion of the street.
Lot, Corner

A lot which occupies the interior angle at the intersection of two (2) street lines which make an angle of more than forty-five (45) degrees and less than one hundred and thirty-five (135) degrees with each other. The street line forming the least frontage shall be deemed the front of the lot except where the two (2) street lines are equal, in which case the owner shall be required to specify which is the front when requesting a zoning permit.

Lot Depth

The mean horizontal distance between the front and rear lot lines.

Lot, Interior

A lot other than a corner lot.

Lot Line

A line of record bounding a lot which separates one lot from another lot or separates that lot from a public or private street or any other public space.

Lot Line, Front

The lot line separating a lot from a street right-of-way.

Lot Line, Interior

A lot line which does not have street frontage.

Lot Line, Rear

The lot line opposite and most distant from the front lot line.

Lot Line, Side

Any lot line abutting another lot and which is not a front or rear lot line.

Lot Line House

A single-family detached dwelling unit which is placed against one of the side lot lines. Such dwelling unit has a front and rear yard but only one side yard.

Lot of Record

A lot which is part of a subdivision, a plat of which has been recorded in the office of the Register of Deeds of Rowan County or a lot described by metes and bounds, the description of which has been so recorded.
Lot, Through

A lot which fronts upon two parallel streets, or which fronts upon two streets which do not intersect at the boundaries of the lot.

Lot Width

The distance between side lot lines measured at the building setback line.

Lounge

An establishment (e.g., bar, tavern) used primarily for the serving of alcoholic beverages to patrons and where the sale of prepared food, if provided, is accessory to the primary use. Any lounge which provides facilities or services which satisfy any portion of the definition of "adult establishment" per G.S. 14.202.10 shall be considered an "adult establishment".

Lounges located within restaurants, motels, bowling alleys, etc. shall be considered as accessory uses to such use and are allowed in a particular zoning district to the same extent that the principal use is allowed.

Low Density Option

A development which does not contain engineered stormwater control devices (i.e., wet detention ponds) which are approved by the Town Board in conjunction with development taking place in a WS district.

Lumber and Building Materials Yard

An establishment where lumber and building materials goods are the primary products sold.

Machine Shop

A workshop in which work is machined to size and assembled.

Manufactured Goods, Class 1

Manufacturing, refining, processing, or assembly of goods or products subject to the following limitations (Note: The term "SIC" shall refer to the Standard Industrial Classification System as set forth in the SIC Manual published by the United States of America, Executive Office of the President, Office of Management and Budget and unless a use is defined in this Ordinance, the SIC Manual shall be used to define, clarify or more specifically identify the uses and groups of uses listed. While the SIC Manual uses the term "establishments primarily engaged in" in defining types of manufacturing operations, this Ordinance shall be construed to mean that if the activity is conducted at all within the use and that activity is listed as being conditional, then the entire use shall be deemed a "conditional use" as opposed to a "permitted use").

All manufacturing industries not listed in Manufactured Goods, Class 2 [as identified by their SIC Group Number, Division or Industry Number(s)] are considered to be Class 1 uses.
Manufactured Goods, Class 2

Manufacturing, refining, processing, or assembly of goods or products subject to the following limitations (Note: The term "SIC" shall refer to the Standard Industrial Classification System as set forth in the SIC Manual published by the United States of America, Executive Office of the President, Office of Management and Budget and unless a use is defined in this Ordinance, the SIC Manual shall be used to define, clarify or more specifically identify the uses and groups of uses listed. While the SIC Manual uses the term "establishments primarily engaged in" in defining types of manufacturing operations, this Ordinance shall be construed to mean that if the activity is conducted at all within the use and that activity is listed as being conditional, then the entire use shall be deemed a "conditional use" as opposed to a "permitted use"):

The following uses are subject to the issuance of a conditional use permit, and are classified as Class 2 uses:

b. Pickled fruits and vegetables (SIC #2035)
c. Flour and other grain mill products, sugar refining (SIC #2041, 2061, 2062, 2063)
d. Animal feeds and pet foods (SIC #2047, 2048)
e. Fats and oils (SIC Group #207)
f. Beer/malt beverages, wines, brandy, distilled and blended liquor, roasted coffee (SIC #2082, 2083, 2084, 2085, 2095)
g. Processing and packing of canned, cured, fresh, or frozen fish and seaford (SIC #2091, 2092)
h. The following manufacturing listed under SIC #2099:
   (1) Yeast
   (2) Molasses and sweetening syrups
   (3) Vinegar
i. Tobacco products (SIC Major Group #21)
j. Dying and finishing textiles, except wool fabrics and knit goods (SIC Group #226) and under SIC #2231, 2253, 2252, 2251, the dying and finishing of wool and similar animal fibers
k. Coated fabrics, rubberized and not rubberized; canvas and related products (SIC #2295, 2394, 3069)
l. Sawmills and planing mills, general (SIC #2421)
m. Wood building and mobile homes (SIC Group #245)
n. Wood preserving; reconstituted wood products; pulp mills; paper mills; paperboard mills (SIC #2491, 2493; SIC Group #261; SIC Group 262; SIC Group 263)
o. Industrial inorganic chemicals; Plastic materials, synthetic resins and rubber, cellulosic and other manmade fibers, except glass (SIC Group #281; SIC Group #282)
p. Soaps, detergents and cleaning preparations; perfumes, cosmetics, and other toilet preparations (SIC Group #284)
q. Paints, varnishes, lacquers, enamels and allied products (SIC Group #285)
r. Industrial organic chemicals; agricultural chemicals (fertilizers, pesticides, etc.) (SIC Group #281; SIC Group #287)
s. Miscellaneous chemical products (all products listed under SIC Group #289) (e.g., adhesives, sealants, explosives, printing ink, carbon black, and "other chemical and chemical preparations" listed in SIC #2899)
t. Petroleum refining (SIC Group #291)
u. Asphalt paving and roofing materials (SIC Group #295)
v. Lubricating oils and greases (SIC #2992)
w. Products of petroleum and coal classified under SIC #2999
x. Tires and innertubes (SIC Group #301)
y. Plastic products found under SIC Group #308 when resins are made at the same facility
z. Leather tanning and finishing (SIC Group #311)
aa. Flat glass; glass and glassware; (SIC Group #321; SIC Group #322)
bb. Cement, hydraulic (SIC Group #324)
cc. Structural clay products (SIC Group #325)
dd. Pottery and related products (SIC Group #326) except handmade pottery and arts and crafts operations involving no more than 1,000 cubic feet of kiln space
ee. Concrete gypsum and plastic products; cut stone and stone products (SIC Group #327; SIC Group #328)
ff. Abrasive products; asbestos products; mineral wool; (SIC #3291; SIC #3292; SIC #3296)
gg. Minerals and earths, ground or otherwise treated (SIC #3295)

2-29
ii. Miscellaneous nonmetallic mineral products listed under SIC Code #3299

jj. Steel works, blast furnaces, and rolling and finishing mills; iron and steel foundries; primary and secondary smelting and refining of nonferrous metals; rolling, drawing and extruding of nonferrous metals; nonferrous foundries; (SIC Group #331; SIC Group #332; SIC Group #333 and 334; SIC Group #335; SIC Group #336)

kk. Metal heat treating; metal forging-iron, steel and nonferrous; coating and engraving of metals and allied services (SIC #3398, SIC #3462 and #3463; SIC Group #347)

ll. Manufacture of other primary metal products listed under SIC #3399

mm. Manufacture of ordnance (arms, ammunition, etc.) and accessories except vehicles and guided missiles (SIC Group #348)

nn. Power, distribution and specialty transformers (SIC #3612)

oo. Electrical industrial carbon and graphic products (SIC #3624)

pp. Storage batteries; primary batteries, dry and wet (SIC #3691; SIC #3692)

qq. Motor vehicles; truck, bus and passenger car bodies; truck trailers; motor homes; (SIC #3711, #3713; SIC #3715; SIC #3716)

rr. Railroad equipment (SIC #3743)

ss. Motorcycles (SIC #3751) except bicycles and bicycle parts

tt. Aircraft; guided missiles and space vehicles and parts (SIC #3721; SIC Group #376)

uu. Under SIC #3792 - camping trailers

vv. (Military) tanks (and related armored vehicles) (SIC #3795) but not tank components

ww. Under SIC #3861 - all photographic supplies but not photographic equipment

xx. Under SIC #3952 all inks, paints, oils, enamels, and crayons

yy. Carbon paper and inked ribbons (SIC #3955)

zz. Linoleum, asphalt - felt-base, and other hard surface floor covering listed under SIC #3996)

aaa. Mining (all of SIC Division B)

**Manufactured Home**

A residential dwelling unit that is not constructed in accordance with the standards set forth in the North Carolina State Building Code, and 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. A manufactured home must bear a seal certifying that it was built to the standards of the 1976 National Manufactured Housing Construction and Safety Standards Act. A manufactured home may also be referred to as a "mobile home". Manufactured home to be placed on individual lots must meet the appearance and size standards contained in Section 16-5.21.

Manufactured Home Park

Any site or parcel of land under single ownership where land is rented, and utilities are provided for the installation or placement of two or more mobile homes.

Manufactured Home Space

Any premises within a manufactured home park used or intended to be used or occupied by one manufactured home, together with automobile parking space, utility structures, and other required facilities incidental thereto.

Medical Center

A facility housing the offices of three (3) or more doctors (see definition of "doctor's office") where out-patient medical services are routinely provided to the general public. Overnight stays of patients at such facilities shall not be allowed.

Memorial Sign or Plaque

A sign designating names of buildings and/or date of erection and other items such as architect, contractor, or others involved in a building's creation, cut into or attached to a building surface.

Mini-Mart, Express Fuel

A one-story retail store containing less than three-thousand (3,000) square feet gross floor area that is designed and stocked to sell primarily fuel, food, beverages, and other household supplies to customers who purchase only a relatively few items in contrast to a "food store"). A "mini-mart" is different from a "convenience store" in that it may be open twenty-four hours.

Mini-Warehouse, Class 1

A structure containing separate storage spaces of varying sizes leased or rented on an individual basis. No outdoor storage shall be allowed in conjunction with the facility.

Mini-Warehouse, Class 2

A structure containing separate storage spaces of varying sizes leased or rented on an individual basis. Outdoor storage shall be allowed in conjunction with the facility.

Mobile Home

See "Manufactured Home"
Modular Home

A detached building (either residential, office, or institutional) unit which is constructed in compliance with the North Carolina Building Code and composed of components substantially assembled in an off-site manufacturing plant and transported to the building site for final assembly on a permanent foundation. A modular home shall be deemed to be a single-family dwelling as defined in this Ordinance and not be subject to the requirements of Section 16.5.21 provided a certificate of compliance is furnished to the Zoning Administrator.

Motel

An establishment providing transient accommodations containing six (6) or more rooms with at least twenty-five (25%) percent of all rooms having direct access to the outside without the necessity of passing through the main lobby of the building.

Multi-Family Development

A tract of land under individual, corporate, firm, partnership or association ownership, or under common control evidenced by duly recorded contracts or agreements; planned and developed as an integral unit in a single development operation or in a definitely programmed series of development operations. Such development shall consist of two or more duplex buildings, or three (3) or more dwelling units sharing one (1) or more common walls. The development shall have a unified or coordinated design of buildings and a coordinated organization of service areas and common open space area.

News Stand

An establishment which sells newspaper, magazines, candy, and tobacco products at the retail level. A newsstand may not sell materials so as to conform with the term "adult establishment" as defined in G.S. 14.202.10.

Noncommercial Copy

A sign message through pictures, illustrations, symbols and/or words, or any combination thereof, which does not contain any reference to a business or product but displays a substantive message, statement or expression that is protected by the First Amendment to the Constitution of the United States.

Nonconforming Lot

Any lot of record which does not meet the minimum yard or area requirements established in these regulations at the time of this Ordinance's adoption or any amendment thereto.

Nonconforming Sign

A sign that, on the effective date of this Ordinance or the date of any subsequent amendment thereto, does not conform to one or more of the regulations set forth in this Ordinance.
Nonconforming Structure

Any structure lawfully existing on the effective date of these regulations, or any amendment to it rendering such structure nonconforming, which does not comply with all of the standards and regulations of these regulations or any amendment thereto.

Nonconforming Use

Any use lawfully being made of any land, building or structure on the effective date of these regulations or on the effective date of any amendment thereto rendering such use nonconforming, which does not comply with all the regulations of these regulations or any amendment thereto, whichever might be applicable.

Nursery

A commercial enterprise conducted on land where flowers, shrubs and similar horticultural products are raised and sold to general public. Nurseries may include the use of greenhouses for growing purposes.

Nursery Products Sales, Retail and Wholesale

A commercial enterprise where flowers, shrubs and plants are raised for sale on the retail or wholesale level. Nurseries may use greenhouses for the raising of such entities.

Nursing Home

See "Rest Home" or Home For Aged

Off-Premises Sign

A sign that draws attention to or communicates information about a business, service, commodity, that exists or is conducted, sold, offered, maintained or provided at a location other than the premises where the sign is located.

Office

A room or group of rooms used for the conduct of a business, profession, service, industry or government where retail trade is not conducted.

Office Building

A building used primarily for conducting the affairs for a group of businesses, professions, services, industries and/or governments containing two or more individual offices.
Office Park

A development on a tract of land containing two or more office buildings, supporting uses and open space designed, planned and constructed and managed on an integrated and coordinated basis.

On-Premises Sign

A sign that draws attention to or communicates information about a business, service, commodity, accommodation, attraction, or other enterprise or activity that exists or is conducted, sold, offered, maintained, or provided on the premises where the sign is located.

Open Space, Common

An open space area of land within or related to a development, which is designed and intended for the common use and enjoyment of the residents of the development. Complementary structures and/or improvements as are necessary and appropriate may be included as part of common open space facilities.

Open Storage

A unroofed storage area, whether fenced or not.

Outparcel

A parcel of land associated with and located within a shopping center or multi-tenant non-residential development, which is designated on an approved site plan as a location for a structure with an intended use such as, but not limited to banks, savings and loans, dry cleaners, service stations, vehicle repair garages, offices restaurants, retail establishments, or combination of uses thereof.

Package Treatment Plant

A small self-contained sewage treatment facility built to serve developed areas which lie beyond the service area of sanitary sewers.

Parapet

That portion of a building wall or false front that extends above the roof line.

Parking Bay

A parking module consisting of one or more sets of one or two rows of parking spaces and the aisle from which motor vehicles enter and leave.

Parking Space, Off-Street

An area located outside of any street right-of-way which is designed to accommodate the parking of vehicles which meets all area requirements contained in Article 7 of this Ordinance.
Patio Home

A single-family dwelling on a separate lot with open space on three sides on that lot. **Pawn Shop**

A shop where money is lent on the security of personal property pledged. Such property may then later be sold at the shop.

**Permit, Building**

Written permission issued for the construction, repair, alterations or addition to a structure.

**Pharmacy**

A retail store which sells prescription drugs and which may also sell other items at the retail level. A pharmacy may have a maximum gross floor area of fifteen-thousand (15,000) square feet. Prescription drugs may also be sold in department stores, variety stores and food stores but such a store shall not be deemed to be a "pharmacy".

**Planned Residential Communities**

An area of a minimum contiguous size containing one or more types of residential uses which are developed in a planned and coordinated manner. Such residential structures may be constructed on lots typically smaller in size than otherwise is required and yard requirements are either waived or modified. As a means of providing balance and a sense of openness to the development, a certain amount of an open space is required.

**Plat**

A map or plan of a parcel of land which is to be, or has been subdivided.

**Premises**

A parcel of real property with a separate and distinct number or designation shown on a recorded plat, record of survey, parcel map or subdivision map. When a lot is used together with one or more contiguous lots for a single use or planned development, all of the lots so used, including any lots used for off-street parking, shall be considered a single premises for purposes of these regulations.

**Principal Use**

The primary or predominant use of any lot.

**Produce Stand**

The sale of any form of agricultural or horticultural products at a retail stand on the property. Stand maybe year round or seasonal.
Protected Area

The area adjoining and upstream of the critical area in a WS-IV water supply in which protection measures are required. The boundaries of the protected area are defined as within 5 miles of the normal pool elevation of the reservoir and draining to water supply reservoirs (measured from normal pool elevation) or to the ridge line of the watershed (whichever comes first); or 10 miles upstream and (run-of-the-river), or to the ridge line of the watershed (whichever comes first). Local governments may extend the protected area. Major landmarks such as highways or property lines may be used to delineate the outer boundary of the protected area if these landmarks are immediately adjacent to the appropriate outer boundary of 5 or 10 miles. In some cases the protected area will encompass the entire watershed.

Public Safety Station

A facility operated by a public agency, a private contractor thereof, or by a private non-profit volunteer organization and used for the base of operations and/or housing of equipment or personnel for the provision of dispatched public safety services including law enforcement, fire protection, rescue services, and/or emergency medical services. Such a facility may contain living quarters for on-duty personnel. It may also contain up to four holding cells for the temporary custody of persons under arrest. Facilities for the maintenance of equipment housed at the operation site are also permitted.

Racetrack, Outdoor

A outdoor facility where motor vehicles of any size, model aircraft and similar reduced-scale objects, or animals are raced for speed and/or endurance at which seating space and accessory food stands may be provided.

Racetrack, Indoor

An indoor facility where reduced-scale cars are raced. Other entertainment or recreation activities may also be provided such as video games, or pool tables and where food may also be provided.

Recreation Center, Indoor

Public or private health or exercise clubs, tennis or other racquet ball courts, swimming pools, YMCA's, YWCA's or similar uses which constitute principal uses and are enclosed in buildings and are operated on a fee or membership basis primarily for the use of persons who do not reside on the same lot as that on which the recreational use is located. "Indoor recreation" structures may include accessory uses, such as snack bars, pro shops, and locker rooms, which are designed and intended primarily for the use of patrons of the principal recreational use.

Recreation Facility, Outdoor

A tract of land, owned and operated by a public entity, designated and used by the general public for active and/or passive recreation, primarily conducted outdoors. An example of such a facility shall include a public park. The term shall not include the terms "racetrack", "outdoor firing
range", "stadiums", "amphitheaters", "amusement park", "baseball hitting ranges", "country club", or "golf course".

Recreational Uses, Accessory

A recreational facility (e.g., swimming pool, tennis court) accessory to a principal use such as a hotel, multi-family development, single-family residence, country club, etc.

Recreation Vehicle

A vehicular-type unit without a permanent foundation, which can be towed, hauled or driven and primarily designed as temporary living accommodation for recreational, camping and travel use and including but not limited to travel trailers, truck campers, camping trailers and self-propelled motor homes. A recreation vehicle shall not be considered as being a single-family dwelling.

Recycling Station

A station located either within or outside a principal structure at which household goods such as newspapers, glass, aluminum cans or clothing are deposited. All such deposited goods shall be stored within the principal building or accessory structure. No outside storage of such goods shall be allowed.

Rental Center, Class 1

A commercial establishment whose primary use is the rental of household items and goods which are offered for rent (and eventual sale) to the general public. This shall include the rental of prosthetics and medical supplies. Storage and display of all items shall be indoors.

Rental Center, Class 2

A commercial establishment primarily engaged in the rental of commercial and/or industrial supplies and equipment. Storage of rental items may be indoors or outdoors.

Residential Development

Buildings for residence such as attached and detached single-family dwellings, apartment complexes, condominiums, townhouses, cottages, etc. and their associated outbuildings such as garages, storage buildings, gazebos, etc. and customary home occupations.

Residence, Single-Family

Any development where: 1) every dwelling unit is on a separate lot, and 2) where no lot contains more than one dwelling unit.

Rest Home (Home for the Aged)

A licensed facility that provides supportive service to six (6) or more elderly or disabled adults who need assistance in meeting their day to day basic needs.
Restaurant

A commercial establishment other than a drive-through or fast food restaurant where food and drink are prepared, served and consumed primarily within the principal building.

Restaurant, Fast Food

An establishment whose principal business is the sale of prepared or rapidly prepared food directly to the customer in a ready-to-consume state for consumption either within the restaurant building, on the restaurant premises or off-premises. Orders for food may be placed either within the restaurant building or from a centrally-located outdoor calling station.

Restaurant, Drive-Through

An establishment whose principal business is the sale of prepared or rapidly prepared food directly to the customer in a ready-to-consume state for consumption on the restaurant premises or off-premises. Unlike a fast food restaurant, a drive-through restaurant does not contain any indoor customer dining areas. Unlike a drive-in restaurant, orders are taken from customers from centrally located drive-in windows rather than from individual calling stations.

Riding Stable/Academy

A commercial facility where horses are sheltered which may also contain grounds for the riding of horses. Horse racing shall not be allowed to take place on the grounds. Horseback riding lessons may also be provided.

Road, Private

Any right-of-way used for purposes of motor vehicle travel which has not been accepted for maintenance or ownership purposes by a public entity.

Road, Public

A public right-of-way set aside for public travel and either which has been accepted for maintenance by the State of North Carolina, has been established as a public road prior to the date of adoption of this Ordinance, or which has been dedicated to the State of North Carolina for public travel by the recording of a plat of a subdivision with the Rowan County Register of Deeds Office.

Road, Frontage

A road which is in close proximity to and parallels a limited access road and is designed to provide access to roads which abut said limited access road.

Rooming House

A single-family dwelling, a portion of which is provided by the resident owner to no more than four (4) lodgers and where separate bathroom and kitchen facilities are not provided for any lodger.
Roof Line

The highest point of a flat roof and mansard roof and the lowest point of a pitched roof, excluding any cupolas, chimneys or other minor projections.

Satellite Dish

A device incorporating a reflective surface that is solid, open mesh, or bar-configured and is in the shape of a shallow dish, cone, horn, or cornucopia. Such device shall be used to transmit and/or receive radio or electromagnetic waves between terrestrially and/or orbitally based uses. This definition is meant to include but not be limited to what are commonly referred to as satellite earth stations, TVRO's, and satellite microwave antennas.

School, Elementary, Junior High and Senior High

A public or private school licensed by the State of North Carolina to provide elementary or secondary education. If said school is located on the grounds of a church or house of worship, it shall be considered a separate principal use if it has a student body in excess of fifty (50) students. Students enrolled in a day care center at the church shall not be separately counted as school students.

School, Vocational

A secondary or higher education facility primarily teaching usable skills that prepares students for jobs in a specific trade or vocation upon graduation.

Schools for Arts, Etc.

A school where classes in the various arts (e.g., dance, painting, sculpting, singing) are taught. As differentiated from a "vocational school", such schools are usually attended by persons of all ages where professional placement after graduation is not of significant importance.

Screening

A fence, wall, hedge, landscaping, earth berm, buffer area or any combination of these provided to create a visual and/or physical separation between certain land uses. Screening may be located on the property line or elsewhere on the site.

Second-Hand and Consignment Shop

A retail establishment where clothes, furniture, and other household goods are sold to the general public on a consignment, retail or not-for-profit basis. A "pawn shop" shall not be considered as being a "second-hand shop".

Septic Tank Disposal Operating Service

A base of operations for a septic tank cleaning service. Areas designated for the disposal of septic tank waste shall be deemed a separate principal use.
Setback

A distance measured inward from a property line which shall remain unoccupied and unobstructed upward except as may be permitted elsewhere in this Ordinance.

Setback, Front

That portion of the front yard which shall remain unoccupied and unobstructed from the ground upward except as may be permitted elsewhere in this Ordinance.

Setback, Rear

That portion of the rear yard which shall remain unoccupied and unobstructed from the ground upward except as may be permitted elsewhere in this Ordinance.

Setback, Side

That portion of the side yard which shall remain unoccupied and unobstructed from the ground upward except as may be permitted in this Ordinance.

Setback, Sign

The shortest horizontal distance from the property line or right-of-way to the nearest point (leading edge) of the sign or its supporting member whichever is nearest to the property line or right-of-way.

Sewer, Community

Any package treatment plant or other sewage treatment facility serving two or more sources not connected to individual or public systems and having a design capacity or greater than 3,000 gallons daily and/or a discharge to surface water, as permitted by the State of North Carolina. In addition, this definition shall include all connections to such a system.

Sewer, Public

An approved sewage disposal system serving two or more connections, including municipal systems as well as package treatment plants constructed to specifications approved by the State of North Carolina. In addition, the definition shall include all connections to such a system.

Shopping Center

A group of two (2) or more retail establishments constructed and developed in one (1) or more phases with customer and employee parking and merchandise and other loading facilities provided on-site. A shopping center may be located and developed on one (1) or more lots and may include one (1) or more principal buildings.

Shrub

An ornamental plant that is at least two (2) feet tall above the highest root at the time of planting.
Shrub, Large

An ornamental plant that is at least two (2) feet tall above the highest root at the time of planting which can be expected to grow to a height of 5-6 feet within a three year period after planting.

Sight Distance Triangle

The triangular area formed by a diagonal line connecting two points located on intersecting right-of-way lines (or a right-of-way line and the curb or a driveway), each point being 35 feet from the intersection, and the two intersecting right-of-way lines (or a right-of-way line and a driveway).

Sign

Any object, display or structure, or part thereof, situated outdoors, which is used to advertise, identify, display, direct, or attract attention to an object, person, institution, organization, business, product, service, event or location by any means, including words, letters, figures, design, symbols, fixtures, colors, illumination, or projected images. The term "sign" does not include the flag or emblem of any nation, organization of nations, state political subdivision thereof, or any fraternal, religious or civic organization; works of art which in no way identify a product or business; scoreboards located on athletic fields; or religious symbols.

Sign, Advertising

A sign, other than a directional sign which directs attention to or communicates information about a business, commodity, service, or event that exists or is conducted, sold, offered, maintained or provided at a location other than the premises where the sign is located. Any advertising sign allowed under this Ordinance may display either a commercial or noncommercial copy.

Sign Area

The entire face of a sign including the advertising surface and any framing, trim, or molding, but not including the supporting structure. In computing area, only one side of a double-faced sign shall be considered.

Sign, Campaign or Election

A sign that advertises a candidate or issue to be voted upon on a definite election day.

Sign, Canopy and Awning

A sign attached to or painted or printed onto a canopy or awning. For the purposes of the Ordinance, the permitted size of a canopy or awning sign will be calculated on the basis of the size of the building wall to which the canopy is attached. It will, for measuring purposes, be considered a wall sign.
Sign Construction

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

Sign, Directional

A sign fronting on a road containing only the name of the principal use, directional arrow and mileage to the principal use. Such principal use shall not be visible to the motorist at the location at which the sign is placed.

Sign, Directory

A sign on which the names and locations of occupants or the use of a building or property is identified.

Sign, Flashing

A sign that uses an intermittent or flashing light source or windblown and/or mechanical moved reflective material to attract attention.

Sign, Free-Standing

Any sign that is not affixed to a building and is securely and permanently mounted in the ground. Such sign may include a ground, pole or monument sign.

Sign, Ground

Any sign which extends from the ground or which has supports which places the bottom thereof less than three and one-half feet from the ground directly beneath the sign.

Sign, Identification

A sign which displays only the name, address, and/or crest, or insignia, trademark, occupation or professional of an occupant or the name of any building on the premises.

Sign, Illuminated

A sign either internally or externally illuminated.

Sign, Incidental

A sign used in conjunction with equipment or other functional elements for a use or operation. These shall include, but not be limited to drive through window menu boards, and signs on automatic teller machines, gas pumps, vending machines, or newspaper delivery boxes.
Sign, Instructional

An on-premises sign designed to guide vehicular and/or pedestrian traffic by using such words as "Entrance", "Exit", "Parking", "One-Way", or similar directional instruction, but not including any advertising message. The name or logo of the business or use to which the sign is giving direction may also be included on the sign.

Sign, Lighted

A sign illuminated only by light cast upon the sign from an external light source.

Sign, Luminous

A sign lighted by or exposed to artificial lighting either by lights on or in the sign.

Sign, Monument

A nonmetallic sign in which the bottom of the sign is flush with the ground and the vertical dimension is greater than the horizontal dimension.

Sign, Off-Premises

A sign that draws attention to or communicates information about a business, service, commodity, that exists or is conducted, sold, offered, maintained or provided at a location other than the premises where the sign is located.

Sign, On-Premises

A sign that draws attention to or communicates information about a business, service, commodity, that exists or is conducted, sold, offered, maintained or provided on the premises where the sign is located.

Sign, Pole

A detached sign erected and maintained on a free-standing frame, mast, or pole and not attached to any building but not including ground-mounted or monument signs. The bottom of such sign shall be greater than three and one-half (3-1/2) feet from the ground directly beneath the sign.

Sign, Portable

Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including, but not limited to, signs designed to be transported by means of wheels; signs converted to A- or T-frames; or umbrellas used for advertising.

Sign, Projecting

Any sign other than a wall, awning, canopy, or marquee sign, which is affixed to a building and is supported only by the wall on which the sign is mounted.
Sign, Public Interest

A sign on private property that displays information pertinent to the safety or legal responsibilities of the general public such as "Warning" and "No Trespassing" signs.

Sign, Real Estate

A sign that is used to offer for sale, lease, or rent the premises upon which such sign is placed.

Sign, Roof

A sign erected or maintained in whole or in part upon or over the roof or parapet of a building.

Sign, Vehicular

Signs on parked vehicles visible from the public right-of-way where the primary purpose of the vehicle is to advertise a product or to direct people to a business or activity located on the same or nearby property, and said vehicles are not used in the normal day to day operations of said business. For the purposes of this Ordinance vehicular signs shall not include business logos, identification or advertising on vehicles primarily used for other transportation purposes.

Sign Wall

Any sign directly attached to an exterior wall of a building or dependent upon a building for its support with its exposed face parallel or approximately parallel to the plane of the building or structure on which the sign is affixed. Signs directly painted on walls shall be considered wall signs.

Special Exception

A use or structure, generally nonconforming, that may be granted continuous, enlargement, change, or modification by the Board of Adjustments after a public hearing with conditions imposed.

Storage, Open-Air

The storage of goods, bulk materials or discarded items in the open or under a structure containing a roof but no walls.

Street

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

Street Property Line

The line which separates a lot or parcel of land from a street right-of-way created by dedication resulting from the recording of the lot.
Street Right-of-Way

An area of land occupied or intended to be occupied by a public street, for such purpose, areas claimed by a municipality or the State of North Carolina for such purposes, or actually used for such purposes.

Structure

A combination of materials to form a construction for use, occupancy, or ornamentation whether installed on, above, or below the surface of land or water. Anything constructed or erected, the use of which requires more or less permanent location on the ground or which is attached to something having a more or less permanent location on the ground.

Structure, Accessory

A structure separate and subordinate to the principal structure on the same lot as the principal structure used for purposes customarily incidental to the principal structure. An accessory structure may also be referred to an "accessory building".

Structure, Principal

A structure containing the principal use which takes place on the lot. A principal structure may also be referred to as a "principal building".

Temporary Structure

Manufactured or modular unit capable of being connected to approved water, sewer, and electric services with necessary access moved to a site for a specified period of time while repairs are completed to a damaged (fire or natural disaster) principle use either a single-family residence or a business/commercial/public operation. Such a structure does not include tents.

Total Care Facility

See "Continuing Care Facility"

Townhouse

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

Toxic Substance

Any substance or combination of substances (including disease causing agents), which after discharge and upon exposure, ingestion, inhalation, or assimilation into any organism, either directly from the environment or indirectly by ingestion through food chains, has the potential to
cause death, disease, behavioral abnormalities, cancer, genetic mutations, physiological malfunctions (including malfunctions or suppression in reproduction or growth) or physical deformities in such organisms or their offspring or other adverse health effects.

**Tree, Large Maturing**

A tree, either single or multi-stemmed (i.e., in clump form) which has a height of at least eight (8) feet and is of a species which, at maturity, can be expected to reach a height over thirty-five (35) feet under normal growing conditions in the local climate. If the tree is single-stemmed, it shall have a caliper of at least two and a half (2-1/2) inches at the time of planting measured six (6) inches up from the highest root of the tree.

**Tree, Small Maturing**

A tree, either single or multi-stemmed (i.e., in clump form) which has a height of at least eight (8) feet and is of a species which at maturity, can be expected to reach a height under thirty-five (35) feet under normal growing conditions in the local climate. If the tree is single-stemmed, it shall have a caliper at the time of planting of at least two and one-half (2-1/2) inches measured six (6) inches up from the highest root of the tree.

**Truck Stop**

A facility typically offering multiple services to the travelling public which are particularly designed to serve the need of freight trucks and their drivers. Such facilities typically include fuel stations (dispensing fuel for trucks and, perhaps, for automobiles), one or more eating establishments and/or sale of prepared food, sales of convenience and sundry items, and overnight lodging facilities. Not all such facilities are provided at all truck stops. The foregoing definition distinguishes a "truck stop" from (i) a convenience store, (ii) mini-mart, express fuel, (iii) shopping center, and (iv) planned multi-tenant development.

**Truck Terminal**

A facility where cargo is stored and where trucks load and unload cargo on a regular basis.

**Use, Principal**

The primary or predominant use of any lot.

**Variance**

A relaxation of the strict terms of a specific provision of this Ordinance by the Board of Adjustment in accordance with the provisions of Article 12 of this Ordinance.

**Variance, Major**

A variance from the Town's water supply watershed regulations that results in the relaxation by a factor greater than five (5) percent of any buffer, density, or built-upon requirement.
under the high density option; or any variation in the design maintenance, or operation requirements of a wet detention pond or other approved stormwater management system; or relaxation by a factor greater than ten (10) percent of any management requirement under the low density option.

**Variance, Minor**

A variance from the Town’s water supply watershed regulations that result in a relaxation by a factor of up to five (5) percent of any buffer, density, or built-upon area requirement under the high density option; or that results in the relaxation of up to ten (10) percent under the low density option.

**Vehicle, Commercial**

A truck of any type used or maintained primarily to transport material or to operate a power attachment or tool. Any vehicle with advertising or business designation affixed to it shall be considered a commercial vehicle, except for passenger vehicles having such affixations.

**Vehicle, Inoperable**

A vehicle that for a period of more than seventy-two (72) hours has been in a state of disrepair and is incapable of being moved under its own power.

**Vehicle, Passenger**

An automobile, van, or pick-up truck used exclusively as a passenger vehicle and/or for hauling property of the owner. Pick-up trucks may qualify as passenger vehicles only when used exclusively as passenger vehicles or for hauling property of the owner and not equipped as a camper or a commercial vehicle.

**Wall, Building**

The entire surface area, including windows and doors, of an exterior wall of a building. For the purposes of this Ordinance, the area of a wall will be calculated for a maximum of fifty (50) feet in height of a building.

**Wall Sign**

Any sign directly attached to an exterior wall of a building or dependent upon a building for its support with its exposed face parallel or approximately parallel to the plane of the building or structure on which the sign is affixed. Signs directly painted on walls shall be considered wall signs.

**Warehouse**

A building or group of buildings for the storage of goods or ware 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.
Water-Borne Structure

Any structure for which the use requires access to or proximity to or citing within surface waters to fulfill its basic purpose, such as boat ramps, boat houses, docks and bulkheads. Ancillary facilities such as restaurants, outlets for boat supplies, parking lots and commercial boat storage areas are not water dependent structures. (NOTE: This definition shall apply to Section 16-13 only.)

Water, Community

See "Water, Public"

Water, Public

Any water system defined as such by the North Carolina Division of Health Services which complies with the regulations of the North Carolina Division of Health Services.

Watershed

The entire land area contributing surface drainage to a specific point (e.g. the water supply intake).

Wholesale Sales Operation

A place of business primarily engaged in selling merchandise to retailers, to industrial, commercial, institutional or professional business users, or to other wholesalers. The majority of all sales of such businesses shall be for resale purposes. The Zoning Administrator may require proof of this through sales tax reports. Wholesale clubs and similar membership warehouses, where membership is easily available to the consuming public, and similar businesses shall not be deemed "wholesale sales operations".

Yard

An open space on the same lot with a principal building, unoccupied and unobstructed from the ground upward.

Yard, Front

An area measured between the edge of the public street right-of-way line, and the front of a building, projected to the side lot lines. On corner lots, the front yard shall be measured perpendicular from the street lot line having the shortest linear footage. If both street lot lines have equal liner footage, the property owner shall determine the location of the front yard where no principal structure is located. If a principal structure is located on such a lot, the front yard shall be based on the architectural orientation of the house.
Yard, Rear

An open, unoccupied space extending the full width of the lot and situated between the rear line of the lot and the rear line of the building projected to the side lines of the lot.

Yard, Side

A space extending from the front yard to the rear yard between the principal building and the side lot line as measured perpendicular from the side lot line to the closest point of the principal building.

Yard Sale

An outdoor sale of merchandise conducted entirely upon a residentially or institutionally developed lot by one or more households or civic groups where goods sold are limited primarily to used merchandise donated by the yard sale participants. Yard sales shall also be in compliance with Section 5.20 of this Ordinance.
ARTICLE III

ESTABLISHMENT OF ZONING DISTRICTS

Section 16-3.1 Introduction

In order to achieve the purpose of this Ordinance, the following zoning districts are hereby established. In addition to the primary uses which are permitted by right or through the issuance of a conditional use permit, other uses including accessory uses, off-street parking and signs are permitted as listed in this Ordinance.

Section 16-3.2 Zoning Districts

General Zoning Districts are designated throughout the zoning jurisdiction and include numerous uses which are allowed by right subject to those uses meeting yard and height regulations. In addition, each zone allows for conditional uses which may be developed once a conditional use permit has been issued by the Town Board. The following zoning districts are hereby established:

3.2.1A R-15 Single-Family Residential District

This district is established to provide areas for very low-density residential purposes. Minimum lot size will be fifteen thousand (15,000) square feet with public water and sewer service provided to each lot, however, the Watershed (WS) regulations could impose larger lot requirements.

Single-family dwellings are permitted in this zoning district. In addition, a limited number of nonresidential uses are allowed in this district such as churches and customary home occupations. Some of these uses, which could potentially have a substantial effect upon adjoining properties, are subject to the issuance of a conditional use permit by the Town Board.

3.2.1 R-8 Single-Family Residential District

This district is established to provide areas for low-density residential purposes. Minimum lot size will be eight thousand (8,000) square feet with public water and sewer serve run to each lot, however, the Watershed (WS) regulations could impose larger lot.

Single-family dwellings are permitted in this zoning district. In addition, a limited number of nonresidential uses are allowed in this district such as churches and customary home occupations. Some of these uses, which could potentially have a substantial effect upon adjoining properties, are subject to the issuance of a conditional use permit by the Town Board.
R-6 General Residential District

The R-6 Residential District is established primarily as a residential district for the location of single-family (including mobile or manufactured homes), two-family, and multi-family dwellings along with their customary accessory uses so as to establish areas where development patterns can be somewhat more dense. In most cases, public or community water and/or sewer is available.

In addition to single-family dwelling units, duplexes and multi-family dwellings are permitted along with a limited number of home occupations and public and private community uses. In order to ensure that multi-family developments are well planned and compatible with adjoining residential uses, density levels of developments in excess of six (6) units per acre are allowed subject to the issuance of a conditional use permit by the Town Board. Some uses require the issuance of a conditional use permit by the Town Board. It is expected that public water and sewer be provided to each lot or multi-family development.

The minimum lot size for single-family dwellings is 6,000 square feet, however, the Watershed (WS) regulations could impose larger lots and for multi-family or non-residential uses, a percent limit on land coverage is imposed.

3.2.3 O-I Office and Institutional District

This zone is intended to accommodate a variety of office and related light commercial uses. In addition, this district can create areas to serve as transitional buffers between residential districts and commercial or industrial areas. Unlike other commercial zoning districts, the number and type of retail uses permitted is limited. In addition, this district allows single-family residential dwellings on a permitted basis. The primary purpose of this zone, however, is to accommodate existing and new commercial areas as herein described, rather than to create new residential communities.

3.2.4 B-1 Neighborhood Business District

This district is designed primarily for local retail business centers designed to serve relatively small trading areas in developed or developing portions of the Landis area. As a result, the list of commercial establishments allowed in this district is more limited than in other Business zones. The standards designed for these business areas are designed to promote sound, permanent business development and to protect abutting and surrounding residential areas from undesirable aspects of nearby commercial development.

Any area so zoned shall be at a location which conveniently serves the trading area population and does not create or expand problems associated with traffic volumes or circulation.
3.2.5 B-2 Central Business District

This district is established as the centrally located trade and commercial service area of Landis. The regulations of this district are designed to encourage the continued use of land for community trade and commercial service uses and to permit a concentrated development of permitted uses while maintaining a substantial relationship between the intensity of land uses and the capacity of utilities and streets.

3.2.6 B-3 General Business District

The purpose of this district is to provide a wide array of primarily retail and personal service uses to a large trading area for persons residing in and/or travelling through the Landis area. Such uses shall be located and designed in such a manner so as to promote aesthetics, the safe and efficient movement of traffic, and to not unduly burden adjoining thoroughfares. Given the large traffic volumes generated by uses located in such a district, any area so zoned shall have access onto an arterial or collector highway.

3.2.7 M-1 Light Industrial District

This district is primarily for industrial land uses, including manufacturing, processing and assembling of goods, product distribution facilities, and a broad variety of specialized commercial and industrial operations. The manufacturing uses allowed in the M-1 district are generally classified as Manufactured Goods, Class 1.

3.2.8 M-2 Heavy Industrial District

The M-2 district is oriented to the more intense manufacturing uses similar to those listed as Manufactured Goods, Class 2. These include certain industrial uses which could potentially have a significant effect on the environment or public utilities; significantly increase traffic volume on adjoining roads; or otherwise significantly impact adjoining properties.

3.2.9 Water Supply (WS) Watershed Overlay Districts

These district apply only within areas designated as Water Supply Watersheds by the N.C. Environmental Management Committee. The following overlay districts shall be in place and are depicted on the Town of Landis's Official Zoning Map:

WS-III-CA (Critical Area) Overlay District
WS-III-BW (Balance of Watershed) Overlay District
WS-IV-CA (Critical Area) Overlay District
WS-IV-PA (Protected Area) Overlay District
These Overlay Districts are established to provide for certain additional requirements and/or uses for properties located in one or more general zoning districts. Thus, in addition to the requirements of the underlying general zoning district, the provisions of the Overlay District would also prevail in the areas so zoned.

3.2.10 Highway Corridor Overlay District

This district will apply only within designated Highway Corridor Overlay Districts so designated by the Town Board. The following overlay district shall be in place and is depicted on the Town of Landis’s Official Zoning Map:

- Cannon Boulevard (Highway 29/601)

This overlay district is established to provide for certain additional requirements and/or uses for properties located in one or more general zoning districts. Thus, in addition to the requirements of the underlying general zoning district, the provisions of the Highway Corridor Overlay District shall also prevail in the areas so zoned.
ARTICLE IV
DISTRICT REGULATIONS

Section 16-4.1 Table of Uses

The list of uses allowed in each zoning district is indicated in Table 4-1. Uses are listed under one of four general classifications:

1. Residential Uses
2. Public/Semi-Public Uses
3. Commercial Uses
4. Industrial Uses

For any use listed in Table 4-1, the Zoning Administrator shall be able to determine if the use is (i) permitted, (ii) permitted subject to the adherence of certain identified specifications, (iii) permitted subject to the issuance of a conditional use permit, or (iv) not permitted.

A use shall be permitted in a certain zoning district if it is accordingly designated in Table 4-1 with a "X". For instance, single-family dwellings are permitted uses in the R-8 district. A use permitted subject to certain pre-established specifications which would not be applicable to other uses is designated by a "XS". For instance, an Automobile Service Station (i.e. gas station) is subject to the supplemental regulations found in Section 16-4.2.8 of this Ordinance. A use that is subject to the issuance of a conditional use permit is indicated by a "C". For instance, a Golf Course in the R-8 district would be a conditional use and would require the issuance of a conditional use permit by the Town Board. If additional findings of fact, or other supplemental requirements, pertain to a certain conditional use, this would be indicated by a "CS". Such is the case of an Animal Kennel multi-family developments with six or more units in the R-6 district. If a use does not have a "X", "XS", "C", or "CS" designation in a particular zoning district, that use shall not be allowed in that zoning district.

In addition to the listings of uses within the various zoning districts, Table 4-1 shows the parking requirement listing for each use. These parking requirements are found in Article VII of this Ordinance. In many cases, parking requirements are the same for more than one use.

Yard, bulk, height and screening requirements are found in Section 16-4.3. In general, these requirements shall pertain to all uses. However, if different requirements for a particular use are found in the supplemental regulations (most supplemental regulations are found in Section 16-4.2), the stricter requirement shall prevail.

In the column defined, (C) a "Y" indicated the use is defined in Section 16-2.5.
Some specific uses are prohibited in the Water Supply (WS) Watershed Overlay Districts such as landfills. In addition, specific lot sizes, buffer areas, land coverage percentage, and engineered structures may be required in the WS Overlay Districts in addition to the supplemental regulations contained in Section 16-4. The WS regulations are in addition and prevail over the regular zoning requirements.
### TABLE OF USES
**Section 16-4.1**

<table>
<thead>
<tr>
<th>USE</th>
<th>DEFINED (c)</th>
<th>SUPPLEMENTAL REGULATIONS WHEN APPLICABLE (a)</th>
<th>PARKING (b)</th>
<th>R-15</th>
<th>R-8</th>
<th>R-6</th>
<th>0-1</th>
<th>B-1</th>
<th>B-2</th>
<th>B-3</th>
<th>M-1</th>
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<td>Adult Care Center (See Day Care Center)</td>
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**NOTES**
- X = Use by Right
- XS = Use by Right With Supp. Regs.
- C = Conditional Use

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a – See Sect. 16-4.2
b – See Sect. 16-7.1.12 Table 2
c – Said use is defined in Sect. 16-2-5 if indicated w/ a “Y”
<table>
<thead>
<tr>
<th>USE</th>
<th>DEFINED (c)</th>
<th>SUPPLEMENTAL REGULATIONS WHEN APPLICABLE (a)</th>
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<th>R-15</th>
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<td>Auditorium, Assembly Hall as the principal use</td>
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<td>Automobile Salvage Yards (See Junkyard and Automobile Salvage)</td>
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NOTES

X - Use by Right
XS - Use by Right With Supp. Regs.
C - Conditional Use
CS - Conditional Use With Supp. Regs.

a - See Sect. 16-4.2
b - See Sect. 16-7.1.12 Table 2
c - Said use is defined in Sect. 16-2-5 if indicated w/ a "Y"
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**NOTES**

- X – Use by Right
- XS – Use by Right With Supp. Regs.
- C – Conditional Use

_a_ – See Sect. 16-4.2

_b_ – See Sect. 16-7.1.12 Table 2

_c_ – Said use is defined in Sect. 16-2-5 if indicated w/ a “Y”
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**NOTES**
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NOTES
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NOTES
- X = Use by Right
- XS = Use by Right With Supp. Regs.
- C = Conditional Use

a = See Sect. 16-4.2
b = See Sect. 16-7.1.12 Table 2
c = Said use is defined in Sect. 16-2-5 if indicated w/ "Y"
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**NOTES**
- X = Use by Right
- XS = Use by Right With Supp. Regs.
- C = Conditional Use

- a = See Sect. 16-4.2
- b = See Sect. 16-7.1.12 Table 2
- c = Said use is defined in Sect. 16-2-3 if indicated w/ a "Y"
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- C - Conditional Use

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b - See Sect. 16-7.1.12 Table 2
c - Said use is defined in Sect. 16-2-5 if indicated w/a "Y"
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**NOTES**

- X = Use by Right
- XS = Use by Right With Supp. Regs.
- C = Conditional Use

a = See Sect. 16-4.2
b = See Sect. 16-7.1 12 Table 2
C = Said use is defined in Sect. 16-2-5 if indicated w/ "Y"
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XS - Use by Right With Supp. Regs.
C - Conditional Use
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b - See Sect. 16-7.1.12 Table 2
c - Said use is defined in Sect. 16-2-5 if indicated w/ a "Y"
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**NOTES**

X - Use by Right
XS - Use by Right With Supp. Regs.
C - Conditional Use
CS - Conditional Use With Supp. Regs.

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b - See Sect. 16-7.1.12 Table 2
c - Said use is defined in Sect. 16-2-5 if indicated w/ "Y"
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X = Use by Right
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- XS = Use by Right With Supp. Regs.
- C = Conditional Use

a – See Sect. 16-4.2
b – See Sect. 16-7.1.12 Table 2
c – Said use is defined in Sect. 16-2-5 if indicated w/ a “Y”

4-18
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NOTES
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a – See Sect. 16-4.2
b – See Sect. 16-7.1.12 Table 2
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Section 16-4.2  Supplemental Use Regulations

The following supplemental regulations shall pertain to the various uses listed in Table 4-1. If not otherwise listed, these regulations shall be applicable in all districts in which the individual uses are allowed. For any use which requires the issuance of a conditional use permit, the supplemental use regulations listed herein may be in addition to any other fair and reasonable conditions placed on such use by the Planning Board or Town Board. Such conditions may impose greater restrictions on a particular use than those which are listed herein.

4.2.1 Adult Establishment (revised 3/6/06)

1. Adult establishments, by their very nature, are recognized as having certain serious objectionable operational characteristics upon adjacent neighborhoods (especially residential neighborhoods); churches; schools; or where concentrated. Special regulations of these establishments is necessary to ensure that their adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhood. The following separation distances are therefore established:

   a. No two adult establishments may be located within one-thousand (1,000) linear feet from each other in all directions.

   b. No adult establishment may be located within fifteen-hundred (1500) linear feet in all directions of any residential zoning district, any zoning district where residential uses may be allowed as a permitted or conditional use, or a parcel where a residential use is currently located.

   c. No adult establishment may be located within fifteen-hundred (1500) linear feet in all directions from any church/house of worship, any public or private elementary, middle, junior high, or senior high school, any public park, any day-care center, family care home, or long-term/nursing/rehab care facility or recreational facility.

   Hours of operation will be set with the approval of a conditional use permit.

4.2.2 Amusement Parks, Fairgrounds, Fun Park

   All outdoor recreation facilities and vending stands shall be located at least five-hundred (500) linear feet from a Residential (R-15, R-15, R-8, R-6) district. Otherwise, all buildings or structures, whether permanent or temporary, may not be located within one-hundred (100) feet of any lot line.

4.2.3 Animal Grooming Establishment

   1. Animals must be kept indoors at all times.

   2. Animals boarding facilities shall not be permitted.
4.2.4 Animal Shelter; Animal Kennels; Animal Hospital

1. Any structure which houses animals for an Animal Hospital or Animal Shelter which is not fully enclosed and all animal runs shall be located at least one hundred (100) feet from any lot line and three-hundred (300) linear feet from any pre-existing principal residential structure located on another lot.

2. All pens and kennels (for all animals, excluding horses, ponies, and cows) must be surrounded by a chain link fence not less than six (6) feet in height, and enclosed on top, or be located in an enclosed structure.

3. An animal kennel may be only an accessory use on a lot containing a principal single-family residential use in the R-8 district subject to the regulations contained herein, and subject to a conditional use permit issued by the Town Board. An animal kennel may not be a principal use on a lot. Any structure which houses animals, which is not fully enclosed, and all animal runs shall be located at least one hundred (100) feet from any lot line and five hundred (500) linear feet from any pre-existing principal residential structure located on another lot.

4.2.5 Appliance Sales and Repair Shop

1. All outdoor storage of appliances shall be effectively screened from view from any adjacent lot or street right-of-way. Such screening shall be in the form of a berm, wall or fence, or an appropriate amount of natural plantings to effectively screen the storage from view.

4.2.6 Automobile Body Shop, Automobile Repair Shop, Automotive Parts and Repair Store

1. The lot containing such use shall be located at least one-hundred (100) linear feet from any lot located in a Residential (R-15, R-15, R-8, R-6) zone.

2. All outside storage areas shall meet the requirements of Section 16-5.5.3.

3. Hours of operation may be from 7:00 A.M. to 10:00 P.M. only when adjoining a Residential (R-15, R-15, R-8, R-6) zone, if repair and maintenance facilities are provided or if pumped automotive fuels are sold.

4. Screening shall be in accordance with Section 16-5.5.1 and 5.5.2 along all sides of the property which abut Residential (R-15, R-15, R-8, R-6) zoning districts.
4.2.7 Automobile Detailing Shops

1. Hours of operation of outdoor activities may be from 7:00 A.M. to 10:00 A.M. only when adjoining a Residential zone.

4.2.8 Automobile Service Stations

1. Gasoline pump islands shall be located no closer than fifteen (15) feet from any lot line.

2. Pump island canopies may be constructed to extend to the street right-of-way.

3. Suitable landscaping shall be provided along all sides of the property which abut Residential (R-15, R-15, R-8, R-6) districts as per Section 16-5.5.1 and 16-5.5.2.

4.2.9 Automobile Towing and Wrecking Service

1. Any outdoor vehicle storage area shall be located a minimum of one-hundred (100) linear feet from any street right-of-way; and two-hundred (200) linear feet from any Residential (R-15, R-15, R-8, R-6) zoning district lots which contain a principal residential use.

2. Vehicle storage facilities shall not be located at an elevation whereby the storage is visible from a public street after the required screening is in place.

3. Screening shall be in accordance with Section 16-5.5.1 and 16-5.5.2, along all sides of the property which abut Residential (R-15, R-15, R-8, R-6) Zoning Districts.

4. All outside storage areas shall meet the requirements of Section 16-5.5.3.

5. No more than fifty (50) vehicles may be stored on premises.

6. All lighting shall be directed away from surrounding properties.

7. Vehicles may only be stored in designated outdoor storage areas.

4.2.10 Automobile Washes, Class 1 (Self-Service Car Wash)

1. Vacuuming, drying and polishing facilities may not be located in any required yard or buffer area adjacent to a Residential (R-15, R-15, R-8, R-6) zoning district.

2. At least two (2) staging spaces and one (1) drying space per wash bay shall be provided.
3. Hours of operation may be from 8:00 A.M. to 9:00 P.M. only when adjoining a Residential (R-15, R-15, R-8, R-6) zone.

4. All vehicular accessible areas on the lot shall be at least one hundred (100) feet from any interior lot line separating the lot from a Residential (R-15, R-15, R-8, R-6) zone.

5. Security light must be shielded from adjacent Residential zoned properties to prevent undo bright lights from shining onto/into dwellings.

6. Loud music to be controlled by property owner.

7. Adjacent screening and landscaping required.

4.2.11 **Automobile Wash, Class 2 (Automatic Car Wash)**

1. Hours of operation may be from 8:00 A.M. to 9:00 P.M. only when adjoining a Residential (R-15, R-15, R-8, R-6) zone.

2. All vehicular accessible areas on the lot shall be at least one hundred (100) feet from any interior lot line separating the lot from a Residential (R-15, R-15, R-8, R-6) zone.

3. Security lights must be shielded from adjacent Residential zoned properties to prevent undo bright lights from shining onto/into dwellings.

4. Loud music to be controlled by property owner.

5. Adjacent screening and landscaping required.

4.2.12 **Barn, Horse or Cattle**

1. Accessory use only with single-family residence as principle use.

2. Barn must be a minimum 100 feet from dwelling and 500 feet from pre-existing residence located on adjacent lot.

3. No more than one (1) horse or cow for each one (1) acre of land, total can not exceed five (5) animals unless bona fide farm which requires 10 acres. Then no limit on number of animals.

4. Use is subordinate to residence, strictly private use, animals owned or leased by the resident.
4.2.13 Bed and Breakfast Inn

1. In any Residential (R-6) district, breakfast shall be the only meal served and shall be served to guests only. In any Office (0-1), or Business (B-1, B-2) district, meals to non-guests may be served, including lunch and/or dinner. Off-street parking, equal to that required for the bed and breakfast inn and for a restaurant shall be provided. Separate signage for both uses, however, shall not be permitted.

2. In any Residential (R-15, R-15, R-8, R-6) zoning district, no more than two (2) off-street parking spaces shall be provided in the front yard.

4.2.14 Building and Home Materials Center, Lumber and Building Materials Yard

1. All outdoor storage areas shall meet the requirements of Section 16-5.5.3.

2. All outdoor storage areas shall be at least one-hundred (100) feet from any adjacent Residential (R-15, R-15, R-8, R-6) Zoning District.

4.2.15 Camping and Recreational Vehicle Parks

1. All spaces for camping and recreational vehicles shall be located at least one hundred (100) feet from any adjoining lot line.

2. Notwithstanding any other screening requirements, the campground shall be sufficiently wooded to provide an opaque natural buffer between the campground, all adjacent lots, and all adjacent public roads at the time the campground is initially developed.

3. Accessory uses, limited to usage by campground patrons, may include laundry facilities and the selling of convenience items (snacks, beverages, etc.).

4.2.16 Cemetery/Columbarium

1. Tombstones, columbariums, crypts, monuments and mausoleums shall be located a minimum of twenty (20) feet from any side or rear lot line and at least thirty (30) feet from a street right-of-way. Greater setbacks shall be observed if otherwise required by the zoning district in which it is located.

2. Sales of crypts or monuments shall be allowed as an accessory use on premises (for cemeteries as a principal use only). No building in conjunction with such sales shall be located closer than twenty (20) feet from any side lot line abutting a Residential (R-15, R-15, R-8, R-6) District and forty (40) feet from any such rear lot line.
4.2.17 Churches/House of Worship

1. If a school is operated on-premises, parking needs may be satisfied by that already provided by the church. A school having an enrollment certification of one-hundred (100) or more students shall be considered a conditional use in the R-8 and R-6 zoning district and shall be considered a separate principal use and may be allowed on the same lot so long as the school meets all applicable area, bulk and setback requirements.

2. A single-family residential use, occupied by the pastor, priest, rabbi, etc. of the facility, may be placed on the lot containing the church/house of worship. Said structure shall meet all setback requirements for single-family dwellings for the zoning district in which the lot is located. Said structure may not be used for day care facilities.

3. If a day care center with an enrollment capacity in excess of twenty-five (25) students is operated on-premises, the day care center shall be deemed a separate use and may be allowed subject to the regulations covering such uses in the underlying zoning district.

4.2.18 Community Centers

1. In Residential (R-15, R-15, R-8, R-6) zones, a community center shall be allowed if interior assembly seating capacity is five-hundred (500) persons or less.

2. In all Office (O-1) or Business (B-1, B-2, B-3) zoning districts, any community center with a seating capacity of up to five-hundred (500) persons shall be a use by right. All other community centers shall be a conditional use.

4.2.19 Commercial Uses in the Office (O-1) District

1. Except where noted, any individual commercial use shall have a maximum gross leasable area of twelve hundred (1,200) square feet.

2. The structure housing the commercial use shall have more than fifty (50) percent of its gross leasable area devoted to office uses.

4.2.20 Commercial or Office Use with Outdoor Speakers

1. Outdoor speakers shall be at least fifty (50) feet from property lines residential development or residentially zoned properties (R-15, R-15, R-8, R-6).
4.2.21 **Continuing Care Facility**

1. The density levels and minimum yard requirements shall be based on the regulations of the underlying zoning district.

4.2.22 **Contractors Office and Storage Yards**

1. All outdoor storage areas shall meet the requirements of Section 16-5.5.3.

4.2.23 **Convenience Store; Mini-Mart**

1. Vacuuming facilities may be located outside the building, but may not be located within any required yard or buffer area adjacent to a Residential (R-15, R-15, R-8, R-6) district.

2. If a mini-mart is located adjacent to a Residential (R-15, R-15, R-8, R-6) district, hours of operation may be from 5:00 A.M. to Midnight only.

3. A mini-mart may contain a free-standing automatic car wash facility. All applicable supplemental regulations contained in Section 16-4.2.11 (R-15, R-15, R-8, R-6) shall be followed.

4. Gasoline pump islands shall be located no closer than fifteen (15) feet from any lot line.

5. Pump island canopies may be constructed to extend to the street right-of-way.

6. Suitable landscaping shall be provided along all sides of the property which abut Residential (R-15, R-15, R-8, R-6) Zoning Districts as per Section 16-5.5.1 and 16-5.5.2.

8. Convenience or mini-mart stores must have a minimum of one hundred (100') feet setback(s) when adjacent to Residential zoned property.

9. Security light must be shielded from all adjacent Residential zoned property to prevent undo bright lights shining onto/into dwellings.

4.2.24 **Correctional Facility**

1. A two hundred (200) foot setback for all principal and accessory structures shall be observed if the facility is adjacent to any lot located in a Residential (R-15, R-15, R-8, R-6) Zoning District or any pre-existing principal residential structure.

2. Any fence which is barbed or contains razors shall be located at least twenty (20) feet from any lot line which abuts a lot containing a principal
residential use or any lot located in a Residential (R-15, R-15, R-8, R-6) district.

3. All lighting for the facility must be oriented so that direct beams of light shine away from all adjoining properties.

4.2.25 Day Care Centers, Class 1

1. The facility is staffed by persons residing in the dwelling in which the day care center is located and up to one (1) non-resident.

2. Outdoor play areas shall be located in the rear or side yards only. In no case shall such play areas be located in the required side yard setback.

3. All outdoor play areas shall be surrounded by a fence or wall at least four (4) feet in height. Outdoor play areas shall not include driveways, parking areas, or other land unsuitable for play use.

4. One attached on-premise non-illuminated sign may be used to advertise the day care center. Said sign shall have a maximum area of one and one-half (1-1/2) square feet.

5. The day care center shall be located in a structure originally constructed as and designed for a single-family dwelling. Said structure shall be the principal structure on the lot. The exterior of the structure (aside from the allowed day care signage) shall not be altered in a manner which diminishes its single-family dwelling characteristics.

6. In Office (O-I) and Business (B-1, B-2, B-3) districts only, outdoor play areas located in the side yard shall observe a minimum side yard setback of ten (10) feet. On corner or through lots, a minimum twenty (20) foot setback for outdoor play areas as measured from the abutting street right-of-way shall be observed.

4.2.26 Day Care Centers, Class 2

1. Outdoor play areas shall be located in the rear yard or side yards only. In no case shall such play areas be located in a required side yard.

2. All outdoor play areas are to be surrounded by a fence or wall at least four (4) feet in height.

3. Signage for the day care center shall be included in that which is allowed for the church or school.

4. The property upon which the day care center is located shall be used primarily for church or school purposes. If located on the premises of a church, the day care center shall be an accessory use to the church and may
not be conducted in any single-family residence located on such property. The number of persons regularly attending such church or school must equal or exceed the number of enrollees certified by the State of North Carolina to attend the day care center.

4.2.27 Day Care Centers, Class 3

1. Outdoor play areas shall be located in the rear yard or side yards only. In no case shall such play areas be located in a required side yard setback.

2. All outdoor play areas are to be surrounded by a fence or wall at least four (4) feet in height.

3. Signage for the day care center shall be included in that which is allowed for the church or school.

4. The property upon which the day care center is located shall be used primarily for church or school purposes. If located on the premises of a church, the day care center shall be an accessory use to the church and may not be conducted in any single-family residence located on such property. The number of persons regularly attending such church or school must equal or exceed the number of enrollees certified by the State of North Carolina to attend the day care center.

5. The Town Board may issue a conditional use permit in accordance with Article 9 if after having conducted a public hearing, and based on the evidence given at the public hearing, the findings of fact contained in Section 16-9.5.2 are met. In addition, the following findings of fact will have to be met:

There shall be adequate road ingress and egress to and from the site is approved. Traffic generated by the facility shall not be disruptive to any adjacent residentially-developed properties.

4.2.28 Day Care Centers, Class 4

1. Outdoor play areas may be located in the rear yard or side yard only. If located in the side yard, a minimum side yard setback of ten (10) feet shall be observed. On corner or through lots, a minimum twenty (20) foot setback as measured from the abutting street right-of-way line shall be observed. (Greater setbacks may be required if otherwise called for in the underlying zoning district.)

2. All outdoor play areas shall be surrounded by a fence or wall at least four (4) feet in height.
4.2.29 **Accessory Day Care Centers**

1. Outdoor play areas may be located in the rear yard or side yard only. If located in the side yard, a minimum side yard setback of ten (10) feet shall be observed. On corner or through lots, a minimum twenty (20) foot setback as measured from the abutting street right-of-way line shall be observed. (Greater setbacks shall be required if otherwise called for in the underlying zoning district.)

2. All outdoor play areas are to be surrounded by a fence or wall at least four (4) feet in height. All outdoor day play areas shall be located in a manner which provides safe access for clients walking to and from the day care center.

3. Signage for the accessory day care center shall be included in that which is allowed for the principal use.

4. If the accessory day care center occupies the majority of the area of the structure in which it is located and provides care to more than twelve (12) clients, five (5) delineated staging spaces located within a two-lane, one-way drive shall also be provided.

4.2.30 **Dry Cleaning Outlets**

1. Any dry cleaning plant associated with pick-up stations shall have less than 2,000 square feet of floor area in the B-2 district only.

2. The emission of steam and other obnoxious byproducts shall be controlled in the B-2 district only.

4.2.31 **Electric, Heating, Air Conditioning, Ventilating, and Plumbing Supplies and Equipment Sales**

1. All outdoor storage areas shall meet the requirements of Section 16-5.5.3.

4.2.32 **Essential Services, Class III**

1. All service and storage yards shall meet the requirements of Section 16-5.5.3, and shall be surrounded by a sturdy fence not less than six (6) feet in height.

4.2.33 **Family Care Homes (revised 6/16/2003)**

1. Family care homes will only be allowed in single-family dwellings within zoning districts. The use of duplex or multi-family structures, institutional or commercial buildings, motels/hotels, or any "Group Home" not
designated for "handicapped" persons under the North Carolina General Statutes will not be permitted.

2. The exterior of the structure must be that of a single-family dwelling, typical in style and materials to the neighborhood where the structure is located. From the street the structure must have the appearance of a single-family residence.

3. Family care homes may not be located closer than a ½ mile radius of each other.

4. A zoning permit and Certificate of Occupancy (CO) must be secured from the Zoning Administrator with an inspection by the Rowan County Building Department and Landis Fire Department. An annual re-Certification of Occupancy (CO) of the premise and use is required. Any required state, county, and city licenses and permits (with all fees paid) must be secured prior to issuance of CO. Revulsion of any licenses or permits will result in termination of the CO.

5. Occupancy is limited to two (2) persons per bedroom, i.e. two-bedroom dwelling would be limited to four persons.

6. All applicable standards/requirements of the State of North Carolina licensing agency and the Landis Minimum Housing Code must be met. The higher standard will prevail.

7. Vehicle parking must be on-site. On-street parking is strictly limited to loading and off-loading. No on-street overnight parking is allowed.

8. No signage is allowed.

9. Structure must be handicapped accessible (ADA) with required smoke and carbon monoxide detectors properly operating.

4.2.34 Farm Equipment Sales and Service, Tire Recap Facility

1. All activities shall be conducted within a completely enclosed building.

4.2.35 Racetrack, Outdoor

1. No portion of the race course perimeter shall be located closer than three hundred (300) linear feet from any exterior lot line, except five-hundred (500) linear feet from any lot line abutting a Residential (R) zoning district.

2. Hours of operation may be between the hours of 10:00 AM to 10:00 PM only (racetracks).
3. All race courses for any motorized vehicle shall be paved.

4.2.36 **Fraternal and Service Organization Meeting Facility**

A side setback of twenty (20) feet and a rear setback of forty (40) feet shall be required if a side and/or rear lot line abuts a Residential (R-15, R-15, R-8, R-6) District, unless a greater setback is otherwise required for the zoning district in which it is located.

4.2.37 **Game Room**

1. A game room, unless located within a shopping center or other planned commercial development, shall be located at least three hundred (300) linear feet from any Residential (R-15, R-15, R-8, R-6) zoning district, and any existing principal residential structure.

4.2.38 **Golf Courses (Miniature), and Golf Driving Ranges**

1. Fencing, netting, trees, berms, or other control measures shall be provided around the perimeter of the driving or playing areas so as to prevent golf balls from going onto adjacent properties. Such devices, where applicable, may be counted towards any required screening provided.

2. No direct beam of light from outdoor lighting fixtures or signs shall shine onto any lots located in a Residential (R-15, R-15, R-8, R-6) district.

4.2.39 **Hotels or Motels**

1. Retail uses and restaurants may be located as an accessory use within any motel or hotel.

2. Off-street parking facilities shall be separately computed at seventy-five (75) percent of the required spaces for any retail use containing over 1,000 square feet of gross floor area and for any restaurant or lounge which is open to the general public.

4.2.40 **Industrial Equipment, Sales, Supplies and Repair**

1. All service and open storage areas shall meet the requirements of Section 16-5.5.3.

4.2.41 **Junkyard and Automobile Salvage Yard**

1. Any lot containing such use shall be located at least three-hundred (300) linear feet from any lot in a Residential (R-15, R-15, R-8, R-6) district.
4.2.42 Laboratories/Offices in the O-I District

1. Laboratories and offices located in a O-I district shall be medically-related only.

4.2.43 Lounge (Principal Use)

1. Any lounge shall be located at least three-hundred (300) linear feet from any lot in a Residential (R-15, R-8, R-6) district.

4.2.44 Mini-Warehouse, Class 1 & 2

1. All storage compartments within the mini-warehouse shall front on a private drive having a minimum width of twenty-five (25) feet to ensure sufficient room for vehicular circulation, loading, and parking.

2. Driveways providing ingress and egress to the site shall not permit any parking or loading extending to within thirty (30) feet of the adjoining street right-of-way.

3. If the mini-warehouse facility has a locked and keyed entrance two (2) staging spaces must be provided directly in front of the entrance.

4. All mini-warehouses must have a minimum set-backs of one hundred (100') feet from any adjacent Residential zoned property.

5. Outside storage is limited to only Class 2 mini-warehouses.

6. Suitable screening, landscaping required along all sides of property which abut Residential Zoning Districts per Section 16-5.5.1 and 5.5.2.

7. If mini-warehouse is located adjacent to a Residential District, hours of operation may be from 8 a.m. to 9 p.m. only.

8. Security lights are to be shield from all Residential zoned property adjacent to mini-warehouses to prevent undo bright lights shining onto/into houses.

4.2.45 Monument Sales

The lot which such use is located shall be located at least three-hundred (300) linear feet from any lot located in a Residential (R-15, R-8, R-6) district.

4.2.46 Motorcycle Sales

The lot which such use is located shall be located at least three-hundred (300) linear feet from any lot located in a Residential (R-15, R-8, R-6) district.
4.2.47 Pet Stores

1. All facilities associated with a pet store shall be located indoors.

4.2.48 Produce Stand (Accessory Use)

1. A produce stand shall not be located in a road right-of-way.

2. A produce stand shall not be located closer than ten (10) feet to any side lot line and twenty (20) feet to any side lot line which is in or abuts a Residential (R-15, R-8, R-6) District, unless a greater setback is required for the zoning district in which it is located.

3. Signs for a produce stand shall not be illuminated, nor have flashing lights, nor shall they exceed four (4) square feet in area.

4. During the times of the year in which the produce stand is not in operation, the stand and any structure associated with it shall not be visible from any public road.

5. All produce sold shall be grown on a lot under the same ownership as the lot upon which the produce stand is located.

6. Screening shall not be required for any produce stand.

4.2.49 Produce Stand (Principal Use)

1. Any produce stand structure shall not be located in a road right-of-way.

2. If a free-standing structure is used, it shall not be located closer than ten (10) feet to any side lot line or twenty (20) feet to any side lot line which abuts a Residential (R-15, R-8, R-6) district, unless a greater setback is required for the zoning district in which it is located.

3. The produce stand may be a permanent or temporary structure.

4.2.50 Public and Private Elementary, Junior High and Senior High Schools

1. Any school which has greater than one-hundred (100) students must have access onto a major or minor thoroughfare, or through a collector road.

4.2.51 Public Safety Station

1. All buildings shall be at least twenty (20) feet from all property lines unless a greater side or rear setback is otherwise required for the zoning district in which it is located and shall be designed and landscaped in such a way as to blend in with the surrounding area.
4.2.52 Recreation Facility, Public or Private; Country Club; Swim Club

1. Outdoor recreational facilities (with the exception of swimming pools) shall be located at least twenty (20) feet from any side or rear lot line, except fifty (50) feet shall be required if in or adjacent to a Residential (R-15, R-8, R-6) District. Rear and side yard set backs for outdoor swimming pools shall be fifty (50) feet each, unless adjacent to Residential (R-15, R-8, R-6) Districts (see below).

2. Outdoor swimming pools shall be at least one hundred (100) feet from any adjoining Residential (R-15, R-8, R-6) Zoning District.

3. If a facility is designed to accommodate two-hundred (200) or more patrons at one time, a conditional use permit shall be required.

4. Hours of operation may be between 7:00 a.m. and 10:00 p.m. only if located in a Residential (R-15, R-8, R-6) Zoning District.

4.2.53 Recycling Deposit Station (Principal Use)

1. Any preexisting principal residential structure on another lot shall be located at least one-hundred (100) linear feet from the building housing this facility or from any outdoor bins.

2. No outdoor storage of goods to be recycled shall be permitted.

4.2.54 Recycling Station, Accessory

1. If located outdoors and on a lot adjacent to a Residential (R-15, R-8, R-6) zoning district, a fifty (50) side and rear yard setback shall be retained.

4.2.55 Home for the Aged, Independent Living Center, Nursing Home, Convalescent Home

1. Any facility which is licensed to have greater than fifty (50) residents shall maintain a side setback of at least twenty (20) feet and a rear setback of at least thirty-five (35) feet when the side or rear yard is in or abuts a Residential (R-15, R-8, R-6) District or a lot containing a principal residential use, unless a greater setback is otherwise required for the zoning district in which it is located.

4.2.56 Restaurant, Fast Food or Drive Through

1. Any fast-food, or drive-through, restaurant proposed for a lot which abuts a Residential (R-15, R-8, R-6) District shall be a conditional use requiring the issuance of a conditional use permit by the Town Board.
2. Sufficient on-site stacking space (lane spaces) needed to accommodate cars that are awaiting to be served shall be provided. [Cars should not back up onto streets during peak hours.]

3. The facility shall be screened from adjacent residential development.

4. Internal vehicular and pedestrian circulation shall be satisfactory.

### 4.2.57 Restaurants (Within Other Facilities)

1. A restaurant may be allowed as a permitted accessory use in a Office (O-1), Business (B-1, B-2, B-3) or Industrial (M-1, M-2) District where located within a use allowed in such a district. Such restaurant shall be designed to serve customers or users of such use. Examples of such uses include snack shops in department or variety stores, employee cafeterias, snack shops or canteens in office buildings, bowling alleys, etc.

2. Access to such restaurant shall not be directly available from the outdoors.

3. Separate off-street parking spaces for such use shall not be required.

4. The restaurant shall be allowed up to sixteen (16) square feet of exterior wall identification signage. Said signage shall be included as part of the signage allowed for the principal use. No free-standing signs for said restaurant shall be allowed.

5. The aggregate gross area of all restaurants within any building shall occupy no greater than ten (10) percent of the gross floor area of the building.

### 4.2.58 Roofing Repair and Installation, Sheet Metal

1. All open storage areas shall meet the requirements of Section 16-5.5.3.

### 4.2.59 Riding Stable; Riding Academy

1. All buildings, structures and facilities (including riding rinks but excluding pasture lands) designed for use or occupancy by animals shall be located at least one hundred (100) feet from any lot line and five hundred (500) feet from any preexisting principal residential structure located on adjacent lot.

2. Such uses (where allowed) may be principal uses or accessory uses on a lot containing a principal single-family residence.

3. Use requires a minimum of ten (10) acres.
4.2.60 **Shopping Center**

1. Uses in a shopping center are limited to those which are allowed in the underlying zoning district. Any use shown as a "conditional use" shall require the issuance of a conditional use permit in a shopping center irrespective of the size of that shopping center.

4.2.61 **Stadiums**

1. Stadiums located in a Residential (R-15, R-8, R-6) district shall be limited to those constructed for use primarily by teams representing junior high schools, middle schools, high schools, colleges, or universities. Such structures may be either principal or accessory structures.

2. Access to the site shall be provided by major or minor thoroughfares only.

3. No direct beam of light from outdoor lighting fixtures or signs shall shine onto any abutting lots which are located in a Residential (R-15, R-8, R-6) district or onto any adjoining residentially developed lot.

4. All principal structures (including bleachers) shall be located a minimum of one-hundred (100) feet from all lot lines.

5. A Grade 4 or higher buffer will be required between said use and any abutting lot located in a Residential (R-15, R-8, R-6) district.

6. Off-street parking requirements shall be met only if the stadium is free-standing and not an accessory use to a school.

7. Stadiums shall be a use by right only if accessory (and on the premises of) a school. Otherwise, the use shall be conditional.

4.2.62 **Bakeries, Cabinet and Woodwork Shops, Machine Shops, Manufactured Goods (Class 1), Sign Painting Shop, Welding Shop**

1. The manufacturing, compounding, or processing of goods or materials shall be conducted within a completely enclosed building.

2. Any outdoor, storage of materials, equipment, or supplies must meet the requirements of Section 16-5.5.3.

4.2.63 **Commercial Vehicle Storage and/or Operations Center**

1. Outdoor speakers shall be at least fifty (50) feet from property lines, residential development, or residentially zoned properties (R-15, R-8, R-6).
2. All outdoor storage areas shall meet the requirements of Section 16-5.5.1; 16-5.5.2; 16-5.5.3; 16-5.5.4.

4.2.64 Landfill, Demolition (Principal Use)

1. The actual fill area shall be located at least three-hundred (300) linear feet from any pre-existing principal residential structure and at least fifty (50) feet from any lot line. All other structures and facilities (except access driveways) associated with the landfill shall be located at least one-hundred (100) linear feet from any lot line.

2. Direct access to the site shall be provided by major or minor thoroughfares only.

3. All access driveways which serve the site for ingress or egress shall be wide enough to accommodate two lanes of traffic.

4. Access to the site shall be controlled with gates, or other suitable devices to prevent unregulated dumping.

5. All applicable State permits for the facility should be required.

4.2.65 Landfill, On-site Demolition (Accessory Use)

1. Any on-site demolition landfill site must obtain a permit from and comply with all standards of the Town, County and the State of North Carolina.

2. Any such site may not be operated for more than 24 months, after which time it must be closed in an approved fashion.

3. The location of any such site must be indicated on any required final subdivision plat. Further, any parcel or lot which contains any part of the site must have notification of the existence and extent of the site recorded as part of the deed for the lot or parcel, even if no subdivision plan is required for development of the property.

4. No portion of the fill area may be located within twenty-five (25) feet of any exterior property lines. This includes structures, equipment storage, parking areas and fill areas, except that access drives may cross this area.

5. Any on-site demolition landfill site which is located in an Industrial (I) zoning district is exempted from the 24 month requirement, provided that no portion of the fill area is located within 100 feet of any adjoining Residentially (R-15, R-8, R-6) zoned lot or any pre-existing principal residential use.
4.2.66 Rental Center (Class 2)

1. Outdoor storage of equipment shall be screened in accordance with a Grade 3 or higher buffer if abutting on lot in a Residential (R-15, R-8, R-6) or Office (O-1) district.

4.2.67 Manufactured Home Parks

The proposed ingress and egress points will not result in a substantial amount of vehicular traffic to be channeled onto adjacent local streets (non-collector/non-arterial streets).

4.2.68 Manufacturing Goods, Class 2

A. The use will not overly impact the ability of a public agency to collect and/or treat any wastewater generated by the use or the ability of the public agency to treat and distribute any potable water needed by the use.

B. The use will not overly impact (impact beyond capacity) the system of streets serving the use or that improvements will be made to such streets in consort with the development of said use, the result of which will be adequate handling of the additional traffic generated.

C. That not only will the use meet the minimum screening requirements of this Ordinance, but also that such additional screening will be installed, as necessitated by the visual characteristics of the particular use, such that the use will be screened from view of adjoining residential districts, or that the nature of the topography makes the screening from distance view from such residential areas impossible and that other measures such as heavy on-site landscaping will be taken to lessen any near or distant visual impacts.

4.2.69 Multi-Family Developments

The proposed ingress and egress points will not result in a substantial amount of vehicular traffic to be channeled onto adjacent local streets (non-collector/non-arterial streets).

4.2.70 Communication Towers

That the tower will not result in interference with the safe operation of aircraft in relation to existing or planned airport facilities.

Section 16-4.3 Yard, Bulk, Height and Screening Requirements

The following requirements shall be applicable to each use in the various zoning districts excepts as may be specifically provided for elsewhere in this Ordinance.
A. Minimum Lot Size (Subject to increase per requirements of Rowan County Health Department or watershed overlay district)

Single-Family Dwellings

1. Twenty-thousand (20,000) square feet, if public water and sewer are not available to serve the dwelling.

2. Fifteen-thousand (15,000) square feet if public water and sewer are available to serve the dwelling.

Barn, horse, or cattle - Five (5) acres

Church - One (1) acre

Essential Services, Class 1 - None

Essential Services, Class 2 and Class 3 - Five (5) acres

Parks, Playgrounds - None

Public Safety Station - None

Recreation Facilities (except parks, playgrounds) - One (1) acre

Riding Academy, Riding Stable - Ten (10) acres

School - Public and Private - Five (5) acres

All Other Uses - One (1) acre

B. Minimum Front Setback (as measured from the edge of the street right-of-way line)

Single-Family Dwellings - Forty (40) feet.

Essential Services, Class 1 - None

All Other Uses - 50 feet

C. Minimum Side Setback (an additional ten (10) feet shall be required on all side yards which abut a public or private street)

Single-Family Dwellings - Twelve (12) feet
D. **Minimum Rear Setback**

Single-Family Dwelling - Twenty-five (25) feet

All Other Uses - Thirty-five (35) feet

E. **Maximum Building Height**

All Uses - Thirty-five (35) feet, except as provided in Section 16-5.12 of this Ordinance.

F. **Minimum Lot Width** (as measured at the required front setback)

Single-Family Dwelling - Ninety (90) feet

Essential Services, Class 1 - None

All Other Uses - One hundred-fifty (150) feet

G. **Screening**

Screening, in accordance with Section 16-5.5 of this Ordinance shall generally be required when a nonresidential use in this zoning district abuts a residentially developed or undeveloped lot in a Residential (R-15, R-15, R-8, R-6) District. A Grade 3 Screen/Buffer (at a minimum) shall be provided in such instances, except for uses listed below, which shall meet the Screen/Buffer grade listed:

<table>
<thead>
<tr>
<th>USE</th>
<th>GRADE SCREEN/BUFFER REQUIRED</th>
</tr>
</thead>
<tbody>
<tr>
<td>Essential Services, Class 1</td>
<td>3</td>
</tr>
<tr>
<td>Other nonresidential uses not</td>
<td></td>
</tr>
<tr>
<td>listed above</td>
<td>3</td>
</tr>
</tbody>
</table>

Screening may also be required as provided for elsewhere in this Ordinance.

4.3.1 **R-8 SINGLE-FAMILY RESIDENTIAL DISTRICT**

A. **Minimum Lot Size** (Subject to increase per requirements of Rowan County Health Department or watershed overlay district)
Single-Family Dwellings (includes manufactured homes)

1. Twenty-thousand (20,000) square feet, if public water and sewer are not available to serve the dwelling.

2. Eight-thousand (8,000) square feet if public water and sewer are available to serve the dwelling.

Barn, horse, or cattle - Five (5) acres

Church - One (1) acre

Essential Services, Class 1 - None

Essential Services, Class 2 and Class 3 - Five (5) acres

Parks, Playgrounds - None

Public Safety Station - None

Recreation Facilities (except parks, playgrounds) - One (1) acre

Riding Academy, Riding Stable - Ten (10) acres

School - Public and Private - Five (5) acres

All Other Uses - One (1) acre

B. **Minimum Front Setback** (as measured from the edge of the street right-of-way line)

   Single-Family Dwellings - Forty (40) feet.

   Essential Services, Class 1 - None

   All Other Use - 50 feet

C. **Minimum Side Setback** (an additional ten (10) feet shall be required on all side yards which abut a public or private street)

   Single-Family Dwellings - Ten (10) feet

   Essential Services, Class 1 - None

   All Other Uses - Twenty-five (25) feet
D. **Minimum Rear Setback**

Single-Family Dwelling - Twenty-five (25) feet

All Other Uses - Thirty-five (35) feet

E. **Maximum Building Height**

All Uses - Thirty-five (35) feet, except as provided in Section 16-5.12 of this Ordinance.

F. **Minimum Lot Width** (as measured at the required front setback)

Single-Family Dwelling - Seventy (70) feet

Essential Services, Class 1 - None

All Other Uses - One hundred-fifty (150) feet

G. **Screening**

Screening, in accordance with Section 16-5.5 of this Ordinance shall generally be required when a nonresidential use in this zoning district abuts a residentially developed or undeveloped lot in a Residential (R-15, R-8, R-6) District. A Grade 3 Screen/Buffer (at a minimum) shall be provided in such instances, except for uses listed below, which shall meet the Screen/Buffer grade listed:

<table>
<thead>
<tr>
<th>USE</th>
<th>GRADE SCREEN/BUFFER REQUIRED</th>
</tr>
</thead>
<tbody>
<tr>
<td>Essential Services, Class 1</td>
<td>3</td>
</tr>
<tr>
<td>Other nonresidential uses not</td>
<td>3</td>
</tr>
<tr>
<td>listed above</td>
<td></td>
</tr>
</tbody>
</table>

Screening may also be required as provided for elsewhere in this Ordinance.

4.3.2 **R-6 GENERAL RESIDENTIAL DISTRICT**

A. **Minimum Lot Size** (Subject to increase per requirements of Rowan County Health Department or watershed overlay district)

Single-Family Dwellings and Manufactured Homes - Six thousand (6,000) square feet with public water and sewer; Twenty thousand (20,000) square feet if no public water or sewer is available.
Two-Family Dwelling – Ten thousand (10,000) square feet with public water and sewer; Twenty-two thousand (22,000) square feet if no public water and sewer is available.

Multi-Family Development – Three (3) dwelling units: 16,000 square feet; four (4) dwelling units: 22,000 square feet; five (5) dwelling units: 28,000 square feet; six (6) dwelling units: 32,000 square feet; seven (7) and more dwelling units: 1 acre plus 2,000 for each additional unit.

Manufactured Home Park - Five (5) acres

Bed and Breakfast Inn - Twenty thousand (20,000) square feet

Church - Twenty thousand (20,000) square feet

Day Care Class 1 - Eight-thousand (8,000) square feet

Essential Services, Class 1 - None

Family Care Home - Eight-thousand (8,000) square feet

Parks, Playgrounds - None

Produce Stand - None

Public Safety Station - None

Schools - Five (5) acres

All Other Uses - Twenty thousand (20,000) square feet

B. Minimum Front Setback (as measured from the edge of the street right-of-way line)

Single-family - Twenty-five (25) feet

Two-family - Thirty (30) feet

Multi-family - Thirty-five (35) feet

Essential Services, Class 1 - None

Produce Stands - Twenty (20) feet

All Other Uses - Thirty-five (35) feet
C. **Minimum Side Setback** (an additional ten (10) feet shall be provided on all side yards which abut a public or private street)

   - Single-Family Dwelling and Manufactured Home - Eight (8) feet
   - Two-Family Dwelling - Ten (10) feet
   - Multi-Family Dwelling - Twenty (20) feet
   - Bed and Breakfast Inn - Eight (8) feet
   - Day Care Class 1 - Eight (8) feet
   - Essential Services, Class 1 - None
   - Family Care Home - Eight (8) feet
   - Manufactured Home Park (see **Section 16-5.26**)
   - Public Safety Station - Twenty (20) feet
   - Rooming and Boarding House - Eight (8) feet
   - Schools - Twenty (20) feet
   - All Other Uses - Twenty (20) feet

D. **Minimum Rear Setback**

   - Single-Family Dwelling and Manufactured Home - Twenty (20) feet
   - Two-Family Dwelling - Twenty-five (25) feet
   - Multi-Family Dwelling - Thirty (30) feet
   - All Other Uses - Twenty-five (25) feet

E. **Maximum Building Height**

   - Single, Two Family, and Multi-Family Development - Fifty (50) feet
   - All Other Uses - Fifty (50) feet, except as provided in **Section 16-5.12** of this Ordinance
F. Maximum Gross Density

Multi-Family Development - Up to six (6) units per acre as a permitted use; 6.1 and above units per acre as a conditional use.

G. Minimum Lot Width (as measured at the required front setback)

Single-Family Dwelling and Manufactured Home - Sixty (60) feet
Two-Family Dwelling - Seventy (70) feet
Multi-Family Dwelling - Eighty (80) feet
Day Care Class 1 - Seventy (70) feet
Essential Services, Class 1 - None
Family Care Home - Sixty (60) feet
All Other Uses - One hundred (100) feet

H. Screening

Screening, in accordance with Section 5.5 of this Ordinance, shall generally be required when a nonresidential use in this zoning district abuts a residentially developed or undeveloped lot in a Residential (R-15, R-8, R-6) District. A Grade 3 Screen/Buffer (at a minimum) shall be provided in such instances, except for uses listed below, which shall meet the Screen/Buffer grade listed:

<table>
<thead>
<tr>
<th>USES</th>
<th>GRADE SCREEN REQUIRED</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bed and Breakfast Inn</td>
<td>2</td>
</tr>
<tr>
<td>Day Care Class 1</td>
<td>None</td>
</tr>
<tr>
<td>Essential Services, Class 1</td>
<td>None</td>
</tr>
<tr>
<td>Family Care Home</td>
<td>None</td>
</tr>
<tr>
<td>Multi-family Development with Six (6) or more units per acre</td>
<td>4</td>
</tr>
<tr>
<td>Produce Stand</td>
<td>None</td>
</tr>
<tr>
<td>Other Nonresidential Uses Not Listed Above</td>
<td>3</td>
</tr>
</tbody>
</table>

Screening may also be required elsewhere in this Ordinance.

I. Open Space

Multi-Family or Townhouse Developments - In projects where townhouses or multi-family units at a density of over 6.0 dwelling units per acre are proposed, there shall be an area or areas of common open space required on the project site. A minimum of 375 square feet per
townhouse or multi-family unit is required, or 3,000 square feet, whichever is larger. Each required area of common open space shall be a minimum of 3,000 square feet in size, and no larger than 30,000 square feet.

Common open space shall be distributed throughout the development so that it is visually and physically accessible to the residents of the development.

Each area designated for common open space per this Section shall be relatively level (less than a 10% slope), well-drained, and accessible by streets and/or walkways, and shall also be attractively landscaped.

In calculating area(s) for designated common open space, parks, playgrounds, picnic areas, swimming pools, tennis courts, basketball courts, golf courses, 50% of area of internal lakes or ponds, and other such active or passive recreational areas or facilities can be counted towards the open space requirements. However, sidewalks, roads, driveways, packing areas, easements, or front side, and rear yards shall not be counted toward establishing the minimum amount of common open space.

Maintenance of the common open space will be the responsibility of the property owner(s), management company, a homeowners association, or other similar organization that can maintain common property.

4.3.3 O-I OFFICE INSTITUTIONAL DISTRICT

A. **Minimum Lot Size** (subject to increase per requirements of Rowan County Health Department or Watershed Overlay District) with public water and sewer

   Single-Family Dwelling - Six thousand (6,000) square feet

   Two-Family Dwelling - Nine thousand (9,000) square feet

   Multi-Family Development - Eleven thousand (11,000) square feet (3 units) plus 2,000 square feet for each additional unit.

   Bed and Breakfast - Twenty thousand (20,000) square feet

   Auditorium - Two (2) acres

   Cemetery (principal use) - Two (2) acres

   Church - One (1) acre

   College/University - Five (5) acres
Community Center - One (1) acre

Essential Services, Class 1 - None

Family Care Homes - Eight thousand (8,000) square feet

Funeral Home - Two (2) acres

Group Care Facilities - One (1) acre

Home for the Aged - One (1) acre

School - Five (5) acres

Library - Twenty thousand (20,000) square feet

Nursing Facility - One (1) acre

Post Office - Twenty-thousand (20,000) square feet

Public Safety Station - Twenty thousand (20,000) square feet

All Other Uses - Fifteen thousand (15,000) square feet

B. **Minimum Front Setback** (as measured from the edge of the street right-of-way line).

   Residential Uses - same as R-6

   Essential Services, Class 1 - none.

   All Other Uses - Thirty-five (35) feet.

C. **Minimum Side Setback** (an additional ten (10) feet shall be provided on all side yards which abut a private or public street)

   Residential Uses - same as R-6

   Auditorium - Twenty (20) feet

   Colleges/Universities - Twenty (20) feet

   Essential Services - Class 1 - None

   Schools - Twenty (20) feet
Public Safety Station - Twenty (20) feet

All Other Uses - Thirty-five (35) feet

D. **Minimum Rear Setback**

   Residential Uses - Same as R-6

   Essential Services, Class 1 - None

   All Other Uses - Twenty (20) feet

E. **Minimum Lot Width** (as measured at the required front setback)

   Residential uses - Same as R-6

   Essential Services, Class 1 - None

   All Other Uses - Ninety (90) feet

F. **Maximum Building Height**

   Multi-Family Development - Fifty (50) feet

   All Other Uses - Thirty-five (35) feet, except as provided in Section 16-5.12 of this Ordinance

G. **Screening**

   Screening, in accordance with Section 16-5.5 of this Ordinance, shall be provided.

H. **Open Space**

   Multi-Family or Townhouse Developments - In projects where townhouses or multi-family units at a density of over 6.0 dwelling units per acre are proposed, there shall be an area or areas of common open space required on the project site. A minimum of 375 square feet per townhouse or multi-family unit is required, or 3,000 square feet, whichever is larger. Each required area of common open space shall be a minimum of 3,000 square feet in size, and no larger than 30,000 square feet.

   Common open space shall be distributed throughout the development so that it is visually and physically accessible to the residents of the development.
Each area designated for common open space per this Section shall be relatively level (less than a 10% slope), well-drained, and accessible by streets and/or walkways, and shall also be attractively landscaped.

In calculating area(s) for designated common open space, parks, playgrounds, picnic areas, swimming pools, tennis courts, basketball courts, golf courses, 50% of area of internal lakes or ponds, and other such active or passive recreational areas or facilities can be counted towards the open space requirements. However, sidewalks, roads, driveways, packing areas, easements, or front side, and rear yards shall not be counted toward establishing the minimum amount of common open space.

Maintenance of the common open space will be the responsibility of the property owner(s), management company, a homeowners association, or other similar organization that can maintain common property.

I. **Maximum Gross Density**

Multi-Family or Townhouse Developments - up to six (6) units per acre as a permitted use; 6.1 above units per acre as a conditional use.

### 4.3.4 B-1 NEIGHBORHOOD BUSINESS DISTRICT

**A. Minimum Lot Area** (Watershed Overlay District may determine a minimum lot and limit coverage area).

- Residential Uses - Same as R-6
- Other Uses - None

**B. Minimum Lot Width**

- Residential Uses - Same as R-6
- Other Uses - None

**C. Minimum Front Setback**

- Residential Uses - Same as R-6
- Other Uses - Thirty-five (35) feet as measured from the edge of the street right-of-way

**D. Minimum Side Setback**

- Residential Uses - Same as R-6
- Other Uses - Ten (10) feet, except twenty (20) feet shall be
required on all side yards which abut a public or private street or which abut a lot located in a Residential (R-15, R-8, R-6) District.

E. **Minimum Rear Setback**

Residential Uses - Same as R-6

Other Uses - Twenty (20) feet, except thirty (30) feet shall be required on all lots whose rear yard abuts a Residential (R-15, R-8, R-6) District

F. **Maximum Building Height**

All Uses - Thirty-five (35) feet, except as provided in Section 16-5.12 of this Ordinance

G. **Screening**

As required per Section 16-5.5 of this Ordinance

4.3.5 **B-2 CENTRAL BUSINESS DISTRICT**

A. **Minimum Lot Area** (Watershed Overlay District may require minimum lot area or limit coverage area).

All Uses - None

B. **Minimum Lot Width**

All Uses - None

C. **Minimum Front Setback**

All Uses - None

D. **Minimum Side Setback**

All Uses - None required, but if buildings do not share a common wall, each side yard shall be at least four (4) feet in width, except fifteen (15) feet shall be required on all side yards which abut a Residential (R-15, R-8, R-6) District

E. **Minimum Rear Setback**

All Uses - None except thirty (30) feet shall be required on all lots whose rear yard abuts a Residential (R-15, R-8, R-6) District
F. **Maximum Building Height**

All Uses - Fifty (50) feet, except as provided in Section 16-5.12 of this Ordinance. May be extended by Town Board if conditions for safety are met.

G. **Screening**

As required per Section 16-5.5 of this Ordinance.

### 4.3.6 B-3 GENERAL BUSINESS DISTRICT

A. **Minimum Lot Area** *(Watershed Overlay District may require minimum lot area or limit average area).*

All Uses - None

B. **Minimum Lot Width**

All Uses - None

C. **Minimum Front Setback**

All Uses - Thirty (30) feet

D. **Minimum Side Setback**

All Uses - Fifteen (15) feet except twenty-five (25) feet shall be required on all side yards which abut a public or private street or which abuts a lot located in a Residential (R-15, R-8, R-6) District.

E. **Minimum Rear Setback**

All Uses - Twenty (20) feet, except thirty (30) feet shall be required on all lots whose rear yard abuts a Residential (R-15, R-8, R-6) District.

F. **Maximum Building Height**

All Uses - Fifty (50) feet except as provided in Section 16-5.12 of this Ordinance.

G. **Screening**

As required per Section 16-5.5 of this Ordinance.
4.3.7 M-1 LIGHT INDUSTRIAL DISTRICT

A. **Minimum Lot Area** (Watershed Overlay District may require minimum lot area or limit coverage area).

   All Uses - None

B. **Minimum Lot Width**

   All Uses - None

C. **Minimum Front Setback**

   Manufactured Goods, Class 1 - Forty (40) feet
   Manufactured Goods, Class 2 - Sixty (60) feet
   All Other Uses - Thirty (30) feet

D. **Minimum Side Setback**

   All Uses - Twenty (20) feet except thirty (30) feet shall be required on all side yards which abut a public or private street or which abuts a lot located in a Residential (R-15, R-8, R-6) District

E. **Minimum Rear Setback**

   All Uses - Twenty-five (25) feet except thirty-five (35) feet shall be required on all lots whose rear yard abuts a Residential (R-15, R-8, R-6) District.

F. **Maximum Building Height**

   All Uses - Fifty (50) feet except as provided in Section 16-5.12 of this Ordinance.

G. **Screening**

   As required per Section 16-5.5 of this Ordinance.

4.3.8 M-2 HEAVY INDUSTRIAL DISTRICT

A. **Minimum Lot Area** (Watershed Overlay District may require minimum lot area or limit coverage area).

   All Uses - None
B. **Minimum Lot Width**

   All Uses - None

C. **Minimum Front Setback**

   Manufactured Goods, Class 1 - Forty (40) feet
   Manufactured Goods, Class 2 - Sixty (60) feet
   All Other Uses - Thirty (30) feet

D. **Minimum Side Setback**

   All Uses - Twenty (20) feet except thirty (30) feet shall be required on all side yards which abut a public or private street or which abuts a lot located in a Residential (R-15, R-8, R-6) District.

E. **Minimum Rear Setback**

   All Uses - Twenty-five (25) feet except thirty-five (35) feet shall be required on all lots whose rear yard abuts a Residential (R-15, R-8, R-6) District.

E. **Maximum Building Height**

   All Uses - Fifty (50) feet except as provided in Section 16-5.12 of this Ordinance.

G. **Screening**

   As required per Section 16-5.5 of this Ordinance.
ARTICLE V
GENERAL PROVISIONS

Section 16-5.1 Application

No building or land shall hereafter be used and no building or part thereof shall be erected, moved or altered except in conformity with the regulations herein specified for the district in which it is located.

Section 16-5.2 Reduction of Lot and Yard Areas Prohibited

No yard or lot existing at the time of passage of this Ordinance shall be reduced in size or area below the minimum requirements set forth herein, except for street widening. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established by this Ordinance.

Section 16-5.3 Relationship of Building to Lot

Every building hereafter erected, moved, or structurally altered shall be located on a lot and in no case shall there be more than one (1) principal building and its customary accessory buildings on any lot, except in the case of a specially designed complex of institutional, residential, commercial or industrial buildings in an appropriate zoning district, i.e., school campus, cluster housing, shopping center, industrial park as permitted in this Ordinance and for the B-2 District (Central Business District).

Section 16-5.4 Front Yard Setbacks for Dwellings

The front yard setback requirements of this Ordinance for dwellings shall not apply to any lot where the average setback of existing buildings located wholly or partially within one hundred feet on either side of the proposed dwelling and on the same side of the same block and use district and fronting on the same street as such lot is less than the minimum required front yard depth. In such case, the setback on such lots my be less than the required setback, but not less than the average of the existing setbacks on the aforementioned lots or a distance of ten feet from the street right-of-way line, whichever is greater.

Section 16-5.5 Screening and Landscaping

The intent of these screening requirements shall be to separate certain zoning districts from other zoning districts or to screen certain uses in order to minimize potential nuisances such as the transmission of noise, dust, odor, litter, and glare of lights; to reduce the visual impact of unsightly aspects of adjacent development; to provide for the separation of spaces; and to establish a sense of privacy.

Screening and buffering shall be required under the following situations, and shall be selected from an approved species list found in Table 3, 4, and 5. The Zoning Administrator may
approve alternative large or small maturing trees excluding sweet gum, catalpa, wild cherry, wild elm, princess, hackberry, and tree-of-heaven.

5.5.1 Screening and Buffering Requirements Between Certain Zoning Districts

In the following situations, a prescribed Screen/Buffer shall be required. The standards for these Screen/Buffers are found in Section 5.5.5.

A. When a lot in an Industrial District (M-1, M-2) abuts a lot in a Residential (R-15, R-8, R-6) District, screening must be provided on the Industrial lot in the form of a Grade 6 Screen/Buffer. Grade 6 Screen/Buffers are listed and illustrated in Figure 6.

B. When a lot in a Business (B-1, B-2, B-3) District abuts a lot in a Residential District (R-15, R-8, R-6), screening must be provided on the Business lot in the form of a Grade 5 Screen/Buffer. Grade 5 Screen/Buffers are listed and illustrated in Figure 5.

C. When a lot in an Office Institutional (O-I) District abuts a lot in a Residential District (R-15, R-8, R-6), screening must be provided on the Office-Institutional (O-I) lot in the form of a Grade 4 Screen/Buffer. Grade 4 Screen/Buffers are listed and illustrated in Figure 4.

D. When a lot in an Residential District (R-15, R-8, R-6) abuts another lot which contains a multi-family development or manufactured home park, screening must be provided on the lot containing said development in the form of a Grade 4 Screen/Buffer. Grade 4 Screen/Buffers are listed and illustrated in Figure 4.

E. When a lot in a Residential District (R-15, R-8, R-6) abuts another lot which contains a planned development where the dwelling units are attached and there are more than six (6) dwelling units per acre, screening must be provided on the lot containing said planned unit development in the form of a Grade 4 Screen/Buffer. Grade 4 Screen/Buffers are listed and illustrated in Figure 4.

F. When a lot containing a use subject to the issuance of a conditional use permit in an Industrial District (M-1, M-2) abuts a lot in a Business District (B-1, B-2, B-3), or an Office-Institutional District (O-I), the Town Board may stipulate in the conditional use permit that a version of a Grade 1, 2, or 3 Screen/Buffer must be provided on the Industrial lot. Grade 1, 2, 3 Screen/Buffers are listed and illustrated in Figures 1, 2, and 3, respectively.
5.5.2 Screening Requirements on Industrial Property Located Across from Residential Property

When the front yard of a lot developed in an Industrial District is located directly across a public street from a Residential (R-15, R-8, R-6) District; screening, at a minimum, must be provided on the Industrial (I) lot at a minimum in the form of a Grade 2 Screen/Buffer. Grade 2 Screen/Buffers are listed and illustrated in Figure 2. Standards for the Screen/Buffers are found in Section 5.5.5. Screening shall be in the front yard of the lot in the Industrial District (I) immediately behind the street right-of-way. In lieu of said screen, all principal and accessory structures and off-street parking facilities must be set back in the front yard at least one hundred (100) feet from the edge of the road right-of-way.
REQUIRED BUFFER STRIP ALTERNATIVES
(Per 100 Linear Feet)

FIGURE 1

GRADE 1

<table>
<thead>
<tr>
<th>Plant Material/100'</th>
<th>Width</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. 1.4 Large trees</td>
<td></td>
</tr>
<tr>
<td>6 Shrubs</td>
<td>15'</td>
</tr>
<tr>
<td>OR</td>
<td></td>
</tr>
<tr>
<td>2. 1.6 Large Trees</td>
<td></td>
</tr>
<tr>
<td>8 Shrubs</td>
<td>10'</td>
</tr>
<tr>
<td>OR</td>
<td></td>
</tr>
<tr>
<td>3. 2 Large Trees</td>
<td></td>
</tr>
<tr>
<td>10 Shrubs</td>
<td>5'</td>
</tr>
</tbody>
</table>

5-4
GRADE 2

Plant Material/100'

1. 1.2 Large Trees
   .4 Small Trees
   4 Shrubs

2. 1.8 Large Trees
   .6 Small Trees
   6 Shrubs

3. 2.4 Large Trees
   .8 Small Trees
   8 Shrubs

4. 3 Large Trees
   1 Small Trees
   10 Shrubs

FIGURE 2

WIDTH

20'

OR

15'

OR

10'

OR

5'
GRADE 3

Plant Material/100'

1. 3 Large Trees
   1 Small Trees
   10 Shrubs

2. 4 Large Trees
   1.6 Small Trees
   16 Shrubs

3. 5 Large Trees
   2 Shrubs
   20 Shrubs

4. 6 Small Trees
   25 Shrubs

FIGURE 3

Width

15'

OR

20'

OR

10'

OR

5'

5-6
GRADE 4

Plant Material/100'

1. 4 Large Trees
   1.6 Small Trees
   12 Shrubs
   WIDTH
   20'

   OR

2. 4 Large Trees
   2 Small Trees
   16 Shrubs
   WIDTH
   15'

   OR

3. 5 Large Trees
   2 Small Trees
   20 Shrubs
   Berm Wall or Fence
   WIDTH
   10'

   OR

4. 4 Large Trees
   10 Large Shrubs
   (Planted In A Triangular Manner Ten (10) Feet Apart At Centers)
   WIDTH
   20'
GRADE 5

Plant Material/100'

1. 4.8 Large Trees
   2.4 Small Trees
   19 Shrubs
   WIDTH
   35'
   OR

2. 5.4 Large Trees
   2.7 Small Trees
   22 Shrubs
   WIDTH
   30'
   OR

3. 6 Large Trees
   3 Small Trees
   24 Shrubs
   WIDTH
   25'
   OR

4. 6.6 Large Trees
   3.3 Small Trees
   28 Shrubs
   WIDTH
   20'
   OR

5. 6 Large Trees
   3 Small Trees
   20 Shrubs
   WIDTH
   15'
   1 Wall, Fence or Berm
GRADE 6

Plant Material/100' Width

1. 8 Large Trees
   4 Small Trees
   24 Shrubs
   Width 60'

2. 10 Large Trees
   5 Small Trees
   30 Shrubs
   OR
   Width 40'

3. 12 Large Trees
   6 Small Trees
   36 Shrubs
   OR
   Width 30'

4. 8 Large Trees
   6 Small Trees
   20 Shrubs
   1 Berm, Wall or Fence
   OR
   Width 20'

FIGURE 6
FIGURE 7
BUFFERS WITH WALLS, FENCES OR BERMS
(as seen from above)

Property Line

Existing Development
Zoned R

Required Plant
Materials
Wall or
Fence

New Development
Zoned B

Bottom of Berm slope
# APPROVED SPECIES LIST

## LANDIS TREE PLANTING REQUIREMENTS

<table>
<thead>
<tr>
<th>COMMON NAME</th>
<th>LATIN NAME</th>
<th>Height</th>
<th>Spacing</th>
<th>Net Value</th>
<th>Price</th>
<th>Root System</th>
<th>Soils</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>DECIDUOUS</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ash, Green.</td>
<td>Fraxinus pennsylvanica</td>
<td>F</td>
<td>50-80</td>
<td>G</td>
<td>X</td>
<td>X</td>
<td>Do not plant in heavy clay soil; use named varieties.</td>
<td></td>
</tr>
<tr>
<td>Ash, White.</td>
<td>Fraxinus americana</td>
<td>M</td>
<td>50-80</td>
<td>G</td>
<td>I</td>
<td>X</td>
<td>X</td>
<td>Do not plant in heavy clay soil.</td>
</tr>
<tr>
<td>Bald-cypress</td>
<td>Taxodium distichum</td>
<td>M</td>
<td>50-80</td>
<td>NP</td>
<td>X</td>
<td>X</td>
<td>Produces small leaves that do not need mowing.</td>
<td></td>
</tr>
<tr>
<td>Birch, River</td>
<td>Betula nigra</td>
<td>F</td>
<td>40-70</td>
<td>S</td>
<td>X</td>
<td>X</td>
<td>Subject to drought problems; may be multi-stem; good variety 'Heritage'.</td>
<td></td>
</tr>
<tr>
<td>Elm, Lanceleaf</td>
<td>Ulmus parvifolia</td>
<td>M</td>
<td>40-50</td>
<td>G</td>
<td>I</td>
<td></td>
<td>Resistant to Dutch Elm Disease</td>
<td></td>
</tr>
<tr>
<td>Ginkgo</td>
<td>Ginkgo biloba</td>
<td>S</td>
<td>50-80</td>
<td>NP</td>
<td>X</td>
<td>X</td>
<td>Plant grafted male only; pest free; tolerant polutions</td>
<td></td>
</tr>
<tr>
<td>Maple, Red</td>
<td>Acer rubrum</td>
<td>F</td>
<td>40-60</td>
<td>BP</td>
<td>X</td>
<td>X</td>
<td>Can drop sewer lines; some shallow roots; use named varieties</td>
<td></td>
</tr>
<tr>
<td>Maple, Sugar</td>
<td>Acer saccharum</td>
<td>M</td>
<td>50-75</td>
<td>BP</td>
<td>X</td>
<td></td>
<td>Best full sun; good soils preferred; some shallow roots.</td>
<td></td>
</tr>
<tr>
<td>Oak, Laurel</td>
<td>Quercus laurifolia</td>
<td>M-F</td>
<td>60-80</td>
<td>BP</td>
<td></td>
<td></td>
<td>Semi-evergreen leaves; use variety 'Darlington'</td>
<td></td>
</tr>
<tr>
<td>Oak, Northern Red</td>
<td>Quercus rubra</td>
<td>M-F</td>
<td>60-80</td>
<td>BP</td>
<td>X</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Oak, Sawtooth</td>
<td>Quercus rubra</td>
<td>M-F</td>
<td>33-70</td>
<td>G</td>
<td></td>
<td>X</td>
<td>Holds leaves in winter; drops lots of acorns.</td>
<td></td>
</tr>
<tr>
<td>Oak, Shumardii</td>
<td>Quercus shumardii</td>
<td>M-F</td>
<td>40-80</td>
<td>BP</td>
<td>X</td>
<td>X</td>
<td>Good dark red fall color</td>
<td></td>
</tr>
<tr>
<td>Oak, Southern Red</td>
<td>Quercus laurifolia</td>
<td>M-F</td>
<td>70-80</td>
<td>BP</td>
<td>X</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Oak, White</td>
<td>Quercus alba</td>
<td>S</td>
<td>70-80</td>
<td>BP</td>
<td>X</td>
<td>X</td>
<td>May hold leaves; very long lived</td>
<td></td>
</tr>
<tr>
<td>Oak, Willow</td>
<td>Quercus palustris</td>
<td>F</td>
<td>70-80</td>
<td>BP</td>
<td></td>
<td></td>
<td>Majestic tree; most common tree in Charleson</td>
<td></td>
</tr>
<tr>
<td>Poplar, Russian</td>
<td>Populus maximowiczii</td>
<td>F</td>
<td>40-75</td>
<td>G</td>
<td></td>
<td>X</td>
<td>May develop unions which can girdle limbs.</td>
<td></td>
</tr>
<tr>
<td>Poplar, Slender</td>
<td>Populus euramericana</td>
<td>F</td>
<td>60-100</td>
<td>BP</td>
<td></td>
<td>X</td>
<td>X</td>
<td>Withstands harsh city conditions</td>
</tr>
<tr>
<td>Tulip—Poplar</td>
<td>Liriodendron tulipifera</td>
<td>F</td>
<td>60-90</td>
<td>M</td>
<td>X</td>
<td>X</td>
<td>Flowers have observed close up; needs lots of space; good soils preferred</td>
<td></td>
</tr>
<tr>
<td>Zelkova, Japanese</td>
<td>Zelkova serrata</td>
<td>F</td>
<td>50-80</td>
<td>V</td>
<td>X</td>
<td>X</td>
<td>Resistant to Dutch Elm Disease</td>
<td></td>
</tr>
<tr>
<td>Zelkova serrata</td>
<td>Zelkova serrata</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>EVERGREEN</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cedar, Dwarf</td>
<td>Cedrus deodora</td>
<td>M-F</td>
<td>40-70</td>
<td>BP</td>
<td>X</td>
<td></td>
<td>Subject to winter injury up to age 15 years</td>
<td></td>
</tr>
<tr>
<td>Cypress, Larch</td>
<td>Cypriococynis larchii</td>
<td>F</td>
<td>65-70</td>
<td>C</td>
<td>X</td>
<td></td>
<td>Maintains good shape</td>
<td></td>
</tr>
<tr>
<td>Hemlock, Canadian</td>
<td>Tsuga canadensis</td>
<td>M</td>
<td>40-70</td>
<td>BP</td>
<td>X</td>
<td></td>
<td>Plant in partial shade and good soils</td>
<td></td>
</tr>
<tr>
<td>Magnolia, Southern</td>
<td>Magnolia grandiflora</td>
<td>M-F</td>
<td>50-80</td>
<td>BP</td>
<td>X</td>
<td></td>
<td>Drops large leaves in spring and summer</td>
<td></td>
</tr>
<tr>
<td>Oak, Live</td>
<td>Quercus virginiana</td>
<td>S</td>
<td>40-80</td>
<td>G</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Phoe, Austrian</td>
<td>Picea abies</td>
<td>M</td>
<td>50-60</td>
<td>BP</td>
<td>X</td>
<td></td>
<td>Tolerant dry conditions</td>
<td></td>
</tr>
<tr>
<td>Piny, Mugo</td>
<td>Pinus mugo</td>
<td>M</td>
<td>50-60</td>
<td>BP</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Pinus, Loblolly</td>
<td>Pinus taeda</td>
<td>F</td>
<td>40-60</td>
<td>NP</td>
<td>X</td>
<td></td>
<td>Susceptible to pine beetles if not kept healthy</td>
<td></td>
</tr>
<tr>
<td>Pinus, Virginia</td>
<td>Pinus virginiana</td>
<td>M</td>
<td>15-40</td>
<td>BP</td>
<td>X</td>
<td></td>
<td>Susceptible to pine beetles if not kept healthy</td>
<td></td>
</tr>
<tr>
<td>Piny, Virgina</td>
<td>Pinus virginiana</td>
<td>M-F</td>
<td>40-60</td>
<td>NP</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Piny, Virgin</td>
<td>Pinus virginiana</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
# APPROVED SPECIES LIST

## LANDIS TREE PLANTING REQUIREMENTS

### TABLE 4

<table>
<thead>
<tr>
<th>Tree Type</th>
<th>Common Name</th>
<th>Latin Name</th>
<th>Growth Rate</th>
<th>Mature Height</th>
<th>Spread</th>
<th>Spreading</th>
<th>Fall Color</th>
<th>Flowers</th>
<th>Fruit</th>
<th>Fall Foliage</th>
<th>Winter Foliage</th>
<th>Notes</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td><em>FLOWERING</em></td>
<td>Cherry, Kwanzan</td>
<td>Prunus serrulata 'Kwanzan'</td>
<td>S</td>
<td>20-25'</td>
<td>V</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Good soil preferred</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Cherry, Yoshino</td>
<td>Prunus yedoensis</td>
<td>M</td>
<td>20-25'</td>
<td>S</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Good soil preferred</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Crataegus, Malus spp.</td>
<td></td>
<td>M - F</td>
<td>15-25'</td>
<td>S</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Must be maintained in tree form; needs partial shade; good soil preferred</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Crape Myrtle</td>
<td>Lagerstroemia indica</td>
<td>M</td>
<td>15-45'</td>
<td>S</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td></td>
<td></td>
<td>Needs to be maintained in tree form; best variety 'Brandywine'</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Dogwood, Flowering</td>
<td>Cornus florida</td>
<td>M - F</td>
<td>20-25'</td>
<td>S</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td>Needs to be maintained in tree form; needs partial shade; good soil preferred</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Dogwood, Kousa</td>
<td>Cornus kousa</td>
<td>S - M</td>
<td>15-30'</td>
<td>S</td>
<td></td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>More hardy than flowering dogwood</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Hawthorne,</td>
<td></td>
<td>S - M</td>
<td>20-35'</td>
<td>G</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td>Attractive fruit</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Hawthorne, Washington</td>
<td>Crataegus phaenopyrum</td>
<td>S - M</td>
<td>25-30'</td>
<td>G</td>
<td></td>
<td>X</td>
<td>X</td>
<td>X</td>
<td></td>
<td></td>
<td>Attractive fruit</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Magnolia, Sequoia</td>
<td>Magnolia sequoia</td>
<td>M</td>
<td>20-30'</td>
<td>G</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Magnolia, Subsequent</td>
<td>Magnolia subaristata</td>
<td>M</td>
<td>20-30'</td>
<td>G</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Peach, Artisanum</td>
<td>Prunus 'Artisanum'</td>
<td>F</td>
<td>30-40'</td>
<td>G</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Very tolerant; best limb structure</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Peach, Capital</td>
<td>Prunus 'Capital'</td>
<td>F</td>
<td>30-40'</td>
<td>C</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Very tolerant; most columnar</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Peach, Redcape</td>
<td>Prunus 'Redcape'</td>
<td>F</td>
<td>30-40'</td>
<td>NP</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Very tolerant; more narrow than 'Bradford'</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Plum, Purpleleaf</td>
<td>Prunus 'Purpleleaf'</td>
<td>M - F</td>
<td>1-30'</td>
<td>S</td>
<td>X</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Roselle purple; produces fruit</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Redbud, Eastern</td>
<td>Cercis canadensis</td>
<td>M</td>
<td>20-30'</td>
<td>S</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td>Does well in full sun</td>
<td></td>
</tr>
<tr>
<td><em>NON-FLOWERING</em></td>
<td>Cherry, Laurel, Carolina</td>
<td>Prunus caroliniana</td>
<td>M</td>
<td>20-30'</td>
<td>G</td>
<td>X</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Good soil preferred</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Holly, Foster #2</td>
<td>Ilex opaca 'Foster'</td>
<td>M - F</td>
<td>15-25'</td>
<td>C</td>
<td>X</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Multiple uses</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Holly, Savannah</td>
<td>Ilex opaca 'Savannah'</td>
<td>M</td>
<td>20-30'</td>
<td>NP</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Multiple uses</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Hornbeam, American</td>
<td>Carpinus caroliniana</td>
<td>S</td>
<td>20-30'</td>
<td>S</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td>Pest-free; tolerates city conditions</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Hornbeam, European</td>
<td>Carpinus betulus</td>
<td>S</td>
<td>40-60'</td>
<td>C</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td>Pest-free; tolerates city conditions</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Maple, Hedge</td>
<td>Acer grandifolia</td>
<td>S</td>
<td>15-35'</td>
<td>G</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Acer, Sugar Maple</td>
<td>Acer saccharum</td>
<td>S</td>
<td>15-25'</td>
<td>S</td>
<td>X</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Maple, Japanese</td>
<td>Acer palmatum</td>
<td>S</td>
<td>15-25'</td>
<td>S</td>
<td>X</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Myrt, wax</td>
<td>Myrtus communis</td>
<td>S - M</td>
<td>10-15'</td>
<td>S</td>
<td>X</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Myrt, oenothera</td>
<td>Myrtus oenothera</td>
<td>S - M</td>
<td>10-15'</td>
<td>S</td>
<td>X</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Photinia, Francisia</td>
<td>Photinia x fraseri</td>
<td>F</td>
<td>10-15'</td>
<td>G</td>
<td>X</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**NOTES AND LEGEND:**

1. Where cultivars or varieties are listed, only that type can be used for tree ordinance compliance.
2. Growth rate: S = Slow, M = Medium, F = Fast
3. Spread: BP = Broadly pyramidal, G = Globular, S = Spreading
   C = Columnar, NP = Narrowly Pyramidal, V = Vanes-stepped
TABLE 5
APPROVED SPECIES LIST FOR SHRUBS

Nelly R. Stevens Holly
Burford Holly
Wax Myrtle
East Palatka Holly
Savannah Holly
Tea Olives
Eleagnus
Ligustrums
Japanese Black Pines
Junipers
Any other variety of shrub, approved by the Zoning Administrator, which has the capacity to provide an equivalent amount of growth and opacity.

5.5.3 Screening Requirements for Open Storage and Unenclosed Structures

For open-air storage, or an unenclosed structure consisting of a roof, but no walls used for storage of materials, products, wastes or equipment associated with business or industrial uses located in any zoning district within one hundred (100) feet of the street right-of-way, screening must be provided on the subject property so as to materially screen said storage in the form of a berm, wall or fence or an appropriate amount of natural plantings as to provide the necessary amounts of screening to effectively screen the storage from view from any adjacent lot or street right-of-way. Standards for screening are found in Section 5.5.5.

5.5.4 Screening Requirements for All Zoning Districts

A. The following uses must be screened from abutting property and from public view from a public street. The landscaping shall be positioned so that shrubs form a continuous, tight screen at mature growth:

1. Parking lots for more than ten (10) vehicles, excluding new and used automobile sales lots and parking areas for detached, duplex, triplex, or quadriplex dwellings on a single lot; (Grade 2 Screen/Buffer, minimum)

2. Dumpsters or trash handling areas;

3. Service entrances or utility structures associated with a building;

4. Loading docks or spaces;

B. Except as provided in Section 5.5.1, screening shall not be required between any two lots which contain principal residential uses.

C. Standards for Screen Buffers are found in Section 5.5.5.
5.5.5 Screen and Buffer Strip Standards

A. Unless an exception is granted pursuant to Section 5.5.9 of this Ordinance, the required screening and buffer strip shall, at a minimum, conform to the standards prescribed by either one of the alternatives listed for the grade of screen and buffer required in Sections 5.5.1, 5.5.2, 5.5.3, and 5.5.4 of this Ordinance or required by any other provision of this Ordinance. The alternatives for a Grade 1 Screen Buffer are listed and illustrated in Figure 1 of this Section. The alternatives for a Grade 2 Screen/Buffer are listed and illustrated in Figure 2. The alternatives for a Grade 3 Screen/Buffer are listed and illustrated in Figure 3. The alternatives for a Grade 4 Screen/Buffer are listed and illustrated in Figure 4. The alternatives for a Grade 5 Screen/Buffer are listed and illustrated in Figure 5. The alternatives for a Grade 6 Screen/Buffer are listed and illustrated in Figure 6.

B. To the extent that existing natural vegetation located on the same parcel of land as the proposed development can meet the required screening levels of this Section, the use of such materials is encouraged. In such case, the owner shall designate the land on which such materials are rooted, which shall contain at least the minimum width required for the alternative chosen, as the designated buffer area (See Section 5.5.10).

C. To determine the total number of plants required for an alternative under each grade of Screen/Buffer, the length of each side of the property requiring a Screen/Buffer, minus the area covered by a sight distance triangle as required in Section 5.5.11 shall be divided by 100 and multiplied by the number of plants shown for the required Screen/Buffer.

D. For the required Screen/Buffers, more than one alternative is shown. The owner of the lot which is required to provide screening and buffering may choose among these options. Unless an alternative prescribes a wall, fence, or berm, such measures shall not be substituted for the required amount of plant materials nor shall such measures be substituted for any required buffer width, except as provided for in Section 5.5.9. Provided however, this requirement shall not prevent the owner from installing such measures as added screening above the minimum so long as all required plant materials are installed on the side of any wall or fence opposite the new development (See Figure 7).

E. Except as provided in Section 5.5.2 and 5.5.3, a Screen/Buffer shall be required along rear and/or side lot lines only.

F. No structure other than a wall, fence, sidewalk, sign or driveway shall be permitted within a required screen area. No off-street parking may take place in any required screen area. Where plant materials are required, the required amount of plant materials shall be installed on the side of any wall or fence opposite the new development (See Figure 7) unless a
waiver of such requirement is granted pursuant to Section 5.5.9.

G. The height of any screen material required by this Ordinance in the vicinity of a point of ingress and egress may not exceed two (2) feet in height within the sight triangle depicted in Figure 8 and Figure 9.

FIGURE 8
AREA AND HEIGHT SPECIFICATIONS FOR SCREENING MATERIALS AT INGRESS/EGRESS POINTS

5.5.6 Walls, Fences, and Berm Standards

Whenever a screening alternative specified is selected which includes a wall, fence, or berm, such wall, fence, or berm shall meet the following requirements:

A. Any wall shall be constructed in a durable fashion of brick, stone, or other masonry materials with no greater than twenty-five (25) percent of the wall surface left open. All walls, except those constructed of stone, shall be of a consistent pattern. Gates constructed to the standards for fence materials as set forth in Section 5.5.6(B), immediately below, may be included in the wall to allow passage to maintain the plant materials included in the Screen/Buffer.

B. Any fence shall be constructed in a durable fashion of wood posts and/or planks with a minimum diameter or width of three (3) inches and with no
greater than twenty-five (25) percent of the fence surface left open between posts and/or planks. Wooden gates meeting such standards of opacity may also be included.

C. No wall or fence used as part of a screen shall be less than six (6) feet nor more than eight (8) feet in height above grade.

D. All berms shall be grassed and/or planted with other plant materials sufficient to prevent soil erosion. If grassed alone, any berm installed to meet the requirements of this Section shall be no less than four (4) feet nor greater than nine (9) feet in height. No slope of a berm shall exceed a slope greater than one (1) foot of rise for every three (3) feet in plane. No part of the berm shall be left as bare soil. Any required plant materials accompanying a berm may be planted on the berm and/or along either side of the berm. It is recommended that, where feasible, at least seventy-five percent (75%) of any required shrubs be planted on the slope of the berm opposite the new development.

E. Where a fence or wall is used as part of a required screen area, any required plantings accompanying the fence or wall shall be located on the side of such fence or wall opposite the new development.

5.5.7 Plant Standards and Plant Installation Standards

The following standards shall apply to all new plant material installed as part of a screen required under these regulations:

A. Trees to be planted shall be selected from the approved species listed in Tables 3 and 4. The Zoning Administrator may approve alternative large or small maturing trees excluding sweet gum, catalpa, wild cherry, wild elm, princess, hackberry, and tree-of-heaven.

B. Minimum tree caliper measured 6 inches above ground on all trees shall be 2-1/2" and the minimum height shall be 8 feet. No trees identified as large maturing trees shall be planted within 20 feet of an electrical distribution line. This does not include low-voltage insulated or covered lines of 240 volts or less or telephone or cablevision lines.

C. Large shrubs used in any screening or landscaping must be at least 2 feet tall when planted and shall be selected from the approved species listed in Table 5. They must be of a variety and adequately maintained so that an average height of 5 to 6 feet could be expected as normal growth within 3 years of planting.

D. All plant material installed shall be free from disease.

E. Plant materials shall be planted in accordance with generally accepted and recommended planting and growing practices.
F. All plant material shall be installed in a fashion that ensures the availability of sufficient soil and water to sustain health growth.

G. All plant material shall be planted in a manner which is not intrusive to utilities or pavement.

5.5.8 Screen and Buffer Maintenance

The plantings, fences, walls or berms that constitute a required screen shall be properly maintained in order for the screen to fulfill the purpose for which it is established. The owner of the property and any tenant on the property where a screen is required shall be jointly and severally responsible for the maintenance of all screen materials. Such maintenance shall include all actions necessary to keep the screened area free of litter and debris; to keep plantings healthy; to keep plant growth from interfering with safe vehicular and pedestrian travel, or use of parking areas, or from creating nuisances to adjoining properties; and to keep walls, fences, and berms in good repair and neat appearance. Any vegetation that constitutes part of a screen shall be replaced in the event that it dies. All screen materials shall be protected from damage, by erosion, motor vehicles or pedestrians which could reduce the effectiveness of the screen.

5.5.9 Relief to Screening and Buffer Requirements

In the event that the unusual topography or elevation of a development site or the location or size of the parcel to be developed would make strict adherence to the requirements of this section serve no meaningful purpose or would make it physically impossible to install and maintain the required screen and buffer, the Zoning Administrator may alter the requirements of Section 5.5.5 provided the spirit and intent of Section 5.5 are maintained. Such an alteration may occur only at the request of the developer, who shall submit a plan to the Zoning Administrator showing existing site features that would screen the proposed use and any additional screen materials the developer may propose to have installed. The Zoning Administrator has no authority to alter the screening and buffer requirements unless the developer demonstrates that existing site features and any additional screening materials will screen the proposed use as effectively as the required screen.

The vacancy or non-use of an adjoining parcel shall not constitute grounds for providing relief to the screening and buffering requirements contained in this Ordinance. Neither shall the desire of an owner to make more intensive use or greater economic use of the property be grounds for reducing the screening/buffer requirements of Section 5.5. Where the effect of the screening and buffer requirements of Section 5.5 is to deny the owner reasonable use of the entire tract (or tracts) of property, relief pursuant to this Section may be granted to the extent that reasonable use of such tract or tracts is available. In deciding whether to approve such a plan, the Zoning Administrator may, at his discretion, seek an advisory opinion from the Planning Board.
5.5.10 Existing Screened Areas

In cases where an existing, screened area is located on the same tract as the proposed development, further plantings and or improvements shall not be required so long as said screened area is of sufficient width and depth and contains adequate and sufficient materials to meet the requirements of this Ordinance. If the screened area is deficient, the developer shall make needed improvements and/or additions to satisfy the screening requirements and intent of this Ordinance.

5.5.11 Visibility at Intersections

Except as herein provided, on a corner lot in any district, no hedge, shrubbery, tree, natural growth, sign, fence, wall, or other obstruction of any kind to vision which obstructs cross-visibility at a level between two (2) feet and nine (9) feet above the level of the center of the street (where the projection of the sight triangles intersect the centerline of the street) shall be placed or maintained within the triangular area formed by the intersection of front or rear lot lines and the side lot line and a straight line connecting points on said lot lines, which are located fifteen (15) and seventy-five (75) feet from the point of intersection, as shown in Figure 9. In instances where NCDOT site triangle provisions are applicable, such regulations shall prevail.

5.5.12 Implementation of Screening Required Prior to Occupancy

Fences, walls, berms and landscaping materials required in Section 5.5 for screening and buffering shall be installed prior to occupancy.

A. Improvement Guarantees

It is recognized that vegetation used in landscaping or screening should be planted at certain times of the year to ensure the best chance of survival. In order to ensure compliance with this section and to reduce the potential expense of replacing landscaping or screening materials which were installed in an untimely or improper fashion, in lieu of requiring the completion and installation of these improvements prior to occupancy, the Town of Landis may enter into an agreement with the subdivider/developer whereby the subdivider/developer shall agree to complete all required landscaping and screening. To secure this agreement, the subdivider/developer shall provide to the Town of Landis one of the following guarantees. The amount of such guarantee shall be equal to 1.25 times the cost of purchasing, installing, and completing landscaping and screening materials required under this Ordinance. All such guarantees shall be subject to the approval of the Town Board and shall be made
payable to the Town of Landis. The subdivider/developer shall provide either one or a combination of the following guarantees:

1. Surety Performance Bond(s)

The subdivider/developer shall obtain a performance bond(s) from a surety company authorized to do business in North Carolina. The duration of the bond(s) shall be until such time as the improvements are accepted by the Town Board.

2. Cash or Equivalent Security

The subdivider/developer shall deposit cash, an irrevocable letter of credit or other instrument readily convertible into cash at face value, either with the Town or in escrow with a financial institution designated as an official depository of the Town of Landis.

FIGURE 9

CLEAR SIGHT TRIANGLE AT INTERSECTIONS
If cash or other instrument is deposited in escrow with a financial institution as herein provided, the subdivider/developer shall then file with the Town of Landis an agreement between the financial institution and himself guaranteeing the following:

a. That said escrow account shall be held in trust until released by the Town Board and may not be used or pledged by the subdivider/developer in any matter during the term of the escrow; and

b. That in the case of a failure on the part of the subdivider/developer to complete said improvement, the financial institution shall, upon notification by the Town of Landis and submission by the Town of Landis to the financial institution of an engineer's estimate of the amount needed to complete the improvements, immediately either pay to the Town the funds estimated to complete the improvements, up to the full balance of the escrow account, or deliver to the Town any other instruments fully endorsed or otherwise made payable in full to the Town.
B. Default

Upon default, meaning failure on the part of the subdivider/developer to complete the required improvements in a timely manner as spelled out in the performance bond or escrow agreement, then the surety, or the financial institution holding the escrow account, shall, if requested by the Town Board, pay all or any portion of the bond or escrow fund to the Town of Landis up to the amount needed to complete the improvements based on an engineer’s estimate. Upon payment, the Town Board, in its discretion, may expend such portion of said funds as it deems necessary to complete all or any portion of the required improvements. The Town shall return to the bonding firm any funds not spent in completing the improvements. Should the amount of funds needed to complete the installation of all required improvements exceed the amount in the bond or escrow account, the subdivider/developer shall nonetheless be responsible for providing the funds to cover such costs. The subdivider/developer shall at all times bear the financial burden for the installation of all required improvements.

C. Release of Guarantee Security

The Town Board may authorize the Town Clerk to release a portion of any security posted as the improvements are completed and approved by the Town. Such funds shall then be released within ten (10) days after the corresponding improvements have been so approved.

Section 16-5.6 Fences or Walls Permitted

Except as otherwise noted, fences or walls are permitted in the various districts subject to the following regulations:

5.6.1 In Residential (R-15, R-8, R-6) Districts:

A. When fences or walls are installed in a required front, side, or rear yard, the maximum height of a fence or wall shall be six (6) feet. When such fence or wall is installed pursuant to Section 5.5 of this Ordinance, it shall not exceed eight (8) feet in height.

B. No electrical, concertina, or barbed-wire fences shall be permitted except for bona fide farms where electric and barbed wire fencing would be permitted.

5.6.2 In all Other Districts:

A. Maximum height shall be twelve (12) feet except that no maximum shall apply to jails or prisons where said walls or fence is installed behind any required setbacks.

B. No electrical fences, concertina, or barbed-wire fences shall be permitted except for bona fide farms where electric or barbed wire fencing would be permitted.
5.6.3 Correctional Facility, Public Utility Structures:

There shall be no maximum height for any fence located within the required setback of any correctional facility or public utility structure.

Section 16-5.7 Lot to Abut a Dedicated Street

No lots may be created after the effective date of this Ordinance which do not have direct access to a public, state or town maintained road (excluding drive ways) and at least fifty (50) feet of dedicated street right-of-way frontage except as follows:

A. A lot not having fifty (50) feet of dedicated street right-of-way frontage may be created if located entirely within a (i) planned shopping center, office park, or other planned multi-tenant development of a non-residential nature or (ii) within a condominium town house, patio home or similar type planned development of a residential nature.

B. A lot fronting onto a cul-de-sac shall have at least thirty-five (35) feet of dedicated street frontage.

Creation of private roads is prohibited except for interior roads contained within a planned residential or commercial/industrial development where a property owners association and a road maintain agreement is established and recorded with the Rowan County Register of Deeds.

Section 16-5.8 One Principal Building

5.8.1 No more than one principal structure devoted to a residential use shall be permitted on a lot, except as (i) part of a multi-family development or (ii) as a temporary manufactured home as provided in Section 5.9.4 of this Ordinance.

5.8.2 More than one principal structure devoted to a non-residential use may be located on a lot provided that access is available from a public street or a twenty (20) foot easement is maintained from a public street to each building for use by service or emergency vehicles. Each building on the lot shall otherwise be separated from any other building by a distance of at least ten (10) feet.

5.8.3 In the B-2 (Central Business) Zoning District only, a lot may contain both residential and commercial uses in one or more principal structures.

5.8.4 Only one principal nonresidential use per lot shall be allowed except as part of a planned shopping center, office building, or similar planned multi-tenant development as permitted by this Ordinance.

Section 16-5.9 Temporary Structures and Uses

Temporary structures and uses, when in compliance with all applicable provisions of this Ordinance, and all other ordinances of the Town of Landis, shall be allowed. The following
temporary structures and uses shall be permitted:

5.9.1 Construction trailers used in conjunction with construction projects provided that the following conditions are met:

A. Such construction trailers may be located at a building site where there is a valid building permit for the construction project, or, in the case of a residential subdivision, a valid building permit for at least one of the residential units being constructed.

B. All construction trailers shall be located at least ten (10) feet off any street right-of-way and not be placed in any required rear or side yard setback.

In addition to construction trailers, at any construction site for a construction project valued at one million dollars or more, one or more security guard houses may be installed. Use of such structures may include overnight stay provided adequate sanitary facilities are provided and the same conditions for construction trailers (A and B above) are met.

5.9.2 Certain uses of a temporary nature [i.e., less than 45 days in duration and held no more than three (3) times per year at any particular location] which would not otherwise be permitted in a particular zoning district may be issued a temporary permit as herein provided. Upon completion and submittal of an application, the Zoning Administrator may grant a zoning permit for the following temporary uses:

A. Christmas Trees Sales and Sale of Nursery Products
B. Revivals
C. Shows for Civic and Youth Organizations (i.e., 4-H Shows)

The permit shall be valid for a specified period only, not to exceed forty-five (45) days in duration.

All other such temporary uses not otherwise listed may only be granted a temporary zoning permit after the Town Board has made the following determinations:

A. The proposed use will not materially endanger the public health, welfare and safety; and

B. The proposed use will not have a substantial negative effect on adjoining properties.

In approving such a temporary permit, the Town Board may authorize conditions regarding duration of the use, hours of operation, signage, lighting, etc. and such conditions shall be made part of the permit issued. Violations of such conditions shall be considered a violation of this Ordinance. The Town Board, may prior to issuing said permit, conduct a public hearing. Notice of this public hearing shall be as provided in Section 16-9.3.
5.9.3 Manufactured homes (including a normally ineligible single-wide unit) may be allowed on a temporary basis in a zoning district in which such use is not listed as a permitted use, if a disaster occurs which results in an occupied, single-family dwelling being destroyed (i.e., it receives damage greater than sixty (60) percent of its tax value as indicated on the most current tax listings). In this instance a manufactured home may be placed on the lot containing the dwelling unit which was destroyed. The purpose of allowing such manufactured home on said lot is to give the occupants of the destroyed dwelling unit a place to live while a new dwelling unit is being constructed or damage to the original dwelling is being repaired. If a manufactured home is used for such an occurrence, it is subject to the following conditions:

A. Such manufactured home shall not be placed in the front yard and shall be located no closer than fifteen (15) feet to another principal residential structure on another lot and no closer than ten (10) feet to any lot line.

B. The Zoning Administrator shall be given the authority to issue a zoning permit for such temporary use on a one-time basis only for a period of up to eight (8) months. Such permit may be renewed on a one-time only basis [for a period of no greater than four (4) additional or a total of 12 months duration months] by the Board of Adjustment if it is determined that:

1. Construction of a new dwelling unit is proceeding in a diligent manner; and,

2. The granting of such permit will not materially endanger the public health, welfare or safety; and,

3. The location of the manufactured home on the site does not have a negative effect on abutting properties.

4. The manufactured home must be removed from the site within thirty (30) days of the date a Certificate of Occupancy is issued for the newly constructed dwelling unit.

C. The manufactured home shall be connected to properly approved water and sanitary facilities and meet all applicable codes for tie down, approved steps, decks, or porches, and electrical connection.

Notice of the Board of Adjustment public hearing shall be as provided in Section 16-12.11.

5.9.4 Manufactured office or modular unit maybe allowed on a temporary basis when a nonresidential building (commercial, business, institutional, industrial, or public operation) is rendered unfit for occupancy by fire or natural disaster. Such a temporary use shall be permitted by the Zoning Administrator provided the following are met:
A. Said structure must be connected to properly approved water and sanitary facilities and meet all applicable codes such for tie down, approved steps, decks or porches and electrical connection.

B. Temporary permit will be for a one-time only basis for a period of up to six (6) months or 180 days, but may be extended by the Board of Adjustment on a one-time only basis for a period of no greater than twelve (12) months after a public hearing is held. Notice of said public hearing shall be as provided in Section 16-12.11.

C. Reasonable conditions may be imposed by the Board of Adjustments in extending the temporary use.

Section 16-5.10 Accessory Structures and Uses

Accessory structures, except as otherwise permitted in this section, shall be subject to the following regulations:

5.10.1 Where the accessory structure is structurally attached to a main building, it shall be subject to, and must conform to, all regulations of this section applicable to the principal structure.

5.10.2 No portion of any accessory structures, excluding private garages, satellite dish antennas, mailboxes, light poles, newspaper boxes, walls, fences, birdhouses, flag poles, and pump covers, shall be erected within any front yard. Private garages are subject to the requirements listed in Section 16-5.10.4. Satellite dish antennas are subject to the requirements listed in Section 16-5.10.10. Swimming pools located on a residentially-developed lot shall only be located in the rear yard. Detached accessory buildings may be located in the required rear yard, except no such structure shall be located closer than ten (10) feet from any rear or side yard line, and at least five (5) feet from any other building on the same lot and at least twenty (20) feet from any other buildings used for human habitation. In no instance shall an accessory structure be located within a dedicated easement or right-of-way.

5.10.3 Mailboxes, newspaper boxes, walls, fences, birdhouses, flagpoles, light poles, and pump covers may be placed in any front, side, or rear yard. No zoning permit is needed for these structures.

5.10.4 Private garages, designed primarily to store an automobile, may be placed in any non-required front, side or rear yard. Such structure shall not be located closer than ten (10) feet from any rear or side yard line, and at least five (5) feet from any building on the same lot, and at least twenty (20) feet from any other buildings used for human habitation.

5.10.5 Doghouses and/or fenced pens are permitted in the rear or side yard. Such structure shall meet the side and rear yard lot requirements of the applicable Zoning District. No zoning permit is required if the doghouse is fifteen (15)
square feet or less in gross floor area and/or the pen is not larger than 10' x 10'.

5.10.6 On any lot containing a principal residential use, no accessory structure shall be permitted that involves or requires any external construction features which are not primarily residential in nature or character.

5.10.7 An accessory building may not exceed the height of the principal structure.

5.10.8 On any lot one (1) acre or less in area containing a principal residential use, the maximum size of any accessory structures (excluding outdoor swimming pools) shall not exceed one-half (1/2) the heated ground floor area of the principal structure or seven hundred-fifty (750) square feet, whichever is greater.

On a lot containing an area of one (1) acre or greater, the maximum permitted area of accessory structures (excluding outdoor swimming pools or tennis courts) shall not exceed one-half (1/2) the heated ground floor area of the principal dwelling.

5.10.9 In cases where the rear lot line of a lot containing a principal nonresidential use abuts a lot in a Residential (R-15, R-8, R-6) District, a minimum twenty (20) foot rear setback shall be required.

5.10.10 Satellite dish antennas shall be considered on accessory structure and shall be regulated as follows:

A. Satellite dishes shall be no larger than eight (8) feet in diameter unless the applicant can demonstrate the need for a larger size.

B. Satellite dishes shall not exceed a height of fifteen (15) feet.

C. All satellite dishes must be installed and grounded properly.

D. Satellite dish antennas located in a Residential (R-15, R-8, R-6,) District or in the Office-Institutional (O-I) District, shall be located in the rear yard only and shall maintain a ten (10) foot setback from all side and rear lot lines. The Board of Adjustment may allow a special exception to allow a satellite dish in the side or front yard in Residential (R-15, R-8, R-6) districts or the Office-Institutional (O-I) district. See Section 12.9.

E. Satellite dishes whose reflective surface is solid shall be painted a subdued or natural color.

F. Satellite dishes shall not be located on a roof, unless the satellite dish is an accessory structure associated with a business or industrial use located in the B-2, B-3, M-1, or M-2 Zoning Districts, or less than 24" in diameter.

5.10.11 Under no circumstances may a vehicle (motor home) or trailer (RV, camper) designed to be transported by a vehicle be used as an accessory structure.
Section 16-5.11 Use of Manufactured Homes and Similar Structures

A structure constructed as a mobile or manufactured home may only be used as a residential structure, except when serving as a construction trailer as per Section 5.9.1. In no instance may a mobile or manufactured home be used for any other nonresidential purposes.

Section 16-5.12 Height Limitations and Exceptions

For purposes of this Ordinance, the height of a structure shall be the vertical distance measured from the mean elevation of the finished grade at the front of the structure to the highest point of the structure.

The maximum heights as indicated in the various districts may be exceeded for the following uses:

Roof equipment not intended for human occupancy and which is accessory to the structure upon which it is placed, such as skylights, transmissions or television towers, housing for elevators, stairways, water tanks, ventilating fans, air conditional equipment or similar equipment, steeples, spires, belfries, cupolas or chimneys; radio and television antennae.

Section 16-5.13 Construction Begun Prior to Adoption of Ordinance

Nothing in this Ordinance shall be deemed to require any change in the plans, construction or designed use of any building or structure upon which a building permit was secured prior to the adoption of this Ordinance, so long as said building permit remains valid.

Section 16-5.14 Uses Not Expressly Permitted or Conditional

No building or structure, sign or land shall hereafter be used, erected or occupied and no building or structure shall be erected, expanded or moved except in conformity with the regulations of this Ordinance. This Ordinance specifies uses which are allowed in each zoning district.

Uses designated as "permitted uses" are allowed in a zone as a matter of right. Uses designated as "conditional uses" are allowed only after approval by the Town Board pursuant to Article 9 of this Ordinance.

It is recognized that new types of land use will develop and forms of land use not anticipated may seek to locate in Landis. In order to provide for such changes and contingencies, a determination as to the appropriate classification of any new or unlisted form of land use shall be made as follows:

For any use not listed in this Ordinance, the Zoning Administrator, at his discretion, may ask the Board of Adjustment to determine if said use can reasonably be interpreted to fit into a use category where similar uses are described in the Ordinance. The Board of Adjustment, after conducting a public hearing may make such a determination.
Certain uses pre-existing the adoption of this Ordinance are allowed to remain as non-conforming uses in accordance with Article 6 of this Ordinance. Temporary uses are allowed in accordance with Section 16-5.9 of this Ordinance. Unless a use is allowed as a "permitted", "conditional", "nonconforming use" or "temporary use", then such use is expressly prohibited in that zoning district by this Ordinance. The Board of Adjustment shall have no authority to grant a variance or special exception for such prohibited use(s).

Section 16.5.15 Location of Required Yards and Setbacks On Irregular Lots, Corner Lots, and Through Lots

The location of required front, side and rear yards on irregularly shaped lots shall be determined by the Zoning Administrator. The determination will be based on the spirit and intent of this Ordinance to achieve an appropriate spacing and location of buildings and structures on individual lots. (See definition of front yard in Section 16-2.2 of this Ordinance).

5.15.1 Front Yards and Rear Yards on Corner Lots

On corner lots, the front yard shall be measured perpendicular from the street lot line having the shortest linear footage. If both street lot lines have equal linear footage and no principal structure is located on the lot, the property owner shall determine the location of the front yard. On lots having equal frontage and where a principal structure is already located on such lot, the front yard shall be based on the architectural orientation of the house. Once the front yard is determined, the rear yard shall be the yard opposite the front yard. A graphic example of this is as follows:
5.15.2 Front Yards and Rear Yards and Setbacks On Through Lots Which Abut two Streets

On through lots, the required front and rear yards shall each equal or exceed the greater of either the required front or rear yard setback which would normally be applied in that zoning district. For example, if a through lot were located in a zoning district which normally required a forty (40) foot front setback and a twenty-five (25) foot rear setback, both front and rear setbacks would have to equal or exceed forty (40) foot. For the purpose of placing accessory structures, however, the rear yard shall be deemed to be the yard opposite the street-side yard which the architectural front of the building faces. For the purpose of placing a principal residence, the Zoning Administrator shall require the architectural front of the building to be oriented similar to residences on either side. A graphic example of this is as follows:

EXAMPLE: Regulations for a single family dwelling in the R-8 Zoning District:

Front Setback: 40'
Rear Setback: 25'

As this lot abuts both Main Street and Top Court, forty (40) foot setbacks in each yard are required.

5.15.3 Front, Rear, and Side Yards and Setbacks on Lots Which Abut Three Streets

If a lot is abutted by streets on three sides, the front setback requirement for the zoning district shall be applied only on the two opposing street fronts. The required setback on the third street front must be the side yard requirement plus 10' since it is a corner lot. The yard opposite the third street front must be at least the minimum side yard requirement for the zoning district.
EXAMPLE: Regulations for a single family dwelling in the R-8 Zoning District:

Front Setback: 40'
Rear Setback: 25'
Side Yard: 10' (20' on side street line of corner lots)

Section 16-5.16 Vibration

No established use in any district shall be operated so as to generate inherent or recurring ground vibrations detectable at the property line which create a nuisance to any person of ordinary sensitivities on another property.

Section 16-5.17 Noise

Every use of land shall be operated in such a way that regularly recurring noises are not disturbing or unreasonably loud and do not cause injury, detriment, or nuisance to any person of ordinary sensitivities. Every nonresidential use in an Office (O-I), Business (B-1, B-2, B-3), or Industrial (M-1, M-2) District which adjoins a Residential (R-15, R-8, R-6) District must be operated in such a way that any noise which may be detected by the human senses without instruments at the district boundary line is no louder than the noise which could be expected from uses permitted in those Districts.

Section 16-5.18 Odor

Every nonresidential use in a Office (O-I), Business (B-1, B-2, B-3), or Industrial (M-1, M-2) District which adjoins a Residential (R-15, R-8, R-6) District must be operated in such a way that any odor which may be detected by the human senses at the district boundary line is similar in character to odors which could be expected to be generated in those Residential (R-15, R-8, R-6) Districts.
EXAMPLE: Regulations for a single family dwelling in the R-8 Zoning District:

- Front Setback: 40'
- Rear Setback: 25'
- Side Yard: 10' (20' on side street line of corner lots)

Section 16-5.16 Vibration

No established use in any district shall be operated so as to generate inherent or recurring ground vibrations detectable at the property line which create a nuisance to any person of ordinary sensitivities on another property.

Section 16-5.17 Noise

Every use of land shall be operated in such a way that regularly recurring noises are not disturbing or unreasonably loud and do not cause injury, detriment, or nuisance to any person of ordinary sensitivities. Every nonresidential use in an Office (O-1), Business (B-1, B-2, B-3), or Industrial (M-1, M-2) District which adjoins a Residential (R-15, R-8, R-6) District must be operated in such a way that any noise which may be detected by the human senses without instruments at the district boundary line is no louder than the noise which could be expected from uses permitted in those Districts.

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Section 16-5.19 Parking of Commercial and Recreational Vehicles

5.19.1 Recreational Vehicles

For purposes of this Ordinance, a recreational vehicle shall not be deemed a dwelling unit and the usage of a recreation vehicle for living, sleeping or housekeeping purposes and the connection of such vehicle to utility services (other than for periodic maintenance and/or repair purposes) shall be prohibited unless the vehicle is located in a camping and recreational vehicle park so designed to accommodate recreation vehicles. These vehicles must be parked or stored in the rear yard meeting all setback requirements in the District in which the property is located.

5.19.2 Commercial Vehicles

On any lot of less of than one (1) acre in size, commercial vehicles which may be parked on an overnight basis shall be limited to vans and pick-up trucks (if no greater than 7,000 pounds). This requirement shall not be interpreted to prohibit vehicles from loading and unloading household goods in any Residential (R-15, R-8, R-6) District for a period of up to twenty-four (24) hours.

Except for the occasional vehicles loading or unloading household goods (U-Haul, moving van), all vehicles must be parked off the street-right of way.

No residentially-developed lot may be used as the base of operation for any freight hauling truck.

Section 16-5.20 Yard and Garage Sales (Revised 3/14/06)

Yard, garage, tag, patio and apartment sales are permitted without a permit, as an accessory use on any residentially, institutionally or commercially developed lot in any district. Such sales on residentially developed lots shall be limited to no more than one (1) day per calendar month on the same lot. Institutional and commercial yard sales are permitted only with the land owner's permission. Additional regulations can be found in Section 16-8.7(P).

Section 16-5.21 Zoning Map Interpretation

The map entitled Official Zoning Map of Landis, North Carolina, as certified as such by the Clerk to the Town Board is hereby declared to be the proper zoning for said districts as of the effective date of this Ordinance.

For purposes of interpretation of district boundaries as shown on the zoning map, the following rules shall apply:

1. Boundaries indicated as approximately following the center line of streets, highways, or alleys shall be construed to follow such center lines.
2. Boundaries indicated as approximately following lot lines shall be construed as following such lot lines.

3. Boundaries indicated as approximately following corporate limits shall be construed as following such corporate limits.

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

5. Boundaries indicated as parallel to or extensions of features indicated in this section shall be construed as such. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map.

6. Boundaries indicated as approximately following the watershed jurisdiction boundaries for Landis shall be construed as following such boundaries.

7. Boundaries indicated as following the zoning districts of Landis shall be construed as following such boundaries.

8. Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map, or in other circumstances not covered by this section, the Board of Adjustment shall have the authority to interpret the district boundaries.

Section 16-5.22 Manufactured Home Standards

All manufactured homes shall bear a valid seal indicating conformance with the 1976 National Manufactured Housing Construction and Safety Standards Act. These homes shall meet the following standards:

a. The structure will have all wheels, axles, transporting lights, and towing apparatus removed.

b. The structure must be a minimum of 1200 Square feet (24'x50' or 28'x43') in size and be no more than three (3) model years old.

c. The structure shall not be occupied until the following has been installed according to the State Building Code:

1) Continuously dug and poured concrete footing around the perimeter;
2) Block piers on concrete footing (piers must have mortar between blocks);
3) Continuous brick foundation from top of frame to ground, unpieced except for required ventilation and an access door(s) on concrete footing.
4) Porches, decks, ramps, or steps shall be wood and/or masonry with required guardrails, handrails, and pickets.

d. All tie downs must be set in concrete.
e. The roof of the home shall have shingle roofing materials with a minimum pitch of 3/12 and have a twelve inch (12") or more (excluding guttering) overhang.

f. A final inspection or Certificate of Occupancy from Rowan County must be given to the Zoning Administrator prior to occupancy and electric connection.

The Board of Adjustment shall not grant any variance or special exception of any of the requirements for manufactured homes in this section.

Section 16-5.23 Customary Home Occupations

Customary home occupations may be established in any principal dwelling unit. The following requirements shall apply in addition to all other applicable requirements of this Ordinance for the district in which such principal dwelling unit is located:

5.23.1 The home occupation shall be clearly incidental and subordinate to the residential use of the dwelling and shall not change the residential character of the dwelling.

5.23.2 No accessory structures or outside storage of materials or equipment shall be allowed in connection with the home occupation.

5.23.3 Use of the dwelling for the home occupation shall be limited to twenty-five percent (25%) of the heated finished area of the principal residential structure. Any portion of a basement, attic, or attached garage may also be devoted to the home occupation.

5.23.4 Only residents of the dwelling may be engaged in the customary home occupation. No outside employees allowed.

5.23.5 No display of products shall be visible from any adjoining streets or properties. Sales of products are limited to those made or reconditioned on the premises and those which are necessary to the service being provided.

5.23.6 No external alterations inconsistent with the residential use of the dwelling shall be permitted.

5.23.7 Only vehicles used primarily as passenger vehicles (e.g., automobiles, vans and pick-up trucks) shall be permitted in connection with the conduct of the customary home occupation, and must be parked off the street right-of-way.

5.23.8 Chemical, mechanical, or electrical equipment that creates odors, light emission, noises, or interference in radio or television reception detectable outside the dwelling shall be prohibited.
5.23.9 Customary home occupations may be in operation at any time between the hours of 8:00 A.M. and 9:00 P.M.

5.23.10 Instruction in music, dancing, and similar subjects shall be limited to a maximum of two (2) students at a time.

5.23.11 No sign of any type, manner, or size allowed.

Section 16-5.24 Outdoor Lighting and Reflectivity

Outdoor lighting shall be located so as to not endanger motorists travelling on any street. The reflectivity of any structure constructed after the effective date of this Ordinance shall in no way hamper or cause endangerment to motorists travelling on any street.

Section 16-5.25 Communication Tower

5.25.1 Intent

It is the intent of the Town of Landis to allow communication towers for mobile telephone services and other radio and television information services which provide for the needs of its citizens while minimizing adverse visual and operational effects of such towers through careful design, placement, and screening; to avoid potential damage to adjacent properties from tower failure and falling ice; and to maximize the use of any existing towers and to reduce the number of new towers which are needed.

5.25.2 Location

A. Location of communication towers in Residential (R-15, R-8, R-6), Office- Institutional (O-I), and Business (B-1, B-2) zoning districts shall be as follows:

1. The tower shall be a use by right if mounted to an existing structure.

2. The tower shall be a conditional use if a new structure in which the tower is to be placed is built. (In no instance may a communications tower be a free-standing structure in the aforementioned zoning districts.)

B. Location of free-standing communication towers in Business (B-3) and Industrial (M-1, M-2) districts shall be governed as follows:

1. A monopole tower may be built, subject to the tower meeting all other performance criteria contained herein and elsewhere in this Ordinance.
2. A lattice tower may be built subject to certain height and distance separations based on how far the base of the tower is set back from the nearest thoroughfare along with other performance criteria as herein listed. The following chart shows distance and height requirements for the placement of lattice towers:

<table>
<thead>
<tr>
<th>Setback Distance from Nearest Thoroughfare Right-of-Way Line (linear feet)</th>
<th>Maximum Height of Lattice Tower (feet)</th>
</tr>
</thead>
<tbody>
<tr>
<td>0 - 200</td>
<td>35</td>
</tr>
<tr>
<td>201 - 300</td>
<td>100</td>
</tr>
<tr>
<td>301 - 400</td>
<td>120</td>
</tr>
<tr>
<td>401 - 500</td>
<td>140</td>
</tr>
<tr>
<td>501 - 600</td>
<td>160</td>
</tr>
<tr>
<td>601 - 700</td>
<td>180</td>
</tr>
<tr>
<td>700+</td>
<td>200</td>
</tr>
</tbody>
</table>

An example of this is as follows:

A communication tower (of lattice construction) is proposed to be located in an Industrial district (M-1, M-2). The tower, meeting all other conditions of this Ordinance, is to be located 350 linear feet (as measured using the straightest short line distance) from the nearest thoroughfare right-of-way. The tower may therefore be no greater than one-hundred twenty (120) feet in height.

If said tower were of monopole construction, the tower could be placed elsewhere on the lot, subject to it meeting all other applicable regulations of this Ordinance.

C. Two-way local communication radio towers incidental to a business use (i.e., used by said business for their operational communications only) may be up to two-hundred (200) feet in height in any zone other than a Residential (R-15, R-8, R-6) zone. Any such tower shall meet the applicable setback requirements for the zoning district in which it is located. Any such tower shall be set back from any lot in a Residential (R-15, R-8, R-6) zoning district by a distance equal to the height of the tower, or two-hundred (200) feet, whichever is less. Said towers shall be of monopole construction only.
5.25.3 Maximum Height

Maximum tower height of lattice towers is discussed in Section 16-5.25.2(B)(2). There are no maximum height restrictions for monopole towers, except for two-way local communication radio towers (as discussed in Section 16-5.25.2(C)).

If the communication tower is placed on top of an existing structure it may extend above the height of that structure by no greater than twenty (20) feet in all Residential (R-15, R-8, R-6) zones and fifty (50) feet in all other zoning districts.

5.25.4 Minimum Setbacks

Minimum setbacks, as herein indicated, shall be measured from the base of the tower. If a tower is to be placed on a leased portion of a lot which is owned by someone other than the tower owner, setbacks shall be measured from the boundaries of said lot.

1. No additional setbacks shall be required if the tower is to be placed on an existing structure.

2. In the Office (O-I), Business (B-1, B-2, B-3) and Industrial (M-1, M-2) districts a minimum setback of forty (40) feet from any adjoining lot line shall be required, unless the lot line separates the lot from a Residential (R-15, R-8, R-6) district shall be required.

3. Maximum setbacks of monopole, two-way local communication radio towers are discussed in Section 16-5.25.2(C).

5.25.5 Buffering

Buffering shall be required for all communication towers which are free-standing structures. Such landscaping shall not be required when the tower is physically placed within another structure or when incorporated within another structure (e.g., church steeple).

A Grade 3 buffer shall be required when a free-standing communication tower is placed in a Residential (R-15, R-8, R-6) zoning district. A Grade 3 buffer shall be required for free-standing communication towers in all other zoning districts.

5.25.6 Conditional Use Permit Procedures

The Town Board shall generally follow the procedures found in Article 9 in deciding whether to issue a conditional use permit for a communication tower, with the following exceptions:

A. Prior to issuing a conditional use permit, the Town Board must make, in addition the findings found in Section 16-9.5, the following findings:
1. The tower will not result in interference with the safe operation of aircraft in relation to existing or planned airport facility.

2. Notification of the required public hearing shall be sent out to all adjacent property owners, in accordance with Section 16-9.4, and to all other owners of property located within a fifteen-hundred (1,500) foot radius of the lot upon which the communication tower is proposed to be located.

Section 16-5.26 Manufactured Home Park Standards

This section sets forth the standards required for all new manufactured home parks and expansions of existing manufactured home parks. Where the intent of the standards herein contained can be met by other means not specifically listed, the Town Board may approve other methods and designs to solve unique problems associated with individual developments, on an individual basis. In no case may the Town Board approve a design of less than the minimum standards herein contained.

5.26.1 Minimum Park Area

Manufactured Home Park - Five (5) acres with a density not to exceed seven (7) homes per acre.

5.26.2 Occupancy

There must be at least five (5) improved manufactured home spaces at first occupancy. Any existing manufactured home park containing less than five (5) manufactured home spaces shall not be considered nonconforming if otherwise in conformance with the standards contained in this Ordinance. No manufactured home space shall be occupied, nor may a certificate of occupancy be issued unless the requirements of this Ordinance have been met. The requirement of a minimum of five (5) spaces at first occupancy shall apply only to the first five (5) spaces of a new manufactured home park. In all other situations a manufactured home park may increase in size in any increments of spaces.

5.26.3 Space Sizes

All manufactured homes within the park shall be located in designated manufactured home spaces. Minimum space sizes shall be as follows:

a. Where a well and septic tank are on the same space - Twenty thousand (20,000) square feet.

b. Where one of either public or community water service, or public or community sewer service is provided to each space, a minimum of ten-thousand (10,000) square feet shall be required.
c. Where both public water and sewer services are provided to each space - Five thousand (5,000) square feet.

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

5.26.4 Space Widths

Each manufactured home space shall be at least thirty (30) feet in width at the interior street right-of-way line and forty-five (45) feet in width at the front yard setback line.

5.26.5 Setbacks

Minimum separation distances between manufactured homes within a manufactured home park shall be observed. In addition, setbacks of manufactured homes from property lines and publicly maintained street right-of-way lines shall also be observed as herein required.

1. The minimum setback for any structure within a manufactured home park from a publicly maintained street right-of-way line or any property line shall be fifty (50) feet. This setback may be reduced to twenty-five (25) feet if within said twenty-five (25) feet, a screen which meets the requirements of a Grade 4, Option 4 Screen is provided. Where a required screen area lies between a manufactured home space and a property line or street right-of-way line, all required setbacks shall be measured from the edge of the required screen nearest the manufactured home. In addition to these requirements, a thirty (30) foot minimum front setback from any interior street right-of-way line shall be observed. And a ten (10) foot minimum side setback shall be observed.

2. All manufactured homes within a manufactured home park shall be located no closer than twenty (20) feet from each other.

5.26.6 Location on Suitable Land

Each manufactured home space shall be located on ground not located within the one-hundred (100) year flood plain as established by the most recently issued maps published by the Federal Emergency Management Agency. No manufactured home shall be placed on land having excessive slope or other characteristics making the land unsuitable for placement of manufactured homes.
Each manufactured home space shall be graded so as to prevent any water from ponding or accumulating on the space.

5.26.7 Manufactured Home Standards

All manufactured homes shall bear a valid seal indicating conformance with the 1976 National Manufactured Housing Construction and Safety Standards Act. These homes shall meet the following standards:

a. The structure shall be set up in accordance with the standards set by the North Carolina Department of Insurance (including tie-down standards).

b. The structure will have all wheels, axles, transporting lights, and towing apparatus removed. If any of these items is nonremovable, then it shall be screened with landscaping if it is still visible after the unit is underpinned.

c. The structure must be at least 14 feet in width.

d. The structure must be no older than five (5) model years.

5.26.8 Stand, Underpinning and Tiedown of Manufactured Homes

The location of each manufactured home stand must be at an elevation, distance and angle in relation to the adjacent access drive so that placement and removal of the manufactured home is practical by means of customary moving equipment. All manufactured homes shall have continuous underpinning from the bottom of the walls to the ground made of brick, pressure-treated wood (see below), or vinyl, pre-painted aluminum material, or other material specifically manufactured for manufactured homes, unpierced except for required ventilation and an access door.

Each manufactured home in the park shall conform to North Carolina Department of Insurance Standards for tiedown requirements.

If pressure-treated wood skirting is used, it shall consist of lumber and plywood treated in compliance with American Wood Preserver Bureau Standards. All plywood and lumber used for skirting shall be stamped with trademarks identifying the appropriate grades of lumber and plywood and the treatment identification.

5.26.9 Steps

All manufactured homes within the park shall be equipped with two (2) sets of steps.

5.26.10 Location of Accessory Structures and Common Structures

Structures accessory to a particular manufactured home shall be located only on the lot containing that manufactured home. All such structures shall be (i) residential in character; (ii) no closer than five (5) feet from the mobile home space boundary.
and no closer than ten (10) feet from any manufactured home on another space within the park. However, for carports having a capacity not exceeding two (2) car spaces, the only requirements shall be that such structures observe the same front yard setback as required for the manufactured home and that such structures be located no closer than five (5) feet from any property line, or from the edge of any required buffer. In no instance shall an accessory or common structure be located in a required buffer area.

Accessory structures of benefit to all residents of the manufactured home park shall be permitted within the park. Said structures (i.e., community pools, laundry facilities, game rooms, club houses, etc.) shall be located at least twenty (20) feet from any interior street line and thirty (30) feet from any manufactured home located within the park. Outdoor vending machines may be located in the manufactured home park. All vending machines must be located indoors or, if outdoors, under a covered surface adjacent to a common building (e.g., administrative office) or facility (e.g., community pool). Vending machines on individual manufactured home spaces shall be prohibited. No retail establishments (other than customary home occupations and complying with Section 16-5.23) may be allowed within the manufactured home park.

5.26.11 Public Road Frontage

All manufactured home parks shall abut and have at least fifty (50) feet of frontage on a public road. No manufactured home lots shall be directly accessible from the public street.

5.26.12 Ingress and Egress

Manufactured home parks shall not be located on through street with lots on both sides unless the park is designed in a manner which discourages motorists from using the park as a means of traveling from one public street to another.

Manufactured home parks with twenty (20) or more manufactured home spaces shall have at least two (2) separately designated areas which contain both an entrance and exit to the manufactured home park. All manufactured home parks containing less than twenty (20) manufactured home spaces shall have at least one area containing both an entrance and an exit to the manufactured home park. Manufactured home parks requiring only one entrance and exit area shall provide at least one permanent turn-around within the park.

5.26.13 Interior Streets, Drainage, and Markings

No structure within a manufactured home park shall have direct access to a public street. Access to all manufactured homes and accessory structures within the manufactured home park shall be made using internal one-way or two-way streets. All internal streets within a manufactured home park shall be privately owned and maintained. All such streets shall be constructed and paved to minimum NCDOT subdivision road standards except that all such one-way streets shall be paved to a
minimum width of fifteen (15) feet; all two-way streets shall be paved to a minimum width of twenty-four (24) feet. All streets shall be located within a minimum sixty (60) foot wide dedicated right-of-way area. Such area shall be used for street maintenance, underground utility and drainage purposes. The developer may be required to increase the width of said area to properly accommodate the slope and natural terrain of the area. If curb and gutter is provided, a right-of-way area of forty (40) feet may be approved.

Permanent street names shall be assigned to all internal streets. Permanent street name signs shall also be installed at street intersections within the park. All streets shall be named, space, numbers (addresses) and all street signs shall be in accordance with local requirements. Upon completion of the construction site, these signs will be installed. The developer will be responsible for advising tenants of the property address assignments for respective manufactured home spaces and instructing them in the purpose of these addresses. Addresses must be posted, constructed and visible from street per Rowan County requirements.

Permanent traffic control signs shall be installed within the park. Such signs shall include, as a minimum the following:

(1) Stop sign(s) where park streets access public roads;

(2) Stop sign(s) at the intersection of interior streets, (it is recommended that all four-way intersections be controlled by four-way stop signs);

(3) "No Parking" signs along interior streets at intervals sufficient to be readable except where streets have been paved to a width of at least thirty (30) feet.

(4) One way streets shall be marked as such at appropriate intervals and "Do Not Enter" signs shall be posted where streets become one way or where streets intersect with one way streets.

Roads in manufactured home parks must be designed and graded in such a manner as to allow for the adequate runoff of storm water from interior streets and other surface areas within the manufactured home park.

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

All dead-end internal streets which provide access to three (3) or more manufactured home spaces shall be provided with a permanent turn-around. All such turn-arounds shall have a minimum paved surface diameter of fifty (50).

Streets and roads within the manufactured home park shall intersect as nearly as possible at right angles, with a 20' radius of intersection and no street shall intersect at an angle of less than seventy (70) degrees. Where streets intersect with a State maintained road, the design standards of NCDOT shall apply.
Maintenance of all internal streets, signage, and all drainage facilities shall be the responsibility of the owner of the manufactured home park. Such streets shall be maintained in a manner to be free from pot holes, breaks in the pavement, rough surfaces, ponding of water during rainy periods, excessive washing of drainage ditches, and other associated problems which would impede or cause hazards to motor vehicles.

Street jogs ("T" intersections with a street or road, on opposite sides of said road) of less than one-hundred twenty-five (125) feet within and abutting the manufactured home park shall be prohibited.

5.26.14 Parking

At least two (2) off-street parking spaces with not less than four (4) inches of crushed stone or other suitable material (such as asphalt paving or bituminous surface treatment (BST) paving) on a well compacted sub-base shall be provided for each manufactured home space. Required parking spaces may be located in the required front or side yards of the manufactured home space. Parking spaces shall not be located in the street right-of-way the shoulder, or drainage ditches. One or more separate common visitor parking areas may be designated within any manufactured home park. Such common visitor parking areas shall be separate from any manufactured home space, roadway, drainage facility or buffer, and shall not be located in the street right-of-way, shoulder, or drainage ditches.

5.26.15 Trash Facilities

At least one (1) fly tight, water-tight and rodent proof garbage or trash container with a twenty-four (24) gallon minimum container and forty (40) gallon maximum container capacity, shall be provided for each occupied manufactured home space. Containers shall be placed on racks and such racks shall be located within the manufactured home park at a point which is readily accessible for collection. All refuse must be placed in refuse containers and it shall be the responsibility of the park operator to provide sufficient container capacity to meet the needs of the manufactured home park.

The burning of refuse within the manufactured home park is not permitted.

When suitable collection service is not available from municipal or private agencies, the manufactured home park operator shall provide this service.

5.26.16 Lighting

Manufactured home parks shall contain street lights throughout the manufactured home park. Such lights shall be located at all internal street intersections, at the intersection of any internal street and a public street and elsewhere in the park at a maximum of three hundred (300) feet intervals.
5.26.17 Electric, Telephone and Cable Television Utilities

Each manufactured home space shall have individual electric and telephone service connections provided.

All electric, telephone, and cable television utilities, and other utility lines shall be placed underground unless unsuitable underground conditions (e.g., rock, swamp, etc.) exist. In such cases, above-ground utility lines may be provided.

Each manufactured home must have an individual metered connection to an electric supply and must have an approved fuse disconnect box at the metered location. All wires from the meter to the manufactured home must be buried underground cable in conformance with the North Carolina Electrical Code. Each meter box shall be properly and distinctly identified with either paint or indelible ink.

5.16.18 Mailboxes

Mailbox spaces within the manufactured home park shall be provided in accordance with United States Postal Services Standards. At least one (1) mailbox per manufactured home space shall be provided. Where twenty (20) or more mailboxes are provided in one centralized location, the owner of the manufactured home park shall provide at least two (2) parking spaces in the vicinity of the mailboxes specifically designated for persons using the mailbox area.

5.26.19 Administrative Office

One manufactured home may be used solely as an administrative office within the park or an administrative office may be located in a manufactured home which is used as a residence by the resident manager. An administrative office is not required.

5.26.20 Water Service

An accessible, adequate, safe and potable supply of water shall be provided in each manufactured home park. Where connection to a municipal water supply is available, connection shall be made thereto and its supply used exclusively. Each lot to be individually metered for water. All lines, meters, boxes, and connections are to be constructed to the specification of the Town of Landis.

When municipal water supply is not available, adequate water supply shall be developed and its supply used exclusively, in accordance with the standards of the State of North Carolina and the Rowan County Health Department. Any water supply must be capable of providing three hundred (300) gallons of water per day manufactured home space.

Each space shall be provided a minimum three fourth (3/4) inch size copper or PVC water service line.
Fire hydrants must be installed at a minimum of every 1,000 foot of road frontage, additional hydrants or other provisions per the Landis Fire Chief may be required.

5.26.21 Sewage Facilities

a. Adequate and safe sewage disposal facilities shall be provided. Where public sewer is available, connection to the park and individual lots must be made. All lines and connections are to be constructed to the specifications of the Town of Landis. Any individual clean-out is required per lot/space.

b. If public sewer is not available, collection systems and sewage treatment plants complying with the requirements of the N.C. Department of Health and Environment and the Rowan County Health Department. Individual septic tank systems are permissible in accordance with the requirements of the Rowan County Health Department regulations. There shall be no more than one (1) manufactured home connected to an individual septic tank.

5.26.22 Screening

All manufactured home parks shall provide screening in the form of a Grade 4, Option 4; Grade 5; or Grade 6 Screen/Buffer along all adjoining properties on the side and rear property lines. Such screening shall be located within the manufactured home park and shall materially screen all structures within the manufactured home park from all adjacent properties. All manufactured home setbacks shall be measured from the edge of the screened area nearest the manufactured home, except when a Grade 4, Option 4 Screen is used. When such a screen is used, the width of said screen may be included within the required setback area.

Required screening shall be installed and maintained in conformance with the standards set forth in Section 16-5.5 of this Ordinance. If a wall, fence or planted berm is used as a supplement to the required screening, it shall be installed in accordance with Section 16-5.6 of this Ordinance.

5.26.23 Maintenance

The grounds of a manufactured home park shall be kept free of trash, litter, debris, noxious weeds, open sewage or other unhealthy matter. Any septic tanks which fail shall be immediately repaired or replaced by the manufactured home park owner. Grounds, buildings and storage areas shall be properly maintained. The manufactured home park or operator shall take all necessary steps to prevent infestation by rodents, vermin and insects. All grounds shall have proper drainage to prevent the accumulation of water. It shall be the responsibility of the manufactured home park owner or operator to maintain the manufactured home park in accordance with these standards at all times.
5.26.24 Future Ownership

The sale of individual manufactured home spaces or lots to individual owners shall be prohibited. The manufactured home park, as a whole, shall remain in ownership of a single entity.

5.26.25 Guarantee of Improvements

The required improvements specified in this Section shall be completed, inspected, and accepted prior to connection to permanent electric power and/or the occupancy of any lot.

Where the required improvements have not been completed due to weather or other identifiable conditions not the fault of the owner, the park owner may petition the Town Board in writing to allow the occupancy of a limited number of lots (a phased portion of the entire park) by quaranting the completion using the procedure under Section 16-7.1.13 (M), posting a performance bond or cash.

Section 16-5.27 Planned Residential Development

5.27.1 A unified and planned group residential development (i.e., a cluster subdivision, row housing, condominiums, apartments, for a site in single ownership may be permitted in this district without the customary division of the land into standard sized individual lots.

5.27.2 Individual uses and structures in a group housing development need not comply with the specific building height, size, lot size, requirements of the District in which it is located provided the basic spirit and intent of such district regulations are complied with.

5.27.3 The procedure for approval of group development plans shall consist of the submission of a scaled design plan showing the proposed layout, including the location of buildings, driveway, off-street parking spaces and recreation areas. Furthermore, an approved project must be started within one (1) year and be completed within a reasonable time after its approval.

5.27.4 A proposed project must be designed by competent professional persons so as to create an attractive residential environment, guarantee permanent retention of open space, and ensure maintenance.

5.27.5 Off-street parking and loading requirements listed in Article 7 must be met. All parking areas shall be paved. In addition, no parking shall be allowed in the front setback between the building and all public streets. Buildings on the interior of the development, located on private streets may have off-street parking but it shall not occupy more than 50% of the yard area, unless within underground parking areas.

Sufficient guest parking shall be provided near all residential buildings, in addition to the off-street parking requirements listed in Article 7.
5.27.6 A site plan must be designed by competent professional persons so as to create an attractive residential environment, guarantee permanent retention of open space, and ensure maintenance. Adequate consideration should be given to the following factors:

A. Size and shape of the tract.
B. The topography and necessary grading.
C. The reasonable preservation of the natural features of the land and retention of existing trees and vegetation.
D. The size and relationship of buildings.
E. The character of/or relationship to adjoining properties.
F. The location and arrangement of recreation and parking areas.
G. The nature and extent of screening.
H. The design and utilization of streets and open spaces.
I. Soil and erosion control (Rowan County).
J. Watershed compliance.

5.27.7 A minimum of 15% of the property shall be designated for recreational uses (including recreational facilities such as swimming pools, tennis courts, jogging tracks, walking trails, greenways, bike paths, active and/or passive recreational areas, etc.)

5.27.8 Ingress/egress points shall not result in a substantial amount of vehicular traffic to be channeled onto adjacent local streets (non-collector and non-arterial streets).

5.27.9 Private streets and surface parking areas on the site shall be no closer than 15’ to any side of a residential building used for entry into the building and will be no closer than 5’ to any other face of a building. Architectural features such as stairs, chimneys, bay windows, and roof overhangs may extend into this 15’ area, but in no case may they be closer than 5’ to the private street and surface parking area.

5.27.10 All structures and off-street parking and service areas shall be separated by landscaping and screening along the side and rear yard from any abutting lot located in a single-family residential district (R-15, R-15, R-8, R-6) or abutting a single-family use.

All structures and off-street parking and service areas shall be separated by landscaping and screening along the side and rear yard from any abutting lot located in a single-family residential district (R-15, R-15, R-8, R-6) or abutting a single-family use.

Section 16-5.28 Orientation of Single-Family, Two-Family, Modular, Manufactured Homes and Multi-Family Developments in Single-Family Residential Districts (R-15, R-8, R-6)

A. Single-family, two-family, modular and manufactured homes shall be situated on a lot so that the external wall which, by design, is intended to be the front, generally faces the street adjoining the lot. This requirement shall not apply in either of the following situations:
1. The dwelling is located on a “flag” or “pan-handle” lot, or

2. The dwelling is at least 100 feet from the street right-of-way on an interior lot, or

3. If the dwelling is on a corner lot, the structure shall be oriented so that the external wall, which is intended to be the front, faces the street with the smallest frontage.

B. Multi-family dwellings shall meet the following requirements:

1. All principal structures located within 200 linear feet of the front lot line shall be oriented parallel with the front yard and the main street. Additional buildings may be oriented perpendicular to the street if the principal building is parallel with the front yard and occupies at least 50% of the lot width as measured at the building line. In addition, the structure must meet the minimum front yard located from both streets if located on a corner lot.

2. All principal buildings must be oriented to all public streets as well as to streets that are intended to be “through” streets.

3. Building orientation shall a) discourage the creation of long alleyways between the rears of buildings, and b) discourage the orientation of the front entrance of a residential building toward the rear entrance of another residential building.

Section 16-5.29 Manufactured Home Park Standards for Manufactured Home Parks
Excepted from Conformance with Section 16-5.26

A. All nonconforming Manufactured Home Parks not found in compliance with the requirements of Section 16-5.26 may be reviewed for exception to Section 6.8.12 upon written request to the Zoning Administrator. All requests for review and exception shall contain certification of full compliance with the minimum requirements of Section 16-5.26, with the exception of minimum park size and must be received no later than eighteen (18) months following the effective date of this amendment to the Zoning Ordinance. The Zoning Administrator, upon finding that each and every requirement of Section 16-5.26 has been met (except the minimum Manufactured Home Park size of five (5) acres), shall issue a special continuation permit in writing to the owner/applicant of the previously nonconforming Manufactured Home Park. The requirements for exception are representative of reasonable standards for the continuation of a non-conforming Manufactured Home Park assuming that the owner/applicant wishes the continuation of said Manufactured Home Park.

Owners/operators of nonconforming Manufactured Home Parks requesting exception shall provide a boundary survey of the site showing the physical
location of existing units, setbacks, roads, utilities and other layout information required in Section 16.5.26.

B. The expansion, modification and/or rearrangement of excepted Manufactured Home Parks is prohibited unless full compliance with Section 16.5.26 and Section 16.8.12 is accomplished.
5.26.24 Future Ownership

The sale of individual manufactured home spaces or lots to individual owners shall be prohibited. The manufactured home park, as a whole, shall remain in ownership of a single entity.

5.26.25 Guarantee of Improvements

The required improvements specified in this Section shall be completed, inspected, and accepted prior to connection to permanent electric power and/or the occupancy of any lot.

Where the required improvements have not been completed due to weather or other identifiable conditions not the fault of the owner, the park owner may petition the Town Board in writing to allow the occupancy of a limited number of lots (a phased portion of the entire park) by quaranting the completion using the procedure under Section 16-7.1.13 (M), posting a performance bond or cash.

Section 16-5.27 Planned Residential Communities

5.27.1 A unified and planned group residential development (i.e., a cluster subdivision, row housing, condominiums, apartments), for a site in single ownership may be permitted without the customary division of the land into standard sized individual lots.

5.27.2 Individual uses and structures in a group housing development need not comply with the specific building height, size, lot size, requirements of the District in which it is located provided the basic spirit and intent of such district regulations are complied with.

5.27.3 The procedure for approval of group development plans shall consist of the submission of a scaled design plan showing the proposed layout, including the location of buildings, driveway, off-street parking spaces and recreation areas. Furthermore, an approved project must be started within one (1) year and be completed within a reasonable time after its approval.

5.27.4 A proposed project must be designed by competent professional persons so as to create an attractive residential environment, guarantee permanent retention of open space, and ensure maintenance.

5.27.5 Off-street parking and loading requirements listed in Article 7 must be met. All parking areas shall be paved. In addition, no parking shall be allowed in the front setback between the building and all public streets. Buildings on the interior of the development, located on private streets may have off-street parking but it shall not occupy more than 50% of the yard area, unless within underground parking areas.

Sufficient guest parking shall be provided near all residential buildings, in addition to the off-street parking requirements listed in Article 7.
5.27.6 A site plan must be designed by competent professional persons so as to create an attractive residential environment, guarantee permanent retention of open space, and ensure maintenance. Adequate consideration should be given to the following factors:

M. Size and shape of the tract.
N. The topography and necessary grading.
O. The reasonable preservation of the natural features of the land and retention of existing trees and vegetation.
P. The size and relationship of buildings.
Q. The character of/or relationship to adjoining properties.
R. The location and arrangement of recreation and parking areas.
S. The nature and extent of screening.
T. The design and utilization of streets and open spaces.
U. Soil and erosion control (Rowan County).
V. Watershed compliance.

5.27.7 A minimum of 15% of the property shall be designated for recreational uses (including recreational facilities such as swimming pools, tennis courts, jogging tracks, walking trails, greenways, bike paths, active and/or passive recreational areas, etc.)

5.27.8 Ingress/egress points shall not result in a substantial amount of vehicular traffic to be channeled onto adjacent local streets (non-collector and non-arterial streets).

5.27.9 Private streets and surface parking areas on the site shall be no closer than 15’ to any side of a residential building used for entry into the building and will be no closer than 5’ to any other face of a building. Architectural features such as stairs, chimneys, bay windows, and roof overhangs may extend into this 15’ area, but in no case may they be closer than 5’ to the private street and surface parking area.

5.27.10 All structures and off-street parking and service areas shall be separated by landscaping and screening along the side and rear yard from any abutting lot located in a single-family residential district (R-15, R-8, R-6) or abutting a single-family use.

All structures and off-street parking and service areas shall be separated by landscaping and screening along the side and rear yard from any abutting lot located in a single-family residential district (R-15, R-8, R-6) or abutting a single-family use.

Section 16-5.28 Orientation of Single-Family, Two-Family, Modular, Manufactured Homes and Multi-Family

A. Single-family, two-family, modular and manufactured homes shall be situated on a lot so that the external wall which, by design, is intended to be the front, generally faces the street adjoining the lot. This requirement shall not apply in either of the following situations:
1. The dwelling is located on a “flag” or “pan-handle” lot, or

2. The dwelling is at least 100 feet from the street right-of-way on an interior lot, or

3. If the dwelling is on a corner lot, the structure shall be oriented so that the external wall, which is intended to be the front, faces the street with the smallest frontage.

B. Multi-family dwellings shall meet the following requirements:

1. All principal structures located within 200 linear feet of the front lot line shall be oriented parallel with the front yard and the main street. Additional buildings may be oriented perpendicular to the street if the principal building is parallel with the front yard and occupies at least 50% of the lot width as measured at the building line. In addition, the structure must meet the minimum front yard located from both streets if located on a corner lot.

2. All principal buildings must be oriented to all public streets as well as to streets that are intended to be “through” streets.

3. Building orientation shall a) discourage the creation of long alleyways between the rears of buildings, and b) discourage the orientation of the front entrance of a residential building toward the rear entrance of another residential building.

Section 16-5.29 Reserved

Section 16-5.30 Manufactured Home Park Standards for Manufactured Home Parks

Excepted from Conformance with Section 16-5.26

A. All nonconforming Manufactured Home Parks not found in compliance with the requirements of Section 16-5.26 may be reviewed for exception to Section 16.5.26 upon written request to the Zoning Administrator. All requests for review and exception shall contain certification of full compliance with the minimum requirements of Section 16-5.26, with the exception of minimum park size and must be received no later than eighteen (18) months following the effective date of this amendment [October 5, 2000] to the Zoning Ordinance. The Zoning Administrator, upon finding that each and every requirement of Section 16-5.26 has been met (except the minimum Manufactured Home Park size of five (5) acres, shall issue a special continuation permit in writing to the owner/applicant of the previously nonconforming Manufactured Home Park. The requirements for exception are representative of reasonable standards for the continuation of a nonconforming Manufactured Home Park assuming that the owner/applicant wishes the continuation of said Manufactured Home Park.

Owners/operators of nonconforming Manufactured Home Parks requesting exception shall provide a boundary survey of the site showing the physical
location of existing units, setbacks, roads, utilities and other layout information required in Section 16.5.26.

B. The expansion, modification and/or rearrangement of excepted Manufactured Home Parks is prohibited unless full compliance with Section 16.5.26 and Section 16.5.30 is accomplished.
ARTICLE VI
NONCONFORMITIES

Section 16-6.1 Purpose and Applicability

The purpose of this Article is to regulate and limit the continued existence of uses and structures established prior to the effective date of this Ordinance (or any amendment subsequent thereto) that do not conform to this Ordinance. Any nonconformity created by a change in the classification of property or the text of these regulations shall be regulated by the provisions of this Section. Many nonconformities may continue, but the provisions of this Section are designed to curtail substantial investment in nonconformities and to bring about eventual elimination and/or lessen their impact upon surrounding conforming uses in order to preserve the integrity of this Ordinance. A special exception may be granted by the Board of Adjustments for noncomformities in accordance with Section 16-12.9 of this Ordinance.

Section 16-6.2 Nonconforming Uses

6.2.1 Nonconforming uses of land or structures, and nonconforming structures that contain nonconforming uses, may continue only in accordance with the provisions of this Chapter.

6.2.2 Normal structural repair and maintenance may be performed to allow the continuation of a nonconforming use. Also, a nonconforming use may be reestablished in case of damage or total destruction (to an extent of more than sixty (60) percent of its assessed value at the time of destruction) due to fire or other disaster event pursuant to the issuance of a permit by the Board of Adjustment as per Section 16-12.8 of this Ordinance. This shall include, as well, the repair or reconstruction of any structure housing said nonconforming use or on-site utility, parking or street infrastructure in support of said nonconforming use. If said structure was also a nonconforming structure, the reconstruction shall meet the setback requirements of the applicable district or follow the procedures of Section 16-6.3 when setback requirements cannot be met. An application must be filed for such building permit no later than sixty (60) days after the use has been destroyed or damaged, otherwise the use will not be allowed to be rebuilt.

6.2.3 A nonconforming non-residential use shall not be expanded, nor shall such a nonconforming use be enlarged by additions to the structure in which the nonconforming use is located (either attached or detached). Any occupation of additional lands beyond the boundaries of the lot on which said nonconforming use is located is prohibited. An existing nonconforming residential use located in a non-residential district may, however, be enlarged or altered, provided that no additional dwelling units result therefrom. Any such enlargement or alteration shall be in compliance with all yard requirements of such structures as required in the R-6 District.

6.2.4 The list of zoning districts in descending order of restrictiveness shall be:
1. R-15 (most restrictive)  
2. R-8  
3. R-6  
4. O-I  
5. B-1  
6. B-2  
7. B-3  
8. M-1  
9. M-2 (least restrictive)

6.2.5 A nonconforming use may be changed only to a conforming use. Once a nonconforming use has been changed to a conforming use, it shall not thereafter be used for any nonconforming use.

6.2.6 If a nonconforming use is abandoned (see definition) for ninety (90) days or more, the use shall not be allowed to re-establish. All new uses in said structure shall thereafter be conforming. If said use is located in a structure which is destroyed (i.e., received damage to an extent of more than sixty (60) percent of its assessed value at the time of destruction), it must be re-established within six months as the same use, or a use may only be allowed to re-establish in accordance with the zoning regulations in effect in the district in which it is located. Assessed value shall be determined by using tax assessment records provided by the tax assessor's office for the year in which the structure was destroyed.

6.2.7 A nonconforming use of land may only be changed to a different location on the same property in accordance with Section 16-12.8 of this Ordinance.

6.2.8 Reserved

6.2.9 A special exception may be sought from the Board of Adjustment subject to Section 16-12.9 of this Ordinance.

Section 6.3 Nonconforming Principal Structures

6.3.1 A nonconforming structure containing a use permitted in the zoning district in which it is located may continue only in accordance with the provisions of this Section.

6.3.2 Normal repair and maintenance may be performed to allow the continuation of nonconforming structures.

6.3.3 A nonconforming structure may not, under any circumstances, be enlarged or altered in a way which increases its nonconformity except by special exception grant by the Board of Adjustments.

6.3.4 If a nonconforming non-residential structure is damaged to an extent greater than sixty (60) percent of its assessed value for tax purposes it shall be rebuilt only after the issuance of a permit from the Zoning Administrator. A building permit for reconstruction of such structure must be secured no later than ninety (90) days from the date of its destruction. In the issuance of said permit, the Zoning Administrator shall follow these standards:
a. If the structure can be rebuilt on the same lot and meet all setback requirements, it shall be.

b. If the structure cannot be rebuilt at the same size (ground floor area) in accordance with the minimum standards of the district in which it is located, then it shall be placed on the lot in as conforming a manner as possible.

c. A nonconforming structure shall not be rebuilt in a manner which increases its nonconformity.

d. A structure rebuilt in accordance with this Subsection shall not have a gross floor area larger than the structure it replaced unless all setback requirements are met for the zoning district in which it is located.

e. The reconstruction of a nonconforming structure (at the same or smaller size) shall require the installation of deficient parking, landscaping or buffering.

NOTE: This subsection shall not apply to manufactured homes and other structures existing in a manufactured home park at the time of adoption of this Ordinance. Section 16-6.3.6 discusses replacement of nonconforming manufactured homes.

6.3.5 Should a nonconforming structure be moved for any distance on the lot upon which it is located, if possible, it shall be moved so as to make the structure conforming. Otherwise the structure, if moved shall be placed on the lot in as conforming a manner as possible.

6.3.6 A nonconforming manufactured home used as a principal residential structure may be replaced with another manufactured home only if 1) the replacement is located on an individual lot and not in a mobile/manufactured home park; 2) meets the requirements of Section 16-5.21, and 3) the replacement manufactured home is newer in age than the one it is replacing. The replacement manufactured home must receive a Certificate of Occupancy within sixty (60) days of the removal of the original manufactured home. In addition, the replacement manufactured home must be in compliance with all applicable district requirements in which it is located.

Section 16.6.4 Nonconforming Accessory Structures or Uses

6.4.1 A nonconforming accessory use or accessory structure may be expanded only if the nonconforming features of that use or structure are not expanded so as to increase the degree of nonconformity.

6.4.2 No nonconforming accessory use or accessory structure shall continue after the principal use or structure is terminated by abandonment, damage, or destruction unless such accessory use or accessory structure thereafter is made to conform to the standards for the zoning district in which it is located.
Section 16-6.5 Nonconforming Lots

6.5.1 Except as provided in Sections 16-6.5.2 and 16-6.5.3, a nonconforming vacant lot may be developed for any of the uses permitted by these regulations in the zoning district in which it is located, provided that the use meets all applicable yard, setback requirements for the zoning district in which the lot is located.

6.5.2 A nonconforming vacant lot shall not be developed if it could be combined with an adjoining lot, (said lot being owned by the same person and any or all future assigns) on or after the effective date of these regulations in order to create a single lot. If said combination, however, results in the creation of a single lot that is more than one and one-half (1-1/2) times the minimum lot width or area required in the zoning district, then the single lot may be divided into two lots of equal width and area without being further classified as nonconforming. For purposes of this Section, "adjoining" shall be deemed to mean the sharing of one or more common lot lines and access to both lots can be provided by the same street without crossing that street.

6.5.3 Notwithstanding Section 16-6.5.2, a nonconforming lot may be developed if, at the effective date of this Ordinance or any subsequent date upon which the lot became nonconforming, the lot (i) the subdivision in which the lot was located (if in a major subdivision) had received preliminary plat approval; or, (ii) the subdivision in which the lot was located (if in a minor subdivision) had received final plat approval, or (iii) the lot was in a subdivision where the preliminary plat was accepted for review prior to the effective date of this Ordinance or a vested right had been granted as per Section 16-11.9.

Section 16-6.6 Nonconforming Screening and Landscaping

In accordance with Section 16-5.5 of this Ordinance, certain uses are required to provide screening and/or landscaping on-site. Except as herein provided, any expansion of an existing use which is deficient in screening and/or landscaping or any change in principal use cannot occur without the required screening and/or landscaping having first been provided on-site. The Central Business (B-2) District is exempt from this requirement.

In cases when the nonconformity is a result of an adjoining lot having been rezoned to a Residential (R-15, R-8, R-6) District from a Office and Institutional (O-1), Business (B-1, B-2, B-3), or Manufacturing (M-1, M-2) District, screening shall only be required along the adjoining lot line separating the two zoning districts.

An example of this is as follows:
Lot A and Lot B are both initially in a B-2 Zoning District. Lot B is subsequently rezoned to a R-6 District. Lot A currently contains an otherwise conforming commercial structure. The owner of Lot A would like to expand said structure. Currently, no screening lies between Lot A and Lot B. In order to meet the screening requirements as herein stated, screening must be placed on Lot A along the side yard separating it from Lot B. The owner of Lot A may, at his discretion, also develop a greater screening than prescribed by the Zoning Administrator in said prescribed area to meet this screening requirement.

Section 16-6.7 Nonconforming Off Street Parking and/or Loading

On any lot in any zoning district except the Central Business (B-2) district, which contains a use which does not comply with the off-street parking and loading regulations contained in Article 7 of this Ordinance, a certificate of occupancy shall not be issued for any expansion (except as provided in Section 16-7.1.2) or any change of use which would result in a need to increase the number of off-street parking and/or loading spaces required (except as herein provided), until the requisite number of off-street parking spaces and all paving requirements have been met.

A certificate of occupancy may be issued when there has been a change in a principal use and the number of off-street parking spaces required for the new use (Per Article 7 of this Ordinance) is within ten (10) percent or ten (10) spaces, whichever is less, of the number of off-street parking spaces actually provided. An example of this is as follows:

A principal use (Use A) is located on a lot with two-hundred (200) off-street parking spaces. Use A goes out-of-business and is replaced with Use B. Article 7 of this Ordinance requires that Use B have 208 spaces. A certificate of occupancy can be issued for Use B (so long as the use is otherwise in accordance with all applicable requirements of this Ordinance) as the number of deficient spaces (8) is less than the prescribed maximum (10).
Such relief may be granted on a one-time only basis per lot or planned development. In such instances where relief is provided, the additional parking spaces need not be paved (but shall have a graded gravel, crushed-stone or similar dust-reducing surface) if the parking lot prior to said expansion was not paved.

Section 16-6.8 Nonconforming Signs

6.8.1 Subject to the restrictions of this Section, nonconforming signs that were otherwise lawful on the effective date of this Ordinance may be continued.

6.8.2 No person may engage in any activity that causes an increase in the extent of nonconformity of a nonconforming sign or causes a previously conforming sign to become nonconforming.

6.8.3 A nonconforming sign may not be moved or replaced except to bring the sign into complete conformity with this Ordinance. Once a nonconforming sign is removed from the premises or otherwise taken down or moved, said sign may only be replaced with a sign which is in conformance with the terms of this Ordinance.

6.8.4 Minor repairs and maintenance of nonconforming signs necessary to keep a nonconforming sign in sound condition are permitted. If repair or maintenance of a nonconforming sign results in the removal of the sign frame structure for ninety (90) days, the replaced sign frame structure and any copy placed on it shall be in conformance with this Ordinance.

6.8.5 If a nonconforming sign is destroyed by natural causes, it may not thereafter be repaired, reconstructed, or replaced except in conformity with all the provisions of this Ordinance, and the remnants of the former sign structure shall be cleared from the land. For purposes of this Section, a nonconforming sign shall be considered "destroyed" if it receives damage to an extent of more than sixty (60) percent of the cost of replacing the sign copy. A special exception could be sought for a particular historic sign as contained in Section 16-6.11.

6.8.6 Notwithstanding other provisions contained in this Section, the message of a nonconforming sign may be changed so long as this does not create any new nonconformities.

6.8.7 If a nonconforming sign which advertises a business, service, commodity, accommodation, attraction or other enterprise or activity that is no longer operating or being offered or conducted, that sign shall be deemed abandoned and shall be removed or brought into compliance by the sign owner, property owner, or other party having control over such sign within thirty (30) days after the use has ceased operation or the service or commodity has ceased being offered.

If there is a change of use or name of business on a particular piece of property, and there were one or more on-premise signs which advertised the business, any new signs placed for the new use or business name must meet all sign requirements for the underlying zoning district. An example of this follows:
A restaurant has an on-premise free-standing sign having an area of one hundred forty (140) square feet. The maximum allowable area for said sign in that particular zoning district is one-hundred (100) square feet. If said restaurant ceases operation and is replaced by another principal use or by another restaurant (either of which uses new sign structures), any new free-standing sign advertising the new principal use or business name shall have a maximum area of one-hundred (100) square feet. If the same sign structure used to advertise the former restaurant is used to advertise the new use, said sign structure may remain.

6.8.8 If a nonconforming sign remains blank for a continuous period of six (6) months, that sign shall be deemed abandoned and shall, within thirty (30) days after such abandonment, be altered to comply with this Ordinance or be removed by the sign owner, owner of the property where the sign is located, or other person having control over such sign. For purposes of this Ordinance, a sign shall be deemed "blank" if:

a. If advertises a business, service, commodity, accommodations, attraction, or other enterprise or activity that is no longer operating or being offered or conducted; or

b. The advertising message it displays becomes illegible in whole or substantial part; or

c. It does not contain an advertising message. (For such purposes, the terms "Sign For Rent", "Sign For Lease", "Sign For Sale", etc. shall not be deemed to be an advertising message).

6.8.9 Any nonconforming advertising sign which is located in a Residential Zoning District shall be removed within seven (7) years following the effective date of this Ordinance, except as provided in Section 6.8.10. Any such sign which becomes nonconforming due to its location within a particular Residential District after the effective date of this Ordinance (due to a subsequent change in the Zoning map) shall be removed within seven (7) years following the date the sign becomes nonconforming, except as provided in Section 6.8.10.

All other advertising signs which are nonconforming by virtue of their height, setback, spacing (i.e., distance between two advertising signs, or location in a zoning district other than a Residential District, shall not be required to be removed and may continue subject to all other applicable portions of this Section.

6.8.10 North Carolina General Statute 136-131.1 requires that "just compensation" be paid upon removal of certain outdoor advertising signs adjacent to the highway on the national system of interstate and defense highways or a highway on the Federal-aid primary highway system for which a valid permit has been issued. Section 16-6.8.9 shall not require that any sign be removed if compensation must be paid upon removal of such sign due to any State or Federal law that mandates such form of "just compensation" upon removal. Should any such State or Federal requirement become
inoperative or otherwise fail to apply to a given sign, then such sign shall be removed within five and one-half (5-1/2) years of such State or Federal requirement becoming inoperative or otherwise failing to apply to such sign.

6.8.11 Special exceptions maybe sought for a specific sign having historic, significant social value, or other justifiable reason from the Board of Adjustments as contained in Section 16-12.9 and 16-12.10 of this Ordinance.

Section 16-6.9 Nonconforming Manufactured Home Parks

All Manufactured Home Parks not found in compliance with the requirements of Section 16-5.26 herein, shall either cease and desist or meet full compliance standards no later than eight (8) years following the effective date of this amendment[October 5, 2000] to the Zoning Ordinance. Exception is taken where the Manufactured Home Park satisfies the requirements of Section 16-5.30 herein.

Existing nonconforming Manufactured Home Parks which have not been certified as meeting either Section 16-5.26 or Section 16-5.30 shall, during the interim, comply with the following provisions:

A. The total number of manufactured home spaces shall not be increased above that the existing at the time of non-conformity and which spaces were manifestly designed and arranged as Manufactured Home spaces.

B. A non-conforming manufactured home park may continue in use, but the park may not expand, enlarge or increase the number of manufactured homes beyond the number existing on the date this Ordinance is adopted without complying with Section 16.5.26. Provided, however, a manufactured home may be replaced on a one to one basis in any park if the replacement manufactured home is no older than five (5) model years and complies with Section 16.5.26.5(2), 5.26.7, 5.26.8, 5.26, 9, and 5.26.16 and has 25’ front, 8’ side, and 20’ rear setbacks from property lines. Current model year to be determined by the Board of Adjustment.
ARTICLE VII

OFF-STREET PARKING AND LOADING REQUIREMENTS

Section 16-7.1 Off-Street Parking Loading, and Storage Requirements

Every new use, shall require off-street parking, loading, and/or storage space in compliance with these regulations. Any enlargement, expansion or alteration or change of an existing use shall also require off-street parking, loading, and/or storage space in compliance with these regulations. However, if the enlargement, alteration or expansion is of a use located in the B-2 (Central Business) Zoning District, the use shall be exempt from providing additional off-street parking, loading, and/or storage space, as required in this Section.

7.1.1 The number of required off-street parking spaces shall be increased when a change of use of either a structure or of land requires additional parking spaces in compliance with this Section (except as noted in Section 16-6.7). Parking spaces may be decreased when a change of use requires fewer spaces than was originally provided.

7.1.2 A principal use which is not deficient in the number of off-street parking spaces provided may expand without having to provide additional off-street parking spaces under certain circumstances. Such circumstances are:

A. When, after the expansion, the number of off-street parking spaces provided still meets or exceeds the required minimum.

B. If the expansion results in the need to create no greater than five (5) additional off-street parking spaces in order to meet the minimum number of required spaces, these additional spaces may be waived by the Zoning Administrator on a one-time basis only. In shopping centers, office parks and similar planned, phased or multi-use developments, such waiver may only be applied once within the development.

In no instance shall a reduction be allowed for the number of off-street parking spaces parking for any use which expands when, prior to such expansion, said use was deficient in the number of off-street parking spaces provided.

7.1.3 A certificate of occupancy shall not be issued for any use until all off-street parking and loading requirements in accordance with this Ordinance have been met and are in place and ready for use.

7.1.4 Location of Required Parking

Off-street parking spaces shall generally be provided on the same lot as the principal use. In instances where such parking for a principal non-residential use cannot be
reasonably provided on the same lot, it may be provided on a separate lot. At least 1/2 of the required parking shall be provided on the lot containing the principal use or a satellite lot, provided said parking lies within a 300 foot walking distance to the lot containing the principal use, or 300 foot walking distance if the use served is allowed in residentially zoned areas or is any non-residential use seeking off-site parking in a residentially zoned district (R-15, R-8, R-6).

In all Residential (R-15, R-8, R-6,) districts, required off-street parking shall be provided on the lot which the use is located.

7.1.5 Cooperative Parking

A. Cooperative provisions for off-street parking may be made by contract between two or more adjacent property owners. The parking area provided on any one lot may be reduced to not less than one-half (1/2) the number of parking spaces required for the use occupying such lot. The end result shall be that the sum of the parking spaces for the uses computed cooperatively shall be the same or more than if the uses were computed separately. Any such cooperative parking mechanism must first be submitted to the Zoning Administrator for his review and approval prior to the issuance for certificate of occupancy.

B. Similarly, one parking area may contain required spaces for several different uses, but except as otherwise provided in this Section, the required space assigned to one use may not be credited to any other use.

C. To the extent that developments that wish to make joint use of the same parking spaces operate at different times up to one-half (1/2) of the parking spaces may be credited to both uses if one use is a church, theater, or assembly hall whose peak hours of attendance will be at night or on Sundays, and the other use is one which will be closed at night or on Sundays.

7.1.6 Parking Space Dimensions

A. Each angled parking space, (other than those designed for the disabled) shall contain a rectangular parking area of the following size:

<table>
<thead>
<tr>
<th>Parking Angle</th>
<th>Stall Width</th>
<th>Stall Length</th>
</tr>
</thead>
<tbody>
<tr>
<td>0-15 degrees</td>
<td>9'</td>
<td>23'</td>
</tr>
<tr>
<td>16-37 degrees</td>
<td>10'</td>
<td>19'</td>
</tr>
<tr>
<td>38-57 degrees</td>
<td>10'</td>
<td>19'</td>
</tr>
<tr>
<td>58-74 degrees</td>
<td>10'</td>
<td>19'</td>
</tr>
<tr>
<td>75-90 degrees</td>
<td>10'</td>
<td>19'</td>
</tr>
</tbody>
</table>

B. Wherever parking areas consist of spaces set aside for parallel parking, the dimensions of such parking spaces shall be not less than twenty-three (23) feet by nine (9) feet.
7.1.7 Required Widths of Parking Area Aisles and Driveways

A. Parking area aisle widths shall conform to the following table, which varies the width requirement according to the angle of parking.

<table>
<thead>
<tr>
<th>Parking Angle</th>
<th>Stall Width</th>
<th>Curb to Curb</th>
</tr>
</thead>
<tbody>
<tr>
<td>0-15 degrees</td>
<td>12'</td>
<td>30'</td>
</tr>
<tr>
<td>16-37 degrees</td>
<td>11'</td>
<td>47'</td>
</tr>
<tr>
<td>38-57 degrees</td>
<td>13'</td>
<td>54'</td>
</tr>
<tr>
<td>58-74 degrees</td>
<td>18'</td>
<td>61'</td>
</tr>
<tr>
<td>75-90 degrees</td>
<td>24'</td>
<td>63'</td>
</tr>
</tbody>
</table>

B. Driveways shall be not less than ten feet in width for one way traffic and eighteen feet in width for two way traffic, except that ten feet wide driveways are permissible for two way traffic when (i) the driveway is not longer than fifty feet, (ii) it provides access to not more than six spaces, and (iii) sufficient turning space is provided so that vehicles need not back into a public street. In no case shall a driveway width exceed thirty-six (36) feet, except as required by NCDOT.

7.1.8 Spaces for the Disabled

A. Except for a lot containing a duplex, triplex, quadriplex, or single-family dwelling, all uses shall be required to provide the following number of spaces designed for disabled persons.

<table>
<thead>
<tr>
<th>Total Number of Required Off-Street Parking Spaces</th>
<th>Total Number of Spaces Required for Disabled</th>
</tr>
</thead>
<tbody>
<tr>
<td>1-50</td>
<td>1</td>
</tr>
<tr>
<td>51-100</td>
<td>2</td>
</tr>
<tr>
<td>101 or more</td>
<td>2 plus one for every fifty spaces over one hundred</td>
</tr>
</tbody>
</table>

The number of such spaces shall be in addition to those indicated in Table 2, located in Section 7.1.12 of this Ordinance.

B. Off-street parking spaces for the disabled shall be designed as follows:

1. All spaces for the disabled shall have access to a curb-ramp or curb-cut when necessary to allow access to the building served, and shall be located so that users will not be compelled to wheel behind parked vehicles, and shall be located the shortest possible distance between the parking area and the entrance to the principal building it serves.
2. Parallel parking spaces for the disabled shall be located either at the beginning or end of a block or adjacent to alley entrances. Curbs adjacent to such spaces shall be of a height which will not interfere with the opening and closing of motor vehicle doors.

3. Each parking space for the disabled shall be paved and prominently outlined with paint, with a permanent sign of a color and design approved by the North Carolina Department of Transportation, bearing the internationally accepted wheelchair symbol, posted at the head of the parking space.

4. The size of the parking space shall be per building code specifications.

7.1.9 General Design Requirements

A. Unless no other practicable alternative is available, any off-street parking area shall be designed so that, without resorting to extraordinary movements, vehicles may exit such areas without backing onto a public street. This requirement does not apply to parking areas consisting of driveways serving lots which contain one or two family dwelling units, although backing onto collector or arterial roads is discouraged.

B. Off-street parking areas of all developments shall be designed so that sanitation, emergency, and other public service vehicles can serve such developments without the necessity of backing unreasonable distances or making other dangerous or hazardous turning movements.

C. Every off-street parking area shall be designed so that vehicles cannot extend beyond the perimeter of such area onto adjacent properties or public rights-of-way. Such areas shall also be designed so that vehicles do not extend over sidewalks or tend to bump against or damage any wall, vegetation, or other obstruction.

D. Circulation areas shall be designed so that vehicles can proceed safely without posing a danger to pedestrians or other vehicles and without interfering with parking areas.

E. No off-street parking area shall be located over an active or auxiliary septic tank field.

F. All off street parking areas shall be located no closer than ten (10) feet from the edge of any public street right-of-way and five (5) feet from the edge of any sidewalk area.

G. Lighting of off-street parking lots must be directed away from lot lines and nearby residences.
7.1.10 Off-Street Parking Area Surfaces

A. Off-street parking areas [in zoning districts other than in the M-1 and M-2 (Industrial) district] that are required to have more than five (5) parking spaces shall be graded and surfaced with asphalt, concrete, bituminous surface treatment or other material that will provide equivalent protection against potholes, erosion, and dust. Such parking surfaces shall not, however, be required for off-street parking facilities serving family day care centers, customary home occupations, athletic fields, churches, or public or private parks.

B. Off-street parking areas that are not provided with the type of surface specified in Subsection 16-7.1.10 (A) shall be graded and surfaced with crushed stone, gravel, or other suitable material to provide a surface that is stable and will help to reduce dust and erosion. The perimeter of such parking areas shall be defined by bricks, stones, railroad ties, or other similar devices. In addition, whenever such a vehicle accommodation area abuts a paved street, the driveway leading from such street to such area (or, if there is no driveway, the portion of the off-street parking area that opens onto such streets), shall be paved as provided in Subsection 16-7.1.10(A) for a distance of fifteen feet back from the edge of the paved street. This subsection shall not apply to single-family or two-family residences or other uses that are required to have only one or two parking spaces.

C. Parking spaces in areas surfaced in accordance with Subsection 16-7.1.10 (A) shall be appropriately demarcated with painted lines or other markings. Parking spaces in areas surfaced in accordance with Subsection 16-7.1.10 (B) shall be demarcated whenever practical.

D. Off-street parking areas shall be properly maintained in all respects. In particular, and without limiting the foregoing, off-street parking area surfaces shall be kept in good condition (free from potholes, etc.) and parking space lines or markings shall be kept clearly visible and distinct.

7.1.11 Off-Street Parking Lot Usage

A. The use of off-street parking lots in residential zones is limited to private passenger vehicles (cars, mini-vans, pick-up trucks).

B. No repair, washing, or maintenance of vehicles, display, sale, or storage of vehicles or merchandise is allowed in off-street parking lots.

C. The temporary parking or storage of manufactured homes shall be prohibited in any zoning districts in which manufactured homes are not permitted (excluding manufactured homes located in manufactured lots).

D. Automobiles or trailers of any kind or type without current license plates shall
not be parked or stored on any residentially zoned property other than in completely enclosed buildings.

7.1.12 Off-Street Parking Space Requirements

The number of off-street parking spaces for any particular use as required by this Ordinance shall be computed as follows:

A. When units of measurement determining the number of required parking spaces result in a fractional space, any fraction of one-half (1/2) or more shall require one (1) parking space.

B. Where seats consist of pews or benches, each twenty (20) inches of a pew or bench shall be considered as one seat.

C. For the purpose of computing parking requirements based on the number of employees, the on-site owners or managers shall also be considered employees.

D. The number of required off-street parking spaces designed for use by handicapped persons as prescribed by the North Carolina State Building Code shall be computed separately from the off-street parking requirements as otherwise contained in this Ordinance.

E. Table 2 indicates the required number of off-street parking spaces for any use permitted by right or subject to the issuance of a conditional use permit as indicated in this Ordinance.

TABLE 2
REQUIRED OFF-STREET PARKING SPACES

<table>
<thead>
<tr>
<th>Group Number</th>
<th>Parking Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>0.1</td>
<td>Reserved</td>
</tr>
<tr>
<td>0.2</td>
<td>To be determined by the Zoning Administrator by individual review.</td>
</tr>
<tr>
<td>0.3</td>
<td>Four (4) spaces for each five (5) personnel including reservists expected to report for duty at the facility on any day of maximum use.</td>
</tr>
<tr>
<td>0.4</td>
<td>One (1) space per three (3) boat slips.</td>
</tr>
<tr>
<td>0.5</td>
<td>The required amount of parking for the residential and commercial uses on the lot.</td>
</tr>
<tr>
<td>1.1</td>
<td>Two (2) spaces per dwelling unit.</td>
</tr>
</tbody>
</table>
1.2 One (1) space plus additional parking as herein provided for the principal residential dwelling.

1.3 Efficiency Units - 1.5 Spaces Per Unit
   1 Bedroom Units - 2 Spaces Per Unit
   2 Bedroom Units - 3 Spaces Per Unit
   3 Bedroom Units - 5 Spaces Per Unit

Dwellings designed specifically for the Elderly or Disabled - 1.25 Spaces Per Unit

1.4 To be determined by computing the parking requirements for the types of dwelling units composing the planned residential development.

1.5 One (1) per employee during the shift of greatest employment plus one (1) per vehicle used in the operation plus 1.5 spaces per dwelling unit.

1.6 One (1) space for each employee who does not reside on-premises plus the required spaces for the residential dwelling unit plus one (1) space for each three hundred square feet of gross floor area devoted to the home occupation (up to a maximum of three such spaces.)

1.7 One (1) space per room rented in the dwelling unit plus the required spaces for the dwelling unit.

1.8 The number of parking spaces required for each individual use within the development as herein provided.

1.9 Four (4) spaces per family care home.

2.1 One (1) space per guest bedroom plus one (1) space per employee on the shift of maximum employment.

2.2 Three (3) spaces for each five (5) resident beds.

2.3 One (1) space per employee during the shift of greatest employment plus three (3) spaces for the first twenty-five (25) persons of certification capacity and one (1) space for each additional twenty five (25) persons of certification capacity.

2.4 One (1) space plus additional required parking spaces for the residential dwelling.

2.5 One (1) space per two hundred (200) square feet of office area.

2.6 One (1) space per employee during the shift of greatest employment plus one (1)
space for each vehicle used in the operation plus one (1) space for each four (4) horses capable of being kept at the facility.

2.7 One (1) space per employee during the shift of greatest employment plus one (1) space for each three (3) viewer or spectator seats.

2.8 One (1) space for each two hundred (200) square feet of gross floor area plus two (2) spaces for each fuel nozzle.

2.9 One (1) space for each two hundred-fifty (250) square feet of gross floor area.

2.10 One (1) space per employee during the shift of greatest employment plus three (3) spaces per service bay. Service bays shall not be considered as being off-street parking spaces.

2.11 One (1) space per employee during the greatest shift of employment plus one (1) space per three (3) boat slips. Additional parking shall be required as provided in this section for ancillary services such as restaurants, motels, gift shops, etc.

2.12 Three (3) spaces or one space per four hundred (400) square feet of gross floor area of enclosed retail sales area, whichever is greater; plus additional spaces required for the residential use.

2.13 One (1) space per camp site plus one (1) space per employee during the shift of greatest employment plus one (1) space per vehicle used in the operation.

2.14 One (1) space per four hundred (400) square feet of gross floor area plus one space per employee during the shift of greatest employment.

2.15 One (1) space per three hundred (300) square feet of gross floor area.

2.16 One (1) space per three (3) spectator seats (or spectator capacity in the largest gymnasium or assembly hall) plus one (1) space per employee during the shift of greatest employment.

2.17 One (1) space per two students during the shift of greatest enrollment. If an auditorium is provided for performances, parking spaces for this shall be computed separately.

2.18 One (1) space per two hundred-fifty (250) square feet of gross floor area, plus one hundred (100) linear feet of queuing area per drive-in window plus two (2) spaces per automatic teller.

2.19 One (1) space per employee during the shift of greatest employment plus one (1) additional space per credit or tax counselor during said shift.

2.20 One (1) space per three (3) seats in the chapel(s), plus one space for each employee during the shift of greatest employment. In addition, off-street parking area shall be provided to accommodate a minimum of thirty (30) passenger vehicles for the purpose of forming a funeral procession.
2.21 Two (2) spaces per bed, not including bassinets.

2.22 One (1) space per two hundred and fifty (250) square feet of gross floor area.

2.23 One (1) space per one hundred (100) square feet of gross floor area; or one space for each employee during the shift of greatest employment plus one (1) space per each three (3) customer seats, whichever is greater. If drive-in window service is provided, a reservoir area equal to at least three (3) spaces per drive-in window shall be provided.

2.24 Same as Subsection 16-2.23 plus one (1) space for each call-box located outdoors on-premises.

2.25 Four spaces for each salesperson plus one (1) space per each other employee during the shift of greatest employment. These spaces shall be in addition to those used for vehicle/boat display purposes. If repair and/or auto/boat body services are provided on-site, these shall be computed separately.

2.26 One (1) space located away from pumps for each fuel nozzle plus three (3) spaces for each service bay plus one (1) space for each employee during the shift of greatest employment.

2.27 One (1) space per employee during the shift of greatest employment, plus one (1) space for each vehicle used in the operation plus one (1) space for each four hundred (400) square feet of retail sales and customer area.

2.28 Three (3) spaces per barber, or beautician, or photographer.

2.29 One (1) space per employee during the shift of greatest employment plus one (1) space for each three patron seats.

2.30 One and one-half (1-1/2) spaces per employee during the shift of greatest employment.

2.31 One (1) space per one hundred-fifty (150) square feet of gross floor area.

2.32 Three (3) spaces per bowling lane, batting range or golf hole plus one (1) space per employee during the shift of greatest employment plus one (1) space per vehicle used in the operation.

2.33 Three (3) spaces per pool table plus one (1) space per employee during the shift of greatest employment.

2.34 One (1) space per speaker outlet plus one (1) space per employee.

2.35 Two (2) spaces per patient treatment or examination room (or similar patient treatment space) plus one (1) space per doctor practicing at the clinic or office plus one (1) space per each additional employee during the shift of greatest employment.

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2.36 One (1) space per employee during the shift of greatest employment; and reserve spaces equal to three times the number of washing bays at the facility or capacity of the mechanical washing system (for automatic car washes), whichever is greater.

2.37 One (1) space per employee during the shift of greatest employment plus one (1) space per two hundred (200) square feet of customer reception area (if such reception area is provided.)

2.38 One (1) space per employee during the shift of greatest employment plus one (1) space for each two (2) washing machines.

2.39 One (1) space per employee during the shift of greatest employment.

2.40 One (1) space per one hundred-fifty (150) square feet of waiting area.

2.41 One (1) space per ten (10) storage units plus one (1) space per employee during the shift of greatest employment.

2.42 One (1) space per employee during the shift of greatest employment plus one (1) space for each vehicle used in the operation. In addition, in order to accommodate visitors, one additional space per ten (10) required spaces shall be provided.

2.43 One (1) space per employee during the shift of greatest employment plus one (1) space for each vehicle used in the operation.

2.44 One (1) space per three hundred (300) square feet of lot area used for display or sales.

2.45 One (1) space for each three persons that the facility is designed to accommodate plus one (1) space for each employee during the shift of greatest employment.

2.46 One (1) space per employee during the shift of greatest employment plus one (1) space for each vehicle used in the operation.

2.48 One (1) space per employee during the shift of greatest employment plus one (1) space for each vehicle used in the operation. In addition, in order to accommodate visitors, one additional space per ten (10) required spaces shall be provided with a minimum of five (5) and a maximum of ten (10) such "visitor" spaces being required.

2.49 One (1) space per employee during the shift of greatest employment, plus one (1) space for each vehicle used in the operation plus one (1) space for each six-hundred (600) square feet of retail display or wholesale cash and carry area.

2.50 One (1) space for each two hundred (200) square feet of gross floor area of all uses, excluding indoor theaters. The parking requirements for indoor theaters shall be computed separately.

2.51 One (1) space per employee during the shift of greatest employment plus one (1) space for each three (3) persons that the facilities are designed to accommodate when
fully utilized.

2.52 Two (2) spaces per salesperson, plus one (1) space for each vehicle used in the operation.

2.53 One (1) space per four hundred (400) square feet of sales or display area.

2.55 One and one-half (1-1/2) spaces per employee.

2.56 One (1) space per three-hundred (300) square feet of office area.

2.57 One and one-half (1-1/2) spaces per batting station plus one (1) space per employee during the shift of greatest employment.

2.58 One (1) space per two-hundred (200) square feet of retail sales area.

2.59 One (1) space per one-hundred (100) square feet of water; plus one space per tennis or racquetball court (outdoor or indoor) and one (1) space per two-hundred (200) square feet of exercise area not otherwise calculated for parking purposes.

2.60 Two (2) spaces per firing station plus one (1) space per employee during the shift of greatest employment.

2.61 1.2 spaces per employee during the shift of greatest employment.

2.62 One (1) space per one-hundred fifty (150) square feet of gross floor area plus one (1) space per employee during the shift of greatest employment.

2.63 Two (2) spaces per employee during the shift of greatest employment.

2.64 One (1) space per fifty (50) square feet of public area (including dining halls) plus one (1) space per employee during the shift of greatest employment.

2.65 One (1) space per employee during the shift of greatest employment plus one space for each vehicle used in the operation. The spaces required for employees may be reduced by 0.75 for each employee that reports to work off-site at least seventy-five percent (75%) of work days.

2.66 One (1) space per employee during the shift of greatest employment plus one (1) space per dining table plus queuing space for at least twelve (12) automobiles per drive-through lane.

2.67 The off-street parking requirements for each principal use within the shopping center shall be computed separately.

2.68 One (1) space per two-hundred fifty (250) square feet of gross floor area.

2.69 One (1) space per employee during the shift of greatest employment plus one (1) space for each vehicle used in the operation plus two (2) spaces per each vehicle which is designed to be accommodated in the service area.
2.70 One (1) space per employee during the shift of greatest employment; in addition, the Zoning Administrator shall determine the number of spaces required for truck drivers who operate in the facility.

2.71 One (1) space per guest room or suite; plus one (1) space per employee during the shift of greatest employment plus one (1) space per three (3) seats in any meeting room.

3.1 One (1) space per staff member plus 1.6 spaces per classroom; or one (1) space for each three seats used for assembly purposes, whichever is greater.

3.2 One (1) space for each three (3) seats in the sanctuary. Where seats consist of pews or benches, each twenty (20) inches of a pew or bench shall be considered as one seat.

3.3 Five (5) spaces for each room used for instruction; or one (1) space for each three (3) seats used for assembly purposes, whichever is greater. "Assembly purposes" shall be deemed to include the capacity of either indoor or outdoor assembly, whichever is greater.

3.4 One (1) space for each three (3) persons that the facilities are designed to accommodate when fully utilized (if such a measurement can be made), plus one (1) space two hundred (200) feet of gross floor area used in a manner not susceptible to such calculation.

3.5 One (1) space per employee during the shift of greatest employment plus parking on private internal roads with room for cars to pass parked cars on said roads.

3.6 One (1) space per employee during the shift of greatest employment plus one (1) space per twenty-five (25) inmates.

3.7 One (1) space per two hundred (200) square feet of area which is accessible to patrons and their guests which is located within enclosed buildings plus one (1) space for every three (3) persons that the outdoor facilities are designed to accommodate when used to their maximum capacity.

3.8 One (1) space per three hundred (300) square feet of office area plus one (1) space for each vehicle used in the operation plus one (1) space for each three (3) seats in the waiting room area.

3.9 One (1) space for each three (3) students plus one (1) space per employee during the shift of greatest employment.

3.10 One (1) parking space for each employee during the shift of greatest employment plus two (2) additional spaces.

3.11 One (1) space per employee during the shift of greatest employment, plus one (1) space per vehicle used in the operation plus one (1) space per two hundred (200) square feet of customer waiting area.
3.12 One (1) space per employee during the shift of greatest employment plus one space per vehicle used in the operation plus one space per two (2) patron seats; or one (1) space per three auditorium or similar spectator seats, whichever is greater.

3.13 One (1) space for every three persons that the facilities are designed to accommodate when used to the maximum capacity plus one (1) space per employee during the shift of greatest employment.

3.14 One (1) space per employee during the shift of greatest employment plus one (1) space per vehicle used in the operation; plus one (1) space per three hundred (300) square feet of viewing area or one (1) space per three (3) auditorium seats or similar spectator seats, whichever is greater.

3.15 One (1) space per employee during the shift of greatest employment plus one (1) space for each vehicle used in the operation plus seven (7) additional spaces.

3.16 One (1) space per employee during the shift of greatest employment plus four (4) spaces per hole plus one (1) space for each vehicle used in the operation (excluding golf carts).

3.17 One (1) space per employee during the shift of greatest employment plus three (3) spaces per hole. If an amusement arcade is provided on-site, parking requirements for it shall be computed separately.

4.1 One (1) space per employee during the shift of greatest employment plus one (1) space per vehicle used in the operation. In order to accommodate visitors, one additional space for each twenty (20) required spaces shall also be required.

4.2 One (1) space per employee during the shift of greatest employment; plus one (1) space per vehicle used in the operation; plus one (1) space per six-hundred (600) square feet of retail sales floor area or five (5) spaces, whichever is greater.

7.1.13 Landscaping Within Off-Street Parking Areas

The purpose of such landscaping is to provide a visual buffer both to the motorist travelling on adjacent roads and to persons using the off-street parking facility. In addition, the landscaping shall serve as a means of reducing glare, controlling water run-off, and promoting the improved appearance of off-street parking areas which might otherwise consist of large unbroken expanses of paved surfaces.

A. Landscaping, in accordance with the requirements contained herein, shall be required in off-street parking areas under the following circumstances:

1. The off-street parking area contains twenty (20) or more spaces; and

2. The off-street parking area lies in any front or side yard; or in a rear yard and said rear yard is visible from any public road right-of-way adjoining the subject property.

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In addition, if a building permit is requested for the renovation of a previously developed site which increases the building square footage by 50% or more, these requirements for landscaping off-street parking areas must be provided as a minimum. Property zoned B-2 is exempt from this requirement.

B. The amount of landscaping shall be a function of the zoning district in which the lot is located. Landscaping, calculated by the required number of trees and shrubs per parking space (in such areas where landscaping is required), shall be provided at a minimum as follows:

<table>
<thead>
<tr>
<th>Zoning District</th>
<th>Required Number Of Trees And Shrubs Per Parking Space</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Trees - 0.30</td>
</tr>
<tr>
<td></td>
<td>Shrubs - 0.75</td>
</tr>
<tr>
<td>1. R-15, R-8, R-6, O-1</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Trees - 0.15</td>
</tr>
<tr>
<td></td>
<td>Shrubs - 0.50</td>
</tr>
<tr>
<td>2. B-1, B-3, M-1, M-2</td>
<td></td>
</tr>
</tbody>
</table>

Thus, if there were an off-street parking area containing 125 spaces (in the front and side yards), and such parking area were located in an Industrial (M-1, M-2) District, internal landscaping within the parking area shall consist of a minimum of 19 trees, and 63 shrubs. If the same parking area were located in a R-6 District, 38 trees, and 94 shrubs would be required.

C. Landscaping along the perimeter of parking areas or landscaped areas not bounded on at least three (3) sides by parking spaces, driveways, or maneuvering areas shall not be counted toward the landscaped area required under this Section.

D. Trees to be planted shall be selected from the approved species listed in Table 3 and 4. Minimum tree caliper measured 6 inches above ground on all trees shall be 2-1/2" and the minimum height shall be 8 feet. No trees identified as large maturing trees shall be planted within 20' of an electrical distribution line. This does not include low-voltage insulated or covered lines of 240 volts or less or telephone or cablevision lines.

E. Shrubs used in any screening or landscaping must be at least 2 feet tall when planted and shall be selected from the approved species listed in Table 5. They must be of a variety and adequately maintained so that an average height of 5 to 6 feet could be expected as normal growth within 3 years of planting.

F. Any landscaped area provided under this Section shall not contain bare soil. Any ground area shall be covered with stones, mulch, grass, or other
decorative or vegetative ground cover.

G. Any landscaped area provided under this Section shall be separated from parking spaces, driveways, and maneuvering areas by a curb at least six (6) inches high and shall be at least eight (8) feet wide and designed to minimize damage by vehicles to plants located in the landscaped area. The minimum unpaved area per tree shall be 200 square feet.

H. No shrubs shall be located within any vehicle overhang area. [Area two (2) feet beyond curb or wheel stop at the head of a parking space].

I. Each parking space shall be no further than sixty (60) feet from a tree constituting part of the required landscaped area.

J. Landscaping Installation and Maintenance

The plantings that constitute required landscaping shall be properly installed and maintained in order to fulfill the purpose for which it is established. Required trees shall be selected from the Approved Species List found in Table 3 and 4. Required shrubs shall be selected for healthy growth under local climate conditions and are not highly prone to disease. Plant materials shall be planted in accordance with generally recommended and accepted planting and growing practices. The owner of the property, and any tenant on the property where landscaping is required shall be jointly and severally responsible for the maintenance of all required landscape materials. Such maintenance shall include all actions necessary to keep the landscaped areas free of litter and debris; to keep plantings healthy; to keep growth from interfering with safe vehicular or pedestrian travel, or use of parking areas; or from creating any nuisances to adjoining properties.

Any vegetation that constitutes part of the required landscaping shall be replaced in the event that it dies. All landscaping materials shall be protected from damage by erosion, motor vehicles or pedestrians.

K. Use of Existing Landscaping Features

Use of existing trees or shrubs to satisfy the off-street landscaping requirements of this section is strongly encouraged. If such existing landscaping is used and consists of mature and semi-mature trees, the Zoning Administrator shall have the authority to reduce the amount of required landscaping by up to fifty (50) percent. In no instance shall any paved area within the parking area extend closer to any existing tree used for landscaping than its drip line.

L. Landscaping Required Prior to Issuance of Certificate of Occupancy

After the effective date of this Ordinance, a Certificate of Occupancy shall not be issued for any use located on a lot(s) upon which screening and/or landscaping is required, unless such screening and landscaping is provided on
said lot(s) as herein specified.

M. Improvement Guarantees

1. Posting Bond

It is recognized that vegetation used in landscaping or screening should be planted at certain times of the year to ensure the best chance of survival. In order to ensure compliance with this section and to reduce the potential expense of replacing landscaping or screening materials which were installed in an untimely or improper fashion, in lieu of requiring the completion and installation of these improvements prior to occupancy, the Town of Landis may enter into an agreement with the subdivider/developer whereby the subdivider/developer shall agree to complete all required landscaping and screening. To secure this agreement, the subdivider/developer shall provide to the Town of Landis one of the following guarantees. The amount of such guarantee shall be equal to 1.25 times the cost of purchasing, installing, and completing landscaping and screening materials required under this Ordinance. All such guarantees shall be subject to the approval of the Town Board and shall be made payable to the Town of Landis. The subdivider/developer shall provide either one or a combination of the following guarantees:

A. Surety Performance Bond(s)

The subdivider/developer shall obtain a performance bond(s) from a surety company authorized to do business in North Carolina. The duration of the bond(s) shall be until such time as the improvements are accepted by the Town Board.

B. Cash or Equivalent Security

The subdivider/developer shall deposit cash, an irrevocable letter of credit or other instrument readily convertible into cash at face value, either with the Town or in escrow with a financial institution designated as an official depository of the Town of Landis.

If cash or other instrument is deposited in escrow with a financial institution as herein provided, the subdivider/developer shall then file with the Town of Landis an agreement between the financial institution and himself guaranteeing the following:

1) That said escrow account shall be held in trust until released by the Town Board and may not be used or pledged by the subdivider/developer in any matter during the term of the escrow; and
2) That in the case of a failure on the part of the subdivider/developer to complete said improvement, the financial institution shall, upon notification by the Town of Landis and submission by the Town of Landis to the financial institution of a landscape architect's estimate of the amount needed to complete the improvements, immediately either pay to the Town the funds estimated to complete the improvements, up to the full balance of the escrow account, or deliver to the Town any other instruments fully endorsed or otherwise made payable in full to the Town.

2. Default

Upon default, meaning failure on the part of the subdivider/developer to complete the required improvements in a timely manner as spelled out in the performance bond or escrow agreement or pay all fees involved, then the surety, or the financial institution holding the escrow account, shall, if requested by the Town Board, pay all or any portion of the bond or escrow fund to the Town of Landis up to the amount needed to complete the improvements based on a landscape architect's estimate. Upon payment, the Town Board, in its discretion, may expend such portion of said funds as it deems necessary to complete all or any portion of the required improvements. The Town shall return to the bonding firm any funds not spent in completing the improvements. Should the amount of funds needed to complete the installation of all required improvements exceed the amount in the bond or escrow account, the subdivider/developer shall nonetheless be responsible for providing the funds to cover such costs. The subdivider/developer shall at all times bear the financial burden for the installation of all required improvements.

3. Release of Guarantee Security

The Town Board may authorize the Town Clerk to release a portion of any security posted as the improvements are completed and approved by the Town. Such funds shall then be released within ten (10) days after the corresponding improvements have been so approved.

4. Any costs associated with drawing the agreement such as review by the Town Attorney, any recordation fees or initiation fee shall be borne by the subdivider/developer and paid in full prior to full release of the security.

7.1.14 Off-Street Loading Requirements

In order to assure a proper and uniform development of off-street loading areas and
to relieve traffic congestion in the streets, the off-street loading requirements set forth in this Section will apply in Business District zones (B-1, B-2, B-3), and Industrial (M-1, M-2) Districts. The B-2 (Central Business) District is exempt from providing off-street loading requirements.

7.1.14.1 Minimum Off-Street Loading Space Requirements

The following minimum loading space requirements shall apply for the appropriate use:

<table>
<thead>
<tr>
<th>Type of Use</th>
<th>Gross Floor Area (Square Feet)</th>
<th>Required Number of Loading Spaces</th>
</tr>
</thead>
<tbody>
<tr>
<td>Office, Restaurant, Hotel or Motel:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>0 - 4,999</td>
<td>None</td>
<td></td>
</tr>
<tr>
<td>5,000 - 49,999</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>50,000 - 99,999</td>
<td>2</td>
<td></td>
</tr>
<tr>
<td>100,000+</td>
<td>2 plus one for each 100,000 square feet of gross floor area in excess of 100,000 square feet.</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Type of Use</th>
<th>Gross Floor Area (Square Feet)</th>
<th>Required Number of Loading Spaces</th>
</tr>
</thead>
<tbody>
<tr>
<td>Other Commercial, Shopping Centers, and Industrial Establishments:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>0 - 4,999</td>
<td>None</td>
<td></td>
</tr>
<tr>
<td>5,000 - 19,999</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>20,000 - 49,999</td>
<td>2</td>
<td></td>
</tr>
<tr>
<td>50,000 - 79,999</td>
<td>3</td>
<td></td>
</tr>
<tr>
<td>80,000 - 99,999</td>
<td>4</td>
<td></td>
</tr>
<tr>
<td>100,000 - 149,999</td>
<td>5</td>
<td></td>
</tr>
<tr>
<td>150,000+</td>
<td>5 plus one for each 50,000 square feet of gross floor area in excess of 150,000 square feet.</td>
<td></td>
</tr>
</tbody>
</table>

7.1.14.2 Design of Loading Spaces

Off-street loading spaces shall be designed and constructed so that all maneuvering to park vehicles for loading and unloading can take place entirely within the property lines of the premises. Loading spaces must be designed so as to not interfere with the normal movement of vehicles and pedestrians on public rights-of-way. Where feasible, off-street loading shall be located in the rear yard. In certain zoning districts, however, off-street loading
areas shall be required in the rear yard. No area allocated to loading and unloading facilities may be used to satisfy the area requirements for off-street parking, nor shall any portion of any off-street parking area be used to satisfy the area requirements for loading and unloading facilities.

Each loading berth shall have a paved surface and be a minimum of twelve (12) feet in width and forty (40) feet in length. Each such berth shall also have a minimum vertical clearance of fourteen (14) feet. For any use which is required to furnish three (3) or more loading berths, at least one (1) of every three (3) berths shall have a minimum width of twelve (12) feet, minimum length of sixty-five (65) feet and a minimum vertical clearance of fourteen (14) feet.
ARTICLE VIII

SIGNS

Section 16-8.1 General Intent

The purpose and intent of this Section is to support and complement the various land uses allowed in the Landis area by the adoption of policies and regulations concerning the placement of signs.

The Town Board does hereby find and declare that the outdoor placement of signs is a legitimate use of private property but that the erection of signs should be controlled and regulated in order to promote the health, safety, welfare and convenience and enjoyment of travel on and protection of the public investment in streets and roads in the Landis area and to promote the reasonable, orderly and effective display of such signs, displays and devices. It is also the intent of this Section to prevent signs from dominating the visual appearance of the area in which they are located and to enhance the aesthetic environment of the Landis area.

Section 16-8.2 Sign Illumination

A. The letter "N" means that the sign shall not be lighted.

B. The letter "L" means that the sign may be illuminated.

C. All lighted signs shall have their lighting directed in such a manner as to illuminate only the face of the sign.

D. No commercial sign (other than a ground-mounted sign) within 100 linear feet of a pre-existing residential structure may be illuminated between the hours of 12:00 midnight and 6:00 a.m. A residence shall be deemed "pre-existing" for purposes of this Section if it has a valid building permit in effect for construction of said structure or if construction of said structure was complete on or prior to the effective date of this provision.

Section 16-8.3 Unsafe Signs

Any sign which is determined by the Zoning Administrator as being insecure, in danger of falling or otherwise endangering the public safety shall be immediately removed by its owner unless it is repaired and made to otherwise comply with the requirements of this Ordinance.

Section 16-8.4 Sign Area

The surface area of a sign is 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 display of identification or licensing officially required by any governmental body. In the case of signs mounted back-to-back, only one side of the sign is to be included in the area. Otherwise, the surface area of each sign is to be separately 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 is 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 is to be computed separately (according to the method described immediately above in this Section) as part of the total surface area of the sign. If a sign is attached to an entrance wall or fence, including that portion of that wall or fence onto which the sign face or letters are placed shall be calculated in the sign area onto which the sign face or letter.

Examples Of How Sign Area Is To Be Computed Are Indicated On The Following Page:
Sign Area = A (X) B
Sign Area = A \times B

Sign Area = A \times B + C \times D + E \times F
Sign Area = \pi R^2

Sign Area = A (X) B

Sign Area = A (X) B

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Section 16-8.5  Sign Height

The height of a sign shall be measured from the highest point of a sign to the point of ground surface beneath it.

Section 16-8.6  Permit Required

Except as otherwise provided in Section 16-8.7 of this Ordinance, it shall be unlawful for any person to erect, construct, enlarge, move or replace any sign or cause the same to be done, without first having obtained a sign permit for such sign from the Zoning Administrator as required by this Ordinance. A fee, in accordance with a fee schedule adopted by the Town Board, shall be charged for each sign permit issued.

Notwithstanding the above, changing or replacing the copy on an existing lawful sign shall not require a permit, provided the copy change does not change the nature of the sign such as to render the sign in violation of this Ordinance.

Section 16-8.7  Signs Not Requiring Permit

The following types of signs are exempt from permit requirements of Section 16-8.6 of this Ordinance and may be placed in any zoning district subject to Section 16-8.2(D). Such signs shall otherwise be in conformance with all applicable requirements contained in this Ordinance. There shall be no limit as to the number of such signs on any lot, except as herein prescribed. All such signs (except government signs) shall be located outside a road right-of-way. Except where specifically provided for, portable signs shall be prohibited.

A. Government signs.

B. Memorial signs, plaques or grave markers which are noncommercial in nature.

C. Flags, pennants, insignia, or religious symbols of any government, non-profit or not-for-profit organization or private residence when not displayed in connection with a commercial promotion or as an advertising device. Any pole cannot exceed thirty (30) feet in height.

D. Integral decorative or architectural features of buildings; works of art; so long as such features or works do not contain letters, trademarks, moving parts or lights.

E. Public interest signs.

F. On-premise directional and instructional signs not exceeding six (6) square feet in area apiece.

G. Identification signs for residential uses not exceeding four (4) square feet in area [one (1) only per premises]

H. Incidental signs may not exceed ten (10) square feet in area. In no case shall a drive-in service window menu board be oriented to a public right-of-way; exceed fifteen
(15) square feet in area, and if a loud speaker is employed with the menu board, the speaker shall be located at least (100) feet from any pre-existing residential structure (as defined in Section 16-8.2) located in a Residential (R-15, R-8, R-6) district.

I. Campaign and election signs provided that:

1. Each sign shall not exceed ten (10) square feet in area.
2. All such signs shall be removed within seven (7) days after the election for which they were made.
3. Property owner shall be held responsible for violations.

J. Temporary real estate signs advertising a specific property for sale, lease, rent or development shall be located as follows:

1. One sign per street frontage advertising real estate "For Sale", "For Rent", "For Lease" or "For Development" not greater than six (6) square feet in area in a Residential (R-8, R-6) District and fifteen (15) square feet in area in nonresidential districts may be located on the property being advertised so long as said sign is located behind the street right-of-way line. If the property so advertised lies on a corner lot or double frontage lot, then a second sign may be oriented along the second street so long as the two signs are at least one hundred (100) feet apart as measured by the shortest straight line.

2. In addition to the on-site real estate sign(s), a maximum of two (2) directional signs, each not exceeding four (4) square feet in area, shall be permitted off the subject premises. The message of said signs shall be limited to the name of the property or development being advertised, an address, a telephone number, a directional arrow, mileage to the subject property, and the terms "Lot/Home For Sale", "For Rent", "For Lease", "For Development", etc.

3. No more than two (2) temporary directional signs advertising a specific planned commercial or mixed use development, subdivision, multi-family development, etc. may also be permitted off-site. Each such sign may have a maximum area of three (3) square feet.

4. All such temporary signs shall be removed within seven (7) days after the property has been sold, rented, leased, etc.

5. No sign allowed under this subsection shall be lighted.

K. Permanent subdivision or planned development identification signs not exceeding thirty-two (32) square feet.

L. Temporary construction signs provided that:

1. Signs in conjunction with any residential use shall not exceed ten (10) square
2. Signs in conjunction with all other uses shall have a maximum area of fifteen (15) square feet each.

3. Only one (1) such sign oriented per street front per premises shall be erected. Any two such signs located on the same premises shall be located at least one hundred (100) feet apart as measured by using a straight line.

4. Such signs shall not be illuminated.

5. Such signs shall only appear at the construction site.

6. Such signs shall be removed within seven (7) days after a completion of the project.

M. Temporary farm product signs provided that:

1. One on-premises sign may be used. Said sign shall be located off the street right-of-way and at least ten (10) feet away from any side lot line. Such sign shall have a maximum area of six (6) square feet and may not be illuminated.

2. A maximum of two off-premise signs shall be permitted. Said off-premise signs may be no greater than four (4) square feet apiece and shall not be illuminated. No such sign shall be allowed in the street right-of-way nor within ten (10) feet of a side lot line.

3. Portable signs shall not be used for any sign allowed under this Subsection.

N. Temporary special event signs for religious, charitable, civic, fraternal or similar non-profit or not-for-profit organizations provided that:

1. Signs shall be erected no sooner than ten (10) days prior and removed no later than two (2) days after the event.

2. Portable signs for such uses may be allowed.

3. No such sign shall exceed fifteen (15) square feet.

4. No such sign shall be illuminated.

5. All such signs shall be located off the street right-of-way, unless otherwise granted permission for such location by the Town of Landis or NCDOT. In no case may any such sign extend onto or over a street pavement or impede the view of any motorists or pedestrians as per Section 16-5.4.11. Location of such signs within a road right-of-way shall be limited to the day of the event.
O. Temporary displays as part of a Christmas, holiday or civic event so long as any such displays are not located within a street right-of-way unless permission for such is first granted by the Town of Landis or NCDOT.

P. One (1) on-premise and two (2) off-premises yard sale signs per yard sale. All such signs shall be removed within twenty-four hours after the yard sale has been terminated. No such sign shall be greater than four (4) square feet in area. All such signs shall be located off the street right-of-way. (NOT ON POWER POLES)

Q. Bulletin boards and signs which contains information of a non-commercial nature. Such bulletin boards and signs may have a maximum area of thirty (30) square feet and a maximum height of eight (8) feet.

R. Directional Signs (for public and semi/public uses only) provided that:

1. No more than three (3) directional sign per principal use may be erected. No two directional signs advertising the same principal use shall be located within one thousand (1,000) feet of each other as measured using the straightest short line distance.

2. All such signs shall be located off the road right-of-way.

3. All such signs greater than three (3) feet in height as measured from the grade of the road upon which it fronts shall be located outside the required sight triangle as indicated in Section 16-5.5.11 of this Ordinance.

4. All such signs shall not be illuminated.

5. All directional signs shall be free-standing signs. Portable signs shall be prohibited.

6. There shall be no greater than two (2) directional signs on separate supports at the intersection of any two (2) roads.

7. More than one sign may be placed on the same supports.

8. No two (2) directional signs hung from separate supports shall be located within five (5) feet of each other.

9. The maximum area of any directional sign shall be four (4) square feet.

10. No two directional signs.

S. Other signs Containing Non-commercial Copy Messages, Provided That:

1. Such signs have an area of no greater than twenty (20) square feet.
2. Such signs do not fit under the category of prohibited signs (i.e., Section 16-8.8) with the exception of Section 16-8.8.8 (portable signs), Section 16-8.8.9 (vehicular signs), and roof signs (Section 16-8.8.11).

3. Such signs shall not be illuminated.

T. Directory Signs Provided That:

1. No sign is located in a road right-of-way.

2. The maximum sign area shall be forty (40) square feet or one-half the area of the largest free-standing sign permitted for said use, whichever is less.

3. Letters do not exceed 6 inches in height.

4. Height of sign does not exceed 6 feet.

U. Window Signs

V. "Warning", "No Trespassing" and similar informational signs

W. Signs located within a stadium intended to be read only by persons seated within the stadium.

X. Permanent municipal, school, recreational and civic club sponsored signs, schedule of events, rules and regulations signs. Such signs shall not include identification signs.

Y. Any sign inside a building, not attached to or placed within an external window or piece of glass that is not legible more than three (3) feet beyond the building in which it is located.

Z. Signs placed on newspaper boxes designed for placement of delivered newspaper to a particular location.

AA. Signs advertising the price of gasoline or designating self service or full service pumps, so long as such signs are attached to the pump island or a permitted free standing sign.

BB. One (1) North Carolina vehicle inspections sign so long as such sign is not located in any right-of-way and is not larger than four (4) square feet.

Section 16-8.8 Prohibited Signs

1. Any sign which the Zoning Administrator determines obstructs the view of bicyclists or motorists using any street, approach to any street intersection, or which interferes with the effectiveness of or obscures any traffic sign, device, or signal shall be prohibited.
2. Illuminated, highly reflective signs or spot lights which hamper the vision of motorists or bicyclists.

3. Signs which contain lights, rotating disks, words and other devices not erected by a public authority which may be erroneously construed as government signs or emergency warning signs. An example of this is a sign which contains a picture of a traffic sign plus the word "Stop", "Yield", etc.

4. Any sign located outdoors which interferes with free passage from or obstructs any fire escape, downspout, window, door, stairway, ladder, or opening intended as a means of ingress or egress or providing light or air.

5. Any sign (other than a government sign), banner or display placed on any curb, sidewalk, post, pole, hydrant, bridge, tree, or other surface located on, over, or across any public street or right-of-way, unless otherwise permitted.

6. Any sign located in such a way as to intentionally deny an adjoining property owner visual access to an existing sign.

7. Flashing signs, signs with flashing or reflective disks, signs with flashing lights or lights of changing degree of intensity or color or signs with electrically scrolled messages (except government signs and signs which give time and temperature information). If a time and temperature sign alternates between a time message and a temperature message it shall continuously show one message a minimum of three (3) seconds in time before switching to the other message.

8. Portable signs [excluding temporary signs otherwise permitted in (Section 16-8.7(N)) and signs containing non-commercial copy messages allowed in (Section 16-8.7(S)) of this Ordinance.]

9. Parked vehicles with messages (exempting vehicles with commercial advertising which are used regularly and customarily to transport persons or property for business).

10. Rotating signs, other than on-premise rotating identification names which contain a logo and/or business name on it.

11. Roof signs

12. Billboards on or off premises.

13. Signs placed on a piece of property without permission of its owners or agent.

14. Inflatable signs [including inflated balloons having a diameter of greater than two (2) feet].

15. Other signs not expressly permitted in this Ordinance.

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16. Any sign whose sign face was initially constructed and designed to be placed and/or transported on wheels, regardless if said sign face is removed from its base and placed on or in the ground so as to otherwise classify said sign as a "free-standing" sign as herein defined.

17. Spinners, flags, banners, pennants, and streamers, except for temporary banners provided in Section 16-8.12.3.

Section 16-8.9 Signs Permitted In Residential (R-15, R-8, R-6) Districts

Signs allowed without a permit are listed in Section 16-8.7 of this Ordinance. The following signs may be placed in such districts subsequent to the issuance of a permit by the Zoning Administrator. All other signs shall be prohibited. Additional specifications for sign placement are found in Section 16-8.12.

A. Signs on premises of multi-family developments and manufactured home parks are regulated as follows:

1. Type of signs permitted: Identification (wall or free-standing)

2. Permitted number of signs:
   One (1) per premises per public street front. No two signs identifying the same use shall be located closer than two-hundred (200) feet from each other measured by using the shortest straight line distance.

3. Maximum area of signs: Twenty (20) square feet apiece

4. Permitted illumination: L

5. Maximum height:
   Free-standing: Six (6) feet.
   Wall: Sign shall not be allowed to extend above the parapet of the building.

B. Signs on premises of day care centers, family day care centers, bed and breakfast inns, family care homes and rooming houses are regulated as follows:

1. Type of signs permitted: Identification (wall or free-standing)

2. Permitted number of signs:
   One (1) per establishment

3. Maximum area of signs: Four (4) square feet

4. Permitted illumination: L
5. Maximum height: Free-standing: Three (3) feet
   Wall: Sign shall not be allowed to extend above the parapet of the building.

C. Signs on premises of churches, schools, community center, park, playground, public safety station, rest homes, offices, public library, golf course, club or lodge:

1. Type of signs permitted: Identification (wall or free-standing)

2. Permitted number of signs:
   a. One (1) sign per street front provided that no two signs are located within a straight line distance of two-hundred (200) feet
   b. In addition, for any use which contains more than one (1) principal structure, one free-standing identification sign may be placed within fifty (50) feet of each building provided that building does not contain any wall identification signs

3. Maximum area of signs: Twenty (20) square feet per (Section 16-8.9(c)(2)(a)); Ten (10) feet per (Section 16-8.9(c)(2)(b))

4. Permitted illumination: L

5. Maximum height: Free-standing. Eight (8) feet
   Wall. Sign shall not be allowed to extend above the parapet of the building

D. Signs on premises of customary home occupations are regulated as follows:

1. Type of signs permitted: Not permitted

2. Permitted number of signs: Zero

E. Signs on premises of animal kennels, family campgrounds, cemeteries, continuing care facilities, essential utility services, funeral homes, monument

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sales, philanthropic and eleemosynary institutions are regulated as follows:

1. Type of signs permitted: Identification (Wall or Free-Standing)
2. Permitted number of signs: One (1) sign only.
3. Maximum area of signs: Twenty (20) square feet.
4. Permitted illumination: L
5. Maximum height: Free-standing: Eight (8) feet. Wall: Signs shall not be allowed to extend above the parapet of the building.

Section 16-8.10 Signs Permitted In the B-2 (Central Business) District

Except as otherwise permitted by this Ordinance, signs in the B-2 District shall be limited to wall, canopy and awning signs. Regulations governing these signs are as follows:

A. Wall Signs

<table>
<thead>
<tr>
<th>General Location</th>
<th>Specific Location</th>
<th>Maximum Number</th>
<th>Maximum Area</th>
<th>Maximum Letter Size</th>
<th>Maximum Height*</th>
</tr>
</thead>
<tbody>
<tr>
<td>Facades facing a public street</td>
<td>Between first window and window sill of second floor, or on sign frieze area of building if original to building</td>
<td>1</td>
<td>2 sq. ft. for each lineal foot of building wall facing a public street</td>
<td>16 inches</td>
<td>16 ft.</td>
</tr>
<tr>
<td></td>
<td>Above or beside doorway</td>
<td>1</td>
<td>8 sq. ft.</td>
<td>9 inches if above doorway; 6 inches if beside doorway</td>
<td>12 ft.</td>
</tr>
<tr>
<td>Windows</td>
<td>First floor</td>
<td>2</td>
<td>20% of total</td>
<td>6 inches</td>
<td>8 ft.</td>
</tr>
</tbody>
</table>

8-14
<table>
<thead>
<tr>
<th>Location</th>
<th>Windows</th>
<th>Window Size</th>
<th>Height</th>
<th>Width</th>
</tr>
</thead>
<tbody>
<tr>
<td>Outside entrance to upper floors</td>
<td>Above or beside entrance</td>
<td>1</td>
<td>8 sq. ft.</td>
<td>9 inches; 12 ft.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>above</td>
<td>6 inches if entrance; 2 sq. ft. if beside entrance</td>
<td></td>
</tr>
<tr>
<td>Windows, if different business</td>
<td>Upper floor</td>
<td>1</td>
<td>50% window size</td>
<td>N/A</td>
</tr>
<tr>
<td>Front of building</td>
<td>For historical plaque</td>
<td>1</td>
<td>30% of wall area</td>
<td>4 inches; 6 ft.</td>
</tr>
</tbody>
</table>

*As Measured From the Top of the Sign to the Sidewalk.

B. **Canopy and Awning Signs**

A sign message on a canopy or awning shall contain only the name of the business, street address, and/or the type of business, type of goods sold, or services rendered.

1. Each business is permitted up to one (1) sign hung under a canopy or awning provided the message on the sign is perpendicular to the building and the sign is at least eight and one half (8-1/2) feet above the surface of the sidewalk and is no more than four (4) square feet in size.

2. If a wall sign is not used, a business is permitted to use up to one (1) canopy or awning sign. Said sign may be of either of the following types of canopy or awning signs:

   a. A canopy or awning sign along a canopy or awning edge (fringe or drip-flap) for fabric canopies or awnings or vertical facia surface (in the case of a rigid canopy or awning) provided the message does not exceed ten (10) inches in height nor extend in any direction above, below, or beyond the canopy edge.

   b. A canopy or awning sign above the edge of the canopy or awning on the surface of the canopy or awning covering provided the signing is within the parallel edges of the canopy or awning covering and is an integral part of the canopy or awning covering.

Signage on the canopy or awning sign shall be limited to no greater than one-half of
the area bounded by the edges of the canopy or awning not including any drip flap or vertical facia surface. If signage is only found in fringe drip-flap portion of the canopy, the entire portion of said area may be utilized for signage.

Section 16-8.11 Signs Permitted In B-1, Office - Institutional (O-I), and Industrial (M-1, M-2) Districts

8.11.1 The following are regulations for all wall signs and free-standing signs for all uses except that such regulations shall not be applicable to free-standing signs in shopping centers, business parks, office buildings and other commercial multi-tenant developments and out parcels in said developments. Signs allowed without a permit are found in Section 16-8.8 of this Ordinance. Wall signs shall also be governed per Section 16-8.12.1; free-standing signs per Section 16-8.12.2. Supplemental directory/directional signs are permitted per Section 16-8.12.3. All other signs are prohibited.

1. Types of sign permitted: Business, Identification

2. Permitted number of signs: Wall. No limit

   Free-standing. A free-standing sign shall not be permitted if the principal structure containing the use identified for the sign is located less than thirty (30) feet from the edge of that portion of the road right-of-way parallel to the architectural front of said structure. Otherwise, one (1) only is permitted except two (2) shall be permitted if the principal use has direct access from two (2) or more public roads. If two signs are allowed, they shall be located at least two hundred (200) feet apart as measured using the shortest straight-line distance between the two signs.

3. Maximum area of signs: Wall. A maximum of ten (10) percent of the wall area of any wall on the building. Except as provided herein and in (Section 16-8.12.1), in no instance shall
any principal use, be allowed to have an aggregate wall sign area in excess of fifty (50) square feet.

**Free-standing:** Twenty (20) square feet.

4. **Permitted illumination:**
L

5. **Maximum height:**
Wall: Signs shall not be allowed to extend above the parapet of the building.

**Free-standing:** Fifteen (15) feet.

### 8.11.2 Shopping center and other multi-tenant identification signs.

1. **Types of sign permitted:**
Identification (for the shopping center itself and for the uses located within the shopping center other than in outparcel lots)

2. **Permitted number of signs:**
   a. A shopping center which contains two (2) or more non-residential uses located in a unified building or group of buildings may have one (1) free-standing identification sign giving the name of the development and/or the name of the businesses and other uses occupying the development.

   b. Notwithstanding (Section 16-8.11.2(2)(a)) if the development consists of (i) two or more multi-tenant principal buildings, and (ii) access to each tenant in a building is made by a common entrance and (iii) no wall signs identifying any of the buildings tenants are placed on the building; then one free-standing
3. Maximum area of signs: Thirty-two (32) square feet except fifteen (15) feet for any sign allowed per Section 16-8.11.2(2)(b).

4. Permitted illumination: L

5. Permitted height: Fifteen (15) feet except ten (10) feet for any sign allowed per Section 16-8.11.2(2)(b)

8.11.3 Detached signs on outparcels of shopping centers, office parks and other commercial multi-tenant developments shall be regulated as follows:

1. Type of Sign Permitted: Ground Mounted Identification (such sign shall only be permitted if all applicable parking and yard requirements for that lot are met by the use and structure occupying said lot)

2. Permitted Number of Signs: One per outparcel

3. Maximum Area of Sign: Twenty (20) square feet

4. Permitted Illumination L

5. Maximum Height: Eight (8) feet

6. Location: At least 10 feet behind edge right-of-way line. Said sign may only be placed on the outparcel lot and not elsewhere in the development.

Section 16-8.11A Signs Permitted In B-3

8.11A.1 The following are regulations for all wall signs and free-standing signs for all uses
except that such regulations shall not be applicable to free-standing signs in shopping centers, business parks, office buildings and other commercial multi-tenant developments and out parcels in said developments. Signs allowed without a permit are found in Section 16-8.8 of this Ordinance. Wall signs shall also be governed per Section 16-8.12.1; free-standing signs per Section 16-8.12.2. Supplemental directory/directional signs are permitted per Section 16-8.12.3. All other signs are prohibited.

1. Types of sign permitted: Business, Identification, Readerboard Sign

2. Permitted number of signs: Wall. No limit

Free-standing. A free-standing sign shall not be permitted if the principal structure containing the use identified for the sign is located less than twenty (20) feet from the edge of that portion of the road right-of-way parallel to the architectural front of said structure. Otherwise, one (1) only is permitted except two (2) shall be permitted if the principal use has direct access from two (2) or more public roads. If two signs are allowed, they shall be located at least two hundred (200) feet apart as measured using the shortest straight-line distance between the two signs.

3. Maximum area of signs: Total per business is maximum of 120 square feet:

Wall. Fifty (50) square feet.

Free-standing. Seventy-two (72) square feet.

Readerboard. Thirty-two (32) square feet.

4. Permitted illumination: L
5. Maximum height:  
   Wall: Signs shall not be allowed to extend above the parapet of the building.
   Free-standing: Twenty (20) square feet.

8.11A.2 Shopping center and other multi-tenant identification signs.

1. Types of sign permitted:  
   Identification (for the shopping center itself and for the uses located within the shopping center other than in outparcel lots)

2. Permitted number of signs:  
   a. A shopping center which contains two (2) or more non-residential uses located in a unified building or group of buildings may have one (1) free-standing identification sign giving the name of the development and/or the name of the businesses and other uses occupying the development.
   
   b. Notwithstanding (Section 16-8.11A.2(2)(a)) if the development consists of (i) two or more multi-tenant principal buildings, and (ii) access to each tenant in a building is made by a common entrance and (iii) no wall signs identifying any of the buildings tenants are placed on the building; then one free-standing sign which identifies the tenants of the building may also be placed within twenty (20) feet from the edge of the building.

3. Maximum area of signs:  
   Thirty-two (32) square feet except fifteen (15) feet for any sign allowed per Section 16-
4. Permitted illumination: L

5. Permitted height: Fifteen (15) feet except ten (10) feet for any sign allowed per Section 16-8.11.2(2)(b).

8.11A.3 Detached signs on outparcels of shopping centers, office parks and other commercial multi-tenant developments shall be regulated as follows:

1. Type of Sign Permitted: Readerboard and Ground Mounted Identification (such sign shall only be permitted if all applicable parking and yard requirements for that lot are met by the use and structure occupying said lot)

2. Permitted Number of Signs: One per outparcel

3. Maximum Area of Sign: Twenty (20) square feet for Ground Mounted sign; Thirty-two square feet for Readerboard Signs

4. Permitted Illumination L

5. Maximum Height: Eight (8) feet

6. Location: At least 10 feet behind edge right-of-way line. Said sign may only be placed on the outparcel lot and not elsewhere in the development.

Section 16-8.12 Specifications For Signs Requiring A Permit

The following are general specifications applicable to the various permitted signs. Additional specifications regarding size, number, location, and permitted types of signs are set forth in the individual zoning districts.

8.12.1 Wall Sign
1. The maximum permitted aggregate area of wall signs per premises may be increased beyond that which is normally allowed using either (but not both) of the following methods:

   a. If a free-standing identification sign is not used on the premises, the aggregate area of wall signs may be increased by a maximum of twenty-five (25) percent per premises in all zoning districts except the B-2 district.

   b. The aggregate area of all wall signs per premises may be increased based on the distance, the principal building is set back from the required front setback line. Said increase shall be in accordance with the following Table:

<table>
<thead>
<tr>
<th>Principal Building Distance Setback From The Required Front Setback</th>
<th>Allowed Aggregate Wall Sign Area Increase</th>
</tr>
</thead>
<tbody>
<tr>
<td>0 - 49 Feet</td>
<td>0 Percent</td>
</tr>
<tr>
<td>50 - 99 Feet</td>
<td>25 Percent</td>
</tr>
<tr>
<td>100 - 200 Feet</td>
<td>50 Percent</td>
</tr>
<tr>
<td>201 - 300 Feet</td>
<td>75 Percent</td>
</tr>
<tr>
<td>301 - 400 Feet</td>
<td>100 Percent</td>
</tr>
</tbody>
</table>

2. No wall sign shall project more than 18 inches from the building wall. Further, no wall sign or its supporting structure shall cover any window or part of a window.

3. Canopy and awning signs may be substituted for part or all of the allowable wall signage per premises. Signs may be painted or printed onto a canopy or awning. In no instance shall a canopy or awning sign extend into a street right-of-way. This paragraph shall not apply to the B-2 District. For canopy and awning sign regulations for the B-2 District see Section 16-8.10.

4. A projecting sign may be substituted for part or all of the allowable wall signage per premises. A projecting sign shall not project more than four feet from a building. In no instance shall a projecting sign extend into a street right-of-way.

8.12.2 Free-Standing Signs

1. All free-standing signs shall be located behind and not extend into the
street right-of-way, except as provided elsewhere in this Ordinance. All signs greater than two and one-half (2-1/2) feet in height as measured from the grade of the road or having a vertical clearance of less than ten (10) feet shall be located a minimum of five (5) feet behind the street right-of-way (unless a greater setback is provided elsewhere in this Ordinance).

2. No free-standing sign greater than five (5) square feet in area shall be located closer than to ten (10) feet to any adjacent lot line. A twenty (20) foot side-yard setback shall be required if the side lot line abuts a Residential (R-15, R-8, R-6) district. Greater setbacks shall be provided if otherwise required.

3. All free-standing sign structures or poles shall be self-supporting structures erected on or set into and permanently attached to concrete foundations. Such structures or poles shall comply with the building codes of North Carolina and Rowan County.

4. The sign shall be located in a manner so as to not impair traffic visibility.

5. No part of the sign shall be located closer than five (5) feet to any adjacent side lot line.

6. The bottom of any free-standing sign located within fifteen (15) feet of the edge of the street right-of-way line shall be a minimum of ten (10) feet above the grade immediately under said sign.

8.12.3 Temporary Signs

The following temporary sign regulations shall apply to all non-residential uses. For a continuous period not to exceed thirty (30) days, banners, for special events and grand openings are permitted so long as said signs are not located in a street right-of-way. Within any calendar year, any use may be permitted temporary signs of this nature for no greater than two (2) thirty (30) day periods. All such signs shall be removed within two (2) days after the event has been concluded.

8.12.4 Supplemental Directory/Directional Signs

In order to maintain the flow of traffic on arterial and collector roads and to promote vehicular safety, emphasis is made to limit the number of ingress and egress points off of such roads. In order to direct attention to planned multi-tenant developments which are not directly accessible off of such roads and where on-premise signage for that development (or any tenants within the development) would not otherwise be visible by the motorists travelling on nearby arterial or collector roads, provisions are
made to provide directory signs which identify the name of the particular development and/or the names of their tenants. Such signs would be supplemental to signage otherwise provided for such developments.

For any shopping center, office park, industrial park, or similar planned multi-tenant nonresidential development, supplemental directory/directional signs may be erected under the following conditions:

1. Access to the development is made only through a local street. There shall be no direct points of ingress and egress to the development off an arterial or collector road (as indicated in the most up-to-date version of the Kannapolis/Landis/Concord (Kanlacon) or its equivalent MPO Organization. Thoroughfare Plan).

2. A maximum of two supplemental directory/directional signs per development shall be allowed. No two signs shall be allowed closer than five-hundred (500) feet to each other using the closest straight line measurement.

3. No such sign shall be placed within a road right-of-way nor within five (5) feet of said right-of-way. All such directory signs shall be ground-mounted.

4. The sign may contain the name of the development, a map of the development, names of tenants within the development, directional arrows and distance information.

5. The size of each directory sign shall be a function of the number of tenants within the development. Each such sign may initially contain an area of forty (40) square feet or ten (10) square feet per principal use within the development, whichever is greater, with a maximum area of eighty (80) square feet.

6. Such signs may be placed on or off-premises. All such signs shall be constructed and located, however, so as to be visible by the motorist travelling on the arterial or collector road which intersects with the local road providing access to the development.

7. Such signs shall not exceed a height of fifteen (15) feet.
ARTICLE IX
CONDITIONAL USES

Section 16-9.1 Conditional Uses

This Ordinance provides for a number of uses to be located by right in each general zoning district subject to the use meeting certain area, height, yard and off-street parking and loading requirements. In addition to these uses, the Ordinance allows some uses to be allowed in these districts on a conditional basis subject to the issuance of a conditional use permit by the Town Board. The purpose of having such uses being "conditional" is to ensure that they would be compatible with surrounding development and in keeping with the purposes of the general zoning district in which they are located and would meet other criteria as set forth in this Article.

Section 16-9.2 Procedures (Revised 3/14/06)

9.2.1 A conditional use permit application shall be filed with the Zoning Administrator. The application shall be accompanied by a site plan, drawn to scale and necessary supporting text which shall include the following information:

A. Name, address and phone number of the property owner (or his agent) and the tax parcel number of the property. (Note: The property owner or his authorized agent are the only two parties who may initiate a request for a conditional use permit.)

B. A boundary survey and vicinity map, showing the property's total acreage, zoning classification(s), general location in relation to adjoining streets, railroads and/or waterways; date and north arrow.

C. The owners' names and addresses, tax parcel numbers and existing land use(s) of all adjoining properties.

D. Proposed use of all land and structures including the number of residential units (if applicable).

E. Proposed number and location of all structures, their approximate area and their approximate exterior dimensions.

F. A description of all screening and landscaping required by these regulations and/or proposed by the applicant.

G. All existing easements, reservations and rights-of-way.

H. Proposed phasing, if any, and approximate completion time for the project.

9-1
I. Delineation of areas within the regulatory floodplain as shown on the official Federal Emergency Management Agency (FEMA) Flood Hazard Boundary Maps for Rowan County and water supply watershed areas.

J. Traffic, parking and circulation plans, showing the proposed location and arrangement of parking spaces and ingress and egress to adjacent streets.

K. Proposed signs and their approximate size, type, and location.

9.2.2 (Revised 3/14/06)

In the course of evaluating the proposed use, the Planning Board and the Town Board may request additional information from the applicant. A request for such additional information shall stay any further consideration of the application. This information may include (but shall not be limited to) the following:

A. Stormwater drainage plan.

B. Existing and proposed topography at five-foot contour intervals or less if the present terrain is not typical of the area or requires excessive clearing and grading.

C. The existing and proposed location of all water and sewer lines and fire hydrants intended to serve the proposed development.

D. A traffic impact study of the proposed development prepared by a qualified transportation or traffic engineer or planner. The traffic impact study shall include the following information:

1. Existing traffic conditions within the study area boundary.

2. Traffic volume generated by the existing and proposed development on the parcel, including the morning peak, afternoon or evening peak, and average annual daily traffic levels.

3. The distribution of existing and proposed trips through the street network.

4. Analyses of the capacities of intersections located within the study area boundary.

5. Recommendations for improvements designed to mitigate traffic impacts and to enhance pedestrian access to the development from the public right-of-way; and

6. Other pertinent information, including but not limited to accidents, noise, and impacts of air quality and other natural resources.
E. An environmental impact statement, which contains the following information:

1. A cover sheet which provides, in summary form, a description of the proposed project; and,
2. A statement of purpose and need of the project; and,
3. For projects proposed by public entities, a list of alternatives of the proposed project; and,
4. A succinct description of the environment affected by the project; and,
5. A discussion of short and long term consequences of the project on the environment including any adverse environmental impacts which cannot be avoided; and,
6. A list of means, which could be employed to mitigate any negative effects on the environment caused by this project.

G. Any buffer and/or detention areas that might be required by the watershed regulations at Section 16-13.

H. Impact studies including types of development proposed (i.e. housing types with bedroom charts), population count, cost analysis of classroom space requirements; availability and adequacy of public water, sewer, and roads; the ability and the cost to provide public services such as but not limited to, the provision of police, fire, garage collection, and social services for the expected development; and charts of the build out phasing by year to determine the need and impact of providing services.

9.2.3 No application shall be deemed complete unless it contains or is accompanied by all items listed in Section 16-9.2.1 (and as may be required in Section 16-9.2.2) and a paid fee, in accordance with a fee schedule approved by the Town Board for the submittal and acceptance of conditional use permit applications.

Section 16-9.3 Planning Board Review and Recommendation

Once complete, the Zoning Administrator shall refer the conditional use application to the Planning Board for review and recommendation to the Town Board. Except as provided in Section 9.2.2, the Planning Board shall review the application at their next scheduled meeting, as long as it is at least fifteen (15) days in advance of meeting date.

The Planning Board may, in its review, suggest reasonable conditions, which are mutually agreeable to all parties, to the location, nature, and extent of the proposed use and its relationship and impact to surrounding properties, parking areas, driveways, pedestrian and vehicular circulation systems, screening and landscaping, timing of development (phasing), and any other reasonable conditions
the Planning Board may find appropriate. Such conditions may include dedication of any rights-of-
way or easements for streets, water, sewer, or other public utilities necessary to serve the proposed
development; developer installed public water, sewer, streets/roads; park, greenway, or school
dedication; developer installed turn lanes installation.

The Planning Board shall forward its recommendation with any suggested conditions and a
statement of reasonableness and consistency with adopted plans and policies to the Town Board
within forty-five (45) days of their first meeting date. If a recommendation is not made within forty-
five (45) days, the application shall be forwarded to the Town Board without a recommendation
from the Planning Board.

Section 16-9.4 Public Hearing By Town Board

In order for the Town Board to approve a conditional use permit (and to amend the zoning map), a
public hearing must be held. Notice of said public hearing shall be as follows:

A. A notice of the public hearing shall be published in a newspaper having general
circulation in Landis. The first notice to be published not less than ten (10) days nor
more than twenty-five (25) days prior to the date established for the hearing.

B. At least one (1) notice shall be conspicuously posted on the subject property at least
ten (10) days prior to the public hearing. Such notice shall state the nature of the
public hearing and the date, time and location at which it is to be held. The notice
shall be removed only after the public hearing has been held.

C. A notice of the public hearing shall be sent by first class mail by the Zoning
Administrator to all contiguous and adjacent property owners as listed on current
County tax listings at least ten (10) days prior to the public hearing.

D. A notice of the public hearing shall be posted at Town Hall.

E. Evidence will be received and recorded at the public hearing.

Section 16-9.5 Town Board Action

Once the public hearing has been conducted, the petition shall be placed on the agenda of the next
regular scheduled Town Board meeting.

In approving by a majority vote an application for a conditional use permit, the Town Board may
attach fair and reasonable conditions to the approval that are mutually agreeable to all parties. The
petitioner will have a reasonable opportunity to consider and respond to any additional requirements
prior to approval or denial by the Town Board. In no instance shall any of these conditions be less
restrictive than any requirements which would pertain to that particular development found
elsewhere in a similar zoning district.
9.5.1 Burden of Proof

The applicant has the burden of producing competent, material and substantial evidence tending to establish the facts and conditions which Sections 16-9.5.2(B) and (D) of this Ordinance require. If any person submits evidence allegedly contrary to any of the facts or conditions listed in Sections 16-9.5.2(A) and (C) of this Ordinance, the burden of proof for overcoming such evidence shall rest with the applicant.

9.5.2 The Town Board shall issue a conditional use permit (and establish an overlay district on the official Landis Zoning map) if it has evaluated an application and determined that:

A. The use will not materially endanger the public health or safety if located where proposed and developed according to plan, and

B. The use meets all required conditions and specifications, and

C. The use will not substantially injure the value of adjoining or abutting property unless the use is a public necessity, and

D. The location and character of the use, if developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be located and will be in general conformity with the adopted Landis Land Use Plan and other plans for physical development of the Landis area as adopted by the Town Board.

E. All parties are mutually agreeable to the conditions attached.

Section 16-9.6 Additional Review Criteria

In addition to evaluating an application for a conditional use permit on the items listed in Section 16-9.5.2, the Town Board shall consider other review criteria for certain types of development. A finding that said criteria listed herein and those listed in Section 16-9.5.2 must be made by the Town Board before a conditional use permit is issued by the Town Board.

9.6.1 Manufactured Home Parks

A. The proposed ingress and egress points will not result in a substantial amount of vehicular traffic to be channeled onto adjacent local streets (non collector/non arterial streets.)
9.6.2 Manufacturing Goods, Class 2

A. The use will not overly impact the ability of a public agency to collect and/or treat any wastewater generated by the use or the ability of the public agency to treat and distribute any potable water needed by the use.

B. The use will not overly impact (impact beyond capacity) the system of streets serving the use or that improvements will be made to such streets in consort with the development of said use, the result of which will be adequate handling of the additional traffic generated.

C. That not only will the use meet the minimum screening requirements of this ordinance, but also that such additional screening will be installed, as necessitated by the visual characteristics of the particular use, such that the use will be screened from view of adjoining residential districts, or that the nature of the topography makes the screening from distant view from such residential areas impossible and that other measures such as heavy on-site landscaping will be taken to lessen any near or distant visual impacts.

9.6.4 Multi-Family Developments

A. The proposed ingress and egress points will not result in a substantial amount of vehicular traffic to be channel onto adjacent local streets (non collector/non arterial streets.)

9.6.5 Communication Towers

A. That the tower will not result in interference with the safe operation of aircraft in relation to existing or planned airport facilities.

9.6.6 Restaurants, Drive-through and Fast Food

A. Sufficient on-site stacking space (lane spaces) needed to accommodate cars that are waiting to be served shall be provided. [Cars should not back up onto streets during peak hours.]

B. The facility shall be screened from adjacent residential development.

C. Internal vehicular and pedestrian circulation shall be satisfactory.

9.6.7 Shopping Center, Planned Residential or Mixed Use Developments

A. Sufficient on-site parking for floor area or number of residential units including guest or storage spaces.

B. Internal vehicular and pedestrian circulation shall be satisfactory.
C. Proposed ingress and egress points must meet N.C. DOT requirements; must provide adequate sight distance; and must provide additional turn lanes and traffic lights if traffic warrants;

D. Additional screening and landscaping in excess of Section 16-5.5 for noise and visual impact reduction for adjacent residences, schools, or business concerns may be required.

Section 16-9.7 Effect of Approval

If an application for a conditional use permit is approved by the Town Board, the owner of the property shall have the ability to (i) develop the use in accordance with the stipulations contained in the conditional use permit or (ii) develop any other use listed as a "permitted use" for the general zoning district in which it is located.

Section 16-9.8 Binding Effect

Any conditional use permit so authorized shall be perpetually binding to the property included in such permit unless subsequently changed or amended by the Town Board. However, minor changes in the detail of the approved application which:

(i) will not alter the basic relationship of the proposed development to adjacent property, and

(ii) will not increase the gross floor area of any non-residential use by the smaller of ten (10) percent or ten thousand (10,000) square feet, and

(iii) will not decrease the off-street parking ratio or reduce the yards provided at the periphery of the site by greater than five (5) feet may be made with the approval of the Zoning Administrator on a one-time basis only. Further changes to the development may only be made by the Town Board in accordance with Section 16-9.3 of this Ordinance.

For example, if a conditional use permit is issued for a building having a gross floor area of 100,000 square feet, under this provision the property owner could (subject to approval of the Zoning Administrator) construct a building with a gross floor area of up to 110,000 square feet. If the property owner subsequently had his conditional use permit amended authorizing him to construct a building of up to 150,000 square feet, the Zoning Administrator could allow the construction of a building having a gross area of up to 160,000 square feet.

Section 9.9 Certificate of Occupancy

No certificate of occupancy for a use listed as a conditional use shall be issued for any building or land use on a piece of property which has received a conditional use permit for such particular use unless the building is constructed or used, or the land is developed or used, in conformity with the
conditional use permit approved by the Town Board. In the event that only a segment of a proposed
development has been approved, the certificate of occupancy shall be issued only for that portion of
the development constructed or used as approved.

Section 16-9.10 Twelve-Month Limitation on Re-application

If a request for conditional use permit is denied by the Town Board, a similar application for the
same property or any portion thereof shall not be filed until the expiration of a twelve (12) month
period from the date of the most recent denial by the Town Board. This waiting substantially
different from the original application.

The term "substantially different" as herein applied shall mean:

1. The proposed principal use is different than the use contained in the original
application; or

2. The gross floor area of the proposed development is fifty (50) percent or more
smaller than contained in the original application.

Section 16-9.11 Change In Conditional Use Permit

Any request to materially change the conditional use permit once it has been issued must first be
reviewed by the Planning Board, and the Town Board. The Town Board may thereafter change or
amend any previously approved conditional use permit, only after having held a public hearing.
Notice of public hearing shall be in accordance with Section 16-9.4 of this Ordinance. Amendment
by the Town Board of a previously issued conditional use permit shall be subject to the same
considerations as provided for in Section 16-9.5 of this Ordinance.

Section 16-9.12 Implementation of Conditional Use Permit (CUP)

Unless the Town Board issues a conditional use permit which either is specifically exempt from any
time constraints or has some other specified time period for implementation, the applicant must
secure a valid building permit within a twelve (12) month period from date of issuance of the
conditional use permit. In addition, if the project for which a CUP was
issued is not complete and a valid building permit is not in place at the end of said twelve month
period, the Zoning Administrator shall notify the applicant of either such finding, and within sixty
(60) days of said notification, the Town Board, after having conducted a public hearing to consider
the revision, may then rescind the conditional use permit, or extend the life of the conditional use
permit for a specified period of time. Due notice of said public hearing shall be given as prescribed
in Section 16-9.4 of this Ordinance.
ARTICLE X

AMENDMENTS

The purpose of this Chapter is to set forth procedures for amending the text of these regulations and the zoning classification of land as shown on the Zoning Map. The purpose is not to relieve particular hardships, nor to confer special privileges or rights on any person, but only to make adjustments necessary in light of changed conditions or changes in public policy. Procedures for making amendments to the Zoning Ordinance text or map are described herein.

Section 16-10.1 Authority

Upon compliance with the provisions of this Chapter, the Town Board of Aldermen (Town Board) shall have the authority to amend or repeal the text of these regulations and the classification of any parcel of land, as indicated on the Zoning Map.

Section 16-10.2 Initiation and Withdrawal (Revised 3/14/06)

Any amendment, may be initiated by the Town Board or Planning Board on its own resolution, or by any owner of a legal or equitable interest in the property affected by the amendment in accordance with the procedures set forth herein.

When considering a petition for the re-classification of property to any district, neither the Planning Board nor the Town Board shall evaluate the petition based on any specific proposal for the use or development of the affected property and the petitioner shall refrain from using any graphic materials or descriptions of the proposed use or development except for those which would apply to any use permitted in the requested district.

The applicant may withdraw their zoning petition at any time prior to the item being presented at a public meeting or hearing. Any fees are forfeited once the application is filed with the Zoning Administrator.

Section 16-10.3 Filing of Petitions; Determination of Completeness (Revised 3/14/06)

For a re-classification of property (map amendment) proposed by any person or entity other than the Planning Board or Town Board, or for petition to change the text of this Ordinance, such petition shall be on an application form prescribed by the Zoning Administrator and accompanied by the fee established by the Town Board. Said application form must be complete in all detail including all required attachments, signatures, and paid fee for acceptance by the Zoning Administrator at least ten (10) working days prior to the next scheduled Planning Board meeting. Postmarked articles must be in the hands of the Zoning Administrator prior to the deadline for acceptance. Said application form and fee shall be waived for any petition submitted by any Landis official or agency acting on behalf of the Town of Landis.
Section 16-10.4 **Content of Application** (Revised 3/14/06)

A. Each noncontiguous parcel of land for which rezoning is requested shall be deemed as a separate application, and said application fee shall accompany each application. For the purpose of this paragraph, land located and adjacent on either side to the rear and all property directly across any street or public right-of-way from the subject property shall be deemed to be contiguous.

B. Each application for a rezoning of land shall be accompanied by two (2) copies of a map, drawn to scale, with the following information either shown on the map or accompanying it:

1. The subject property plus such additional property as to show the location of the subject property with reference to the nearest street intersection, railroad, stream or other feature easily identifiable on the ground. In addition, all property lines which abut the property, and property owners' names and addresses of all contiguous properties shall be furnished.

2. If the property is in a subdivision of record, a map of such portion of the subdivision that would relate the subject property to the closest street intersection, and in addition, the name of the subdivision and the plat addition, the names and addresses of all adjoining property owners (as indicated on the most up-to-date tax listings) shall be furnished.

3. The dimensions of the property, includes total acreage and the property deed and page number to be rezoning shall be on the map.

4. The present and proposed zoning classification of the lot(s) in question.

5. The property identification number(s) of the lot(s) in question as issued by the Rowan County Tax Department.

C. An application for a change in the text of the Ordinance shall be made in duplicate, on an application form provided by the Zoning Administrator. The application shall contain a reference to the specific section, subsection, paragraph or item proposed to be changed, as well as the wording of the proposed change, and the reasons therefore.

Section 16-10.5 **Planning Board Review and Recommendations** (Revised 3/14/06)

Once the petition is complete, the Zoning Administrator shall refer the petition to the Planning Board for review and recommendation to the Town Board. The Planning Board shall have thirty (30) days from the date the meeting agenda is mailed out to make such recommendation. If a recommendation is not made during said time period, the application shall be forwarded to the Town Board without a recommendation from the Planning Board.
10.5.1 If a recommendation is made to the Town Board by the Planning Board concerning a petition for rezoning (i.e. change the map), said recommendation shall be as follows:

A. Grant the rezoning as requested, or
B. Grant the rezoning with a reduction of the area requested, or
C. Grant the rezoning to a more restrictive general zoning district or districts, or
D. Grant the rezoning with a combination of Sections 16-10.6.1 10.5 (A)(B) or (C), or
E. Recommend that the application be denied.

The list of general zoning districts in descending order of restrictiveness shall be:

1. R-15 (most restrictive)
2. R-8
3. R-6
4. O-1
5. B-1
6. B-2
7. B-3
8. M-1
9. M-2 (least restrictive)

10.5.2 If a recommendation is made to the Town Board by the Planning Board concerning a petition to amend the text of this Ordinance, it shall be as follows:

A. Adoption of the amendment as written, or
B. Adoption of the amendment as revised by the Planning Board, or
C. Rejection of the amendment.

10.5.3 The Planning shall include in its recommendation state that such action(s) as proposed is/are consistent (or not consistent) with adopted plans or policies of the Town; that the actions are reasonable and in the public interest.

Section 16-10.6 Submittal and Review Periods (Revised 3/14/06)

In order for an amendment to the Zoning Ordinance text or map to be made in accordance with this Chapter, a public hearing must first be held by the Town Board. Notification of the public hearing shall be as follows:
A. A notice shall be published in a newspaper having general circulation in the Town once a week, for two (2) successive weeks, the first notice to be published not less than ten (10) days nor more than twenty-five (25) days prior to the date established for the hearing.

B. If a change of zoning on the Zoning Map is requested, the Zoning Administrator shall place at least one (1) sign on the subject property(ies) at least ten (10) days prior to the public hearing. Additional signs may be placed for large-scale rezoning requests or for multiple street addresses. Such notice shall state the date, time and location of the public hearing and where additional information maybe available. The notice shall be removed only after the public hearing has been conducted and the Town Board has rendered its final decision.

C. A notice of the public hearing for a proposed Zoning Map change shall: 1) be sent by first class mail by the Zoning Administrator to all adjacent and contiguous property owners (including across public rights of way) at addresses listed on current County property tax listings; or 2) for large-scale rezoning requests of greater than 50 parcels (and with 50 different owners), a half-page newspaper publication notices (as in A above) in a newspaper having general publication in the area may be utilized. For those owners outside the area of general publication, the first-class mailing of the public notice is required.

Section 16-10.7 Town Board Action

10.7.1 Protest Petition

A written petition of protest may only be filed with reference to any proposed changes in the zoning classification (map amendment) of parcel(s). In a case of protest against such change, the petition must be signed by the property owners of twenty percent (20%) or more of the area included in the map amendment OR 5% of the property owners within a one hundred (100) feet wide buffer extending along the entire boundary of the proposed area. The buffer shall include any street/road right-of-ways (ROW) if these ROWs are greater than one hundred (100) feet in width.

A protect petition shall not be valid unless it: 1) be in the form of a written petition actually bearing the printed names, signatures and parcel identification of the requisite number of property owners; 2) states that the signers do protest the proposed map change or amendment (include street address or tax parcel ID number for identification); and 3) be received by the Zoning Administrator or his designee in sufficient time to allow the Town at least two (2) normal Town and County work days, excluding Saturdays, Sundays and legal holidays, before the date established for a public hearing on the proposed change or amendment to determine the sufficiency and accuracy of the petition. All protest petitions shall be on a form prescribed and furnished by the Zoning Administrator, and such form may prescribe any reasonable information deemed necessary to permit the Zoning Administrator to determine the sufficiency and accuracy of the petition.
A person may remove his name from the protest petition any time prior to the vote on the map amendment being taken by the Town Board. Only those protest petitions that qualify at the time of the vote on the map amendment will require the supermajority of \( \frac{3}{4} \) of the Board members, otherwise action would require only a simple majority. For purposes of this section, vacant positions on the Board and Board members who are excused from voting shall not be considered as “Board members” for purposes of determining the requisite supermajority.

The foregoing provisions concerning protests shall not be applicable to: 1) to any map amendment that initially establishes zoning classification for property added to the territorial coverage of this Ordinance as a result of annexation or otherwise OR 2) conditional use actions where there is no change requested in the type of uses permitted, where there is no increases in the amount of residential density; where there is no increases in the amount of non-residential development, or where there is proposed any reductions in the size/amount of required buffers or screening.

10.7.2 Decision

Once the public hearing has been conducted and the Town Board shall render a decision on the petition. The decision of the Town Board shall be in the form of any of the various options listed in Subsections 16-10.5.1 or 16-10.5.2.

Alternatively, the Town Board may send the application back to the Planning Board for further study and consideration. The petitioner shall have the right to withdraw his petition at any time prior to the final decision being rendered by the Town Board. The Town Board shall have the authority to call for additional public hearings on any amended petition brought before them.

Section 16-10.8 Notification of Decision

Once a public hearing has been held and closed, and a final determination made by the Town Board, said decision shall be sent by first class mail by the Zoning Administrator to the applicant and any persons at or before the public hearing who have indicated in writing to the Zoning Administrator that they would like the decision mailed to them, within five (5) working days following the date of said decision. Similarly, notice shall be sent to the applicant in the same manner if the Town Board makes a decision to re-submit the petition to the Planning Board for further review.

Section 16-10.9 Re-Submission of Petition

10.9.1 If the Town Board has denied an application for the rezoning of a piece of property or has approved a rezoning to a general zoning district which is more restrictive than that which was originally requested, the Planning Board shall not review any applications for the same changes affecting the same property or any portion thereof until the expiration of one (1) year from the date of such previous denial except as provided in Section 16-10.9.2.
10.9.2 The Zoning Administrator may allow re-submission of such petition within said one (1) year period if he determines that, since the date of action on the prior petition:

(a) There has been a significant change in the zoning district classification of an adjacent piece of property; or

(b) The Town Board has adopted a plan that changes public policy regarding how the property affected by the amendment should be developed;

(c) Construction or expansion of a road, water line, sewer line, or other such facilities has occurred to serve the property and can comfortably accommodate the intensity of development allowed under the proposed classification; or

(d) There has been some other extraordinary change in conditions or circumstances, outside the control of the petitioner, which justifies waiver of the one-year restriction on a new petition; this, however, shall not include a change in the ownership of the subject property.
ARTICLE XI

ZONING ADMINISTRATION

Section 16-11.1 Zoning Administrator

11.1.1 The provisions of this Ordinance shall be administered by the Zoning Administrator and any other officials designated by the Town Board for the administration of this Ordinance.

11.1.2 Zoning Inspection: Duties Specified

If the Zoning Administrator finds that any of the provisions of the Ordinance are being violated, he shall cause notification, in writing, to the owner of the property upon which such violation is located, indicating the nature of the violation and order that necessary actions be taken to correct the deficiency. He shall order discontinuance of illegal uses of land, buildings, or structures, removal of illegal buildings or structures or of illegal additions, alterations or structural changes and discontinuance of any illegal work being done. The Zoning Administrator shall take any other action authorized by this Ordinance to insure its compliance.

Additional written notices of violation may be sent by the Zoning Administrator at his discretion. The final written notice (such final notice may be the initial written notice) shall state the action which the Zoning Administrator intends to take if the violation is not corrected and shall advise that the Zoning Administrator decision may be appealed to the Board of Adjustment in accordance with Section 16-12.6 of this Ordinance.

Section 16-11.2 Zoning Permit

No building, sign or other structure (except as otherwise provided for in this Ordinance) shall be erected, moved, extended or enlarged or structurally altered, nor shall any excavation or filling of any lot for the construction of any building be commenced until the Zoning Administrator has issued a zoning permit for such work in accordance with a fee schedule established by the Town Board.

A. Expiration of Zoning Permit

Any zoning permit issued in accordance with this Ordinance will lapse and become invalid unless the work for which it was issued is started within six (6) months of the date of issue, or if the work authorized by it is suspended or abandoned for a period of at least one (1) year.
B. **Records**

The Zoning Administrator shall maintain a record of all zoning permits on file at his office, and copies shall be made available on request to interested parties.

C. **Conditions for Approval**

Zoning permits issued on the basis of dimensional plans approved by the Zoning Administrator authorize only the use, arrangement, and construction set forth in such approved plans and applications. Use, arrangement, or construction which differ from that authorized shall be deemed a violation of this Ordinance and shall be punishable as indicated under **Section 16-11.8** of this Ordinance.

D. **Zoning Permit Not Required**

Notwithstanding any other provisions of this Ordinance, no zoning permit is necessary for the following uses:

1. street construction or repair
2. electric power, telephone, telegraph, cable television, gas, water, and sewer lines, wires or pipes, together with supporting poles or structures, located within a public right-of-way
3. specific signs exempted in **Section 16-8.7** of this Ordinance.
4. mailboxes, newspaper boxes, walls, fences, birdhouses, flag poles, pump covers, and doghouses under fifteen (15) square feet of gross floor area.

**Section 11.3 Certificate of Occupancy**

No structure hereafter erected, moved, structurally altered or changed in use shall be used or occupied until a certificate of occupancy has been issued by the Rowan County Building Inspector. Any certificate of occupancy issued shall state that the structure or portion of a structure is in compliance with the information stated on the zoning permit and with all applicable provisions of this Ordinance. A record of all certificates of occupancy shall be kept on file in the office of the Rowan County Building Inspector and copies shall be furnished, on request, to all interested parties. If a certificate of occupancy is denied, the reasons for such denial shall be specified in writing and provided to the applicant.

**Section 16-11.4 Right of Appeal/Stay of Proceedings**

If a request for a zoning permit is disapproved or if a ruling of the Zoning Administrator is questioned, any aggrieved party may appeal such ruling to the Board of Adjustment in accordance with **Section 16-12.6** of this Ordinance.
An appeal stays all legal proceedings in furtherance of the action appealed from unless the Zoning Administrator certified to the Board of Adjustment after the notice of appeal shall have been filed with him that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life and property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board of Adjustment or by a court of record on application, on notice to the Zoning Administrator and on due cause shown.

Section 16-11.5 Remedies

In case any structure is erected, constructed, reconstructed, altered, repaired, converted or maintained in violation of this Ordinance as herein provided, an action for injunction, or mandamus, or other appropriate action or proceeding to prevent such violation may be instituted by (i) the Zoning Administrator (ii) the Rowan County Building Inspector, (iii) any other appropriate Town authority; or (iv) any person who may be damaged by such violation.

Section 16-11.6 Complaints Regarding Violations

Whenever a violation of this Ordinance occurs, or is alleged to have occurred, any person may file a written complaint. Any written complaint stating fully the cause and basis thereof shall be filed with the Zoning Administrator who shall properly record such complaint, immediately investigate, and take action as provided by this Ordinance.

Section 16-11.7 Reserved

Section 16-11.8 Penalties (Revised 3/14/06)

Any person, firm or corporation convicted of violating the provisions of this Ordinance shall upon conviction, be guilty of a misdemeanor and shall be fined an amount not to exceed five hundred dollars ($500) and/or imprisoned for a period not to exceed thirty (30) days. Each day of violation shall be considered a separate offense, provided that the violation of this Ordinance is not corrected within ten (10) calendar days after notice of said violation is given.

In addition to the other remedies cited in this Ordinance for the enforcement of its provisions, and pursuant to North Carolina General Statute 160A-175, 160A-365, 160A-375, and 160A-389, the regulations and standards in this Ordinance may be enforced through the issuance of civil penalties by the Zoning Administrator.

Subsequent citations for the same violation may be issued by the Zoning Administrator if the offender does not correct the violation within three (3) calendar days (except as otherwise provided in a Warning Situation) after it has been issued unless the offender has sought an appeal to the actions of the Zoning Administrator through the Board of Adjustment. Once the ten-day warning period has expired, each day, which the violation continues shall subject the violator to additional citations to be issued by the Zoning Administrator.
The following penalties are hereby established:

<table>
<thead>
<tr>
<th>Penalty</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Warning Citation</td>
<td>Correct Violation Within 10 calendar Days; No Charge</td>
</tr>
<tr>
<td>First Citation</td>
<td>$100.00</td>
</tr>
<tr>
<td>Second Citation For Same Offense</td>
<td>$250.00</td>
</tr>
<tr>
<td>Third and Subsequent Citations for Same Offense</td>
<td>$500.00</td>
</tr>
</tbody>
</table>

If the offender fails to pay the civil penalties within five (5) business days after having been cited, the Town may recover the penalties in a civil action in the nature of debt.

Pursuant to G.S. 160A-389, 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 other regulation made under authority conferred thereby, the Town 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.

Pursuant to North Carolina General Statute Section 160A-175, the Town may seek a mandatory or prohibitory injunction and an order of abatement commanding the offender to correct the unlawful condition upon or cease the unlawful use of the subject premises. The action shall be governed in all respects by the laws and rules governing civil proceedings, including the Rules of Civil Procedure in general and Rule 65 in particular.

The above remedies are cumulative, and the Town may pursue any or all of the same at its discretion. Each day that the violation exists shall constitute a separate and distinct offense.

**Section 16-11.9 Early Vesting of Development Rights Upon Approval of Site Plan**

Pursuant to G.S. 160A-385.1 and not withstanding any other provision of this Ordinance or amendment thereto, a landowner may apply for a site specific development plan approval which shall entitle said landowner to develop property in accordance with said site specific development plan. The procedure for establishing a vested right is set forth in this section.

**11.9.1 Definitions**

For the purpose of this section only, the following definitions shall apply:
1. **Landowner**

Any owner of a legal or equitable interest in real property, including the heirs, devisees, successors, assigns, and personal representative of such owner. The landowner may allow a person holding a valid option to purchase to act as his agent or represent for purposes of submitting a proposed site specific development plan in the manner allowed by Ordinance.

2. **Property**

All real property subject to zoning regulations and restrictions and within the jurisdiction of Landis.

3. **Vested Right**

The right to undertake and complete the development and use of property under the terms and conditions of an approved site specific development plan.

### 11.9.2 Submission of a Site Specific Development Plan

To apply for vested right, a landowner shall first submit to the Zoning Administrator a site specific development plan. The plan shall be submitted in completed form (i.e., contain all information as herein prescribed) with a fee (in accordance with a fee schedule adopted by the Town Board) and an accompanying application which, at a minimum, contains the following information:

A. All information listed in Section 16-9.2.1 of this Ordinance.

B. If the development proposed is a manufactured home park, any additional information listed in Section 16-4.3.4 of this Ordinance.

Once the Zoning Administrator deems the site specific development plan to be complete, he shall schedule it to be reviewed by the Planning Board at their next regularly scheduled meeting. The Zoning Administrator must receive the complete plan at least fifteen (15) days prior to the Planning Board's next meeting date to place it on their agenda.

### 11.9.3 Planning Board Review and Recommendation

Once the site specific development plan is forwarded, the Planning Board shall review the application and make a recommendation to the Town Board. The Planning Board shall have up to forty-five (45) days from their first meeting date to make such recommendation. Alternatively, the Planning Board could request additional information of the applicant in order to aid them in their review of the
application. Such information may include (but not be limited to) that listed in Section 16-9.2.2 of this Ordinance. If no recommendation is made during said forty-five (45) day period (except as herein provided) the application shall forthwith be forwarded to the Town Board without a recommendation.

11.9.4 Public Hearing

Upon receipt of the plan and the recommendation from the Planning Board, if one is forthcoming, the Town Board shall schedule a public hearing.

Notice of the Town Board public hearing shall be given as follows:

A. A notice shall be published in a newspaper having general circulation in Landis once a week, for two (2) successive weeks, the first notice to be published not less than ten (10) days nor more than twenty-five (25) days prior to the date established for the hearing.

B. At least one (1) notice shall be conspicuously posted on the subject property at least ten (10) days prior to the public hearing. Such notice shall state the nature of the public hearing and the date, time and location at which it is to be held. The notice shall be removed only after the public hearing has been held.

C. A notice of the public hearing shall be sent by first class mail by the Zoning Administrator to all contiguous property owners at least ten (10) days prior to the public hearing.

11.9.5 Town Board Action

Once the public hearing has been conducted and concluded, the Town Board shall determine whether or not to approve the site-specific development plan and accord the vested right. In approving an application for vested rights of a site specific development plan, the Town Board may attach fair and reasonable ad hoc conditions which tend to support the requiring finding of facts as herein listed. The petitioner shall be given reasonable opportunity to consider and respond to any additional requirements prior to approval or denial by the Town Board. The Town Board may not require the landowner to waive his vested right as a condition of developmental approval.

The Town Board may approve the site specific development plan if it has evaluated an application and determined that:

A. The use meets all required specifications of the Zoning Ordinance, and

B. The use will not materially endanger the public health or safety and will not substantially injure the value of adjoining property if located where
proposed. Conditions, if any, placed on the site specific development plan by the Town Board shall be adequate to meet this requirement.

C. If the site specific development plan is vested for a period of greater than two (2) years, this shall be based on one or more factors so described in Section 16-11.9.6.

The burden of proof of producing evidence to support these findings (and to overcome any challenges that approval of the site plan would be contrary to one or more of these findings shall rest entirely with the landowner.

If the use or development for which the site specific development plan is submitted is a conditional use, the Town Board may approve the site specific development plan contemporaneously with the approval of the conditional use permit. In no case, however, may a site specific development plan be approved for a use or development which requires the issuance of a conditional use permit without the conditional use permit having first been issued.

11.9.6 Effect of Approval

The effect of the Town Board approving a site-specific development plan shall be to vest such site plan for a period of two (2) years from the date of approval. If the landowner requests, however, the Town Board may approve a vesting period not to exceed five (5) years from the date of approval. The vesting of any site plan beyond a two (2) year period may only be authorized by the Town Board where it is found that due to (i) the sizing and phasing of the development; or (ii) the level of investment; or (iii) the need for the development; or (iv) economic cycles; or (v) market conditions, building permits for all phases of the development cannot be secured within two years.

A vested right shall confer upon the landowner the right to undertake and complete the development and use of said property under the terms and conditions of the site specific development plan as provided for in this Section. Failure to abide by the terms and conditions placed upon such approval will result in the forfeiture of the vested right previously accorded.

A vested right, once established as herein provided, shall preclude any zoning action by the Town which would change, alter, impair, prevent, diminish or otherwise delay the development or use of the property as set forth in the approved site specific development except under the following conditions:

1. The affected landowner provides written consent to the Town of his desire to terminate the vested right; or,
2. The Town determines, after having advertised and held a public hearing, that natural or man-made hazards exist on or in the immediate vicinity of the property which pose a serious threat to the public health, safety and welfare if the project were to proceed as indicated in the site specific development plan; or,

3. Compensation is made by the Town to the landowner for all costs, expenses, and other losses incurred including, but not limited to, all fees paid in consideration of financing, and all architectural, planning, marketing, legal, and any other consultant's fees incurred after approval together with interest thereon at the legal rate until paid; or,

4. The Town determines, after having advertised and held a public hearing, that the landowner or his representative intentionally supplied inaccurate information or made material misrepresentations which made a difference in the approval by the Town of the site specific development plan; or,

5. Upon the enactment or promulgation of a State or Federal law or regulations which precludes development as contemplated in the site-specific development plan. In such case the Town may (after having advertised and conducted a public hearing) modify the affected provisions upon a finding that the change in State or Federal law has a fundamental effect on the plan.

Any public hearing called for in Section 16-11.9.6 (4 and 5) herein shall be conducted by the Town Board and advertised as indicated in Section 16-11.9.4. Recommendation by the Planning Board and final action by the Town Board shall be undertaken provided in Section 16-11.9.3 and 16-11.9.5, respectively.

Once a vested right is granted to a particular site-specific development plan, nothing in this section shall preclude the Town from conducting subsequent reviews and approvals to ensure compliance with the terms and conditions of the original approval, provided such reviews and approvals are not inconsistent with the original approval.

11.9.7 Revocation or Expiration of a Vested Right

The vested right resulting from the approval of a site specific development plan may be revoked by the Town Board as provided for in Section 16-11.9.6. In addition, a revocation may occur if the Town Board determines that the landowner has failed to comply with the terms and conditions of the approval or with any other applicable portion of the Zoning Ordinance. The vested right shall otherwise expire at the end of the approval period established by the Town Board.
11.9.8 Revocation of Building Permit

A building permit issued by the Rowan County Building Inspector pursuant to G.S. 160A-417 may not be revoked because of the running of time on a piece of property for which a site-specific development plan has been approved and the vested right period has not otherwise expired.

11.9.9 Amendments to the Zoning Ordinance

The establishment of a vested right on a piece of property for a site-specific development plan shall not preclude the Town from establishing and enforcing on the property any additional regulations (adopted during the time the vested right was in effect) which are general in nature and applicable to all property subject to the regulations of this Ordinance.

Section 16-11.10 Coordination of Approvals

To the most feasible extent possible and without endanger to due process, the Zoning Administrator will require that applications for rezoning, conditional use and/or high density option (regarding the watershed) requests shall be coordinated in the same review process by unifying all required plans, specification, and information. To this end, any duplicated fees for publication or application petitions may be waived.
ARTICLE XII
BOARD OF ADJUSTMENT

Section 16-12.1 Authority of Board of Adjustment (Revised 3/14/06)

A. The Board of Adjustment shall have the authority to hear and decide appeals from any order, decision, determination, or interpretation made by the Zoning Administrator pursuant to or regarding these regulations.

B. The Board of Adjustment shall have the authority to make an interpretation of any portion of this Ordinance (including the Zoning Map).

C. The Board of Adjustment shall have the authority to hear and decide special exceptions and changes to non-conforming structures and uses.

D. The Board of Adjustment shall have the authority to grant variances from the terms of this chapter except for the appearance standards contained at Section 16-5.21 for manufactured homes.

E. The Board of Adjustment shall have the authority to grant an extension of a temporary use permit per Section 16-5.9.

Section 16-12.2 Membership (Revised 3/14/06)

The Board of Adjustment consists of five regular members and four alternates. The membership of the Planning Board established by Chapter 2, Article VII of the Town Code is hereby granted all the powers, duties and functions granted to the Zoning Board of Adjustment. No actions and decisions by the Board of Adjustment shall be conducted as part of the regular planning board meeting, but shall be conducted during a regular or special meeting as provided by this article.

Board of Adjustment regular members and alternates shall be appointed by the Board of Aldermen for three-year staggered terms, but both regular members and alternates may continue to serve until their successors have been appointed. Initially, two regular members and one alternate member shall be appointed for three-year terms, two regular members and one alternate member shall be appointed for two-year terms and one regular member and two alternate members shall be appointed for a one-year term. Vacancies may be filled for the unexpired term only.

Members may be re-appointed to successive terms without limitations.

Regular Board of Adjustment members may be removed by the Board of Aldermen at any time for failure to attend three consecutive meetings, for failure to attend thirty percent or more of the meetings within any twelve-month period or for any other good cause related to performance of duties. Alternate members may be removed for repeated failure to attend or participate in
meetings when requested to do so in accordance with regularly established procedures. Upon request of the member proposed for removal, the Board of Aldermen shall hold a hearing on the removal before it becomes effective.

The alternate may sit only in lieu of a regular member in the following occurrence: 1) regular member is absent from a meeting; 2) when a member is temporary disqualified (reclused); or 3) when a vacancy occurs pending Town Board appointment. When so seated, alternates shall have the same powers and duties as the regular members they replaced.

If a member moves outside the Town that shall constitute a resignation from the Zoning Board of Adjustment, effective upon the date of a replacement as appointed by the Board of Aldermen.

Members shall serve without pay but may be reimbursed for any expenses incurred while representing the board.

Section 16-12.3 Meetings, Hearings and Procedures

A. All meetings and hearings shall be open to the public and shall be conducted in accordance with the procedure set forth in these regulations and rules of procedure adopted by the Board of Adjustment. Such rules of procedures may be amended by the Board of Adjustment membership.

B. Any rules of procedure adopted by the Board of Adjustment shall be kept on file at the offices of the Zoning Administrator and shall be made available to the public at any meeting or hearing of the Board of Adjustment.

C. The Board of Adjustments may subpoena witnesses.

Section 16-12.4 Staff

The Zoning Administrator shall serve as staff to the Board of Adjustment and shall provide technical assistance to the Board of Adjustment as requested.

Section 16-12.5 Initiation of Appeals and Variances

A. An appeal may be initiated by any aggrieved party or by any officer, department or board of Landis.

B. A petition for a variance may be initiated only by the owner of the affected property, an agent authorized in writing to act on the owner's behalf, or a person having a written contractual interest in the affected property.

Section 16-12.6 Administrative Review, Appeals and Interpretation

The Board of Adjustment shall hear and decide appeals from and review any order, requirement, decision, interpretation or citation made by the Zoning Administrator and apply such
interpretation to particular fact situations. In addition, the Zoning Administrator may ask the Board of Adjustment to interpret any portion of the Zoning Ordinance.

12.6.1 The Board of Adjustment may, after having held a public hearing on the matter, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed or make an interpretation of the Zoning Ordinance.

12.6.2 The Board of Adjustment shall have all the powers of the Zoning Administrator in making any order, requirement, decision, interpretation or determination with reference to an appeal or petition.

12.6.3 An appeal may be made by any person who has received a ruling from the Zoning Administrator. An appeal to the Board of Adjustment shall be made within thirty (30) days of the decision order, determination, or interpretation made by the Zoning Administrator. The Zoning Administrator may make an appeal to the Board of Adjustment at any time.

Section 16-12.7 Variance (Revised 3/14/06)

When practical difficulties, special conditions, or unnecessary hardships would result from carrying out the strict letter of this Ordinance, the Board of Adjustment shall have the power to vary or modify any of the regulations or provisions of this Ordinance relating to the construction or alteration of buildings or structures or the use of land for all variance requests.

12.7.1 The Board of Adjustment, in considering an application for a variance, shall give due consideration to the following:

A. The citing of other nonconforming or conforming uses of land or structures in the same or other districts, shall not be considered grounds for the granting of a variance.

B. The request for a variance for a particular use expressly, or by inference, prohibited in the district involved, shall not be approved. Certain temporary uses, however, are allowed per Section 16-5.9.

12.7.2 A variance may be granted in such individual case upon a finding by the Board of Adjustment that the following conditions exist:

(1) There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography that are not applicable to other lands or structures in the same district.

(2) Granting the variance requested will not confer upon the applicant any special privileges that are denied to other residents of the district in which the property is located.
(3) A literal interpretation of the provisions of this chapter would deprive the applicant of rights commonly enjoyed by other residents of the district in which the property is located.

(4) The requested variance will be in harmony with the purpose and intent of this chapter and will not be injurious to the neighborhood or to the general welfare.

(5) The special circumstances are not the result of the actions of the applicant.

(6) The variance requested is the minimum variance that will make possible the legal use of the land, building or structure.

(7) The variance is not a request to permit a use of land, building or structure, which is not permitted by right or by special exception in the district involved.

12.7.3 The Board of Adjustment, in approving all variances, may prescribe appropriate, reasonable conditions and safeguards in conformity with this Ordinance. Violation of such conditions and safeguards, when made a part of the terms under which a variance is approved, shall be deemed a violation of this Ordinance and shall be punishable as prescribed in Section 16-11.8 of this Ordinance.

12.7.4 Unless otherwise authorized by the Board of Adjustment and included in its decision to approve a variance, any order of the Board of Adjustment in approving a variance shall expire if a building permit or certificate of occupancy (for a use for which a building permit is not required) has not been obtained within one (1) year from the date of its decision.

12.7.5 The Board of Adjustments shall not grant any variance of any the requirements for manufactured homes placed on individual lots contained in Section 16-5.21 this Ordinance. This requirement does not apply to mobile home parks.

Section 16-12.8 Nonconformities (Revised 3/14/06)

The Board of Adjustment shall hear and decide appeals from any land owner (i) to make a change in use of a nonconforming use to a less-intense nonconforming use; (ii) to make a change in location of a nonconforming use of land to another location on the same property; or (iii) allow the replacement, enlargement or other modification of a nonconforming use or structure.

12.8.1 The Board of Adjustment may only grant a change in a nonconforming use or replacement of a nonconforming structure which has been destroyed after having first held a public hearing and having determined that:
A. (i) Said change will be more suitable and appropriate for the lot(s) on which it is located than the existing situation, and (ii) that the proposed change will have a less harmful effect than the existing situation on the properties surrounding the lot(s) in question, and

B. That the decision to grant the change will be in harmony with the general purpose and intent of this Ordinance and will not be injurious to the neighborhood or otherwise be detrimental to the public welfare.

12.8.2 The Board of Adjustment, in granting said changes, may prescribe appropriate conditions and safeguards in conformity with this Ordinance in order to conform with Sections 16-12.8.1(A) and (B). Violation of such conditions and safeguards when made a part of the terms upon which the change was granted, shall be deemed a violation of this Ordinance and shall be punishable as prescribed in Section 16-11.8 of this Ordinance.

Section 16-12.9 Special Exceptions and Temporary Use Permits (Revised 3/14/06)

To hear and decide special exceptions (but not a land use which is prohibited in the district) to the terms of this Ordinance after having held a public hearing on the matter. The Board of Adjustment may grant a special exception permit to allow a non-conforming structure (including a sign) to 1) Continue in operation because due to its unique structural, historic/architectural value, or physical characteristic can not be readily adapted to make it conform to the land use regulations or 2) to enlarge, extend, or otherwise modify, provided that such improvement(s) will cause the non-conforming structure to be less objectionable to the principal conforming uses or structures in the district in which the nonconformities are located. Special exception permits may also be granted for the construction or erection of certain public utilities and municipal facilities in residential (R) districts.

12.9.1 Except as is provided in Section 12.9.2 a special exception permit may be granted by the Board of Adjustments provided:

(1) The operation of any structure as may be authorized shall be conducted in a manner that will not be detrimental to the general character of the neighborhood in which it is authorized to locate.

(2) The authorization by the Board of Adjustment may include appropriate conditions and safeguards.

(3) The spirit of the ordinance is maintained; public safety and welfare is secured; and substantial justice is done.

12.9.2 The Board of Adjustment may also authorize as a special exception the location of public utility distribution lines, transformer stations, transmission lines and towers, water tanks and towers, telephone facilities (excluding communication
towers which are governed by Section 16-5.25), and other municipal facilities, but not open storage yards in any residential district; provided:

a) That any use as may be authorized shall be conducted in a manner that will not be detrimental to the general character of the neighborhood in which it is authorized to locate.

b) The authorization by the Board of Adjustment may include appropriate conditions and safeguards.

c) The spirit of the ordinance is maintained; public safety and welfare is secured; and substantial justice is done.

12.9.3 The Board of Adjustments may grant an extension of a temporary use permit for manufactured homes or office unit per Sections 16-5.9.3 and 16-5.9.4 after holding a public hearing with the required notice per Section 16-10.6.A.

A. The Board of Adjustment - may impose reasonable conditions on the property or use to insure that the operation, placement, and continuance is not detrimental to adjacent properties, the neighborhood, and is in harmony with the provisions of this Ordinance.

Section 16-12.10 Application Procedure (Revised 3/14/06)

The following regulations apply to all applications submitted to the Board of Adjustment:

12.10.1 Before a petition for an administrative appeal, interpretation of the Zoning Ordinance, variance, change or replacement of a nonconformity, or a special exception shall be heard and a public hearing conducted by the Board of Adjustment, a complete application shall be submitted to the Zoning Administrator along with a paid fee in accordance with fee schedule established by the Town Board. Said fee shall be waived for any petition initiated by the Zoning Administrator or other officials of Landis who initiate a request on behalf of Landis. For variance requests, the application shall be accompanied by a map clearly identifying the subject property, all contiguous pieces of properties (including all properties traversed and/or separated by a road, stream, right-of-way, or any similar natural or man-made configuration). In addition, a list of names and addresses of the owners of said properties, from the most recent official tax records, shall be provided by the applicant.

12.10.2 The filing of any application stays all proceedings unless the Zoning Administrator certifies that a stay in his opinion will cause imminent peril to life or property, or, that because the violation charged is transitory in
nature a stay would seriously interfere with enforcement of the Ordinance. In that event, proceedings shall not be stayed except by a restraining order, which may be granted by the Board of Adjustment, Town Board or by a court of record.

12.10.3 Within five (5) working days after having received an application for an appeal, interpretation, variance, change or expansion of a nonconformity, or allowance of a temporary use, the Zoning Administrator shall determine whether the application is complete. If he determines that the application is not complete, he shall serve a written notice on the appellant or petitioner specifying the application's deficiencies. The Zoning Administrator shall take no further action on the application until the deficiencies are remedied. If the Zoning Administrator fails to so notify the appellant or petitioner, the application shall be deemed complete.

Section 16-12.11 Public Notification (Revised 3/14/06)

12.11.1 The Town of Landis shall give notice of all public hearings. Said notice shall become a part of the record of the proceedings of the Board of Adjustment. Notice shall be given in the following manner:

A. Interpretations and Appeals of the Zoning Enforcement Officer

1. Notice of the public hearing shall be sent by the Town by first class mail to the applicant and all adjacent (including across public rights of way) property owners at least ten (10) days prior to the public hearing at addresses listed on current County tax listings.

2. Notice of the public hearing shall also be posted by the Zoning Administrator in a conspicuous location in the Town Hall at least ten (10) days prior to the public hearing.

3. All notices shall indicate the nature of the public hearing; the date, time and place at which it is to occur; and where additional information is available.

B. Variances, Changes and Expansions of Nonconformities and Special Exceptions

1. Notices of the public hearing shall be sent by the Town by first class mail to the applicant, and to owners at addresses listed on current County tax listings of all contiguous and adjacent (including across public rights of way) properties at least ten (10) days prior to the public hearing. The notice shall indicate
the nature of the public hearing; the date, time and place at which it is to occur; and where additional information is available.

2. Notice of the public hearing shall also be posted by the Zoning Administrator in a conspicuous location in the Town Hall at least ten (10) days prior to the public hearing. Said notice shall indicate the nature of the public hearing; the date, time and place at which it is to occur; and where additional information is available.

3. At least one (1) sign shall also be conspicuously placed by the Town on the subject property(ies) indicating the date, time and place at which the public hearing is to occur; and where additional information is available. Said sign(s) shall be placed on the property(ies) in question at least ten (10) days prior to the public hearing.

Section 12.12 Board of Adjustment Decision or Recommendation (Revised 3/14/06)

12.12.1 The Board of Adjustment shall hold a public hearing on an application no later than forty-five (45) days after a complete application (with all fees paid) has been filed with the Zoning Administrator. The application shall be received by the Board of Adjustment at least fifteen (15) days prior to the next regularly scheduled meeting of the Board to be considered at that meeting. The Board of Adjustment shall decide on the matter which was presented at the public hearing within thirty-one (31) days of the close of the public hearing.

12.12.2 The concurrent vote of four-fifths (4/5) of the voting members of the Board of Adjustment shall be necessary to make an interpretation of the Zoning Ordinance, reverse any order, requirement, decision or determination of the Zoning Administrator, approve a variance, allow for a change or expansion of a nonconformity, approve a temporary use extension or to decide in favor of the applicant on any matter upon which it is required to pass under this Ordinance. In all matters coming before the Board of Adjustment, the applicant shall have the burden of providing clear, competent and material evidence in support of the application.

12.12.3 All decisions on variances by the Board of Adjustment shall be in writing and filed with the Zoning Administrator. A written copy of decisions on variances shall be sent by first class mail to the applicant within five (5) working days of the date of decision of the Board of Adjustment.
Section 16-12.13 Appeals From The Board of Adjustment (Revised 3/14/06)

12.13.1 An application for a rehearing shall be made in the same manner as provided for an original hearing within a period of fifteen (15) days after the date of the Board of Adjustment's decision. In addition, specific information to enable the Board of Adjustment to determine whether or not there has been a substantial change in facts, evidence, or conditions in the case, shall be presented in writing or graphically. A rehearing shall be denied by the Board of Adjustment, if, in its judgment, such change in facts, evidence or conditions has not been proven. A public hearing shall not be required to be held by the Board of Adjustment to consider holding such a rehearing. Approval of said consideration shall, however, require an affirmative vote of at least four (4) voting members. In the event that the Board of Adjustment finds that a rehearing is warranted, it shall thereupon proceed as in the original hearing except that the application fee shall be waived.

12.13.2 Upon the denial of an original application, or upon the denial of an application from which a rehearing has been conducted, a similar application may not be filed for a period of one year after the date of denial of the original application.

12.13.3 Every decision of the Board of Adjustment shall be subject to review by the Superior Court Division of the General Courts of Justice of the State of North Carolina by proceedings in the nature of certiorari. Any petition for review by the Superior Court shall be duly verified and filed with the Clerk of Superior Court within thirty (30) days after the decision of the Board is filed in the office of the Zoning Administrator, or after a written copy thereof is delivered to every aggrieved party who has filed a written request for such copy with the Zoning Administrator or the Chairman of the Board of Adjustment at the time of the Board's hearing of the case, whichever is later.
ARTICLE XIII
WATER SUPPLY (WS) WATERSHED REGULATIONS

Section 16-13.1 Authority and Enactment

The Legislature of the State of North Carolina has, in Chapter 160A, Article 8, Section 174, General Ordinance Authority; and in Chapter 143, Article 21, Watershed Protection Rules, delegated the responsibility or directed local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. The Landis Town Board does hereby ordain and enact into law the text contained in this Article to satisfy said statutory requirements.

Section 16-13.2 Jurisdiction

The provisions of Article XIII, Section 16 shall apply only within areas designated as Water Supply Watersheds by the N.C. Environmental Management Commission and shall be depicted on the Town of Landis's Official Zoning Map. Where there is a conflict between the regulations contained in Article XIII, and any other portion of this Zoning Ordinance, the provisions of Article XIII, shall apply to properties located within a designated Water Supply Watershed area.

Section 16-13.3 Definitions

For the purpose of interpreting Article XIII, certain words or terms are herein defined. Except as defined herein, all other words not in this Section or Section 16-2 shall have their everyday dictionary definition.

Agricultural Use. The use of waters for stock watering, irrigation, and other farm purposes.

Animal Unit. A unit of measurement developed by the U.S. Environmental Protection Agency that is used to compare different types of animal operations.

Balance of Watershed. Remaining area of a WS III watershed outside of the designated critical area.

Best Management Practices (BMP). A structural or nonstructural management-based practice used singularly or in combination to reduce non-point source inputs to receiving waters in order to achieve water quality protection goals.

Buffer, Vegetative. 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 pool elevation of impounded structures and from the bank of each side of streams or rivers.

Built-upon Area. Built-upon areas shall include that portion of a development project that is covered by impervious or partially impervious cover including building, pavement, gravel areas (e.g., roads, parking lots, paths), recreation facilities (e.g., tennis courts), etc. (Note: Wooden slatted decks and the water area of a swimming pool are considered pervious). Built upon areas shall be determined on a project-by-project basis.

13-1
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 nonresidential development as well as single-family residential subdivision and multi-family developments.

Composting Facility. A facility in which only stumps, limbs, leaves, grass and untreated wood collected from land clearing or landscaping operations is deposited.

Critical Area. The area adjacent to a water supply intake or reservoir where risk associated with pollution is greater than from the remaining portions of the watershed. The critical area is defined as extending either one-half mile from the normal pool elevation of the reservoir in which the intake is located or to the ridge line of the watershed (whichever comes first); or one-half mile upstream from the intake located directly in the stream or river (run-of-the-river), or the ridge line of the watershed (whichever comes first). Local governments may extend the critical area as needed. Major landmarks such as highways or property lines may be used to delineate the outer boundary of the critical area if these landmarks are immediately adjacent to the appropriate outer boundary of one-half mile.

Development. Any land disturbing activity with adds to or changes the amount of impervious cover on a land area or which otherwise decreases the infiltration of precipitation into the soil.

Development, Existing. Those projects that are built or those projects that at a minimum have established a vested right under North Carolina Zoning Law as of the effective date of this Ordinance based on at least one of the following criteria:

1. substantial expenditures of resources (time, labor, money) based on a good faith reliance upon having received a valid local government approval to proceed with the project, or

2. having an outstanding valid building permit as authorized by the General Statutes (G.S. 160A-385.1), or

3. having an approved site specific or phased development plan as authorized by the General Statutes (G.S. 160A-385.1).

Discharging Landfill. A facility with liners, monitoring equipment and other measures to detect and/or prevent leachate from entering the environment and in which the leachate is treated on site and discharged to a receiving stream.

Existing Lot (Lot of Record). A lot which is part of a subdivision, a plat of which has been recorded in the Office of the Register of Deeds prior to October 1, 1993 of this Ordinance, or a lot described by metes and bounds, the description of which has been so recorded prior to October 1, 1993. (Note: This definition containing the October 1, 1993 stipulation shall be applicable only to Article VII, Section 16 of this Ordinance. Otherwise, the term "existing development" shall be employed with reference to time on and after the effective date of this Ordinance.)

Hazardous Material. Any substance listed as such in: SARA Section 302, Extremely Hazardous Substances, CERCLA Hazardous Substances, or Section 322 of CWA (oil and hazardous substances).

High Density Option. Any non-residential development, which contains engineered stormwater control
devices approved by the Town of Landis, thereby enabling development to occur at a higher intensity (than if the low-density option were used) as prescribed by the Environmental Management Commission's adopted Water Supply Watershed Protection Rules.

**Industrial Development.** 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, assembling, finishing, cleaning or developing any product or commodity.

**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 Article XIII, Section 16, this term does not include compost facilities.

**Low Density Option.** Any development which does not contain engineered stormwater control devices (i.e., wet detention ponds) approved by the Town of Landis.

**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 a WS-IV water supply in which protection measures are required. The boundaries of the protected areas are defined as within five (5) miles of the normal pool elevation of the reservoir and draining to supply reservoirs or the ridge line of the watershed (whichever comes first). Local government may extend the protected area. Major landmarks such as highways or property lines may be used to delineate the outer boundary of the protected area if these landmarks are immediately adjacent to the appropriate outer boundary of five (5) miles. In some cases the protected area will encompass the entire watershed.

**Residential Development.** Buildings for residence such as attached and detached single-family dwellings, apartment complexes, condominiums, townhouses, cottages, etc. and their associated outbuildings such as garages, storage buildings, gazebos, etc. and customary home occupations.

**Residence, Single-Family.** Any development where: 1) every dwelling unit is on a separate lot, and 2) where no lot contains more than one dwelling unit.

**Toxic Substance.** Any substance or combination of substances (including disease causing agents), which after discharge and upon exposure, ingestion, inhalation, or assimilation into any organism, either directly from the environment or indirectly by ingestion through food chains, has the potential to cause death, disease, behavioral abnormalities, cancer, genetic mutations, physiological malfunctions (including malfunctions or suppression in reproduction or growth) or physical deformities in such organisms or their offspring or other adverse health effects.

**Variance, Major.** A variance that results in any one or more of the following:

A variance from the Town's water supply watershed regulations that results in the relaxation by a factor greater than five (5) percent of any buffer, density, or built-upon area requirement under the high density option; or any variation in the design, maintenance, or operation requirements of a wet detention pond or other approved stormwater management system; or relaxation by a factor greater than ten (10) percent of any management requirement under the low density option.

**Variance, Minor.** A variance from the Town's water supply watershed regulations that results in a
relaxation by a factor of up to five (5) percent of any buffer, density or built-upon area requirement under the high density option; or that results in the relaxation by a factor of up to ten (10) percent of any management requirement under the low density option.

**Water-Borne Structure.** Any structure for which the use requires access to or proximity to or citing within surface waters to fulfill its basic purpose, such as boat ramps, boat houses, docks and bulkheads. Ancillary facilities such as restaurants, outlets for boat supplies, parking lots and commercial boat storage areas are not water dependent structures. (NOTE: This definition shall apply to Article VII, Section 16)

**Watershed.** The entire land area contributing surface drainage to a specific point (e.g. the water supply intake).

### Section 16-13.4 Effective Date

The provisions of Article XIII, Section 16 were adopted on September 13, 1993 and shall take effect and be in force on October 1, 1993.

### Section 16-13.5 Exceptions to Applicability

A. Nothing contained herein shall repeal, modify, or amend any Federal or State law or regulation, or any ordinance or regulation pertaining thereto except any ordinance which these regulations specifically replace; nor restrict any provisions of the Code of Ordinances of the Town of Landis; however, the adoption of this Ordinance shall and does amend any and all ordinances, resolutions, and regulations in effect within the jurisdiction of the Town of Landis (as depicted in the Town's Official Zoning Map) at the time of the adoption of this Ordinance that may be construed to impair or reduce the effectiveness of this Ordinance or to conflict with any of its provisions.

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

C. Existing development as defined in this ordinance, is not subject to the requirements of this ordinance. Expansions to structures classified as existing development on any lot other than a lot containing a single-family residence as the principle use, must meet the requirements of this ordinance, however, the built-upon area of existing development is not required to be included in the density calculations (i.e., maximum number of units permissible or the maximum built-upon area). An example of these is as follows:
EXAMPLE #1

TOTAL LOT AREA = 65,000 ft.²

Facts
1. Property in WS-IV Protected area.
2. Low density option being used.
3. Total lot area = 65,000 sq. ft.
4. Existing built-upon area of 14,000 sq. ft.
   (10,000 sq. ft. + 4,000 sq. ft.)
5. 51,000 sq. ft. of undeveloped land.

Development Capabilities
1. Existing development (i.e., 14,000 sq. ft.) not to be included in calculation
2. Additional lot coverage permitted of up to 12,240 sq. ft. (51,000 sq. ft. x 24% maximum built-upon area = 12,240 sq. ft.)
D. A pre-existing lot owned by an individual prior to the effective date of these regulations, regardless whether or not a vested right has been established, may be developed or used for single-family residential purposes without being subject to these WS regulations. However, this exemption is not applicable to multiple contiguous lots under single ownership. Combination of one or more such adjacent unimproved lots, neither one of which meet the lot requirements of the overlay zone, shall be required only if the combination will bring the lots into conformance with the underlying zoning district regulations. An example of how this regulation is to be interpreted is as follows:

**FACTS**
1. Property located in WS-IV Protected area.
2. Lot A was recorded prior to adoption of watershed regulations.
3. Lot A is owned by Mr. Smith. Adjoining lots B and C are owned by others.
4. Lot A is not subject to the watershed regulations (but is subject to any other applicable zoning or land use regulations).
Section 16-13.6 Establishment of Watershed Overlay District Areas and Areas for the
High Density Option

The purpose of this Section is to list and describe the various water supply watershed overlay districts herein
created. The following overlay districts shall be in place and are depicted on the Town of Landis's Official
Zoning Map:

- WS-III-CA (Critical Area) Overlay District
- WS-III-BW (Balance of Watershed) Overlay District
- WS-IV-CA (Critical Area) Overlay District
- WS-IV-PA (Protected Area) Overlay District

*These Overlay Districts are established to provide for certain additional requirements and/or uses for properties
located in one or more general zoning districts. Thus, in addition to the requirements of the underlying general
zoning district, the provisions of the Overlay District would also prevail in the areas so zoned.

In the WS-III and WS-IV watershed areas, any non-residential development may occur using the high density
option under the rules and guidelines herein described in Section 16-13.8. The use of the high density option for
any particular project shall be subject to Town Board approval and, where deemed necessary by the Town,
submitted to the Division of Environmental Management's Water Quality Section for review and
recommendation.

See Table 13.1 as summary chart for WS Overlay Districts. These high density option areas are designated on
the Town of Landis's Official Zoning Map.

A. WS-III Critical Area Zoning District

In order to maintain a low to moderate land use intensity pattern, single-family detached residential uses
are allowed at a maximum of one (1) dwelling unit per acre or on lots having a minimum of forty
thousand (40,000) square feet excluding roadway rights of way. All other residential and non-residential
development shall be allowed a maximum of twelve percent (12%) built-upon area on a project-by-
project basis if the low density option is used. If the high density option is chosen and approved (see
Section 16-13.8), non-residential development shall not exceed a built-upon area of thirty percent (30%)
on a project-by-project basis.

No new permitted sites for land application of residuals or petroleum contaminated soils are allowed. No
new landfills are allowed.

a. Agriculture subject to the provisions of the Food Security Act of 1985 and the Food, Agriculture,
Conservation and Trade Act of 1990. (NOTE; THE SOIL AND WATER CONSERVATION
COMMISSION IS THE DESIGNATED MANAGEMENT AGENCY RESPONSIBLE FOR
IMPLEMENTING THE PROVISIONS OF THE WATER SUPPLY WATERSHED
REGULATION RELATING TO AGRICULTURAL ACTIVITIES.)

b. Silviculture, subject to the provisions of the Forest Practices Guidelines Related to Water Quality
(15 NCAC 11.6101-.0209).
c. Residential development (single-family, manufactured homes, manufactured home parks, two-family, multi-family, and cluster developments).

d. Non-residential development (i.e., commercial, institutional, and industrial development) except no NPDES permits will be issued for landfills that discharge treated leachate.

2. Density and Built-upon Limits:

a. Single-Family Residential—development shall not exceed one dwelling unit per acre on a project-by-project basis. Alternatively, lots with a minimum area of forty thousand (40,000) square feet shall be allowed. Cluster developments are also allowed (an example of which is illustrated in Section 16-13.7 Cluster Development, Example #3.

b. All Other Residential and Non-Residential—development shall not exceed twelve percent (12%) built-upon area on a project-by-project basis. For the purpose of calculating built-upon area, the total project area shall include total acreage in the tract on which the project is to be developed.

c. Where new development exceeds either one (1) dwelling unit per acre or twelve percent (12%) built-upon area, engineered stormwater controls shall be used to control runoff from the first inch of rainfall and development shall not exceed thirty percent (30%) built-upon area.

B. WS-III Balance of Watershed Zoning District

In order to maintain a moderate land use intensity pattern, single-family detached residential uses are allowed at a maximum of two (2) dwelling units per acre alternatively, lots having an area of at least twenty-thousand (20,000) square feet are allowed. All other residential and non-residential development shall be allowed a maximum of twenty-four percent (24%) built-upon area on a project-by-project basis if the low density option is used. If the high density option is chosen and approved (see Section 16-13.8), non-residential development shall not exceed a built-upon area of fifty percent (50%) on a project-by-project basis. In addition, up to ten (10%) of the balance of each such WS III watershed which is located within Landis' jurisdiction may be developed for non-residential uses with up to seventy percent (70%) built-upon area, on a project-by-project basis. Non-residential uses which can qualify for the seventy percent (70%) built-upon area ratio shall meet both of the following criteria: 1) projects with built upon areas of 24-70 percent shall be located in M-1, M-2, or B-3 zoning districts only and 2) require stormwater detention ponds to control the first 1" of water runoff. The Zoning Administrator is authorized to approve such qualified, non-residential projects consistent with all other applicable provisions of this Ordinance. All projects must minimize built-upon surface area, direct stormwater away from surface waters and incorporate Best Management Practices (BMP's) to minimize water quality impacts.

No new landfills and residuals or petroleum contaminated soils application sites are allowed.


b. Silviculture, subject to the provisions of the Forest Practices Guidelines Related to Water Quality
c. Residential development (single-family, manufactured homes, manufactured home parks, two-family, multi-family, and cluster developments).

d. Non-residential (i.e., commercial, institutional, or industrial development) except no NPDES permits will be issued for landfills that discharge treated leachate.

2. Density and Built-upon Limits:

a. Single-Family Residential Uses. Development shall not exceed two dwelling units per acre. Alternatively, lots with a minimum of twenty thousand (20,000) square feet excluding roadway right of way shall be allowed.

Cluster development, are also allowed (an example of which is illustrated in Section 16-13.7.

b. All Other Residential and Non-Residential Uses. Development shall not exceed twenty-four percent (24%) built-upon area on a project-by-project basis if the low density option is used. If the high density option is chosen and approved, non-residential development shall not exceed a maximum built-upon area of fifty percent (50%) on a project-by-project basis. In addition, up to ten percent (10%) of the balance of this by-project basis. In addition, up to ten (10%) of the balance of this watershed which is located within Landis' corporate limits may be developed for non-residential uses up to a maximum built-upon area of seventy percent (70%) on a project-by-project basis. Such projects with built-upon areas of 24-70 percent shall be located in M-1, M-2, and B-3 Zoning Districts only and require stormwater detention ponds to control the first 1" of water runoff.

For the purpose of calculating the built-upon area total project area shall include total acreage in the tract on which the project is to be developed. An example of how such calculations are to be made is described on the following two pages.
EXAMPLE #2

Entire Watershed Area - 35,000,000 ft²

Facts
1. Property located in WS-III Balance of Watershed area; low density option chosen.
2. Assuming the area of the watershed within Landis' jurisdiction = 35,000,000 sq. ft.
3. Existing developments A and B are located on lots having a total area of 2,000,000 sq. ft.
4. Lot 1 which is undeveloped, contains 40,000 sq. ft. Lot 2, also undeveloped, contains 60,000 sq. ft.
5. A maximum of 10% of the gross watershed area may be developed with built-upon areas of 24% - 70%.

Development Capabilities
1. Regardless of existing development, a maximum of 10%, or 3,500,000 sq. ft. of the entire watershed area can be developed with non-residential uses containing 24% - 70% built-upon areas.
   \[35,000,000 \text{ sq. ft.} \times 10\% = 3,500,000 \text{ sq. ft.}\]
2. The remainder of the watershed area can be developed with built-upon areas of 0 - 24%.
3. Lot 1 can be developed with a maximum built-upon area of 0 - 24%. A total of up to 14,000 sq. ft. of built-upon area is allowed.
   \[60,000 \text{ sq. ft.} \times 24\% = 14,400 \text{ sq. ft.}\]
4. Lot 2 can be developed with a maximum built-upon area of 24% - 70% (with high density option only). A total of up to 42,000 sq. ft. of new, non-residential built-upon area is allowed. \(60,000 \text{ sq. ft.} \times 70\% = 42,000 \text{ sq. ft.}\)
5. Once Lot 2 is developed, the 60,000 sq. ft. is subtracted from the 10% allocation, resulting in 3,440,000 sq. ft. remaining to be developed at 24% - 70% built-upon in this watershed.
   \[3,500,000 \text{ sq. ft.} - 60,000 \text{ sq. ft.} = 3,440,000 \text{ sq. ft.}\]
C. **WS-IV-CA Critical Area Zoning District**

Only new development activities that require an erosion/sedimentation control plan under North Carolina law are required to meet the provisions of these regulations when located in the WS-IV-CA Zoning District watershed. In order to address a moderate land use intensity pattern, single family detached residential uses are allowed at a maximum of two dwellings per acre or on lots with a minimum of 20,000 square foot excluding roadway right-of-way. All other residential and non-residential development shall be allowed with a maximum built-upon ratio of twenty-four percent (24%) on a project-by-project basis. If the high-density option is chosen and approved, non-residential developments shall be allowed with a maximum built-upon ratio of fifty percent (50%) on a project-by-project basis. See Section 16.-13.5 for an example of how built-upon area is determined. New residual or petroleum contaminated soils application sites and landfills are specifically prohibited.

1. **Allowed Uses (only if permitted in the underlying zoning district):**


   b. Silviculture, subject to the provisions of the Forest Practices Guidelines Related to Water Quality (15 NCAC 11.6101-.0209).

   c. Residential Uses (Single-family, manufactured homes, manufactured home parks, two-family, multi-family and cluster developments).

   d. Non-residential development (i.e. commercial, institutional, or industrial development) excluding: (i) landfills; and (ii) sites for land application of residuals or petroleum contaminated soils.

2. **Density and Maximum Built-upon Limits:**

   a. **Single Family Residential Uses.** Development shall not exceed a maximum of two (2) dwelling units per acre or 20,000 square foot lot excluding roadway right of way.

      Cluster development is allowed (and is illustrated in Section 16-13.7).

   b. **All Other Residential and Non-Residential Uses.** Development shall not exceed twenty-four percent (24%) built-upon area on a project by project basis. If a high density option is chosen and approved, non-residential developments shall be allowed with a maximum built-upon area ratio of fifty percent (50%) on a project-by-project basis. For the purpose of calculating the built-upon area, total project area shall include total acreage in the tract on which the project is to be developed.
D. **WS-IV-PA Protected Area Zoning District.**

Only new development activities that require an erosion/sedimentation control plan under North Carolina law are required to meet the provisions of this ordinance when located in a WS-IV-PA Zoning District. In order to address a moderate land use intensity pattern, single family detached residential uses shall develop at a maximum of two (2) dwelling units per acre or on lots with a minimum of 20,000 square feet excluding roadway rights of way when curb and gutter is provided or three (3) dwelling units per acre when curb and gutter is not provided. All other residential development shall be allowed on a project-by-project basis at a maximum of twenty-four percent (24%) built-upon area in areas where curb and gutter are required or thirty-six percent (36%) where curb and gutter is not provided.

If the high-density option is chosen and approved, all non-residential developments shall be allowed with a maximum built-upon area of seventy percent (70%) on a project-by-project basis. See Section 16-13.5 for an example on how built-upon area is calculated.

1. **Allowed Uses (only if permitted in the underlying zoning district):**
   a. Agriculture subject to the provisions of the Food Security Act of 1985 and the Food, Agriculture, Conservation and Trade Act of 1990. (Note: The Soil and Water Conservation Commission is the Designated Management Agency responsible for implementing the provisions of Water Supply Watershed regulations relating to agricultural activities)
   b. Silviculture, subject to the provisions of the Forest Practices Guidelines Related to Water Quality (15 NCAC 11.6101-.0209).
   c. Residential development (Single-family, two-family, manufactured homes, manufactured home parks, multi-family and cluster developments).
   d. Non-residential development (i.e., commercial, institutional, or industrial development). No new permitted sites for land application of residuals or petroleum contaminated soils or new landfill are allowed.

2. **Density and Maximum Built-upon Limits:**
   a. **Single Family Residential Uses.** Development shall not exceed a maximum of two (2) dwelling units per acre (or lots with a minimum of 20,000 square feet excluding roadway right-of-way) where curb and gutter is provided or three (3) dwelling units per acre when curb and gutter is not provided. Cluster development is allowed (and is illustrated in Section 16-13.7).
   b. **All Other Residential and Non-Residential Uses.** Development shall not exceed a maximum built-upon area of twenty-four percent (24%) in areas where curb and gutter are required, or at a maximum of thirty-six percent (36%) built-upon area in locations where curb and gutter are not required, on a project-by-project basis. If the high density option is chosen and approved, non-residential developments shall be allowed with a maximum built-upon area ratio of seventy percent (70%) on a project-by-project basis. For the purpose of calculating the built-upon area, total project area shall include total acreage of the tract on which the project is to be developed.
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<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>WS-III CRITICAL AREA</td>
<td>Low to mod. developed</td>
<td>1 du/1 ac or 12% built upon</td>
<td>12-30% built upon area</td>
<td>Control the 1&quot; storm</td>
<td>Allowed</td>
<td>No new landfills</td>
</tr>
<tr>
<td>BALANCE OF WATERSHED</td>
<td></td>
<td>2 du/ 1 ac or 24% built upon</td>
<td>24-50% built upon area</td>
<td>Control the 1&quot; storm</td>
<td>Allowed</td>
<td>No new discharging landfill</td>
</tr>
<tr>
<td>WS-IV CRITICAL AREA</td>
<td>Moderate to highly dev.</td>
<td>*2 du/1 ac. or 24% built upon</td>
<td>*24-50% built upon area</td>
<td>Control the 1&quot; storm</td>
<td>Allowed</td>
<td>No new landfills</td>
</tr>
<tr>
<td>PROTECTED AREA</td>
<td></td>
<td>■*2 du/1 ac. or 24% built upon</td>
<td>■*24-70% built upon area</td>
<td>Control the 1&quot; storm</td>
<td>Allowed</td>
<td>Allowed</td>
</tr>
</tbody>
</table>

NOTE: - Critical area is 1/2 mile and draining to water supplies from the normal pool elevation of reservoirs, or 1/2 mile and draining to a river intake.
- Protected area is within 5 miles of the normal pool elevation of reservoirs, or draining to the water supply reservoirs..
- Local governments will assume ultimate responsibility for operation and maintenance of stormwater controls.
- Critical area is 1/2 mile and draining to water supplies from the normal pool elevation of reservoirs, or 1/2 mile and draining to a river intake.
- Protected area is within 5 miles of the normal pool elevation of reservoirs, or draining to the water supply reservoirs..
- Local governments will assume ultimate responsibility for operation and maintenance of stormwater controls.

* Applies only to projects requiring a Sediment/Erosion Control Plan.
@ Minimum 30' vegetative buffer required along perennial streams.
+ Minimum 100' vegetative buffer required along perennial streams.
■ Three dwelling per acre or 36% built-upon is allowed for projects with no curb and gutter.
Section 16-13.7 Cluster Development

Clustering development shall be allowed subject to all other provisions of this ordinance, provided that the following overall objectives are met:

1. The overall density of the project meets the associated density or stormwater control requirements under these rules. Maximum densities for single-family residential uses shall be as follows:

<table>
<thead>
<tr>
<th>Watershed District</th>
<th>Maximum Density ((lots per acre))</th>
</tr>
</thead>
<tbody>
<tr>
<td>WS-III CA</td>
<td>One Dwelling Unit Per Acre</td>
</tr>
<tr>
<td>WS-III BW</td>
<td>Two Dwelling Units Per Acre</td>
</tr>
<tr>
<td>WS-IV CA</td>
<td>Two Dwelling Units Per Acre</td>
</tr>
<tr>
<td>WS-IV PA</td>
<td>Two Dwelling Units Per Acre</td>
</tr>
</tbody>
</table>

2. Buffers must meet the minimum guidelines established in Section 16-13.9

3. Built-upon areas are designed and located to minimize stormwater runoff impact to the receiving waters, minimize concentrated stormwater flow, maximize the use of sheet flow through vegetated areas, and maximize the flow length through vegetated areas.

4. Areas of concentrated density development are to be located in upland areas and away, to the maximum extent practicable, from surface waters and drainageways.

5. The remainder of the tract not developed shall remain in a vegetated or natural state.

6. The area in the vegetated or natural state may be conveyed to a property owners association; a local government for preservation as a park or greenway; a conservation organization; or be placed in a permanent conservation or farmland preservation easement. A maintenance agreement shall be filed with the property deed.

7. Cluster developments shall transport stormwater runoff by vegetated conveyances to the maximum extent practicable.

An example of how a cluster development can occur is as follows:
4. Single-family development of 21,780 square foot lots allowed.
5. Tract A is allowed to have 170 single-family residential lots.
   \((85 \text{ acres} \times 2 = 170 \text{ lots}) \text{ or } 85 \text{ acres} \times 43,560 \text{ sq. ft} = 3,702,600 \text{ sq. ft.} + 21,780 = 170 \text{ lots})

**FACTS**

1. Tract A located in a WS-IV Protected area district.
2. Low density option being used.
3. Tract A contains 85 acres.

**DEVELOPMENT CAPABILITIES**

1. Cluster development can contain 170 lots.
2. Lot sizes of less than 22,780 sq. ft. are permitted so long as no more than 170 lots are created.
Section 16-13.8 High Density Option

A. General Requirements. In any designated WS-III or WS-IV Watershed Area, any non-residential development may occur using the high density option under the rules and guidelines herein described. The use of the high density option for any particular project shall be subject to Town Board approval and where deemed necessary by the Town, the application be submitted to the Water Quality Section of the Division of Environmental Management for review and recommendation.

B. High Density Option Development Standards. The Town Board may approve a project using the high density option consistent with the following standards:

1. If area proposed to be developed lies in a designated WS-III Critical Area Watershed, engineered stormwater controls shall be used to control runoff from the first inch of rainfall for development which contains a built-upon area of twelve to thirty percent (12 - 30%) on a project-by-project basis.

2. If the area proposed to be developed lies in a designated WS-III Balance of Watershed Area, engineered stormwater controls shall be used to control runoff from the first inch of rainfall for development which contains a built-upon area of twenty-four to fifty percent (24-50%) on a project-by-project basis.

3. If the area proposed to be developed lies in a designated WS-IV Critical Area watershed, engineered stormwater controls shall be used to control runoff from the first inch of rainfall for development which contains a built-upon area of twenty-four to fifty percent (24-50%) on a project-by-project basis.

4. If the area proposed to be developed lies in a designated WS-IV Protected Area watershed, engineered stormwater controls shall be used to control runoff from the first inch of rainfall for development which contains a built-upon area of twenty-four to seventy percent (24-70%) on a project-by-project basis.

C. Application. An application for authorization to use the high density option shall be signed by the applicant and the consulting engineer and shall be accompanied by the following:

1. Two reproducible copies (must meet the requirements for recordation of the Rowan County Register of Deeds) of the development plan within the drainage basin containing all applicable and required information.

2. Two reproducible copies (must meet the requirements for recordation of the Rowan County Register of Deeds) of the plans and required specifications of the stormwater control structure(s).
3. When required by law, written verification that a soil erosion and sedimentation control plan has been approved by the appropriate State or County agency.

4. A separate fee shall be required for submittal of any high density option application. Said fee shall be in accordance with a fee schedule adopted by the Town Board. No application for high density option approval will be considered complete unless accompanied with the requisite fee.

D. Inspection Fees. As provided in Sections 16.13.8(1)(7) and 16.13.8(1)(7) of this Ordinance, inspections of all stormwater control structures will be conducted: 1) after work on the stormwater control structure is complete, 2) annually once the stormwater control structure(s) has been approved by the Town, and 3) any time after improvements, modifications, or changes to said structures have been made by the owning entity. A fee in accordance with a fee schedule approved by the Town Board shall be required to be paid by the owning entity prior to each inspection being conducted.

E. Operation and Maintenance Plan

1. Any stormwater control structure approved by the Town Board shall be predicated on the developer and the Town entering into a binding Operation and Maintenance Plan. Said Plan shall require the owning entity of the structure(s) to maintain (including any required fencing), repair, and, if necessary, reconstruct said structure(s) in accordance with the Operation and Maintenance Plan provided by the developer to the Town. Said Plan must be approved by the Town Board prior to, or in conjunction with, the approval of the high density option for said project and shall be recorded with the Register of Deeds for Rowan County.

2. A separate plan must be provided by the developer for each stormwater control structure, containing, at a minimum, what operation and maintenance actions are needed and will be undertaken, what specific quantitative criteria will be used for determining when those actions are to be taken, and who is responsible for such actions. The Plan shall clearly indicate what steps will be taken for restoring a stormwater control structure to design specifications if a failure occurs. Proof of liability insurance must be furnished and maintained continuously.

3. Amendments to the Plan and/or specifications of the stormwater control structure(s) may only be approved by the Town Board. Proposed changes shall be prepared by a North Carolina registered professional engineer or landscape architect, (to the extent that the General Statutes allow) and submitted to the Town Board for approval. Such amendments shall be accompanied by all information and fees prescribed in Section 16-13.8(C) of this Ordinance.
4. If the Town Board finds that the Plan, once approved, is inadequate for any reason, the Zoning Administrator shall notify the owning entity of any changes mandated by the Town and a time-frame in which changes to the Plan shall be made.

F. Posting of Financial Securities. All new stormwater control structures approved employing the high density option shall be conditioned on the posting of adequate financial assurance for the purpose of constructing, maintaining, repairing, or reconstructing said devices.

1. If the Town Board approves the use of the high density option for a particular project, it may do so only after the applicant has posted a surety bond or equivalent security, in an amount not less than 1.25 times the cost of constructing the necessary stormwater control structure(s). Such financial security shall be paid to the Town and shall be in a form prescribed by the Town. All construction costs shall be verified by the Town and the Town may assess the applicant for actual costs incurred by the Town and associated with such verification. The total cost of the stormwater control structure(s) shall include the value of all materials such as piping and other structures; seeding and soil stabilization; design and engineering; and grading, excavation, fill, etc. The costs shall not be prorated as part of a larger project, but rather shall be priced as an individual project.

2. Once the stormwater control structure(s) has been constructed and inspected in the manner provided in Section 16-13.8(1) of this Ordinance, and approved by the Town Board, the Town Board may authorize the release of up to seventy-five percent (75%) of the surety bond or other equivalent security outlined in Section 16-13.8(F)(7) of this Ordinance.

3. Prior to said release, however, the applicant shall be required to deposit with the Town either cash or a similar instrument approved by the Town Board in an amount equal to fifteen percent (15%) of the total construction cost [as defined in Section 16-13.8(F)(1)] or one hundred percent (100%) of the cost of maintaining said structure(s) over a twenty (20) year period, whichever is greater. The estimated cost of maintaining the stormwater control structure(s) shall be consistent with the approved Operation and Maintenance Plan provided by the applicant as outlined in Section 16-13.8(E).

G. Default

1. Upon default of the applicant to complete the stormwater control structure(s) as spelled out in the surety bond or other equivalent security, the Town Board may obtain and use all or any portion of the funds necessary to complete the
improvements based on actual construction costs. The Town Board shall return any funds not spent in completing the improvements to the owning entity.

2. Upon default of the owning entity to maintain, repair and, if necessary, reconstruct the stormwater control structure or failure to maintain liability insurance in accordance with the approved Operations and Maintenance Plan, the Town Board shall obtain and use any portion of the cash security outlined in Section 16-13.8(F)(3) to make necessary improvements based on an engineering estimate provided by the Town.

H. Vegetation and Grounds Management

1. Landscaping and grounds management shall be the responsibility of the owning entity of said structure(s). However, vegetation shall not be established or allowed to mature to the extent that the integrity of the structure(s) is in any way threatened or diminished, or to the extent of interfering with any easement or access to the structure.

2. Except for routine landscaping and grounds maintenance, the owning entity shall notify the Zoning Administrator prior to any repairs or reconstruction of the structure. All improvements shall be consistent with the approved Plan and specifications for that structure. After notification by the owning entity, the Town shall inspect the completed improvements and inform the owning entity of any required additions, changes, or modifications needed to complete said improvements. A fee, in accordance with a fee schedule adopted by the Town Board shall be charged to the owning entity for any inspections (and re-inspections). A time period for making such changes shall also be stipulated by the Town.

I. Inspections

1. Inspections of Newly Constructed Stormwater Structures. All new stormwater control structures shall be inspected by the Town after the owning entity notifies the Zoning Administrator that all construction has been completed. At this inspection the owning entity shall provide:

   a. The signed deed, related easements and survey plat for the structure in a manner suitable for filing with the Register of Deeds if ownership of the stormwater control structure(s) is to be transferred to another entity. (This requirement will be waived for any repair work when such deed has previously been filed.)
b. A certification by an engineer or landscape architect (to the extent allowable by the General Statutes) stating that the stormwater control structure is complete and consistent with the approved Plan and all specifications previously stipulated by the Town.

c. The Zoning Administrator shall forthwith present the materials submitted by the owning entity along with the Town's inspection report to the Town Board for their review and approval. If the Town Board approves the inspection report and accepts the certification, deed and easements, the Zoning Administrator shall forthwith file said deed and easements with the Register of Deeds. Release of up to seventy-five percent (75%) of the surety bond or other equivalent security called for in Section 16-13.8(F)(1) shall be made in a manner as prescribed in Sections 16-13.8(F)(2) and 16-13.8(F)(3).

d. If deficiencies are found as a result of the inspection, the Town Board shall direct the developer to make necessary improvements. Re-inspections will be made thereafter. No release of any funds shall be made by the Town until all deficiencies are properly addressed to the Town's satisfaction.

e. No sooner than one (1) year after approval of the storm water control structure(s) by the Town, the owning entity may petition the Town Board to release the remaining value of the surety bond or equivalent security called for in Section 16-13.8(F)(2). Upon receipt of said petition, the Town shall forthwith inspect the stormwater control structure(s) to determine whether the structure(s) is performing as designed and intended. Once the inspection is made, the Zoning Administrator shall forthwith present the inspection report and recommendations to the Town Board.

f. An occupancy permit shall not be issued for any building within the permitted development until the Town Board has approved the stormwater control structure(s) in a manner as herein prescribed.

2. Annual Inspection of Stormwater Structures

a. All stormwater control structures shall be inspected by the Town on an annual basis to determine whether the structures are performing as designed and intended. Records of inspection shall be maintained on forms approved or supplied by the North Carolina Division of Environmental Management. Annual inspections shall begin within one (1) year after the approval of the stormwater control structure(s) by the Town Board. A fee
in accordance with a fee schedule adopted by the Town Board, shall be charged to the owning entity for any inspections (and re-inspections). A copy of each inspection report shall be filed with the Zoning Administrator.

b. In the event the Town's report indicates the need for corrective action or improvements, the Zoning Administrator shall notify the owning entity of the needed improvements and the date by which such improvements are to be completed. All improvements shall be consistent with the adopted Operation and Maintenance Plan and specifications. Once such improvements are made, the owning entity shall forthwith contact the Zoning Administrator and ask that an inspection be made.

J. Stormwater Control Structure Specifications.

1. All stormwater control structures shall be designed by either a North Carolina registered professional engineer or a landscape architect (to the extent that the General Statutes allow).

2. All stormwater control structures shall use wet detention ponds as the primary treatment system. Wet detention ponds shall be designed for specific pollutant removal according to modeling techniques approved by the North Carolina Division of Environmental Management. Specific requirements for these systems shall be in accordance with the following criteria:

a. Wet detention ponds shall be designed to remove a minimum of eighty-five percent (85%) of total suspended solids in the permanent pool and storage runoff from a one-inch water runoff from the site above the permanent pool;

b. The designed runoff storage volume shall be above the permanent pool;

c. The discharge rate from these systems following the one-inch rainfall design storm shall be such that the runoff does not draw down to the permanent pool level in less than two (2) days and that the pond is drawn down to the permanent pool level within at least five (5) days;

d. The mean permanent pool depth shall be a minimum of three (3) feet;

e. The inlet structure shall be designed to minimize turbulence using baffles or other appropriate design features;
f. Vegetative filters shall be constructed for the overflow and discharge of all stormwater wet detention ponds and shall be at least thirty (30) feet in length. The slope and width of the vegetative filter shall be determined so as to provide a non-erosive velocity of flow through the filter for a ten-year, twenty-four hour storm with a ten-year, one-hour intensity with a slope of five percent (5%) or less. Vegetation in the filter shall be natural vegetative, grasses or artificially planted wetland vegetation appropriate for the site characteristics.

3. In addition to the required vegetative filters, all land areas outside of the pond shall be provided with a ground cover sufficient to restrain erosion within thirty (30) days after any land disturbance. Upon completion of the stormwater control structure, a permanent ground cover shall be established and maintained as part of the Operation and Maintenance Plan described in Section 16-13.8(E) of this Ordinance.

4. A description of the area containing the stormwater control structure(s) shall be prepared and filed, consistent with Section 16-13.8(I)(1) as a separate deed, with the Register of Deeds along with any easements necessary for general access to the stormwater control structure(s) should ownership (and maintenance) of the stormwater control structure(s) be transferred to another person, firm, or entity. The deeded area shall include the detention pond, vegetative filters, all pipes and water control structures, berms, dikes, etc., and sufficient area to perform inspections, maintenance, repairs and reconstruction.

5. The pervious portions of any stormwater control structure(s) approved by the Town Board shall not be included when computing built-upon areas.

K. Town Board Approval Process on High Density Application. The Town Board shall either approve an application for the high density option, approve the application with fair and reasonable conditions, or disapprove such an application based upon the applicable criteria contained in this Ordinance.

1. If the Town Board approves the application, such approval shall be predicated on: 1) the developer and the Town entering into a binding Operation and Maintenance Plan as indicated in Section 16-13.8(E), and 2) the posting of a surety bond or other equivalent security as provided in Section 16-13.8(F). Such approval shall be indicated on the application and on both copies of the plans submitted with the application.

If the Town Board approves the application, a copy of the application and one (1) copy of the plans shall be returned to the applicant.
2. If the Town Board disapproves the application, the reasons for such action shall be sent by first class mail by the Zoning Administrator to the applicant within ten (10) working days of the disapproval. The applicant may make revisions or changes and submit a revised plan. If the re-submitted plan is submitted to the Zoning Administrator within sixty (60) days of the date of denial, the application fee will be waived.

Section 16-13.9 Buffer Areas Required

A. Vegetative Buffers. Should any new development take place on or after the effective date of these regulations on a lot containing or bordering a perennial stream [as indicated on the most up-to-date version of a U.S.G.S. 1:24,000 (7.5 minute) map or as otherwise determined by local government studies] and which is subject to the regulations of Article XIII, Section 16, a vegetative buffer shall be placed or maintained immediately perpendicular and parallel to said stream. Said buffer shall be a minimum of thirty (30) feet in width if the low density option is used or one hundred (100) feet in width if the high density option is used. Desirable artificial streambank or shoreline stabilization is permitted.

B. Development in Buffer. No new development is allowed in the vegetative buffer area except for water-borne structures (e.g., piers, docks, etc.) other structures such as flag poles, signs and security lights, which is result in only diminimus increases in impervious area and public projects such as road crossings 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.

Section 16-13.10 Nonconforming Situations

A. General. Nonconforming situations which existed on or after the effective date of these regulations shall comply with the provision contained in Article XIII, Section 16 of this Ordinance, with the following exceptions:

B. Nonconforming Lots. A lot of record which existed on the effective date of these regulations which is used for single-family purposes shall not be subject to the rules and regulations pertaining to the WS district in which it is located, except as provided in Section 16-6.

C. Nonconforming Structures. If, on or after the effective date of these regulations, a lot contained one or more structures where aggregate built-upon area calculations exceeded the maximum allowed for the particular WS district in which said lot is located, and such
structure is destroyed (i.e., received damage in excess of sixty (60) percent of its assessed value at the time of destruction), reconstruction of said structures may occur provided that the structure is rebuilt in accordance with all applicable regulations in both the Watershed Overlay District, the general zoning district in which it is located, and meets the requirements of Section 16-6 of the Landis Zoning Ordinance.

Section 16-13.11 Existing Development

Any existing development as defined in this ordinance, may be continued and maintained subject to the provisions provided herein. Expansions to structures classified as existing development on any lot other than a lot containing a single-family residence as a principle use, must meet the requirements of this ordinance, however, the built-upon area of the existing development is not required to be included in the density calculations.

An example of how this rule is to be interpreted shall be as follows:
EXAMPLE #4

**Lot A:** 90,000 ft.$^2$

**Undeveloped Area:** 60,000 ft.$^2$

**FACTS**

1. Lot A is located in WS-IV Protected Area.
2. Low density option being used.
3. Lot A contains 90,000 sq. ft.
4. At time of adoption of Watershed Ordinance, Lot A contained 30,000 sq. ft. of built-upon area of a non-residential use, and 60,000 sq. ft. of undeveloped area.
5. Single-family residential lots recorded before the effective date of this Ordinance are not subject to this rule

**DEVELOPMENT CAPABILITIES**

1. Existing development is not to be used when calculating future development capability.
2. A total of up to 14,400 sq. ft. of new, non-residential built-upon area is allowed on Lot A. (60,000 sq. ft. x 24% = 14,400 sq. ft.)
Section 16-13.12 Public Health Regulations

No activity, situation, structure or land use shall be allowed within a WS district which poses a threat to water quality and the public health, safety and welfare. Such conditions may arise from inadequate on-site sewage systems which utilize ground absorption; inadequate sedimentation and erosion control measures; the improper storage or disposal of junk, trash or other refuse within a buffer area; the absence or improper implementation of a spill containment plan for toxic and hazardous materials; the improper management of stormwater runoff; or any other situation found to pose a threat to water quality.

The Zoning Administrator shall monitor land use activities within all WS districts to identify situations that may pose a threat to water quality. The Zoning Administrator shall report all findings to the proper agency to handle the threat and/or the Town Board. The Zoning Administrator may consult with any public agency or official and request recommendations. Where the Town Board finds a threat to water quality and the public health, safety and welfare, the Board shall institute any appropriate action or proceeding to restrain, correct or abate the condition and/or violation as herein authorized.

Section 16-13.13 Amendments to Regulations Pertaining to a WS District.

Under no circumstances shall the Town Board adopt any amendment, addition, or deletion that would cause these regulations to violate the watershed protection rules as adopted by the N.C. Environmental Management Commission. Any amendment to the boundaries of any particular Water Supply Watershed District shall be referred to the N.C. Division of Environmental Management, N.C. Division of Environmental Health, and the N.C. Division of Community Assistance for their review prior to adoption. Otherwise, amendments to the regulations contained in Article XIII, Section 16 shall follow procedures prescribed in Section 16-10 of this Ordinance.

Section 16-13.14 Variances

A. Minor Variances. Minor variances (see definition) to the regulations contained herein (unless specifically prohibited) under guidelines provided in Section 16-12 of this Ordinance may be approved by the Board of Adjustment, except that a copy of the public hearing notice plus a description of the minor variance requested, shall be sent by first class mail to the Clerk of all municipal and county governments having jurisdiction within the same watershed and to any major consumer of water whose point of intake lies within the same watershed. Said notice and description shall be mailed at least seven (7) days prior to the public hearing. Any comments received from notified local governments, regarding a minor variance request shall be entered into the record of proceedings.

Note: Any request to vary maximum density or built-upon areas shall be deemed a major variance request.
B. Major Variances. Applications for major variances shall be handled in the following manner:

1. Application Form and Fee. An application for a major variance shall be on a form prescribed by the Town and shall be accompanied by a fee, the amount of which is in accordance with a fee schedule established by the Town. An application will not be considered complete unless it contains all information required and is accompanied by said fee. The application shall be accompanied by a map clearly identifying the subject property and all contiguous pieces of properties (including all properties traversed and/or separated by a road, stream, right-of-way or any similar natural or man-made configuration). In addition, a list of names and mailing addresses of the owners of said properties, from the most recent official tax records, shall be provided by the applicant. All applications shall be submitted to the Zoning Administrator. Once having received an application, the Zoning Administrator shall have ten (10) working days to determine its completeness. If he determines that the application is not complete, he shall serve a written notice on the petitioner specifying the application's deficiencies. The Zoning Administrator shall take no further action on the application until the deficiencies are remedied. If the Zoning Administrator fails to so notify the petitioner, the application shall be deemed complete.

2. Scheduling Town Board Meeting. The Zoning Administrator, having determined that an application is complete, shall place the application on the agenda of the next Town Board regular or special meeting occurring at least thirty (30) days thereafter.

3. Public Hearing Notification. The Town Board shall hold a public hearing on the application. Notification of said Town Board public hearing shall be as follows:

Notices shall be sent by the Town by first class mail to the applicant and all abutting property owners at least five (5) days prior to the public hearing. Said mail notice and a description of the major variance request shall also be sent by first class mail to the Clerk of all municipal and county governments having jurisdiction within the same watershed and to any major consumer of water whose point of intake lies within the same watershed. A copy of the notice shall be posted in the Town Hall. Said notice and description shall be mailed and posted at least five (5) days prior to the public hearing. Any comments received from notified local governments, or major water consumers regarding a major variance request shall become part of the record of proceedings. The notice shall indicate the nature of the public hearing and the date, time and place at which it is to occur.
4. **Public Hearing.** The Town Board shall conduct the public hearing in a quasi judicial manner. All persons giving evidence shall be sworn by the Mayor. In all matters coming before the Town Board, the applicant shall have the burden of providing clear, competent and material evidence in support of the application. The Town Board shall base their recommendation on the testimony given at the public hearing and on any comments received from notified local governments or major water consumers regarding the major variance request. The testimony, comments and evidence shall become part of the record of proceedings.

5. **Town Board Recommendation.** The Town Board shall make a recommendation on a major variance involving property located within a Water Supply Watershed Overlay District no later than sixty (60) days from the close of the public hearing. The Town Board may recommend a variance only after each of the findings found in Section 16-12(C) of the Zoning Ordinance are found in the affirmative.

Recommendations shall be in one of the following forms:

a. Recommend approval of the variance if the findings of fact in Section 16-12(C) are found in the affirmative; or

b. Recommend approval of the variance with fair and reasonable conditions attached if the findings of fact in Section 16-12(C) are found in the affirmative; or

c. Recommend denial of the variance if at least one (1) finding of fact in Section 16-12(C) is found in the negative.

The concurrent vote of three-fourths (3/4) of the voting members of the Town Board shall be necessary to make a recommendation for approval of a major variance application involving property located within a Water Supply Watershed Overlay District.

6. **Preliminary Record.** If the Town Board makes a favorable recommendation on a major variance application (with or without additional conditions or safeguards) or fails to make any recommendation on the major variance application, within the specified time period, the Zoning Administrator shall prepare a preliminary record of the public hearing which shall include the following:

a. The variance application;

b. Evidence that proper notification of the Town Board public hearing has been made;
c. A summary of evidence presented including comments submitted from other local governments or major water consumers within the same watershed jurisdiction;

d. Proposed findings and exceptions;

e. The Town Board's recommendation, if one is submitted within the sixty (60) day time period, including all conditions proposed to be added to the permit.

The preliminary record shall be sent to the Environmental Management Commission for its review. If the Environmental Management Commission concludes from the preliminary record that the variance qualifies as a major variance, the Commission shall make a final decision on the request and mail it to the Zoning Administrator. Upon receipt of the final decision, the Zoning Administrator shall forward the Environmental Management Commission's decision to the applicant by first class mail within ten (10) working days of receipt of the decision from the Environmental Management Commission. The approval, with any additional conditions or safeguards, shall become part of any zoning permit issued by the Zoning Administrator.

If the Town Board recommends that an application for a major variance involving property within a Water Supply Watershed Overlay District should be denied, then the application shall not be forwarded to the Environmental Management Commission, and shall be considered denied by the Town Board. The Zoning Administrator shall send written notice of the denial by first class mail to the applicant within ten (10) working days of the Board's decision.

7. Environmental Management Commission Action. If, after having received and reviewed the major variance application and the preliminary record, the Environmental Management Commission approves the major variance, the Zoning Administrator shall send the decision by first class mail to the applicant within ten (10) working days of receipt of the decision from the Environmental Management Commission, stating that the major variance was approved.

If the Environmental Management Commission overturns the Town Board's recommendation for approval of a major variance, the Zoning Administrator shall send the decision by first class mail to the applicant within ten (10) working days of receipt of the decision from the Environmental Management Commission, stating that the major variance request was denied, and the reasons for such denial.

8. Application for Zoning Permit. The application for a zoning permit shall be made
within one (1) year of receiving a variance approval.

Section 16-13.15 Enforcement

A. These regulations shall be enforced by the Zoning Administrator (refer to Section 16-11 of this Ordinance). In addition to other duties, the Zoning Administrator shall keep records regarding any expansions approved to structures classified as existing development, so that the maximum coverage of all new expansions do not exceed that allowed in this Ordinance.

B. The Zoning Administrator shall maintain a file on all applications for minor and major variances. A copy of information pertinent to any minor variance application request (including minutes of the hearing, findings made by the Board of Adjustment and/or Town Board, actions taken by the Board of Adjustment and/or Town Board, names and addresses of all persons giving evidence at the public hearing) shall be submitted annually during the last week of December to the Division of Environmental Management, Supervisor of the Classification and Standards Group.
ARTICLE XIV
HIGHWAY CORRIDOR OVERLAY REGULATIONS

Section 16-14.1  Purpose

The purpose of the Highway Corridor (HC) Zoning District is to preserve and enhance the streetscape along major roadways that provide access to the Landis area. A HC District may exist along any roadway or along any identifiable segment of a roadway although such roads may vary in character, particular aspects of development along those roads raise common concerns and can be managed in a consistent way in order to preserve and enhance the streetscape. The HC Overlay District shall have a width of five-hundred (500) feet as measured parallel and perpendicular from the centerline of the designated Corridor Highway. The HC Overlay District shall apply only to properties fronting the designated Corridor Highway. As an overlay, the HC District supplements the standards established elsewhere in this Ordinance for development in the underlying zoning district. Any use permitted in the underlying zoning district or approved subject to the issuance of a conditional use permit shall be permitted in the HC District, but only if it meets the requirements herein established as well as any other requirements pertaining to such use found in this Ordinance. This zoning district shall not be applicable to any lot containing a single or two-family dwelling principal use.

Section 16-14.2  Jurisdiction

The provisions of Article XIV, shall apply only within areas designated as a Highway Corridor Overlay District and shall be depicted on the Town of Landis’s Official Zoning Map. Where there is a conflict between the regulations contained in Article XIV, and any other provision of this Zoning Ordinance, the provisions of Article XIV shall apply to properties located within a designated Highway Corridor Overlay district.

Section 16-14.3  Permitted and Conditional Uses

Any permitted or conditional use allowed in the underlying general zoning district, or parallel conditional use district shall be permitted in the HC District. Any conditional use in the underlying zoning district shall be permitted in accordance with the regulations outlined in Article IX. All such permitted and conditional uses shall also meet the requirements of the HC district.

Section 16-14.4  Front Setback

A. Cannon Boulevard: All lots shall observe a front setback of at least eighty (80) feet as measured from the edge of the right-of-way of Cannon Boulevard.
Section 16-14.5 Side Setback

The side setback shall be the same as the underlying general zoning district.

Section 16-14.6 Rear Setback

The rear setback shall be the same as in the underlying general zoning district.

Section 16-14.7 Minimum Front Yard Width

All lots as measured at the edge of the street right-of-way shall have a minimum front yard width of one hundred fifty (150) feet. This provision shall apply to any lot created after the effective date of the regulations contained in this Section.

Section 16-14.8 Ingress and Egress Points

On any lot or in any planned multi-tenant development which contains more than one lot, no two points of ingress and egress (as measured a their closest distance) shall be closer than three hundred (300) feet apart. No more than two (2) separate points of ingress and egress per lot or within a planned multi-tenant development shall be allowed per road front, except where included as a condition for a use which requires a conditional use permit located on a lot containing five (5) or more acres. In the instance of corner lots, the ingress/egress points shall only be allowed on the more minor street. Any use engaged in the sale of automobile fuels to the public and having more than three (3) fuel stations shall be allowed to have no more than one additional point of ingress and egress per road front provided that said point of ingress and egress is located no closer than forty (40) feet from any other such access point.

Wherever possible, no portion of a point of ingress and egress shall be located closer than two hundred (200) feet to the centerline intersection of the road upon which the use fronts and an intersecting road.

Any driveway serving as a point of ingress and egress shall have a width not to exceed thirty-six (36) feet unless otherwise required by NCDOT.

For purposes of determining the allowable number of ingress and egress points on any particular lot, all lots recorded at the effective date of this Ordinance shall be granted at least one ingress and egress point per road front unless access can be provided internally. If any subdivision of land occurs after the effective date of this Ordinance, the number of ingress and egress points shall be determined based on the linear road frontage the tract contained prior to such subdivision. For instance, if a tract of land contained 1300 feet of
road frontage and subsequent to the adoption of this Ordinance, was subdivided into three lots, only two points of ingress and egress serving the three lots would be allowed.

Section 16-14.9 Street Landscaping

Landscaping shall be provided on the length of the first twenty-five (25) feet of the front yard as measured from the edge of the road right-of-way. Such landscaped area shall consist of any combination of trees, shrubs, grass or other decorative or vegetative ground cover provided, however, that a minimum of one small tree (each tree being spaced no less than thirty (30) feet apart on the same lot) be planted. The row of understory trees shall be planted ten (10) feet from the edge of the street right-of-way line. Said trees shall be planted parallel to the right-of-way of the road to which the lot abuts and shall generally be of the same species. No portion of this landscaped area shall contain bare soil. No impervious surface shall be allowed in this area except for driveways connecting the lot to the point of ingress and egress, sidewalks, boundary fences or walls. Nothing in this section shall be interpreted to require removal, grading, seeding of any natural area, existing trees or vegetative matter. It shall be the responsibility of the Zoning Administrator to determine on a case by case basis whether or not the property owner must remove or supplement any existing natural area, existing trees or vegetative matter.

Section 16-14.10 Off-Street Parking

In addition to the landscaping provided adjacent to the road right-of-way, any off-street parking area containing twenty (20) or more off-street parking spaces and located within a front or side yard shall be landscaped as herein provided.

For each twenty (20) off-street parking spaces located in a front or side yard, the following number of shrubs and/or small trees shall be provided:

- Shrubs: Ten (10), OR
- Trees: Two (2)

Such landscaped areas shall be separated from parking spaces, driveways and maneuvering areas by a curb at least six (6) inches in height designed to minimize damage by vehicles to plants located in the landscaped area. For an area to be considered a satisfying the landscaping provision of this Ordinance, it must contain a minimum contiguous area of one-hundred eighty (180) square feet.

Section 16-14.11 Landscaping Installation and Maintenance

All plant material shall be free from disease when planted and shall be maintained in a healthy condition. All plant material shall be installed in a fashion that ensures the availability of sufficient soil and water to sustain healthy growth. All small trees shall be
properly guyed and staked at the time of planting. All plant material shall be planted in a manner which is not intrusive to utilities or pavement.

The plantings that constitute a landscaped area must be properly maintained in order for the landscaped area to fulfill the purposes for which it is established. The owner of the property and/or any tenant on the property where a landscaped area is required shall be jointly and severally responsible for the maintenance of all plant material located within the landscaped area. Such maintenance shall include all actions necessary to keep the landscaped areas free of litter and debris and to keep plantings healthy and orderly in appearance. The tenant or property owner shall replace any vegetation that constitutes part of the landscaped area in the event that it dies.

Section 16-14.12 Signs

Signs shall be in accordance with the sign regulations for the underlying zoning district with the following exceptions:

A. One identification sign (either free-standing or ground) per lot (or multi-tenant development) per street front shall be allowed. The maximum height of the free-standing sign shall be fifteen (15) feet. The maximum areas of any such free-standing or ground sign shall be seventy-two (72) square feet unless a lower sign height and/or a smaller sign area is required for the underlying zoning district. In such case, the more stringent height and/or size requirements shall apply.

For any auto, boat, manufactured home, or farm implement dealership, a second free-standing or ground sign will be allowed under the following conditions:

1. The lot in question has at least five hundred (500) linear feet of public road frontage. The second sign shall be located on the premises, at least two hundred (200) linear feet from any other on premise free-standing or ground sign. The second sign shall have a maximum height of fifteen (15) feet and seventy-two (72) square feet of aggregate size. In no instance may the second sign front on a local street.

2. Furthermore, additional wall signage will be allowed not to exceed one hundred (100) square feet in aggregate.

3. Said ground or identification sign and any signs which do not require a permit may be placed in any portion of the front yard.
3. Said ground or identification sign and any signs which do not require a permit may be placed in any portion of the front yard.

Section 16-14.13 Nonconforming Situations

The provisions of Article VI shall apply to all lots located in the HC Zoning district with the following exceptions:

A. Within seven and one-half (7 1/2) years after a lot has received a HC zoning classification, all uses (except single family or two-family principal residential uses) on said lot shall conform with all provisions of Section 16-14.9 (Street Landscaping), Section 16-14.10 (Off-Street Parking), and Section 16-14.11 (Landscaping Installation and Maintenance).

B. Existing Highway Corridor Overlay Districts:


Whenever the provisions of Article VI (Nonconformity’s) and this Section 16-14 conflict, the more stringent provisions shall prevail.
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### LANDIS ZONING ORDINANCE
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RULES OF PROCEDURE
LANDIS PLANNING BOARD

ARTICLE I
Planning Board

1-1 The official name of the Planning Board shall be the Landis Planning Board, hereafter referred to as the Planning Board.

ARTICLE II
Objective and Purpose

2-1 The primary objective of the Planning Board is to develop and maintain a continuing, cooperative planning program to benefit the people of the Town of Landis.

2-2 The purposes of the Planning Board are:

(a) To make studies of the Town and its surroundings areas;

(b) To determine objectives to be sought in the development of the areas under study;

(c) To recommend to the Town Board plans for achieving these objectives;

(d) To develop and recommend policies, ordinances, administrative procedures, and other means for carrying out plans in a coordinated and efficient manner;

(e) To advise the Town Board concerning the use and amendment of means for carrying out plans;

(f) Exercise any functions in the administration and enforcement of various means for carrying out plans that the Town Board may direct;

(g) To keep the Town Board and the general public informed and advised as to these matters; and

(h) To perform any other related duties that the Town Board may direct.
ARTICLE III
Membership

3-1 Members of the Planning Board shall be appointed for designated terms. The Planning Board shall consist of nine (9) regular members all of whom shall be appointed by the Town Board.

3-2 If a vacancy shall occur on the Planning Board by reason of death, resignation, change of residence, or any other case, it shall be filled by Town Board appointment for the duration of the unexpired term.

ARTICLE IV
Election of Officers

4-1 A Chairman and Vice-Chairman shall be elected by the Board members. Each officer shall serve for a one (1) year term but may be elected by the Board membership for successive terms to the same office. Annually, at the regular meeting of the Board held in the month of January, a Chairman and Vice-Chairman shall be elected. Each officer shall serve until relieved of his duties as herein provided.

4-2 The Chairman shall preside at all meetings and hearings of the Planning Board, appoint all standing and temporary committees, and have the duties normally conferred on such office. The Chairman shall have the privilege of discussing all matters before the Planning Board.

4-3 In the event of the absence of both the Chairman and Vice-Chairman from a meeting of the Planning Board, the members present may elect a temporary chairman for that meeting and proceed with the order of business.

4-4 A Secretary to the Planning Board shall be appointed by the Town Board. The Secretary shall keep a record of all business transacted at Planning Board meetings. The Planning Board minutes shall be of public record and shall be kept on file at the Landis Town Hall by the Town Clerk and available for inspection during regular business hours.

ARTICLE V
Meetings

5-1 Regular meetings of the Planning Board shall be held on the second Tuesday of each month at 7:00 P.M. in the Landis Town Hall. Each member shall be notified by mail of each regular meeting by the Town Planner to the Planning Board.
5-2 Special meetings may be called only by the Chairman, provided that at least forty-eight (48) hours notice of time of such meeting shall be given to each member by the Town Planner.

5-3 Five (5) members of the Planning Board shall constitute a quorum. A quorum shall be present before any business is transacted.

5-4 All regular and special meetings of the Planning Board shall be open to the public. Public notice of all regular meetings shall be made by posting a Planning Board agenda in a conspicuous location accessible to the general public within the Landis Town Hall at least three (3) days prior to the meeting. The notice shall remain posted until the meeting has been concluded. Notice of any special meeting shall be posted at least forty-eight (48) hours prior to that meeting in the same manner.

5-5 Members of the Planning Board shall not commit themselves on any question scheduled to be considered by the Board, prior to the consideration of the matter at a duly authorized meeting. No member of the Planning Board shall discuss any case with any parties thereto prior to the meeting at which that case is to be reviewed. Planning Board members may receive and/or seek information, however, pertaining to the case from any other Planning Board member, the Secretary, the Town Clerk or the Town Planner prior to said Planning Board meeting.

ARTICLE VI
Attendance

6-1 In order for the Planning Board to carry out its duties and responsibilities, it is necessary for all members to regularly attend meetings. Any Planning Board member may be removed by the Town Board for failure to attend three (3) consecutive meetings or failure to attend thirty (30) percent or more of the meetings within any twelve-month period or for any other good cause related to performance of duties. Upon request of the member proposed for removal, the Town Board shall hold a hearing on the removal before it becomes effective.

ARTICLE VII
Order of Business

7-1 The order of business shall be as follows:

(a) roll call and determination of quorum,
(b) approval of previous minutes,
(c) committee reports
(d) old business,
7-2 Items of business at the regular meeting shall appear on the agenda. All items on the agenda shall have been presented to the Zoning Administrator or Town Planner at least seven (7) days prior to the regular meeting.

ARTICLE VIII
Conflict of Interest

8-1 No member of the Planning Board shall seek to influence a decision, participate in any action or cast a vote involving any matter that is before the Board which may result in a private benefit to themselves, their immediate relatives or their business interest. In applying this rule the following procedure shall govern:

a. A Board member who determines there exists a conflict or interest, shall declare the existence of a conflict and shall abstain himself, as a Planning Board member, from any deliberation or voting on the matter. Said member, however, may seat himself in the audience and shall be granted full privileges conferred upon other citizens in voicing his opinions or concerns regarding this matter.

b. A Board member who believes there may exist a conflict of interest shall declare his possible conflict and ask for a determination by the Board. A majority vote of the remaining Board members shall determine whether or not a conflict of interest exists.

8-2 A challenge of the existence of a conflict of interest or a challenge of an undisclosed conflict of interest may be filed by any interested party with the Board. Such a challenge may be an appeal for a review of the finding of the Board or may be for the purpose of alleging an undeclared conflict of interest. Any challenge made to the Board shall be supported by competent evidence and shall be submitted to a properly convened meeting of the Board. The Board shall hear all evidence and shall, by majority vote of the remaining members, make the final determination as to the existence of a conflict of interest.

8-3 Withdrawal from participation in any matter is necessary only in those specific cases in which a conflict arises. There shall be no attempt to exclude entire categories of considerations because of the business or profession with which a member is associated.
ARTICLE IX
Action by Board

9-1 All actions of the Planning Board shall have been put before the Planning Board members in the form of a motion, duly seconded, and voted upon by all unexcused members present for a quorum.

9-2 Voting shall only be done by a show of hands or by voice. The Chairman shall vote only in case of a tie. Only members present at the time a vote is taken shall be eligible to vote.

9-3 All members of the Planning Board must vote on all matters except as specified in Article VIII. If a person who has not been excused from voting abstains from voting on a matter, he shall be counted as having voted “yes” on said matter.

ARTICLE X
Adoption and Amendment

10-1 These rules of procedure may be adopted by a majority vote of the Planning Board membership.

10-2 The rules of procedure, within the limits set by law, may be amended by an affirmative vote of the membership present at a regular meeting, provided that such proposed amendment shall have first been submitted to all members in writing at least seven (7) days prior to the meeting at which the vote is taken.

ADOPTED July 13, 1987

CHAIRMAN

SECRETARY

AMENDED: June 9, 1998
I. GENERAL RULES

The Zoning Board of Adjustment (hereinafter referred to as the "Board") shall be governed by the terms of Chapter 160A, Article 19, Part 3 of the General Statutes of North Carolina and by the Town of Landis Zoning Ordinance. All members of the Board shall thoroughly familiarize themselves with these laws.

II. OFFICERS AND DUTIES

A. APPOINTMENTS

Members of the Board of Adjustment shall be appointed for designated terms. The Board of Adjustment shall consist of five (5) regular members appointed by the Town Board. In addition, the Town Board shall appoint four (4) alternate members.

The alternate members of the Board shall be requested to attend all regular and special meetings and shall be able to cast a vote when a regular member of the Board is absent or if any Board member has a conflict of interest. At no time shall there be more than five (5) members participating in any Board of Adjustment matter.

The alternate members shall be assigned numbers "1", "2", "3" and "4" by the Chairman. The following system shall be employed for using alternate members.

Initially, Member "1" shall first be asked to serve. If he is absent or has a conflict of interest, Member "2" shall be asked to serve. This process shall continue until a suitable alternate member is chosen. If Member "2" serves at a meeting, Member "3" shall be the first asked to serve at the following meeting. Similarly, if Member "3" serves at a meeting, Member "4" will be the first asked to serve at the following meeting.
B. ELECTIONS

A Chairman and a Vice-Chairman shall be elected by the Board members. Each officer shall serve for a one (1) year term but may be elected by the Board membership for successive terms to the same office. Annually, at the regular meeting of the board held in the month of January, a Chairman and Vice-Chairman shall be elected. Each officer shall serve until relieved of his duties as herein provided.

C. DUTIES

The Chairman shall decide upon all points of order and procedure, subject to these rules, unless directed otherwise by a majority of the Board in session at the time. The Chairman shall appoint any committees found necessary to investigate any matters before the Board. The Vice-Chairman shall serve as acting Chairman in the absence of the Chairman, and at such times he shall have the same powers and duties as the Chairman.

D. SECRETARY

The Town Board shall arrange to have secretarial duties performed for the Board of Adjustment. Said person(s) (hereafter referred to as the "Secretary"), subject to the direction of the Chairman, shall take minutes and keep all records. The Town Planner shall conduct all correspondence of the Board, arrange for all public notices required to be given, notify members of pending meetings and their agenda, notify parties to cases before the Board of its decision on such cases, and generally supervise the clerical work of the Board. The Secretary shall keep in a permanent volume the minutes of every meeting of the Board. These shall show the record of all important facts pertaining to each meeting and hearing, every resolution acted upon by the Board, and all votes of members of the Board upon any resolution or upon the final determination of any question, indicating the names of members absent or failing to vote. If the Secretary is chosen from outside the membership of the Board, he shall not be eligible to vote upon any matter. The minutes of the Board of Adjustment shall be kept at the Board's office located at the Landis Town Hall.

III. RULES OF CONDUCT FOR MEMBERS

A. Members of the Board may be removed for cause, including violation of the rules stated below herein.

B. In order for the Board to carry out its duties and responsibilities, it is necessary for all members to regularly attend the meetings. Any regular Board of Adjustment member may be removed by the Town Board for failure to attend three (3) consecutive meeting or failure to attend thirty (30) percent or more of the meetings within any twelve-month period or for any other good cause related to performance of duties. Alternate members may be removed by the Town Board for repeated failure to attend or participate in meetings when requested to do so in accordance with these Rules of Procedures. Upon request of the member proposed for removal, the Town Board shall hold a hearing on the removal before it becomes effective.
C. No member of the Board shall seek to influence a decision, participate in any action or cast a vote involving any matter that is before the Board which may result in a private benefit to themselves, their immediate relatives or their business interest. In applying this rule the following procedure shall govern:

1. A Board member who determines there exists a conflict of interest, shall declare the existence of a conflict and shall abstain himself, as a Board member, from any deliberation or voting on the matter. Said member, however, may seat himself in the audience and shall be granted full privileges conferred upon other citizens in voicing his opinions or concerns regarding this matter.

2. A Board member who believes there may exist a conflict of interest shall declare his possible conflict and ask for a determination by the Board. A majority vote of the remaining regular Board members shall determine whether or not a conflict of interest exists.

D. A challenge of the existence of a conflict of interest or a challenge of an undisclosed conflict of interest may be filed by any interested party with the Board. Such a challenge may be an appeal for a review of the finding of the Board or may be for the purpose of alleging an undeclared conflict of interest. Any challenge made to the Board shall be supported by competent evidence and shall be submitted to a properly convened meeting of the Board. The Board shall hear all evidence and shall, by majority vote of the remaining members, make the final determination as to the existence of a conflict of interest.

E. Withdrawal from participation in any matter is necessary only in those specific cases in which a conflict arises. There shall be no attempt to exclude entire categories of considerations because of the business or profession with which a member is associated. In the event a regular member disqualifies himself or is asked by a majority of the remaining regular members to disqualify himself, he shall be replaced by an alternate member for that business associated with the conflict of interest.

F. No Board member shall vote on any matter deciding an application or appeal unless he shall have attended the public hearing on that application or appeal.

G. No Board member shall discuss any case with any parties thereto prior to the public hearing on that case; provided however, that members may receive and/or seek information pertaining to the case from any other member of the Board, its Secretary, the Town Planner or the Town Clerk prior to the hearing.

H. Members of the Board will not express individual opinions on the proper judgment of any case with any parties thereto prior to its determination of that case.

IV. MEETINGS

A. Regular Meetings. Regular meetings of the Board shall be held on the second Monday of each month at 7:30 p.m. at the Landis Town Hall; provided that meetings may be held at any other convenient place in the Town if directed by the Chairman in advance of the meeting. Each member (including the alternate members) shall be notified of each meeting by the Town Planner.
B. **Special Meetings.** Special meetings of the Board may be called at any time by the Chairman. At least forty-eight (48) hours written notice of the time and place of special meetings shall be given, by the Town Planner, to each member of the Board including the alternate members.

C. **Cancellation of Meetings.** Whenever there are no appeals, applications for variances or special exceptions, or other business for the Board, or whenever so many regular and alternate members notify the Town Planner of their inability to attend that a quorum will not be available, the Chairman may dispense with a regular meeting by having the Town Planner give written or oral notice to all members prior to the time set for the meeting.

D. **Voting.** The Board shall not pass upon an appeal from a decision, order, requirement or determination of the Zoning Administrator, or an application for a variance or special exception when there are less than four (4) voting members present. A simple majority of the Board is required for other votes taken by the Board of Adjustment for which a public hearing is not necessary.

E. **Conduct of Meetings.** All meetings shall be open to the public. The order of business at regular meetings shall be as follows:

(a) **ROLL CALL**  
(b) **READING OF MINUTES OF PREVIOUS MEETINGS**  
(c) **HEARING OF CASES**  
(d) **REPORTS OF COMMITTEES**  
(e) **UNFINISHED BUSINESS**  
(f) **NEW BUSINESS**  
(g) **CONSIDERATION AND DETERMINATION OF CASES HEARD**

V. **APPEALS, APPLICATIONS, PUBLIC HEARINGS**

A. **Types of Appeals.** The Board shall hear and decide all appeals from and review any order, requirement, decision, or determination made by the Zoning Administrator. In deciding appeals, it may hear both those based upon an allegedly improper or erroneous interpretation of the ordinance and those based upon alleged hardship resulting from strict interpretation of the ordinance.

B. **Procedure for Filing Appeals.** No appeal shall be heard by the Board unless notice thereof is filed within thirty (30) days after the interested party or parties receive notice of the order, requirement, decision, or determination by the Zoning Administrator. The applicant must file his application for a hearing with the Town Clerk. All applicants shall be made upon the form furnished for that purpose, and all information required thereon shall be complete before an appeal shall be considered as having been filed.
C. Public Hearing. A public hearing conducted by the Board shall be required to:

(1) Decide all appeals from determinations made by the Zoning Administrator
(2) Grant special exceptions
(3) Grant any variances to the terms of the Ordinance and,
(4) Hear and decide all other matters referred to it or upon which it is required to pass by the Town of Landis Zoning Ordinance

D. Public Hearing Notice. After receipt of a request for a special exception or variance, the Board Chairman shall schedule the time for a hearing, which shall be at a regular or special meeting within thirty-one (31) days from the filing of such notice of appeal. The Board shall give public notice of the hearing by means of a newspaper advertisement published at least ten (10) days prior to the date of the hearing. Said advertisement shall be published at least once weekly for two (2) consecutive weeks and shall substantially state the nature of the hearing, the piece(s) of property involved, and the time, date and place of the public hearing. A conspicuous sign shall also be conspicuously posted on each piece of property in question stating the nature of the public hearing and its time, date and place. Said sign(s) shall remain standing until the public hearing has officially been conducted and closed. In addition, all adjacent property owners shall be sent by first class mail notice of the public hearing at least ten (10) days prior. Also, a notice of all public hearings shall be posted in a conspicuous location accessible within the Landis Town Hall at least ten (10) days prior to the public hearing. This notice shall remain posted until the public hearing has been concluded. Notice of any special meetings shall be posted at least forty-eight (48) hours prior to that meeting in the same manner.

When an appeal of an action or decision of the Zoning Administrator is made, public notification through the placement of a sign notices to adjoining property owners, and an advertisement in the newspaper shall not be required. The Town shall send by first class mail a notice to the applicant stating the time, date and place of the Board hearing at least ten (10) days prior to that date.

E. Conduct of Hearing. Any party may appear in person or by agent or by attorney at the hearing. The order of business for hearings shall be as follows:

(a) The Chairman, or such person as he shall direct, shall give a preliminary statement of the case;
(b) The applicant shall present the argument in support of his application;
(c) Persons opposed to granting the application shall present the argument against the application;
(d) Other persons in favor of granting the application shall present the argument for the application;
(e) Both sides will be permitted to present rebuttals to opposing testimony;
(f) The Chairman shall summarize the evidence which has been presented, giving the parties opportunity to make objections or corrections. The Board may view the premises before arriving at a decision. All witnesses before the Board shall be placed under oath and the opposing party may cross-examine them.
F. Rehearings. An application for a rehearing may be made in the same manner as provided for in the original hearing. All applications for rehearings shall be made within fifteen (15) days after the decision of the Board has been filed in its office. Evidence in support of the application shall initially be limited to that which is necessary to enable the Board to determine whether there has been a substantial change in the facts, evidence, or conditions in the case. The application for rehearing shall be denied by the Board if, from the record, it finds that there has been no substantial change in facts, evidence, or conditions. If the Board finds that there has been a change, it shall thereupon treat the request in the same manner as any other application. The Board of Adjustment shall not be required to hold a public hearing to determine whether or not a rehearing of the case shall be conducted. Said determination shall, however, require a four-fifths vote of the Board of Adjustment.

G. Decisions.

1. Time. Decisions by the Board shall be made within thirty-one (31) days from the date the hearing was officially closed.

2. Form. Written notice of the decision in a case shall be sent by first class mail to the applicant by the Town Planner within five (5) working days after the case is decided. The final decision of the Board shall be shown in the record of the case as entered in the minutes of the Board. Such record shall show the reasons for the determination, with a summary of the evidence introduced and the findings of fact made by the Board.

When a variance is granted, the record shall state in detail any exceptional difficulty or unnecessary hardship upon which the appeal was based and which the Board finds to exist. The decision may reverse or affirm, wholly or partly, or modify the order, requirement, decision, or determination appealed from.

Where a special exception or variance is granted, the record shall state in detail any facts supporting findings required to be made prior to the issuance of such permit. The record shall state in detail what, if any, conditions and safeguards are imposed by the Board in connection with the granting or a variance or special exception.

3. Voting at Hearings. The concurring vote of four-fifths of the members of the Board (i.e., at least four (4) voting members) shall be necessary to reverse any order, requirement, decision, or determination of the Zoning Administrator to decide in favor of the applicant any matter upon which the Board is required by ordinance to pass, or to grant a variance from or special exception to the ordinance provisions. Voting on any issue shall be done by a show of hands.

4. Public Record of Decision. The decisions of the Board, as filed in its minutes, shall be a public record, available for inspection at the Board's office at Town Hall during normal business hours.

H. Any person or persons, jointly or severally, aggrieved by any decision of the Board, may, within thirty (30) days after the Board's decision has been filed in the Board's office, but not thereafter, present to a court of competent jurisdiction a petition duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of illegality, where upon such decision of said Board shall be subject to review by the Superior Court by proceedings in the nature of certiorari as provided by law.
VI. AMENDMENTS

The rules may, within the limits allowed by law, be amended at any time by an affirmative vote of a majority of the voting members of the Board, provided that such amendment be presented in writing at a regular or special meeting preceding the meeting at which the vote is taken.

ADOPTED THIS 13TH DAY OF JULY 1987.

CHAIRMAN

SECRETARY
INSTITUTE OF GOVERNMENT
Chapel Hill, North Carolina

A SUMMARY OF INSTRUCTIONS FOR THE ZONING BOARD OF ADJUSTMENT

[Numbers in parentheses are references to pages at which more detailed discussion of particular points may be found in Brough & Green, The Zoning Board of Adjustment in North Carolina (Institute of Government, 2nd ed., 1984).]

General

The Zoning Board of Adjustment is a quasi-judicial administrative body whose decisions affect private property rights to the same extent as court decisions. For that reason its procedures must be regular and properly judicial, and its decisions should accord with the recognized body of law in its field.

The Board of Adjustment is not a legislative body. It must enforce the meaning and spirit of the zoning ordinance which was enacted by the local governing body (City Council or Board of County Commissioners). Where particular provisions of the ordinance seem to lead to consistent injustice, the Board should recommend to the governing body that they be amended. It should not attempt a "back door" amendment by a series of its own decisions. It should not authorize anything which is clearly contrary to the spirit and intent of the ordinance as enacted.

The Board should remember also that it is the only representative, in most cases, of the public interest. It is not merely adjudicating the rights of two contending parties. In all of its decisions it should keep foremost in its mind the question of, "What will be best for the town (or county)?"

Rules of Procedure

One of the first steps which the Board of Adjustment should take after its creation is to adopt rules of procedure for itself (pp. 42-51). In order to comply with statutory and case law, at least the following provisions should be included:

(a) The Board should fix the time within which notices of appeal from the Zoning Administrator's decision must be filed by an appellant (p. 47).
(b) The Board should specify the notice to be given prior to hearing the appeal (pp. 48, 53-60).
(c) The Board should specify when the appeal is to be heard (within a "reasonable" time) (p. 48).
(d) A quorum of not less than four/fifths of the Board's membership must be prescribed for hearing cases (pp. 46, 62-63).
(e) The rules must require the concurring vote of four/fifths of the Board's membership (1) to reverse any "order, requirement, decision, or determination" of the Zoning Administrator, (2) to grant special use permits authorized by the ordinance, or (3) to grant a variance from the ordinance requirements (p. 51).
(f) The rules must require that a decision be made within a reasonable time (pp. 49-50).
(g) Any application for a rehearing must be denied if there is no substantial change in facts, evidence, or conditions (p. 49).
(h) The rules must require that a complete set of minutes be kept; these must show, as to all cases, (1) the evidence presented, (2) the
In order for the Board's action to have legal validity, it must comply with the formal requirements set forth in its rules, as well as relevant statutes and the zoning ordinance.

**Powers and Duties (pp. 1-28)**

The Board of Adjustment has three main powers and duties: (1) the power to hear appeals from the Zoning Administrator's decisions as to matters of interpretation of the zoning ordinance; (2) the power to grant "special use permits," "conditional use permits," or "special exceptions" in cases where conditions specified in the ordinance are met; and (3) the power to grant "variances" where "practical difficulties or unnecessary hardship" would result from literal enforcement of the ordinance. In addition, the Board should give constant consideration to the need for amendments of the ordinance, and where such need appears it should make recommendations to that effect to the Planning Board and the governing board (p. 28).

**Interpretation (pp. 5-9).** The Board's power of interpretation consists of (a) finding the true facts in a case and (b) applying to those facts what it conceives to be the true meaning of the ordinance. Thus, it might be called upon to decide whether a mobile home is a "single family residence." Or whether a certain property use at a particular location would be "noxious or offensive" within the meaning of a clause forbidding "any trade, industry, or use that is noxious or offensive." The point to remember in exercising this power is that the Board must apply, not vary the terms of the ordinance. Any variation must come as a variance (discussed below) and meet the requirements for a variance. The Board's interpretation of the meaning of the ordinance should remain uniform; the application of provisions to different fact situations, however, may lead to different decisions.

**Special Use Permits (pp. 9-16).** In certain situations the ordinance may authorize the Board to permit a given type of property use when it finds particular conditions are met. An electric transformer station might be permitted in any district, subject to such treatment. A day care center might be permitted in a single-family residence district. This is recognition that certain needed facilities may do harm to their immediate neighbors if improperly sited and not properly designed and buffered, but that they could be permissible under proper conditions. The Board's functions are to determine that all the required conditions have in fact been met with the proposal and to assure (through imposition of conditions on its permit) that they will continue to be observed. It must make all findings required by the ordinance before issuing such a permit; once it makes those findings, however, it has no discretion to refuse it.

**Variances (pp. 16-28).** The third function of the Board is the granting of "variances" from the literal terms of the ordinance in hardship cases. The first rule for the Board to remember in exercising this function is that it must not be too liberal with its grants, for otherwise the whole zoning plan may be subverted.

In order to grant a variance, the Board must make certain findings (supported by the evidence before it). These findings are derived from the language of the zoning statute and many court decisions, and frequently are required by the ordinance as well.
(1) There are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of the ordinance (pp.19-24).

In order to support this finding, the applicant must prove:

(a) that if he complies with the provisions of the ordinance, he can secure no reasonable return from, or make no reasonable use of, his property (pp. 19-20);

[This is a very strict requirement. It is not enough to show that he could secure greater profits from his property if the variance were granted, for this could be shown by almost any applicant—the profit coming at the expense of his neighbors. Ordinarily some physical problem preventing development of the property in an authorized manner should be shown.]

(b) that the hardship results from the application of the ordinance (pp. 20-21);

[The fact that a deed restriction, the charter of a corporate property owner, or some similar factor limits the use of the property should not be considered by the Board; it may consider only hardship created by operation of the ordinance.]

(c) that the hardship is suffered by the property in question (p. 21);

[The fact that there is no grocery store in the neighborhood creates hardship for the housewives, but it does not create hardship bearing directly on the property of the man seeking to erect such a store. The fact that a hotel needs parking space is hardship suffered by the hotel; it is not hardship suffered by the property on which a parking lot to relieve the need is proposed.]

(d) that the hardship is not the result of the applicant's own actions (pp. 21-23);

[Where the property owner has (knowingly or unknowingly) violated the ordinance by erecting a forbidden type of building, he cannot cite his expenses as hardship he will suffer if he is not permitted to continue; otherwise no one would ever comply with the ordinance. Similarly, it seems to be the rule that when a man buys property, knowing of zoning restrictions which prohibit the use he wants to make of it, he cannot be said to suffer hardship if those restrictions are enforced; such hardship would be self-imposed.]

(e) that the hardship is peculiar to the applicant's property (pp. 23-24).

[Where the conditions cited as creating hardship are neighborhood-wide, the proper remedy is not a variance, but rather an amendment of the ordinance. Courts have held that a Board's granting a variance based on such factors amounts to an attempted usurpation of legislative power.]

(2) The variance is in harmony with the general purpose and intent of the ordinance and preserves its spirit (pp. 24-26).

Ordinarily the courts have ruled that a Board must deny a variance as violating this finding (a) where the applicant attempts to extend a non-conforming use or make it more permanent and (b) where the
application is for a "use variance" (i.e., a variance authorizing use of the property for a purpose prohibited by the ordinance, as distinguished from a "dimensional variance" relating to lot area, yard size, building height, or similar requirements).

(3) In the granting of the variance the public safety and welfare have been assured and substantial justice has been done (pp. 26-27).

In making this finding, the Board must determine (a) that the interests of the community as a whole have been preserved and (b) that granting the variance will not result in greater hardship upon the neighbors than benefit to the applicant.

Conditions on Special Use Permits and Variances (pp. 13-16, 27-28). In granting a special use permit or a variance, the Board is entitled to impose conditions upon the permit which will make the proposed property use less objectionable to its neighbors and to the community as a whole. The general rule is that such conditions need not show the same direct connection to the public health, safety, morals, or general welfare that is required of ordinance provisions, but the conditions must be "reasonable." Since the applicant is regarded as securing a special privilege, he must take it subject to these reasonable conditions, and they are just as enforceable as if they had been written directly into the ordinance.

Procedures

Recent decisions of the North Carolina Supreme Court and the Court of Appeals have placed great emphasis on the procedures which the Board followed in carrying out its functions. While recognizing that the Board is not a court nor a state administrative agency subject to the Administrative Procedure Act, and that most Board members are laymen without formal legal training, the courts have said that nevertheless the Board must act like a court in according full constitutional Due Process to persons coming before it (pp. 75-102).

At the outset, say our courts, the zoning ordinance itself must contain adequate standards to guide the Board's decisions and assure against their being arbitrary or capricious. In addition, the Board (1) must follow precisely the procedures specified in the statutes, the ordinance, and its own rules of procedure; (2) must conduct its hearings in accordance with fair-trial standards [the courts say that essential elements of such a trial are (a) the party whose rights are being determined must be given the opportunity to offer evidence, cross-examine adverse witnesses, inspect documents, and offer evidence in explanation and rebuttal of other evidence and (b) unless stipulated or waived, the party has a right that the Board base its findings as to the existence or nonexistence of crucial facts only on sworn statements (and other appropriate evidence)]; (3) must base its findings of fact only upon competent, material, and substantial evidence; and (4) in allowing or denying the application, must state the basic facts upon which it relies with sufficient specificity to inform the parties, as well as the court, of what induced its decision.

The rigor with which the appellate courts have been enforcing such requirements in cases appealed to them suggests that whenever the Board recognizes that a particular case is likely to be appealed, it should request that the city or county furnish it with legal assistance during the hearing. But in every case the Board should comply with the courts' standards to the best of its ability—because all applicants, whether or not they can afford to take a further appeal, are entitled to Due Process.
B. Zoning

1. Cities

§ 160A-381. Grant of power.

For the purpose of promoting health, safety, morals, or the general welfare of the community, any city may regulate and restrict the height, number of stories and size of buildings and other structures, the percentage of lots that may be occupied, the size of yards, courts and other open spaces, the density of population, and the location and use of buildings, structures and land for trade, industry, residence or other purposes and to provide density credits or severable development rights for dedicated rights-of-way pursuant to G.S. 136-66.10 or G.S. 136-66.11. These regulations may provide that a board of adjustment may determine and vary their application in harmony with their general purpose and intent and in accordance with general or specific rules therein contained. The regulations may also provide that the board of adjustment or the city council may issue special use permits or conditional use permits in the classes of cases or situations and in accordance with the principles, conditions, safeguards, and procedures specified therein and may impose reasonable and appropriate conditions and safeguards upon these permits. Where appropriate, such conditions may include requirements that street and utility rights-of-way be dedicated to the public and that provision be made of recreational space and facilities. When issuing or denying special use permits or conditional use permits, the city council shall follow the procedures for boards of adjustment except that no vote greater than a majority vote shall be required for the city council to issue such permits, and every such decision of the city council shall be subject to review by the superior court by proceedings in the nature of certiorari. Any petition for review by the superior court shall be filed with the clerk of superior court within 50 days after the decision of the city council is filed in such office as the ordinance specifies, or after a written copy thereof is delivered to every aggrieved party who has filed a written request for such copy with the clerk at the time of the hearing of the case, whichever is later. The decision of the city council may be delivered to the aggrieved party either by personal service or by registered mail or certified mail return receipt requested.

Note: City authority for zoning was first provided in 1923. Unlike county zoning, there is no exemption for bondable farms.


For any or all these purposes, the city may divide its territorial jurisdiction into districts of any number, shape, and area that may be deemed best suited to carry out the purposes of this Part; and within those districts it may regulate and restrict
the erection, construction, reconstruction, alteration, repair or use of buildings, structures, or land. Such districts may include, but shall not be limited to, general use districts, in which a variety of uses are permissible in accordance with general standards; overlay districts, in which additional requirements are imposed on certain properties within one or more underlying general or special use districts; and special use districts or conditional use districts, in which uses are permitted only upon the issuance of a special use permit or a conditional use permit. Property may be placed in a special use district or conditional use district only in response to a petition by the owners of all the property to be included. Except as authorized by the foregoing, all regulations shall be uniform for each class or kind of building throughout each district, but the regulations in one district may differ from those in other districts.

Zoning regulations shall be 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, sewerage, schools, parks, and other public requirements. The regulations shall be 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 such city.

(a) The General Assembly finds and declares that manufactured housing offers affordable housing opportunities for low and moderate income residents of this State who could not otherwise afford to own their own home. The General Assembly further finds that some local governments have adopted zoning regulations which severely restrict the placement of manufactured homes. It is the intent of the General Assembly in enacting this section that cities reexamine their land use practices to assure compliance with applicable statutes and case law, and consider allocating more residential land area for manufactured homes based upon local housing needs.

(b) For purposes of this section, the term “manufactured home” is defined as provided in G.S. 143-145(7).

(c) A city may not adopt or enforce zoning regulations or other provisions which have the effect of excluding manufactured homes from the entire zoning jurisdiction.

(d) A city may adopt and enforce appearance and dimensional criteria for manufactured homes. Such criteria shall be designed to protect property values, to preserve the character and integrity of the community or individual neighbor-
hoods within the community, and to promote the health, safety and welfare of area residents. The criteria shall be adopted by ordinance.

(e) In accordance with the city's comprehensive plan and based on local housing needs, a city may designate a manufactured home overlay district within a residential district. Such overlay district may not consist of an individual lot or scattered lots, but shall consist of a defined area within which additional requirements or standards are placed upon manufactured homes.

(f) Nothing in this section shall be construed to preempt or supersede valid restrictive covenants running with the land. The terms "mobile home" and "trailer" in any valid restrictive covenants running with the land shall include the term "manufactured home" as defined in this section.

Note: This provision was added to the statutes in 1987.


The city council shall provide for the manner in which zoning regulations and restrictions and the boundaries of zoning districts shall be determined, established and enforced, and from time to time amended, supplemented or changed, in accordance with the provisions of this Article. The procedures adopted pursuant to this section shall provide that whenever there is a zoning classification action involving a parcel of land, the owner of that parcel of land as shown on the county tax listing, and the owners of all parcels of land abutting that parcel of land as shown on the county tax listing, shall be mailed a notice of the proposed classification by first class mail at the last addresses listed for such owners on the county tax abstracts; provided that this sentence does not apply in the case of a total rezoning of all property within the corporate boundaries of a municipality unless the rezoning involves zoning of parcels of land to less intense uses or 'down zoning' in which case notice to owners of those parcels shall be made by mail in accordance with this section. The person or persons mailing such notices shall certify to the City Council that fact, and such certificate shall be deemed conclusive in the absence of fraud.

Note: The published notice requirement is in G.S. 160A-364.


(a) Zoning regulations and restrictions and zone boundaries may from time to time be amended, supplemented, changed, modified or repealed. In case, however, of a protest against such change, signed by the owners of twenty percent (20%) or more either of the area of the lots included in a proposed change, or of those immediately adjacent thereto either in the rear thereof or on either side thereof, extending 100 feet therefrom, or of those directly opposite thereto extending 100 feet from the street frontage of the opposite lots, an amendment shall not become effective except by favorable vote of three-fourths of all the members of the city council. 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, or to an amendment to an
adopted special use district or conditional use district if the amendment does not change the types of uses that are permitted within the district or increase the approved density for residential development, or increase the total approved size of nonresidential development, or reduce the size of any buffers or screening approved for the special use or conditional use district.

(b) Amendments, modifications, supplements, repeal or other changes in zoning regulations and restrictions and zone boundaries shall not be applicable or enforceable without consent of the owner with regard to buildings and uses for which either (i) building permits have been issued pursuant to G.S. 160A-417 prior to the enactment of the ordinance making the change or changes so long as the permits remain valid and unexpired pursuant to G.S. 160A-418 and unrevoked pursuant to G.S. 160A-422 or (ii) a vested right has been established pursuant to G.S. 160A-385.1 and such vested right remains valid and unexpired pursuant to G.S. 160A-385.1.

Note: The form for protest petitions is at G.S. 160A-386. There is no comparable protest petition requirement in county zoning.


(a) The General Assembly finds and declares that it is necessary and desirable, as a matter of public policy, to provide for the establishment of certain vested rights in order to ensure reasonable certainty, stability, and fairness in the land-use planning process, secure the reasonable expectations of landowners, and foster cooperation between the public and private sectors in the area of land-use planning. Furthermore, the General Assembly recognizes that city approval of land-use development typically follows significant landowner investment in site evaluation, planning, development costs, consultant fees, and related expenses.

The ability of a landowner to obtain a vested right after city approval of a site specific development plan or a phased development plan will preserve the prerogatives and authority of local elected officials with respect to land-use matters. There will be ample opportunities for public participation and the public interest will be served. These provisions will strike an appropriate balance between private expectations and the public interest, while scrupulously protecting the public health, safety, and welfare.

(b) Definitions.

(1) ‘Landowner’ means any owner of a legal or equitable interest in real property, including the heirs, devisees, successors, assigns, and personal representative of such owner. The landowner may allow a person holding a valid option to purchase to act as his agent or representative for purposes of submitting a proposed site specific development plan or a phased development plan under this section, in the manner allowed by ordinance.

(2) ‘City’ shall have the same meaning as set forth in G.S. 160A-1(2).

(3) ‘Phased development plan’ means a plan which has been submitted to a city by a landowner for phased development which shows the type
Site specific development plan

and intensity of use for a specific parcel or parcels with a lesser degree of certainty than the plan determined by the city to be a site specific development plan.

(4) 'Property' means all real property subject to zoning regulations and restrictions and zone boundaries by a city.

(5) 'Site specific development plan' means a plan which has been submitted to a city by a landowner describing with reasonable certainty the type and intensity of use for a specific parcel or parcels of property. Such plan may be in the form of, but not be limited to, any of the following plans or approvals: A planned unit development plan, a subdivision plat, a preliminary or general development plan, a conditional or special use permit, a conditional or special use district zoning plan, or any other land-use approval designation as may be utilized by a city. Unless otherwise expressly provided by the city, such a plan shall include the approximate boundaries of the site; significant topographical and other natural features effecting development of the site; the approximate location on the site of the proposed buildings, structures, and other improvements; the approximate dimensions, including height, of the proposed buildings and other structures; and the approximate location of all existing and proposed infrastructure on the site, including water, sewer, roads, and pedestrian walkways. What constitutes a site specific development plan under this section that would trigger a vested right shall be finally determined by the city pursuant to an ordinance, and the document that triggers such vesting shall be so identified at the time of its approval. However, at a minimum, the ordinance to be adopted by the city shall designate a vesting point earlier than the issuance of a building permit. A variance shall not constitute a site specific development plan, and approval of a site specific development plan with the condition that a variance be obtained shall not confer a vested right unless and until the necessary variance is obtained. Neither a sketch plan nor any other document which fails to describe with reasonable certainty the type and intensity of use for a specified parcel or parcels of property may constitute a site specific development plan.

(6) 'Vested right' means the right to undertake and complete the development and use of property under the terms and conditions of an approved site specific development plan or an approved phased development plan.

(c) Establishment of vested right.

A vested right shall be deemed established with respect to any property upon the valid approval, or conditional approval, of a site specific development plan or a phased development plan, following notice and public hearing by the city with jurisdiction over the property. Such vested right shall confer upon the landowner the right to undertake and complete the development and use of said property

Notice and hearing
under the terms and conditions of the site specific development plan or the phased development plan including any amendments thereto. A city may approve a site specific development plan or a phased development plan upon such terms and conditions as may reasonably be necessary to protect the public health, safety, and welfare. Such conditional approval shall result in a vested right, although failure to abide by such terms and conditions will result in a forfeiture of vested rights. A city shall not require a landowner to waive his vested rights as a condition of developmental approval. A site specific development plan or a phased development plan shall be deemed approved upon the effective date of the city’s action or ordinance relating thereto.

(d) Duration and termination of vested right.

(1) A right which has been vested as provided for in this section shall remain vested for a period of two years. This vesting shall not be extended by any amendments or modifications to a site specific development plan unless expressly provided by the city.

(2) Notwithstanding the provisions of subsection (d)(1), a city may provide that rights shall be vested for a period exceeding two years but not exceeding five years where warranted in light of all relevant circumstances, including, but not limited to, the size and phasing of development, economic cycles, and market conditions. These determinations shall be in the sound discretion of the city.

(3) Notwithstanding the provisions of (d)(1) and (d)(2), the city may provide by ordinance that approval by a city of a phased development plan shall vest the zoning classification or classifications so approved for a period not to exceed five years. The document that triggers such vesting shall be so identified at the time of its approval. The city still may require the landowner to submit a site specific development plan for approval by the city with respect to each phase or phases in order to obtain final approval to develop within the restrictions of the vested zoning classification or classifications. Nothing in this section shall be construed to require a city to adopt an ordinance providing for vesting of rights upon approval of a phased development plan.

(4) Following approval or conditional approval of a site specific development plan or a phased development plan, nothing in this section shall exempt such a plan from subsequent reviews and approvals by the city to ensure compliance with the terms and conditions of the original approval, provided that such reviews and approvals are not inconsistent with said original approval. Nothing in this section shall prohibit the city from revoking the original approval for failure to comply with applicable terms and conditions of the approval or the zoning ordinance.

(5) Upon issuance of a building permit, the provisions of G.S. 160A-418 and G.S. 160A-422 shall apply, except that a permit shall not expire or be revoked because of the running of time while a vested right under this section is outstanding.
(6) A right which has been vested as provided in this section shall terminate at the end of the applicable vesting period with respect to buildings and uses for which no valid building permit applications have been filed.

(e) Subsequent changes prohibited; exceptions.

(1) A vested right, once established as provided for in this section, precludes any zoning action by a city which would change, alter, impair, prevent, diminish, or otherwise delay the development or use of the property as set forth in an approved site specific development plan or an approved phased development plan, except:

a. With the written consent of the affected landowner;
b. Upon findings, by ordinance after notice and a public hearing, that natural or man-made hazards on or in the immediate vicinity of the property, if uncorrected, would pose a serious threat to the public health, safety, and welfare if the project were to proceed as contemplated in the site specific development plan or the phased development plan.
c. To the extent that the affected landowner receives compensation for all costs, expenses, and other losses incurred by the landowner, including, but not limited to, all fees paid in consideration of financing, and all architectural, planning, marketing, legal, and other consultant's fees incurred after approval by the city, together with interest thereon at the legal rate until paid. Compensation shall not include any diminution in the value of the property which is caused by such action.
d. Upon findings, by ordinance after notice and a hearing, that the landowner or his representative intentionally supplied inaccurate information or made material misrepresentations which made a difference in the approval by the city of the site specific development plan or the phased development plan; or
e. Upon the enactment or promulgation of a State or federal law or regulation which precludes development as contemplated in the site specific development plan or the phased development plan, in which case the city may modify the affected provisions, upon a finding that the change in State or federal law has a fundamental effect on the plan, by ordinance after notice and a hearing.

(2) The establishment of a vested right shall not preclude the application of overlay zoning which imposes additional requirements but does not affect the allowable type or intensity of use, or ordinances or regulations which are general in nature and are applicable to all property subject to land-use regulation by a city, including, but not limited to, building, fire, plumbing, electrical, and mechanical codes. Otherwise applicable new regulations shall become effective with respect to
property which is subject to a site specific development plan or a phased development plan upon the expiration or termination of the vesting rights period provided for in this section.

(3) Notwithstanding any provision of this section, the establishment of a vested right shall not preclude, change or impair the authority of a city to adopt and enforce zoning ordinance provisions governing nonconforming situations or uses.

(f) Miscellaneous provisions.

(1) A vested right obtained under this section is not a personal right, but shall attach to and run with the applicable property. After approval of a site specific development plan or a phased development plan, all successors to the original landowner shall be entitled to exercise such rights.

(2) Nothing in this section shall preclude judicial determination, based on common law principles or other statutory provisions, that a vested right exists in a particular case or that a compensable taking has occurred. Except as expressly provided in this section, nothing in this section shall be construed to alter the existing common law.

(3) In the event a city fails to adopt an ordinance setting forth what constitutes a site specific development plan triggering a vested right, a landowner may establish a vested right with respect to property upon the approval of a zoning permit, or otherwise may seek appropriate relief from the Superior Court Division of the General Court of Justice.

Note: G.S. 160A-385.1 is effective October 1, 1991, and applies to development plans approved on or after that date.

§ 160A-386. Protest petition; form; requirements; time for filing.

No protest against any change in or amendment to a zoning ordinance or zoning map shall be valid or effective for the purposes of G.S. 160A-385 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 change or amendment, and unless it shall have been received by the city clerk in sufficient time to allow the city at least two normal work days, excluding Saturdays, Sundays and legal holidays, before the date established for a public hearing on the proposed change or amendment to determine the sufficiency and accuracy of the petition. The city council may by ordinance require that all protest petitions be on a form prescribed and furnished by the city, and such form may prescribe any reasonable information deemed necessary to permit the city to determine the sufficiency and accuracy of the petition.

§ 160A-387. Planning agency; zoning plan; certification to city council.

In order to exercise the powers conferred by this Part, a city council shall create or designate a planning agency under the provisions of this Article or of a spe-
Planning agency mandatory

The planning agency shall prepare a proposed zoning ordinance, including both the full text of such ordinance and maps showing proposed district boundaries. The planning agency may hold public hearings in the course of preparing the ordinance. Upon completion, the planning agency shall certify the ordinance to the city council. The city council shall not hold its required public hearing or take action until it has received a certified ordinance from the planning agency. Following its required public hearing, the city council may refer the ordinance back to the planning agency for any further recommendations that the agency may wish to make prior to final action by the city council in adopting, modifying and adopting, or rejecting the ordinance.

Note: G.S. 153A-344 mandates referral of zoning amendments to the planning agency prior to governing board action. There is no comparable city requirement.

§ 160A-388. Board of adjustment.

(a) The city council may provide for the appointment and compensation of a board of adjustment consisting of five or more members, each to be appointed for three years. In appointing the original members of such board, or in the filling of vacancies caused by the expiration of the terms of existing members, the council may appoint certain members for less than three years to the end that thereafter the terms of all members shall not expire at the same time. The council may, in its discretion, appoint and provide compensation for alternate members to serve on the board in the absence 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 meeting of the board and serving in the absence of any regular member, shall have and may exercise all the powers and duties of a regular member. A city may designate a planning agency to perform any or all of the duties of a board of adjustment in addition to its other duties.

(b) The board of adjustment shall hear and decide appeals from and review any order, requirement, decision, or determination made by an administrative official charged with the enforcement of any ordinance adopted pursuant to this Part. An appeal may be taken by any person aggrieved or by an officer, department, board, or bureau of the city. Appeals shall be taken within times prescribed by the board of adjustment by general rule, by filing with the officer from whom the appeal is taken and with the board of adjustment a notice of appeal, specifying the grounds thereof. The officer from whom the appeal is taken shall forthwith transmit to the board all the papers constituting the record upon which the action appealed from was taken. An appeal stays all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the board of adjustment, after notice of appeal has been filed with him, that because of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property or that because the violation charged is transitory in nature a stay would seriously interfere with enforcement of the ordinance. In that case proceedings shall not be stayed except by a restraining order, which may be
granted by the board of adjustment or by a court of record on application, on notice to the officer from whom the appeal is taken and on due cause shown. The board of adjustment shall fix a reasonable time for the hearing of the appeal, give due notice thereof to the parties, and decide it within a reasonable time. The board of adjustment may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from, and shall make any order, requirement, decision, or determination that in its opinion ought to be made in the premises. To this end the board shall have all the powers of the officer from whom the appeal is taken.

(c) The zoning ordinance may provide that the board of adjustment may permit special exceptions to the zoning regulations in classes of cases or situations and in accordance with the principles, conditions, safeguards, and procedures specified in the ordinance. The ordinance may also authorize the board to interpret zoning maps and pass upon disputed questions of lot lines or district boundary lines and similar questions as they arise in the administration of the ordinance. The board shall hear and decide all matters referred to it or upon which it is required to pass under any zoning ordinance.

(d) When practical difficulties or unnecessary hardships would result from carrying out the strict letter of a zoning ordinance, the board of adjustment shall have the power, in passing upon appeals, to vary or modify any of the regulations or provisions of the ordinance relating to the use, construction or alteration of buildings or structures or the use of land, so that the spirit of the ordinance shall be observed, public safety and welfare secured, and substantial justice done.

(e) The concurring vote of four-fifths of the members of the board shall be necessary to reverse any order, requirement, decision, or determination of any administrative official charged with the enforcement of an ordinance adopted pursuant to this Part, or to decide in favor of the applicant any matter upon which it is required to pass under any ordinance, or to grant a variance from the provisions of the ordinance. Every decision of the board shall be subject to review by the superior court by proceedings in the nature of certiorari. Any petition for review by the superior court shall be filed with the clerk of superior court within 30 days after the decision of the board is filed in such office as the ordinance specifies, or after a written copy thereof is delivered to every aggrieved party who has filed a written request for such copy with the secretary or chairman of the board at the time of its hearing of the case, whichever is later. The decision of the board may be delivered to the aggrieved party either by personal service or by registered mail or certified mail return receipt requested.

(f) The chairman of the board of adjustment or any member temporarily acting as chairman, is authorized in his official capacity to administer oaths to witnesses in any matter coming before the board.

(g) The board of adjustment may subpoena witnesses and compel the production of evidence. If a person fails or refuses to obey a subpoena issued pursuant to this subsection, the board of adjustment may apply to the General Court of Justice for an order requiring that its order be obeyed, and the court shall have jurisdiction.
to issue these orders after notice to all proper parties. No testimony of any witness before the board of adjustment pursuant to a subpoena issued in exercise of the power conferred by this subsection may be used against the witness in the trial of any civil or criminal action other than a prosecution for false swearing committed on the examination. Any person who, while under oath during a proceeding before the board of adjustment, willfully swears falsely, is guilty of a misdemeanor.

Note: G.S. 160A-362 mandates inclusion of representatives of the extraterritorial area if a city is exercising extraterritorial zoning or subdivision regulations.


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 Part or of any ordinance or other regulation made under authority conferred thereby, the city, 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.

§ 160A-390. Conflict with other laws.

When regulations made under authority of this Part require a greater width or size of yards or courts, or require a lower height of a building or fewer number of stories, or require a greater percentage of a lot to be left unoccupied, or impose other higher standards than are required in any other statute or local ordinance or regulation, regulations made under authority of this Part shall govern. When the provisions of any other statute or local ordinance or regulation require a greater width or size of yards or courts, or require a lower height of a building or a fewer number of stories, or require a greater percentage of a lot to be left unoccupied, or impose other higher standards than are required by the regulations made under authority of this Part, the provisions of that statute or local ordinance or regulation shall govern.

§ 160A-391. Other statutes not repealed.

This Part shall not repeal any zoning act or city planning act, local or general, now in force, except those that are repugnant to or inconsistent herewith. This Part shall be construed to be an enlargement of the duties, powers, and authority contained in other laws authorizing the appointment and proper functioning of city planning commissions or zoning commissions by any city or town in the State of North Carolina.

§ 160A-392. Part applicable to buildings constructed by State and its subdivisions; exception.

All of the provisions of this Part are hereby made applicable to the erection, construction, and use of buildings by the State of North Carolina and its political subdivisions.
Notwithstanding the provisions of any general or local law or ordinance, no land owned by the State of North Carolina may be included within an overlay district or a special use or conditional use district without approval of the Council of State.

Note: The provision regarding state buildings was added to the statute in 1951.

2. Counties

§ 153A-340. Grant of power.

For the purpose of promoting health, safety, morals, or the general welfare, a county may regulate and restrict the height, number of stories and size of buildings and other structures, the percentage of lots that may be occupied, the size of yards, courts and other open spaces, the density of population, and the location and use of buildings, structures, and land for trade, industry, residence, or other purposes, and to provide density credits or severable development rights for dedicated rights-of-way pursuant to G.S. 136-66.10 or G.S. 136-66.11.

These regulations may not affect bona fide farms, but any use of farm property for nonfarm purposes is subject to the regulations. Bona fide farm purposes include the production and activities relating or incidental to the production of crops, fruits, vegetables, ornamental and flowering plants, dairy, livestock, poultry, and all other forms of agricultural products having a domestic or foreign market. The regulations may provide that a board of adjustment may determine and vary their application in harmony with their general purpose and intent and in accordance with general or specific rules therein contained. The regulations may also provide that the board of adjustment or the board of commissioners may issue special use permits or conditional use permits in the classes of cases or situations and in accordance with the principles, conditions, safeguards, and procedures specified therein and may impose reasonable and appropriate conditions and safeguards upon these permits. Where appropriate, the conditions may include requirements that street and utility rights-of-way be dedicated to the public and that recreational space be provided. When issuing or denying special use permits or conditional use permits, the board of commissioners shall follow the procedures for boards of adjustment except that no vote greater than a majority vote shall be required for the board of commissioners to issue such permits, and every such decision of the board of commissioners shall be subject to review by the superior court by proceedings in the nature of certiorari.

A county may regulate the development over estuarine waters and over lands covered by navigable waters owned by the State pursuant to G.S. 146-12, within the bounds of that county.

For the purpose of this section, the term "structures" shall include floating homes. Any petition for review by the superior court shall be filed with the clerk of superior court within 30 days after the decision of the board of commissioners...
in the area, as shown by the records in the office of the register of deeds for the county, is filed with the sanitary district board. The petition must be accompanied by a map of the proposed zoning area. The board shall hold a public hearing to obtain comment on the proposed creation of the zoning area. A notice of public hearing must be published in a newspaper of general circulation in the county at least two times, and a copy of the notice shall be posted at the county courthouse and in three other public places in the sanitary district.

b. When a zoning area is established within a sanitary district, the sanitary district board as to the zoning area shall have all rights, privileges, powers and duties granted to municipal corporations under Part 3, Article 19, Chapter 160A of the General Statutes. However, the sanitary district board shall not be required to appoint any zoning commission or board of adjustment. If neither a zoning commission nor board of adjustment is appointed, the sanitary district board shall have all rights.

c. A sanitary district board may enter into an agreement with any city, town or sanitary district for the establishment of a joint zoning commission.

d. A sanitary district board is authorized to use the income of the district and levy and collect taxes upon the taxable property within the district necessary to carry out and enforce the rules and provisions of this subsection.

e. This subsection shall apply only to sanitary districts which adjoin and are contiguous to an incorporated city or town and are located within three miles or less of the boundaries of two other cities or towns.

[(18) through (22) omitted]

C. Subdivision

1. Cities


A city may by ordinance regulate the subdivision of land within its territorial jurisdiction.

Note: General enabling legislation for municipal subdivision regulation was first enacted by the General Assembly in 1955.

A subdivision control ordinance may provide for the orderly growth and development of the city; for the coordination of streets and highways within proposed subdivisions with existing or planned streets and highways and with other public facilities; for the dedication or reservation of recreation areas serving residents of the immediate neighborhood within the subdivision or, alternatively, for provision of funds to be used to acquire recreation areas serving residents of the development or subdivision or more than one subdivision or development within the immediate area, and rights-of-way or easements for street and utility purposes including the dedication of rights-of-way pursuant to G.S. 136-66.10 or G.S. 136-66.11; and for the distribution of population and traffic in a manner that will avoid congestion and overcrowding and will create conditions essential to public health, safety, and the general welfare. The ordinance may include requirements that the final plat show sufficient data to determine readily and reproduce accurately on the ground the location, bearing, and length of every street and alley line, lot line, easement boundary line, and other property boundaries, including the radius and other data for curved property lines, to an appropriate accuracy and in conformance with good surveying practice.

The ordinance may provide for the more orderly development of subdivisions by requiring the construction of community service facilities in accordance with municipal policies and standards and, to assure compliance with these requirements, the ordinance may provide for the posting of bond or any other method that will offer guarantee of compliance.

The ordinance may provide for the reservation of school sites in accordance with comprehensive land use plans approved by the council or the planning agency. In order for this authorization to become effective, before approving such plans the council or planning agency and the board of education with jurisdiction over the area shall jointly determine the specific location and size of any school sites to be reserved, which information shall appear in the comprehensive land use plan. Whenever a subdivision is submitted for approval which includes part or all of a school site to be reserved under the plan, the council or planning agency shall immediately notify the board of education and the board shall promptly decide whether it still wishes the site to be reserved. If the board of education does not wish to reserve the site, it shall so notify the council or planning agency and no site shall be reserved. If the board does wish to reserve the site, the subdivision shall not be approved without such reservation. The board of education shall then have 18 months beginning on the date of final approval of the subdivision within which to acquire the site by purchase or by initiating condemnation proceedings. If the board of education has not purchased or begun proceedings to condemn the site within 18 months, the subdivider may treat the land as freed of the reservation.

The ordinance may require that a plat be prepared, approved, and recorded pursuant to its provisions whenever any subdivision of land takes place.

The ordinance may provide that a developer may provide funds to the city whereby the city may acquire recreational land or areas to serve the development.
or subdivision, including the purchase of land which may be used to serve more than one subdivision or development within the immediate area. All funds received by the city pursuant to this paragraph shall be used only for the acquisition or development of recreation, park, or open space sites. Any formula enacted to determine the amount of funds that are to be provided under this paragraph shall be based on the value of the development or subdivision for property tax purposes. The ordinance may allow a combination or partial payment of funds and partial dedication of land when the governing body of the city determines that this combination is in the best interests of the citizens of the area to be served.

The ordinance may provide that in lieu of required street construction, a developer may be required to provide funds that the city may use for the construction of roads to serve the occupants, residents, or invitees of the subdivision or development and these funds may be used for roads which serve more than one subdivision or development within the area. All funds received by the city pursuant to this paragraph shall be used only for development of roads, including design, land acquisition, and construction. However, a city may undertake these activities in conjunction with the Department of Transportation under an agreement between the city and the Department of Transportation. Any formula adopted to determine the amount of funds the developer is to pay in lieu of required street construction shall be based on the trips generated from the subdivision or development. The ordinance may require a combination of partial payment of funds and partial dedication of constructed streets when the governing body of the city determines that a combination is in the best interests of the citizens of the area to be served.

§ 160A-373. Ordinance to contain procedure for plat approval; approval prerequisite to plat recordation; statement by owner.

Any subdivision ordinance adopted pursuant to this Part shall contain provisions setting forth the procedures to be followed in granting or denying approval of a subdivision plat prior to its registration.

The ordinance may provide that final approval of each individual subdivision plat is to be given by

1. The city council,
2. The city council on recommendation of a planning agency, or
3. A designated planning agency.

From and after the time that a subdivision ordinance is filed with the register of deeds of the county, no subdivision plat of land within the city’s jurisdiction shall be filed or recorded until it shall have been submitted to and approved by the appropriate agency, as specified in the subdivision ordinance, and until this approval shall have been entered on the face of the plat in writing by the chairman or head of the agency. The register of deeds shall not file or record a plat of a subdivision of land located within the territorial jurisdiction of a city that has not been approved in accordance with these provisions, nor shall the clerk of superior court order or direct
the recording of a plat if the recording would be in conflict with this section. The
owner of land shown on a subdivision plat submitted for recording, or his au-
thorized agent, shall sign a statement on the plat stating whether or not any land
shown thereon is within the subdivision-regulation jurisdiction of any city.

§ 160A-374. Effect of plat approval on dedications.
The approval of a plat shall not be deemed to constitute or effect the accep-
tance by the city or public of the dedication of any street or other ground, public
utility line, or other public facility shown on the plat. However, any city council
may by resolution accept any dedication made to the public of lands or facilities for
streets, parks, public utility lines, or other public purposes, when the lands or facili-
ties are located within its subdivision-regulation jurisdiction. Acceptance of dedica-
tion of lands or facilities located within the subdivision-regulation jurisdiction but
outside the corporate limits of a city shall not place on the city any duty to open,
operate, repair, or maintain any street, utility line, or other land or facility, and a
city shall in no event be held to answer in any civil action or proceeding for failure
to open, repair, or maintain any street located outside its corporate limits. Unless a
city, county or other public entity operating a water system shall have agreed to
begin operation and maintenance of the water system or water system facilities
within one year of the time of issuance of a certificate of occupancy for the first unit
of housing in the subdivision, a city or county shall not, as part of its subdivision
regulation applied to facilities or land outside the corporate limits of a city, require
dedication of water systems or facilities as a condition for subdivision approval.

§ 160A-375. Penalties for transferring lots in unapproved
subdivisions.
If a city adopts an ordinance regulating the subdivision of land as authorized
herein, any person who, being the owner or agent of the owner of any land located
within the jurisdiction of that city, thereafter subdivides his land in violation of the
ordinance or transfers or sells land by reference to, exhibition of, or any other use of
a plat showing a subdivision of the land before the plat has been properly approved
under such ordinance and recorded in the office of the appropriate register of deeds,
shall be guilty of a misdemeanor. The description by metes and bounds in the
instrument of transfer or other document used in the process of selling or transferring
land shall not exempt the transaction from this penalty. The city may bring an ac-
tion for injunction of any illegal subdivision, transfer, conveyance, or sale of land,
and the court shall, upon appropriate findings, issue an injunction and order requir-
ing the offending party to comply with the subdivision ordinance.

Note: These remedies for violation of subdivision ordinances are exclusive. Building
permits may not be denied solely on the basis of inconsistency with the
subdivision ordinance.

§ 160A-376. Definition.
For the purpose of this Part, “subdivision” means all divisions of a tract or par-
cel 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 divisions 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 Part:

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

(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; and

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

2. Counties


A county may by ordinance regulate the subdivision of land within its territorial jurisdiction. If a county, pursuant to G.S. 153A-342, has adopted a zoning ordinance that applies only to one or more designated portions of its territorial jurisdiction, it may adopt subdivision regulations that apply only within the areas so zoned and need not regulate the subdivision of land in the rest of its jurisdiction.

Note: G.S. 153-342 allows partial county zoning provided at least 640 acres with at least ten tracts in separate ownership are involved.

§ 153A-331. Contents and requirements of ordinance.

A subdivision control ordinance may provide for the orderly growth and development of the county; for the coordination of streets and highways within proposed subdivisions with existing or planned streets and highways and with other public facilities; for the dedication or reservation of recreation areas serving residents of the immediate neighborhood within the subdivision and of rights-of-way or easements for street and utility purposes including the dedication of rights-of-way pursuant to G.S. 136.66.10 or G.S. 136-66.11; and for the distribution of population and traffic in a manner that will avoid congestion and overcrowding and will create conditions essential to public health, safety, and the general welfare. The ordinance may include requirements that the final plat show sufficient data to determine readily and reproduce accurately on the ground the location, bearing, and length of every street and alley line, lot line, easement boundary line, and other

Partial county coverage

Dedications
TOWN OF LANDIS

ZONING PERMIT

<table>
<thead>
<tr>
<th>Permit #</th>
<th>Date of Application</th>
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<tr>
<th>Applicant</th>
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<tr>
<th>Mailing Address</th>
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<tr>
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<th>Subdivision Name (If Any)</th>
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<tr>
<th>Lot Dimensions</th>
<th>Structure Dimensions</th>
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<th>Area</th>
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<tr>
<th>Frontage at R/W</th>
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<tr>
<th>Proposed Use</th>
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**REQUIRED**

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<th>Area of Lot</th>
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<th>Width at Bldg. Line</th>
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<tr>
<th>Min. Front Setback (From R/W)</th>
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<thead>
<tr>
<th>Min. Side Yard (Ea.)</th>
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<th>Min. Rear Yard</th>
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<tr>
<th>Maximum Height</th>
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A sketch showing all proposed construction, plus all lot dimensions, side yards, setbacks, etc. shall be submitted as a part of this application for all uses except single family dwellings. Applicant may use second page of this form or a separate page.

I hereby certify that the information provided for this application is true and correct to the best of my knowledge. I further certify that I am familiar with all the requirements of the Zoning Ordinance concerning this proposed use. Any violation of the Zoning Ordinance will be grounds for revoking this permit and the building permit.

**APPLICANT**

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**APPROVED**

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<th>DISAPPROVED</th>
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**ZONING ADMINISTRATOR: TOWN OF LANDIS**

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**COMMENTS:**

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SKETCH SHOWING ALL PROPOSED CONSTRUCTION, EXITING BUILDINGS ON LOT, ALL LOT DIMENSIONS, SETBACKS, SIDE YARDS, STREETS, ETC.
TOWN OF LANDIS
CERTIFICATE OF ZONING COMPLIANCE

Zoning Permit # ___________ Date of Application for Certificate of Compliance ___________

Applicant's Name______________________________

Applicant's Mailing Address______________________________

_________________________________________ Phone__________

Property Location______________________________

Subdivision Name (if any)______________________________

Existing Zoning______________________________

Owner's Name (if different from applicant)______________________________

Owners Address______________________________

_________________________________________ Phone__________

Structure Requirements:

<table>
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<tr>
<th>Requirement</th>
<th>Required</th>
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<th>Actual</th>
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<tbody>
<tr>
<td>Side Yard, Left</td>
<td>________</td>
<td>________</td>
<td>______</td>
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<tr>
<td>Side Yard, Right</td>
<td>________</td>
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<tr>
<td>Front Set Back (From Edge of Right-of-way)</td>
<td>________</td>
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<tr>
<td>Height</td>
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<tr>
<td>Lot Width at Building Line</td>
<td>________</td>
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<tr>
<td>Rear Yard Setback</td>
<td>________</td>
<td>________</td>
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<tr>
<td>Off-Street Parking Spaces</td>
<td>________</td>
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</table>
Comments: ____________________________________________________________
______________________________________________________________________
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Certification of Applicant:

I hereby certify that:

1. the construction is in compliance with the provisions of the Landis Zoning Ordinance and with the information stated on the zoning permit; and

2. that all of the information provided for this application is true and correct to the best of my knowledge. I further certify that I am familiar with all the requirements of the Zoning Ordinance concerning this use. Any violation of the Zoning Ordinance will be grounds for revoking this certificate.

APPLICANT __________________________ DATE __________________________

(This Portion of the Application Shall be Filled Out by the Zoning Administrator)

Based on the information hereby furnished to me and my knowledge of the Town of Landis Zoning Ordinance, I hereby find that the construction as described herein and on the Zoning Permit (is) (is not) in compliance with the Landis Zoning Ordinance and with the zoning permit issued and hereby _______________________ this Zoning Certificate of Compliance. Approve Disapprove

Zoning Administrator __________________________ Date __________________________

If Certificate is denied, the Zoning Administrator shall state the reasons as follows:
______________________________________________________________________
______________________________________________________________________
______________________________________________________________________
______________________________________________________________________
______________________________________________________________________
TOWN OF LANDIS

APPEAL AND VARIANCE
GENERAL APPLICATION FORM

Application Number: A-87- V-87- Date:

Permit or Relief Requested: Appeal_____ Variance____

Applicant's Name: ___________________________

Property Owner's Name: ___________________________
(If different from Applicant)

Applicant's Address: ___________________________

Property Owner's Address: ___________________________
(If different from Applicant)

Legal relationship of applicant to property owner: ___________________________

Existing Use of Property: ___________________________

Property Location: ___________________________

Tax Map and Parcel Number (for Variance Applications Only): ___________________________

The following information shall be completed by applicants seeking an appeal of a decision made by the Zoning Officer:

Date of Zoning Officer's Decision: ___________________________

Summary of Zoning Officer's Decision: ___________________________

Reason For Appeal of Decision: ___________________________

The following information shall be completed by applicants seeking a variance:

Variance Sought: ___________________________
Reason For Seeking Variance:

Requests for variances shall be accompanied by a Rowan County tax map which shows the subject property and other surrounding properties. The property for which a zoning change is proposed must be clearly indicated on the tax map. Tax maps may be obtained at the Tax Supervisor's Office at the Rowan County Office Building. A sketch plan shall also be included in the application. Said plan shall show in scaled form, the location and size of: (1) the boundaries of the lot(s) in question, (2) the size, shape and location of all existing buildings, parking facilities and accessory buildings, (3) the size, shape and location of all proposed buildings, parking facilities and accessory uses (4) the location and type of screening and buffering proposed, and, (5) other information deemed by the Zoning Administrator to be necessary to consider the application. All completed applications shall be submitted to the Zoning Administrator at least fifteen (15) days prior to the public hearing.

Signature of Applicant ___________________________ Date ____________

Signature of Zoning Administrator ___________________________ Date ____________

(This Information is to be Filled Out by the Town)

Sketch Plan Attached: Yes _________ No _________

Public Hearing Date: ___________________________

Notice of Public Hearing Published On: ___________________________

(Affidavit Attached)

Notice Posted in Landis Town Hall On: ___________________________

Notices to Applicant and Adjoining Property Owners Mailed On:______________

(Verification Attached)

Sign Posted On: ___________________________

Variance "Findings of Fact" Checklist Attached: Yes _______ No _______

Action Taken by Board of Adjustment: ___________________________

Notification of Action Mailed to Applicant On: ___________________________

(Notification Attached)
PROPOSED

AN AMENDMENT TO THE ZONING MAP

OF THE TOWN OF LANDIS, NORTH CAROLINA

Sponsored by:

________________________________________________________________________

Name

________________________________________________________________________

Address

Location of Area: ___________________________________________________________________

________________________________________________________________________

Existing Zone District: __________________________________________________________________

Proposed Zone District: __________________________________________________________________

This proposal to change the zoning classification is made with the understanding that Planning Board and Board of Aldermen consideration of a zoning change is to be based on the suitability of the above area for the zoning classification proposed and not for any singular use or development to be placed thereon. Therefore, the reasons or justification for the proposed district are:

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

(Use additional sheets if necessary)
The following are all of the persons, firms, or corporations owning property:

(a) Within the area proposed for zone change;
(b) Adjacent to and within 100 feet of both sides and rear of the property of the proposed zone change;
(c) Directly across the street from the property of the proposed zone change for a depth of 100 feet from the street.

<table>
<thead>
<tr>
<th>Parcel No.</th>
<th>Name of Property Owner</th>
<th>Mailing Address</th>
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(Use additional sheets if necessary)

ALL INFORMATION FURNISHED HEREIN IS TRUE AND FACTUAL INFORMATION CONCERNING THIS PROPOSAL.

Name

Address

Date of Filing

Case Number

*A filing fee of (§ ) must accompany each proposed zoning map amendment at the time it is filed with the Town of Landis.

**A copy of a county tax map which shows subject property and other surrounding properties must accompany this proposal. The property for which a zoning change is proposed must be clearly indicated on the tax map. (Tax maps may be obtained at the Tax Supervisor's Office, Rowan County Office Building.)
TOWN OF LANDIS
ZONING CHANGE APPLICATION

Application # ___________ Date of Application: ___________

Zoning Map Change ___________ Zoning Text Change ___________

Applicant's Name __________________________________________

Applicant's Mailing Address __________________________________

Property Location __________________________________________

Existing Zoning ___________

Proposed Zoning ___________

If zoning text change, Section(s) of text proposed to be changed? ___________

Existing text working: _______________________________________

Proposed text wording: _______________________________________
An application for a zoning map change shall not be complete unless it is accompanied by a Rowan County tax map which shows the subject property and other surrounding properties. The property for which a zoning change is proposed must be clearly indicated on the tax map. Tax maps may be obtained at the Tax Supervisor's Office in the Rowan County Office Building. All complete applications shall be submitted to the Zoning Administrator at least seven (7) days prior to the meeting at which it is reviewed by the Planning Board.

I do hereby certify that all information which I have provided for this application is, to the best of my knowledge, correct.

__________________________________________  ____________________________
Applicant                                      Date

__________________________________________  ____________________________
Zoning Administrator                          Date

(To be filled out by the Zoning Officer)

Tax Map Attached                              Yes   No

Adjoining Property Owners Information Attached. Yes   No

Planning Board Courtesy Hearing on ________________. Action of Planning Board

__________________________________________  ____________________________
Courtesey Hearing Notice Filed in ________________ on
                                            ____________________________
(Name of Newspaper)                          (Name of Newspaper)

(Date(s) Notice Was Published)                (attach newspaper affidavit)

Notification to Adjacent Property Owners Mailed on ________________
(certification of notification is attached)

Reviewed by Town Board on ________________________. Action of Town Board

__________________________________________  ____________________________
City Council Public Hearing Held on ________________

Action by City Council after Public Hearing

__________________________________________  ____________________________
TOWN OF LANDIS
VARIANCE “FINDINGS OF FACT” CHECKLIST

Application Number: ___________ Date of Application: ___________

Applicant’s Name: ____________________________________________

Applicant’s Mailing Address: __________________________________

Tax Map and Parcel Number: _________________________________

Existing Zoning: _________________________________

Variance Sought: __________________________________________

Reason for Seeking Variance: _________________________________

Findings of Fact

A variance may be granted in such individual case upon a finding by the Board of
Adjustment that the following conditions exist:

1. There are extraordinary and exceptional conditions pertaining to the particular
piece of property in question because of its size, shape or topography that are not
applicable to other lands or structures in the same district.

Yes No
2. Granting the variance requested will not confer upon the applicant any special privileges that are denied to other residents of the district in which the property is located.  
   Yes  No

3. A literal interpretation of the provisions of this chapter would deprive the applicant of rights commonly enjoyed by other residents of the district in which the property is located.  
   Yes  No

4. The requested variance will be in harmony with the purpose and intent of this chapter and will not be injurious to the neighborhood or to the general welfare.

5. The special circumstances are not the result of the actions of the applicant.  
   Yes  No

6. The variance requested is the minimum variance that will make possible the legal use of the land, building or structure.  
   Yes  No

7. The variance is not a request to permit a use of land, building or structure which is not permitted by right or by special exception in the district involved.  
   Yes  No

____________________________  ________________________  
Chairman  Date
Landis Board of Adjustment
TOWN OF LANDIS

NOTIFICATION OF ADJACENT PROPERTY OWNERS

I do hereby certify that, to the best of my knowledge, with regard to (Zoning Change) (Board of Adjustment) Request Number __________, the applicant, all adjacent property owners, owners of property adjacent to and within 100 feet of both sides and rear of the subject property, and owners of property directly across the street from the property for a depth of 100 feet from the street were mailed by first class mail, notice of the (Planning Board Courtesy Hearing) (Town Board Public Hearing) at which the petition affecting their property or property adjacent to them is to be heard.

TOWN PLANNER ___________________ DATE ________

<table>
<thead>
<tr>
<th>PERSON NOTIFIED</th>
<th>LOT NUMBER(S)</th>
<th>MAILING ADDRESS</th>
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TOWN OF LANDIS

NOTIFICATION TO APPLICANT

On ________________, the (Landis Town Board) (Landis Board of Adjustment), after having conducted a public hearing, reached the following decision concerning your property.

_________________________________________________________________
_________________________________________________________________
_________________________________________________________________
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TOWN PLANNER

DATE
TOWN OF LANDIS
STORMWATER CONTROL STRUCTURE APPLICATION

OWNER ___________________________ TELEPHONE __________
LOCATION ____________________________
DATE __________
OWNER REPRESENTATIVE ____________________________
ADDRESS __________________________________________
TELEPHONE __________ FAX __________________
ARCHITECT OR ENGINEER ____________________________
ADDRESS __________________________________________
TELEPHONE __________ FAX __________________
WATERSHED NAME ____________________________

DOCUMENTS TO ACCOMPANY APPLICATION:

1. TWO (2) REPRODUCIBLE COPIES OF PLANS AND REQUIRED SPECIFICATIONS OF THE STORMWATER CONTROL STRUCTURE

2. APPLICATION FEE

3. INSPECTION FEE

4. FINANCIAL SECURITIES

5. OPERATIONS AND MAINTENANCE PLAN FOR THE STORMWATER CONTROL STRUCTURE

6. SOIL EROSION AND SEDIMENTATION VERIFICATION

STORMWATER CONTROL STRUCTURE REVIEW ____________________________
INSPECTION ____________________________
FOLLOW-UP INSPECTION DATE ____________________________