

ZONING ORDINANCE #58
Town of Norwood, North Carolina

AN ORDINANCE REGULATING THE USES OF BUILDINGS, STRUCTURES, AND LAND FOR TRADE, INDUSTRY, COMMERCE, RESIDENCE, RECREATION, PUBLIC ACTIVITIES OR OTHER PURPOSES; THE SIZE OF YARDS, COURTS, AND OTHER OPEN SPACES; THE LOCATION, HEIGHT, BULK, NUMBER OF STORIES AND SIZE OF BUILDINGS AND OTHER STRUCTURES; THE DENSITY AND DISTRIBUTION OF POPULATION; CREATING DISTRICTS FOR SAID PURPOSES AND ESTABLISHING THE BOUNDARIES THEREOF; DEFINING CERTAIN TERMS USED HEREIN; PROVIDING FOR THE METHOD OF ADMINISTRATION, AMENDMENT AND ENFORCEMENT; PROVIDING PENALTIES FOR VIOLATIONS; PROVIDING FOR A BOARD OF ADJUSTMENT AND DEFINING THE DUTIES AND POWERS OF SAID BOARD; REPEALING CONFLICTING ORDINANCES; AND FOR OTHER PURPOSES.

ARTICLE I

AUTHORITY AND ENACTMENT CLAUSE

In pursuance of authority conferred by Article 14, Chapter 150, North Carolina General Statutes, as amended, and for the purpose of promoting the health, safety, morals, or general welfare of the inhabitants of the Town of Norwood by lessening congestion in the streets; securing safety from fire, panic, and other dangers; providing adequate light and air; preventing the overcrowding of land; avoiding undue congestion of population; facilitating the adequate provision of transportation, water, sewage, schools, parks and other public requirements; and by other means, in accordance with a comprehensive plan; now, therefore, the Board of Commissioners of the Town of Norwood does ordain as follows:

ARTICLE II

SHORT TITLE

This ordinance shall be known and may be cited as The Zoning Ordinance of the Town of Norwood, North Carolina.

ARTICLE III

JURISDICTION

Section 30. Extraterritorial Jurisdiction

The provisions of this ordinance shall apply within the corporate limits of the Town of Norwood and within the territory beyond such corporate limits as now or hereafter fixed for a distance of one (1) mile in all directions.

Section 31. Bona Fide Farm Exempt

This ordinance shall in no way regulate, restrict, prohibit, or otherwise deter any bona fide farm and its related uses, except that any such use of such property for non-farm purposes shall be subject to such regulations.

ARTICLE IV

DEFINITIONS OF TERMS USED IN THIS ORDINANCE

For the purpose of interpreting this ordinance, certain words or terms are herein defined. Unless otherwise expressly stated in this ordinance and for the purposes thereof, the following words and phrases shall be construed in accordance with Section 41 of this Article IV.

Section 40. Interpretation of Certain Terms and Words

- 40.1 The present tense of any word shall include the future tense.
- 40.2 Any word or words used in the singular number shall include the plural, and any word or words used in the plural number shall include the singular.

- 40.3 The word “person” shall include a firm, association, organization, partnership, corporation, trust and company, as well as an individual.
- 40.4 The word “lot” shall include the word “plot” or “parcel”.
- 40.5 The word “building” shall include the word “structure”.
- 40.6 The word “shall” is always to be construed as mandatory and not merely directory.
- 40.7 The word “used” and the word “occupied” as applied to any land or building shall be construed to include the words “intended, arranged, or designed to be used or occupied.”
- 40.8 The word “Map”, “Zoning Map” or “Norwood Zoning Map” shall mean the “Official Zoning Map, Norwood, North Carolina.
- 40.9 Any word denoting gender includes the female and the male.
- 40.10 The term “Private Road” shall mean any right-of-way having a width of twenty (20) feet for Two-way traffic or greater for purposes of motor vehicle travel which has not been accepted for maintenance or ownership purposes by a public entity.
- 40.11 The term “Street gravel” shall mean three inches of crushed stone or other suitable material on a well compacted sub-base to a continuous width of 20 feet, exclusive of required parking spaces or drainage ditches.

Section 41. Definitions

- 41.1 ADVERTISING SIGN. An outdoor structure or display, pictorial or otherwise, which advertises or directs attention to a business commodity, service or other activity, conducted, sold or offered elsewhere than on the premises on which the said sign is located.
- 41.2 ALLEY. A public thoroughfare which affords only a secondary means of access to abutting property.
- 41.3 AUTOMOTIVE 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.
- 41.4 AUTOMOTIVE REPAIR SHOP (GARAGE). Any building, premises and land in which or upon which the primary use of land is a business which involves the maintenance or servicing of vehicles.
- 41.5 AUTOMOBILE SERVICE STATION. A use where vehicular fuels are sold at the retail level and where the installation of such automotive items as lubricants, tires, batteries, and similar accessories takes place and where minor automobile repair and maintenance work is conducted.

- 41.6 BOARDING HOUSE. A building where, for compensation, lodging and/or meals are provided for not more than fourteen (14) persons.
- 41.7 BUFFER STRIP. A buffer strip shall consist of an approved (by Zoning Enforcement Officer) wall, fence or planted strip at least ten (10) feet in width, composed of deciduous or evergreen trees or a mixture of each, spaced not more than twenty (20) feet apart, and not less than one (1) row of dense shrubs, spaced not more than five (5) feet apart and five (5) feet or more in height after one growing season, which shall be planted and maintained in a healthy, growing condition by the property owner.
- 41.8 BUILDING. Any structure having a roof supported by columns or by walls and intended for shelter, housing, or enclosure of persons, animals or chattels.
- 41.9 BUILDING, ACCESSORY. A building subordinate to the main building on a lot and used for purposes customarily incidental to the main or principal building and located on the same lot therewith.
- 41.10 BUILDING, PRINCIPAL. A building in which is conducted the principal use of the lot on which said building is situated.
- 41.11 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 the mansard roof, or to the mean height level between eaves and ridge for gable, hip, and gable roofs.
- 41.12 BUILDING LINE. A line establishing the minimum allowable distance between the nearest portion of any building, excluding the outermost three (3) feet of any uncovered porches, steps, eaves, gutters, and similar fixtures, and the street or highway right-of-way line when measured perpendicularly thereto.
- 41.13 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.
- 41.14 CONVALESCENT CENTER OR NURSING HOME. A facility that provides nursing services and custodial care on a 24 hour basis for three or more unrelated individuals who for reasons of illness, physical infirmity, or advanced age require such services.
- 41.15 CONVENIENCE STORE. A retail store 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 comparison to a “grocery store”). It is designed to attract, and depends upon, a large volume of stop-and-go traffic.

- 41.16 CUSTOMARY HOME OCCUPATION. Any use conducted entirely within a dwelling and carried on by the occupants thereof, which use is clearly incidental and secondary to the use of the dwelling lot residential purposes and does not change the character thereof, and in connection with which there is no display; provided that, no person not a resident on the premises, shall be employed specifically in connection with the activity, except that not more than one (1) assistant may be employed by the following home occupational lawyer, physician, dentist, and chiropractor; provided further, that no mechanical equipment shall be installed or used except such as is normally used for domestic or professional purposes, and that not over twenty-five percent (25%) of the total floor space of any structure shall be used for home occupations. (*See Article X, Section 107.*)
- 41.17 DWELLING UNIT. A building, or portion thereof, providing complete and permanent living facilities for one (1) family.
- 41.18 DWELLING, SINGLE FAMILY. A building arranged or designed to be occupied by one (1) family.
- 41.19 DWELLING, TWO FAMILY. A building arranged or designed to be occupied by two (2) families living independently of each other.
- 41.20 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 and doing their cooking therein, including apartments, apartment hotels, and group housing.
- 41.21 FAMILY. Any number of persons living together as a single housekeeping unit.
- 41.22 FAMILY CARE HOME. A home with support and supervisory personnel that provides room and board, personal care and rehabilitation services in a family environment for not more than six resident persons who, because of age, illness, handicap or specialized program, require personalized services or a supervised living arrangement in order to assure their safety and comfort, as defined by N.C.G.S. 168-21(2). All family care home facilities shall be regulated by the State of North Carolina.
- (a) A family care home shall be deemed a residential use of property for zoning purposes and shall be a permissible use in all residential districts in the town.
 - (b) *Spacing*. To increase housing alternatives available to resident persons and fully integrate them into the community mainstream by allowing them to live in typical homes in typical neighborhoods, no such home shall be located within one-half mile radius of an existing family care home, unless a special exception is granted by the Board of Adjustment for reduced separation upon a showing that such reduced separation will not promote the clustering of homes which could lead the resident persons to cloister themselves and not interact with the community mainstream.

- 41.23 GROUP CARE FACILITY/GROUP HOME. A dwelling operated under state regulations, and 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 rehabilitation services in a family environment for not more than thirty (30) individuals who as a result of age, illness, handicap or some specialized program, require personalized services or a supervised living arrangement in order to assure their safety and comfort. All group home facilities shall be regulated by the State of North Carolina. Additional requirements may be imposed by the North Carolina Building Code.
- 41.24 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. Section 802.
- 41.25 INDEPENDENT LIVING CENTER. An establishment which provides living facilities to seven (7) 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.
- 41.26 JUNK YARD. The use of more than six hundred (600) square feet of the area of any lot for the storage, keeping, or abandonment of junk, including scrap metals or other scrap material, or for the dismantling, demolition, or abandonment of automobiles or other vehicles or machinery or parts thereof.
- 41.27 LOT. A parcel of land occupied or capable of being occupied by a building or group of buildings devoted to a common use, together with the customary accessories and open spaces belonging to the same.
- 41.28 LOT DEPTH. The mean horizontal distance between front and rear lot lines.
- 41.29 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 Stanly County, or a lot described by metes and bounds, the description of which has been so recorded.
- 41.30 LOT WIDTH. The distance between side lot lines measured at the building line.
- 41.31 MANUFACTURED HOME (see G.S. 143-145(7)): A structure, transportable in one or more sections, which in the traveling mode is eight body feet or more in width, or 40 body feet or more in length, or, when erected on site, is 320 or more square feet; and which is built on a permanent chassis and designed to be used as a dwelling, with or without permanent foundation when connected to the required utilities, including the plumbing, heating, air conditioning and electrical systems contained in it. “Manufactured home” includes any structure that meets all of the requirements of this definition except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the U.S. Secretary of Housing and Urban Development and complies with the standards established under the National

Manufactured Housing Construction and Safety Standards Act of 1976. “Manufactured homes” are not constructed in accordance with the standards set forth in the North Carolina State Building Code and may also be referred to as a “Mobile Home”.

41.32 MANUFACTURED HOME DESIGN CLASSIFICATION. For the intent of this ordinance, Manufactured Homes as defined herein shall be classified, and accordingly allowed as provided within the various Zoned District Regulations.

Manufactured Home, Class A: Consisting of two or more units or a single-wide unit no more than 10 years old. Each must meet the following criteria:

- (1) Is occupied only as a single family dwelling;
- (2) Has the towing apparatus, wheels, axles, and transporting lights removed;
- (3) Is set up in accordance with standards established by the N.C. Department of Insurance. In addition, a continuous, permanent masonry foundation or masonry curtain wall constructed in accordance with the Standards of the N.C. Uniform Residential Building Code for One- and Two-Family Dwellings, unpierced except for required ventilation and access, shall be installed under the perimeter.
- (4) Has exterior siding, comparable to the exterior siding commonly used in standard residential construction, consisting of one or more of the following: 1) vinyl or aluminum lap siding (whose reflectivity does not exceed that of flat white paint); 2) cedar or other wood siding; 3) wood grain, weather resistant press board siding; 4) stucco siding; or 5) brick or stone siding;
- (5) Has a roof pitch minimum vertical rise of (2.2) feet for each 12 feet of horizontal run;
- (6) Has a roof finish with a Class C or better roofing material that is commonly used in standard residential construction;
- (7) Has an eave projection of no less than six inches, which may include a gutter; and
- (8) Has stairs, porches, entrance platforms, ramps and other means of entrance and exit installed or constructed in accordance with the standards set by the North Carolina State Building Code, anchored securely to the ground. Stairs shall only be used in conjunction with a porch or entrance platform with a minimum of 4’ x 6’. Stairs alone are prohibited at any entrance.

41.33 MANUFACTURED HOME PARK. Any lot, tract or parcel of land used, maintained or intended to be used, leased or rented for occupancy by four (4) or more manufactured homes, or trailers together with accessory structures provided in connection therewith. This definition shall not include manufactured home sales lots on which unoccupied manufactured homes are parked for the purpose of inspection and sale.

41.34 MODULAR HOME. A dwelling unit constructed in accordance with the standards set forth in the North Carolina State Building Code and composed of components substantially assembled in a manufacturing plant and transported to the building site for final assembly on a permanent foundation. Among other possibilities, a modular home may consist of two sections

transported to the site in a manner similar to a manufactured home (except that the modular home meets the North Carolina State Building Code), or a series of panels or rooms sections transported on a truck and erected or joined together on the site. Modular units meeting “Regulations for Mobile and Modular Homes” of the State of North Carolina (G.S. 143-139-1) and/or additional standards established by the Town of Norwood (under the authority granted in G.S. 160A-383.1(d)), built to the standards of the North Carolina Uniform Residential Building Code shall be allowed in all residential zoned districts, either as single family or multi-family structures as permitted within the various districts. Some districts may require a conditional use permit.

- 41.35 NON-CONFORMING USE. A structure or land lawfully occupied by an existing use which does not conform with the permitted uses for the zoning district in which it is situated, either at the effective date of this ordinance, or as a result of subsequent amendments to this ordinance.
- 41.36 OPEN STORAGE. Unroofed storage area, whether fenced or not.
- 41.37 REST HOME (HOME FOR THE AGED). A licensed facility that provides 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 “nursing homes” or “continuing care facilities”.
- 41.38 SIGN, BUSINESS OR IDENTIFICATION. Any outdoor notice or advertisement, pictorial or otherwise, which directs attention to a business, commodity, service, or other activity conducted, sold, or offered on the premises on which said sign is located.
- 41.39 SIGN AREA. Sign area shall be measured by the smallest square, rectangle, triangle, circle, or combination thereof, which will encompass the entire advertising copy area excluding architectural trim and structural embellishments. In computing area only one (1) side of a double-face sign shall be considered.
- 41.40 STREET. A dedicated and accepted public right-of-way for vehicular traffic which affords the principal means of access for abutting properties.
- 41.41 STRUCTURE. Anything constructed or erected, the use of which requires more or less permanent location on the ground or which is attached to something having more or less permanent location on the ground.
- 41.42 TOURIST HOME. A dwelling where lodging only is provided for compensation for not more than fourteen (14) persons, and is open to transients.
- 41.43 TRAILER, CAMPER. A vehicle with or without its own motive power, equipped or used for temporary living purposes and mounted on wheels or designed to be so mounted and transported.

- 41.44 YARD. A space on the same lot with a principal building open, unoccupied and unobstructed by buildings or structures from ground to sky except where encroachments and accessory buildings are expressly permitted.
- 41.45 YARD FRONT. An open unoccupied space on the same lot with a principal building, extending the full width of the lot, and situated between the street right-of-way line and the front line of the principal building, projected to the side lines of the lot.
- 41.46 YARD, REAR. An open unoccupied space on the same lot with a principal building, extending the full width of the lot and situated between the rear line of the lot and the rear line of the principal building projected to the sidelines of the lot.
- 41.47 YARD, SIDE. An open unoccupied space on the same lot with a principal building situated between the principal building and the side lot line and extending from the rear line of the front yard to the front line of the rear yard.

ARTICLE V

ESTABLISHMENT OF ZONING DISTRICTS

Section 50. General Use Districts

For the purpose of this ordinance, the Norwood Zoning jurisdiction is hereby divided into eleven (11) general use zoning districts designated as follows:

R-20	Single Family Residential District
R-10	Single Family Residential District
R-8	Two Family Residential District
R-8A	Multi-Family Residential District
N-B	Neighborhood Business District
H-B	Highway Business District
C-B	Central Business District
G-B	General Business District
M-1	Light Manufacturing District
M-2	Heavy Manufacturing District
R-A	Residential-Agricultural District

Section 51. Conditional Use Districts

For each general use district established in Section 50, there is also established a corresponding conditional use district as follows:

CU-R-20	Single Family Residential District
CU-R-10	Single Family Residential District
CU-R-8	Two Family Residential District
CU-R-8A	Multi-Family Residential District
CU-N-B	Neighborhood Business District
CU-H-B	Highway Business District
CU-C-B	Central Business District
CU-G-B	General Business District
CU-M-1	Light Manufacturing District
CU-M-2	Heavy Manufacturing District
CU-R-A	Residential-Agricultural District

Property may be placed in a conditional use district only in response to a petition by the owners of all the property to be included. Specific conditions applicable to these districts may be proposed by the petitioner or the Town or its agencies, but only those conditions mutually approved by the Town and the petitioner may be incorporated into the zoning regulations or permit requirements. Conditions and site-specific standards imposed in a conditional use district shall be limited to those that address the conformance of the development and use of the site to Town ordinances and any officially adopted comprehensive or other plan, and limited also to those that address the impacts reasonably expected to be generated by the development or use of the site. (G.S. 160A-382(b))

It is recognized that certain types of zoning districts would be inappropriate at certain locations in the absence of special conditions. Where the applicant for rezoning desires property to be rezoned to such

a district in such situations, the Conditional Use District (CUD) is a means by which such special conditions can be imposed in the furtherance of the purposes of this Ordinance. The Conditional Use District classification will be considered for rezoning only upon request of a property owner. If for any reason any condition imposed pursuant to these regulations is found to be illegal or invalid or if the applicant should fail to accept any condition, it is the intent of this Ordinance that the authorization of such Conditional Use Permit shall be null and void and of no effect, and that proceeding shall be instituted to rezone the property to its previous zoning classification.

Within a CUD, only those uses authorized as either permitted or conditional uses in the zoning district with which the CUD corresponds shall be permitted, and all other requirements of the corresponding district shall be met as minimum standards. In addition, in a Conditional Use District, no use shall be permitted except pursuant to a Conditional Use Permit authorized by the Board of Commissioners using quasi-judicial procedures of notification, public hearing, receiving of evidence, and findings of fact, which shall specify the use or uses authorized, except that the Board of Commissioners shall be allowed to grant a Conditional Use Permit with a simple-majority vote. For the purposes of this section, vacant positions on the board and members who are disqualified from voting on a quasi-judicial matter shall not be considered “members of the board” for calculation of the requisite majority.

(G.S. 160A-381(c))

Such permit may further specify the location on the property of the proposed use or uses, the number of dwelling units, the location and extent of supporting facilities such as parking lots, driveways and access streets, the location and extent of buffer areas, and other special purpose areas, the timing of development, the location and extent of right-of-way and other areas to be dedicated for public use, and other such matters as the applicant may propose as conditions upon the request, but not to include conditions not generally a part of land development controls. In granting a Conditional Use Permit, the

Board of Commissioners may impose such additional reasonable and appropriate safeguards upon such permit as it may deem necessary in order that the purpose and intent of this Ordinance are served, public welfare secured, and substantial justice done.

The authorization of a Conditional Use Permit in any CUD for any use that is permitted only as a Conditional Use Permit in the zoning district that corresponds to the CUD shall preclude any requirement for obtaining a Conditional Use Permit for any such use in a separate procedure.

Section 52. District Boundaries

The boundaries of these districts are hereby established as shown on a map entitled “Official Zoning Map, Norwood, North Carolina” adopted by the Town Commissioners and certified by the Town Clerk. Said map and all explanatory matter thereon accompany and are hereby made a part of this Ordinance. Said map shall be retained in the office of the Town Clerk or his authorized agent.

Section 53. Rules Governing Boundaries

Where uncertainty exists with respect to the boundaries of any of the aforesaid districts as shown on the official zoning map, the following rules shall apply:

- 53.1 Where district boundaries are indicated as approximately following the centerlines of streets or highways, street lines or railroad rights-of-way or such lines extended, such centerlines or railroad right-of-way lines shall be construed to be such boundaries.
- 53.2 Where district boundaries are so indicated that they approximately follow lot lines, such lot lines shall be construed to be said boundaries.
- 53.3 Where district boundaries are so indicated that they are approximately parallel to the center lines of streets, highways or railroads, or rights-of-way of same, such district boundaries shall be construed as being parallel thereto and at such distance therefrom as indicated on the zoning map. If no distance is given, such dimensions shall be determined by use of the scale shown on said zoning map.

- 53.4 Where a district boundary line divides a lot in single ownership, the district requirements for the least restricted portion of such lot shall be deemed to apply to the whole thereof, provided that such extensions shall not include any part of such a lot more than thirty-five (35) feet beyond the district boundary line.
- 53.5 Each permitted use shall conform to the dimensional requirements of the district in which it is located. For example, within an R-20 Single-Family Residential District, rest homes are permitted uses. The rest homes shall meet the dimensional requirements set forth for that district.

ARTICLE VI

USE REQUIREMENTS BY DISTRICT

Within the districts indicated in the zoning map, no building or land shall be used, and no building shall be erected or altered which is intended or designed to be used in whole or in part, for any use other than those listed as permitted for that district in this article.

Section 60. R-20 Single-Family Residential District

The regulations of this district are intended to insure that residential development not having access to public water supplies and dependent upon septic tanks for sewage disposal will occur at sufficiently low densities to provide a healthful environment.

60.1 The following uses are permitted:

Single family dwellings, (3/2/92) *including modular homes*. Modular homes require a conditional use permit and must comply with the following minimum requirements:

- a. Exterior design must be pre-approved by the Norwood Zoning Board of Adjustment. The Zoning Board will consider appearance for consistency with neighboring residences as well as other requirements to protect property values and to protect the character and integrity of the community and individual neighborhood.
- b. Homes with a single predominant roofline must have a roof pitch of no less than seven feet (7') rise for every twelve feet (12') of run. Eave projections around the perimeter of the home shall be no less than twelve inches (12"), not including guttering.
- c. Skirting walls shall be a continuous permanent masonry material (brick, decorative concrete masonry units, or cement blocks) placed on a permanent concrete (poured) footing. An entryway to crawl space is permitted.

- d. Exterior siding and roofing materials shall be compatible in composition, appearance and durability to siding and roofing materials commonly used in standard residential construction.
- e. The minimum height of the sidewall shall be at least seven feet six inches (7'6"). An all wood frame is required.
- f. If homes in the proposed neighborhood have a covered front porch, then the proposed modular home should have a permanently installed covered front porch of similar dimension to those on the block face. Front, side and rear entry/exits shall have a porch or entrance platform with a minimum of four feet (4') by six feet (6'). Stairs/steps alone are prohibited.

In the event there are no existing residential homes on a block face, then a front porch, wood frame is required.

- g. Must comply with any other ordinance and/or siting requirements.

Two family dwellings may be constructed only on a corner lot within a subdivision. Where an area is not subdivided, a two-family dwelling may be permitted only after a review by the Planning Board and approval by the Town Council.

(10/23/93) Accessory buildings or structures, provided such shall be permitted only in a rear yard and shall be not less than ten (10) feet from any property line, and further provided, that in the case of corner lots, such buildings or structures shall be set back at least twenty-five (25) feet from any side street right-of-way line (includes swimming pools).

(Adopted 7/9/01) Assisted living facilities to include: convalescent center or nursing home, continuing care facility, family care home, group care facility/group home, rest home, independent living center. (See Sec. 41 for definitions.)

- 60.2 The following conditional uses are permitted when authorized by the Board of Adjustment after said Board holds a public hearing. It is also recommended that each request be reviewed by the Planning Board prior to submission to the Board of Adjustment for consideration.

Churches and their customary related uses, including cemeteries, provided that all buildings and graves shall be set back at least twenty (20) feet from any property line.

Colleges, universities, public elementary and secondary schools and private schools which have curricula approximately the same as ordinarily given in public schools.

(04/07/03) Funeral homes and mortuaries.

Golf courses, parks, playgrounds, community centers, libraries, swimming pools and similar recreational uses.

Greenhouses and truck gardens which are incidental to the residential use and conducted on a noncommercial basis only, provided that no greenhouse heating plant shall be located within sixty (60) feet from any front property line or within thirty (30) feet from any property line.

Home occupations such as home cooking and limited professional offices as defined in Article 10, Section 107 of this ordinance.

Public safety facilities such as fire and police stations, rescue headquarters, ambulance service, and civil defense centers, provided that all vehicles are stored indoors.

Public works and public utility facilities such as transformer stations, transmission lines, pumping stations, water towers, and telephone exchanges, provided:

- a. Such facilities are essential to the service of the immediate area;
- b. No vehicles or materials shall be stored on the premises, and no offices shall be permitted;
- c. All buildings shall be set back at least twenty (20) feet from all property lines and shall be designed and landscaped in such a way as to blend in with surrounding area;
- d. All dangerous apparatus shall be enclosed by a chain-link fence at least eight (8) feet in height.

Signs:

- a. One (1) professional or announcement sign per lot for home occupations. Such signs shall not exceed three (3) square feet in area.
- b. Signs pertaining only to the lease, rent or sale of the property upon which displayed. Such signs shall not exceed six (6) square feet in area exposed to view. No such sign shall be illuminated.
- c. Church bulletin board or sign not exceeding twelve (12) square feet for the purpose of displaying the name of the institution and other related information. Such signs shall be set back at least twenty (20) feet from the street right-of-way line.

(9/13/99) Towers, commercial wireless communications with conditional use permit in compliance with Sec. 114.

Section 61. R-10 Single Family Residential District

This district is a low-density neighborhood consisting of single-family residences along with limited home occupations and private and public community uses. This district will accommodate residences with access to both public water and sewerage.

61.1 The following uses are permitted:

All uses permitted in the R-20 Residential District, including conditional uses subject to the Board of Adjustment approval, except greenhouses, truck gardens, two-family dwellings on unsubdivided land.

Accessory buildings or structures, provided they shall be permitted only a rear yard and shall be not less than ten (10) feet from any property line, such building or structures shall be set back at least twenty-two (22) feet from any side yard street right-of-way line.

Section 62. R-8 Two-Family Residential District

The R-8 Residential District is established to provide a quiet, medium density district in which the principal use of the land is for single-family and two-family residences. The regulations of this district are intended to discourage any use which, because of its character, would substantially interfere with the development of single-family and two-family residences in the district and which would be detrimental to the quiet residential nature of the area included within this district.

62.1 The following uses are permitted:

All uses permitted in the R-10 Residential District, including conditional uses subject to Board of Adjustment approval.

Two-family dwellings.

62.2 The following additional conditional uses are permitted subject to the provisions of Article VI, Section 60.2 of this ordinance.

Nursery schools and kindergartens, provided that at least seventy-five (75) square feet of outdoor play area is provided for each child.

Accessory buildings or structures, provided such shall be permitted only in a rear yard and shall be not less than five (5) feet from any property lines, and further provided, that in the case of

corner lots, such buildings or structures shall be set back at least twenty (20) feet from any side street right-of-way line.

Section 63. R-8A Multi-Family Residential District

The R-8A Residential District is established as a high density district in which the principal use of the land is for single-family, two-family and multi-family residences. The regulations of this district are intended to provide areas of the community for those persons desiring small residences and multi-family structures in relatively high density neighborhoods.

63.1 The following uses are permitted:

All uses permitted in the R-8 Residential District, including conditional uses subject to the Board of Adjustment approval.

Multi-family dwellings.

One (1) sign per lot announcing an apartment house, provided that such sign shall not exceed nine (9) square feet in area; provided further, that such sign may be illuminated only by those means which silhouette letters and figures or by flood lighting which is shielded or angled so as to prevent a direct view of the light source from a neighboring residence.

Accessory building or structures, provided they shall meet the requirements under subsection 92.

Boarding houses as conditional uses.

Section 64. N-B Neighborhood Business District

The regulations of this district are intended to provide for the retailing of goods and services for convenience to the nearby residential neighborhoods in such a way as to protect abutting areas from blighting influences. (12/04/06) New construction, exterior remodeling or demolition of existing structures and signs within this business district requires prior approval recommendation by the Norwood Planning Board with final approval by the Norwood Town Council. Items to be considered include appearances for consistency with neighboring structures, as well as requirements to protect property values, ensure public safety and preserve the character and integrity of this business district.

64.1 The following uses are permitted:

(8/3/98) Alcoholic beverage, packages, retail sale.

Automobile parking lots and structures.

Bakeries where the products are sold exclusively at retail on the premises.

Banks and other financial institutions including loan and finance companies.

Barber and beauty shops.

Bicycle sales and repair shops.

Churches and their related uses, except cemeteries.

Clubs, lodges, socials, civic and other similar organizations operated on a non-profit basis.

(Adopted 7/9/01) Convenience stores, provided that gasoline pump islands shall be located at least fifteen (15) feet behind the property line; provided that pump island canopies may be constructed to extend to the street right-of-way; provided further that on all sides where such stations abut residential districts, a six (6) foot high fence and suitable landscaping shall be provided.

Customary accessory uses and structures when located on the same lot as the principal structure, excluding, however, open storage.

Dairy bars and ice cream manufacturing for retail sales on the premises only.

(2/5/96) Day care centers and related facilities.

Dry cleaning and laundry pick-up stations and dry cleaning plants operated in conjunction with a retail service counter, provided there is no processing of clothes collected at other stations; provided further, that only non-flammable liquids are used in the cleaning process.

Floral and gift shops, but excluding commercial greenhouses.

Food stores, retail only, but excluding the killing or dressing of any flesh or fowl.

Funeral homes and mortuaries.

Jewelry repair shops.

Launderettes and laundromats.

Libraries, museums and art galleries.

Locksmiths and gunsmiths.

Medical and dental clinics and laboratories.

Nursery schools and kindergartens.

Offices, business, professional and public.

Photographic studios.

Public safety facilities such as fire and police stations, rescue squad headquarters and civil defense centers, provided that all vehicles are stored indoors.

Public works and public utilities facilities, subject to the conditions listed under Subsection 60.2 of Section 60.

Radio and TV repair shops, electric shops.

Restaurants, but not including drive-in restaurants.

Retail establishments such as department, clothing, fabric, shoe, variety, notion, drug, hardware, furniture, appliance, floor covering, paint, antique, art goods, jewelry, gift, music, toy, sporting goods, book and stationery, magazine, candy, tobacco, pet and hobby and craft stores, but not excluding similar retail outlets.

Service stations, but not including major repair work, provided that gasoline pump islands shall be located at least fifteen (15) feet behind the property; provided that pump island canopies may be constructed to extend to the street right-of-way; provided further, that on all sides where such stations abut residential districts, a six (6) foot high fence and suitable landscaping shall be provided.

Shoe repair and shine shops.

(7/10/95) Sign fabricating as a conditional use.

Signs, accessory to and on the same premises with uses permitted in this district, but not including advertising signs or signs with intermittent lighting effects. Furthermore, the aggregate size of such signs shall be limited to two (2) square feet of area per lineal foot of each building wall facing a public street. (8/3/98) One additional identification sign structure, besides the one on the building, may also be placed on the premises in the front yard and not to exceed 40 square feet. All sign structures are subject to pre-approval by the Zoning Enforcement Officer or his designee. Signs must also comply with requirement and/or restrictions in Section 102 (except for 102.2 a.) and Section 103.

Tailor, dressmaker and millinery shops.

Taxicab stands.

Theaters, housed in a permanent indoor structure.

(9/13/99) Towers, commercial wireless communications with conditional use permit in compliance with Sec. 114.

Section 65. H-B Highway Business District

These commercial districts are designed to serve the special needs of the traveling public. They also provide space for indoor and outdoor recreational uses which require large lots. It is very important that such districts be developed in accordance with high standards. (12/04/06) New construction, exterior remodeling or demolition of existing structures and signs within this business district requires prior approval recommendation by the Norwood Planning Board with final approval by the Norwood Town Council. Items to be considered include appearances for consistency with neighboring structures, as well as requirements to protect property values, ensure public safety and preserve the character and integrity of this business district.

65.1 The following uses are permitted:

Alcoholic beverage, packaged, retail sale.

Assembly halls, coliseums, ballrooms, and similar structures.

Automobile parking lots and structures.

Automobile parts and supplies, new.

Automobile sales, new and used.

Automobile washing establishments.

Banks, drive-in.

Barber and beauty shops.

Bowling alleys, skating rinks, baseball and golf driving ranges, miniature and par-3 golf courses, mechanical rides, riding stables, go-cart tracks and other commercial recreational facilities.

Building materials and equipment sales, but excluding open storage.

Clubs and lodges catering exclusively to members and their guests.

(Adopted 7/9/01) Convenience stores, provided that gasoline pump islands shall be located at least fifteen (15) feet behind the property line; provided that pump island canopies may be constructed to extend to the street right-of-way; provided further that on all sides where such stations abut residential districts, a six (6) foot high fence and suitable landscaping shall be provided.

Curio and souvenir shops.

(2/5/96) Day care centers and related facilities.

Dairy bars and ice cream manufacturing for retail sales on the premises only.

Fruit stands and grocery stores housed in reasonably permanent structures.

Greenhouses and horticultural nurseries.

(12/02/02) Medical and dental clinics.

Mobile home and recreational equipment display lot.

Motels and motor lodges.

Public safety facilities, subject to the conditions listed under subsection 60.2 of Section 60.

Public works and public utilities facilities, subject to the conditions listed under subsection 60.2 of section 60.

Restaurants, including drive-in restaurants, provided such drive-in restaurants are fenced in on all sides which abut residential districts. Such fences shall be solid from the ground to height of six (6) feet. However, no such fence shall extend nearer to the street or highway right-of-way line than the established building line of the adjoining residential lots.

Service stations, but not including major repair work, provided that gasoline pump islands shall be located at least fifteen (15) feet behind the property line; provided that pump island canopies may be constructed to extend to the street right-of-way; provided further, that on all sides where such stations abut residential districts, a six (6) foot high fence and suitable landscaping shall be provided.

Signs, including advertising signs, provided such are not located within one-hundred (100) feet of any residential district on the same side of the street; provided further, that not more than one (1) advertising sign structure shall be allowed per two-hundred (200) feet or less of lot frontage

in single ownership, with (1) additional advertising sign structure allowed per additional two-hundred (200) feet of lot frontage.

Theaters, drive-in, subject to the following conditions:

- a. No part of any theater screen, projection booth, or other building shall be located closer than five-hundred (500) feet to any residential district or closer than fifty (50) feet to any property line or public right-of-way; and no parking space shall be located closer than one-hundred (100) feet to any residential district.
- b. The theater screen shall not face a major street or highway, and reservoir parking space off the street shall be provided for patrons awaiting admission in an amount not less than thirty per cent (30%) of the vehicular capacity of the theater.

(9/13/99) Towers, commercial wireless communications with conditional use permit in compliance with Sec. 114.

Customary accessory uses and structures when located on the same lot as the principal structure, excluding, however, open storage.

Section 66. C-B Central Business District

The regulations of this district are intended to permit the convenient performance of functions requiring a location near the transportation and population center of a trade area and to provide municipalities with a compact and efficient retail shopping, consumer services, financial and governmental center. (12/04/06) New construction, exterior remodeling or demolition of existing structures and signs within this business district requires prior approval recommendation by the Norwood Planning Board with final approval by the Norwood Town Council. Items to be considered include appearances for consistency with neighboring structures, as well as requirements to protect property values, ensure public safety and preserve the character and integrity of this business district.

66.1 The following uses are permitted.

Alcoholic beverages, packaged, retail sales.

Automobile parking lots and structures.

Automobile parts and supplies, new.

(3/22/99) Bakeries, where the products are sold at retail on the premises. Bulk sales allowed on or off premises, including deliveries, with a conditional use permit only.

Banks and other financial institutions, including loan and finance companies.

Barber and beauty shops.

Bus stations.

Business colleges, barber and beauty colleges, art schools, music and dance studios, and similar uses, but excluding industrial trade schools.

(5/1/95) Car washing establishment with conditional use permit (Article 6, Section 60.2)

Churches and their customary related uses, except cemeteries.

Clubs and lodges catering exclusively to members and their guests.

(Adopted 7/9/01) Convenience stores, provided that gasoline pump islands shall be located at least fifteen (15) feet behind the property line; provided that pump island canopies may be constructed to extend to the street right-of-way; provided further that on all sides where such stations abut residential districts, a six (6) foot high fence and suitable landscaping shall be provided.

Dairy bars and ice cream manufacturing for retail sales on the premises only.

Dry cleaning and laundry pick-up stations and dry cleaning plants, having less than two thousand (2,000) square feet of floor space, provided the emission of steam and other obnoxious byproducts is controlled.

Floral shops, but not commercial greenhouses.

Food stores and meat markets, retail only, but excluding the killing or dressing of flesh or fowl.

Furriers and fur storage.

Hotels, inns, and pawn shops.

Libraries, museums and art galleries.

Living quarters permitted owners/operators (including family members of owners/operators) only on second and third floors above a ground floor business but not to rent to the general public. Such apartments must meet required residential building codes. Owners/operators shall have designated parking space(s) off Main Street.

Locksmiths and gunsmiths.

Medical and dental clinics.

Newspaper offices and printing plants incidental to such offices.

Office supplies and equipment, sales and service.

Offices, business, professional and public.

Opticians and optical goods stores.

Photographic studios and camera supply stores.

Physical culture and reducing salons.

Printing, publishing, and reproducing establishments.

Public safety facilities, subject to the conditions listed under subsection 60.2 of Section 60.

Radio and TV repair shops, electric shops.

Restaurants, but not drive-in restaurants.

Retail establishments, such as department, clothing, fabric, shoe, variety, notion, drug, hardware, furniture, appliance, floor covering, paint, antique, art goods, jewelry, gift, music, toy, sporting goods, book and stationery, magazine, candy, tobacco, pet and hobby and craft stores, but not excluding similar retail outlets.

Service stations, but not including major repair work, provided that such service stations have a minimum lot area of six thousand (6,000) square feet and a frontage of not less than one hundred (100) feet. No portion of the service station building nor any of its equipment shall be nearer than fifteen (15) feet to the street right-of-way; provided further that a canopy may be erected over the pump island which may extend to the street right-of-way. Minor engine repair, tune-up and tire repair shall be permitted if conducted wholly inside a structure.

Shoe repair and shine shops.

Signs, accessory to and on the same premises with uses permitted in this district, but not including advertising signs. The size of such signs shall be limited to three (3) square feet of area per lineal foot of each building wall abutting a public street or alley. Signs projecting at right angles from the building shall be allowed when suspended from a canopy provided the sign is at least eight (8) feet above the sidewalk. Otherwise, signs must be mounted flat with the building walls and must not project more than twelve (12) inches from the building wall. However, where buildings are set back from the property line in accordance with the provisions of this ordinance, one sign structure may be placed in the front yard. The area of such sign structure shall be limited to no more than three (3) square feet of sign area per lineal front foot of the principal building.

Signs directing the public to off-street parking areas, provided no more than two (2) such signs shall be permitted per lot; provided further, the aggregate size of such signs shall not exceed eight (8) square feet in area.

Tailoring, dressmaking and millinery shops.

Taxicab stands.

Telephone and telegraph offices.

Theaters housed in a permanent indoor structure.

Customary accessory uses and structures when located in the same lot as the principal structures, excluding however open storage.

Section 67. G-B General Business District

These commercial districts are generally located on the fringe of the central business district and along major radial highways leading out of the urban areas. They dispense retail goods and services to the community and provide space for wholesaling and warehousing activities. (12/04/06) New construction, exterior remodeling or demolition of existing structures and signs within this business district requires prior approval recommendation by the Norwood Planning Board with final approval by the Norwood Town Council. Items to be considered include appearances for consistency with neighboring structures, as well as requirements to protect property values, ensure public safety and preserve the character and integrity of this business district.

67.1 The following uses are permitted:

All uses permitted in the CB Central Business District except that portion permitting residential use of second and third floors of a ground floor business.

Animal hospitals, provided no pens or kennels are located closer than twenty (20) feet to any property line, provided further, there shall be no open kennels.

Assembly halls, coliseums, ballrooms and similar structures.

Automobile sales, new and used.

Automobile washing establishments.

Bicycle sales and repair shops.

Boat works and sales.

Bottling works.

Bowling alleys and skating rinks.

Building materials and equipment sales, including open storage when fenced.

Bus repair and storage terminals.

Cabinet, woodworking and upholstery shops.

Contractors' offices and storage yards.

Dairy products processing and distributing facilities.

(2/6/96) Day care centers and related facilities.

Dry cleaning and laundry plants.

Electrical supplies and equipment, sales and service.

Farm machinery assembly, sales and repairs.

Feed and seed stores.

Freezer lockers and ice plants.

Funeral homes and mortuaries.

Glass and mirror shops, venetian blind and awning shops, tile companies, and similar building specialty outlets.

Greenhouses and horticultural nurseries.

Industrial supplies and equipment, sales and service.

Industrial trade schools, research laboratories.

Launderettes and laundromats.

Lumber yards, building materials storage and sales, including open storage when fenced.

Machine and welding shops.

Mobile home display lots.

Monument works and sales.

Motorcycle, lawnmower and power saw sales and service.

Plumbing and heating supply houses.

Public works and public utility facilities, including service and storage yards.

Radio and TV stations and towers.

Railroad stations and yards.

Restaurants, including drive-in restaurants, provided such drive-in restaurants are fenced on all sides which abut residential districts. Such fences shall be solid from the ground to a height of six (6) feet.

Second-hand stores and swap shops.

Sheet metal, roofing, plumbing, heating and refrigeration shops.

Sign painting and fabricating shops.

Signs, including advertising signs, provided such are not located within one hundred (100) feet of any residential district on the same side of the street; provided further that no more than one (1) advertising sign structure shall be allowed per one hundred (100) feet or less of lot frontage in single ownership, with one (1) additional advertising sign structure allowed per additional one hundred (100) feet of lot frontage. In addition, the name of the business may be displayed on the front face of the principal building, but shall not include the advertising of any product.

Tire recapping shops.

(9/13/99) Towers, commercial wireless communications with conditional use permit in compliance with Sec. 114.

Trucking terminals, transfer companies.

Vending companies.

Wholesale storage of gasoline and oil products, including bottled gas and oxygen.

Customary accessory uses and structures, including open storage, provided the areas devoted to open storage are enclosed by a solid fence not less than eight (8) feet in height.

67.1A Wholesale and warehousing establishments shall be permitted as conditional uses subject to Board of Adjustment approval.

67.1B The following conditional uses are permitted when authorized:

Pilot plant manufacturing not involving chemical processes, noise, odor, smoke, or any other environmental pollution, and not employing more than twenty-five (25) people, provided that the operation continues no longer than two (2) years, and that off-street parking is provided for all employees, visitors, and loading operations.

(11/3/97) Mini-warehouses with conditional use permit.

Section 68. M-1 Light Manufacturing District

The M-1 Light Manufacturing District is designed to accommodate industries and warehousing operations which can be operated in a relatively clean and quiet manner and which will not be obnoxious to adjacent residential and business districts.

68.1 The following uses are permitted:

(Adopted 8/6/01) Automobile body shops and automobile repair shops with a conditional use permit. Conditions imposed, but not limited to, include:

- a) No more than six (6) vehicles (or portions thereof) awaiting repairs or other disposal may be located in open storage or in shelters without walls and doors.
- b) Open storage and non-closed shelters is limited to the rear of the principle building(s) and must have secure chain-link fencing with slatting (75% coverage and at least 8 feet high). Where lot adjoins a residential district (R-20, R-10, R-8, R-8A, R-A), buffering is required. Buffering is also required when lot is located directly across a public street from a residential district.”
- c) Hours of operation shall be limited to the time between 7:00 a.m. and 9:00 p.m. when a lot adjoins a residential district.”

Automobile parking lots and structures.

Bakeries and other establishments manufacturing prepared food products for wholesale distribution.

Boat works and sales.

Bottling works.

Building materials and equipment sales, including open storage when fenced.

Cabinet , woodworking and upholstery shops.

(7/6/01) Churches and their customary related uses, including cemeteries, provided that all buildings and graves shall be set back at least twenty (20) feet from any property lines. A conditional use permit is required in compliance with Sec. 135.2 of this Ordinance.

Circuses and carnivals.

Clothing and textile manufacturing.

Contractors' offices and storage yards, provided open storage is enclosed by a fence at least eight (8) feet in height.

Dairy products processing and distributing facilities including dairy bars.

Dry cleaning and laundry plants.

Electrical appliances and electronic equipment manufacturing.
Farm machinery, assembly, sales, and repair.

Furniture manufacturing.

Glass and mirror shops, venetian blind and awning shops, tile companies, and similar building specialties outlets.

Greenhouses and horticultural nurseries.

Industrial supplies and equipment, sales and service.

(11/3/97) Mini-warehouses.

(9/13/99) Towers, commercial wireless communications with conditional use permit in compliance with Sec. 114.

Light manufacturing or processing not otherwise named herein upon the review of the Planning Board and approval by the Town Commissioners; provided no operations are carried on, or are likely to be carried on which will create smoke, fumes, noise, odor, or dust which will be detrimental to the character of the district or to the health, safety, or general welfare of the community.

Customary accessory uses and structures including open storage, provided the area devoted to open storage is enclosed by a fence at least eight (8) feet in height.

Section 69. M-2 Heavy Manufacturing District

The M-2 Heavy Manufacturing District is designed to accommodate all but the most obnoxious industries. However, it is expected that industries permitted here by right will minimize their emission of smoke, dust, fumes, glare, noise, and vibrations.

69.1 The following uses are permitted:

Any uses permitted in the M-1 Light Manufacturing District.

Airports.

Animal hospitals.

Automobile junk yards and scrap metal dealers, provided that the premises are enclosed by a solid fence not less than ten (10) feet in height.

(09/08/03) Automobile sales, new and used, with a conditional use permit.

Bedding and carpet manufacturing and cleaning establishments.

Brick, tile and pottery yards.

Bus repair and storage terminals.

Chemical manufacturing, household or industrial.

Coal and wood yards, pole treating plants.

Cotton gins, cotton waste and rag processing.

Feed and seed stores.

Fertilizer manufacturing.

Flour and feed mills.

Foundries producing iron, steel, copper, brass, and aluminum products.

Hatcheries.

Ice and cold storage plants, freezer lockers.

Livestock sales barns.

Machine and welding shops.

Machine tool manufacturing.

Meat packing and poultry processing plants.

Metal fabricating plants, including boiler and tank works.

Mixing plants for concrete or paving materials, the manufacture of concrete products.

Monument works and sales.

Plastics, rubber and glass products manufacturing.

Public works and public utilities facilities, including service and storage yards.

Quarries.

Radio and TV stations and towers.

Sawmills, planing mills and wooden box factories.

Sheet metal, roofing, plumbing, heating and refrigeration shops.

Tire recapping shops.

Manufacturing uses not otherwise named herein, upon the review by the Planning Board and approval by the Town Commissioners provided that no use shall be permitted in this district which is likely to be dangerous, offensive or detrimental to the health, safety, welfare or general character of this zoning district, or of the community by reason of the emission of dust, smoke, gas, noise, fumes, odors, vibration, glare or unusual threat of fire or explosion. However, such potentially obnoxious uses may be allowed in this district, provided the applicant submits detailed plans indicating proposed control methods.

Customary accessory uses and structures including open storage.

Section 70. R-A Residential-Agricultural District

The regulations of this district are intended to encourage the continuance of agricultural uses as well as to insure that residential development not having access to public water supplies and dependent upon septic tanks for sewage disposal will occur at a sufficiently low density to provide a healthful environment.

70.1 The following uses are permitted:

Single-family dwellings, including modular homes and manufactured homes Class A (Refer to Article IX Sec. 41.32)

Two-family dwellings.

(Adopted 7/9/01) Assisted living facilities to include: convalescent center or nursing home, continuing care facility, family care home, group care facility/group home, rest home, independent living center. (See Sec. 41 for definitions.)

Churches and their customary related uses, including cemeteries, provided that all accessory buildings shall be set back at least twenty (20) feet from any property line.

Colleges, universities, public elementary and secondary schools, and private schools having curricula approximately the same as ordinarily given in public schools.

(04/07/03) Funeral homes and mortuaries with a conditional use permit.

Farm type enterprises when not considered as being a part of bona fide farms such as plant nurseries, commercial greenhouses, fruit or vegetable packing sheds, retail sale of products not grown on the premises, hatcheries, tobacco storage for sales, and similar commercial and processing activities. Any farm-type enterprise (building or structure) shall be to the rear of any established setback, shall be at least one hundred (100) feet from any existing residence on adjacent tracts of land and shall be at least fifty (50) feet from any exterior property line adjacent to tracts of residential land. Otherwise, when adjacent to non-residential lots, the minimum required setbacks of the district apply. Temporary stands for retail sales may be located in the front yard at least fifteen (15) feet from the paved portion of the street.

Golf courses, parks, playgrounds, community centers, libraries, swimming pools and similar recreational uses.

Greenhouses and truck gardens which are incidental to the residential use and conducted on a non-commercial basis only provided that no greenhouse heating plant shall be located within sixty (60) feet of any property line.

Home occupations such as home cooking and limited professional offices as defined in Article X, Section 107 of this ordinance.

(10/2/95) Horses on property of five (5) acres or more with conditional use permit.

Manufactured home parks (Class A manufactured homes only), subject to the provisions of Article VIII, Section 83.

Public safety facilities such as fire and police stations, rescue headquarters, ambulance service, and civil defense centers, provided that all vehicles are stored indoors.

Public works and public utility facilities such as transformer stations, transmission lines, pumping stations, water towers, and telephone exchanges, provided:

- a. Such facilities are essential to the service of the immediate area.
- b. No vehicles or materials shall be stored on the premises, and no offices shall be permitted.

- c. All buildings shall be set back at least twenty (20) feet from all property lines and shall be designed and landscaped in such a way as to blend in with surrounding area.
- d. All dangerous apparatus shall be enclosed by a chain-link fence at least eight (8) feet in height.

Rural Home occupations such as back yard activities limited by the provisions of Article X, Section 108 of this ordinance.

Signs:

- a. One (1) professional or announcement sign per lot for home occupations and rural home occupations. Such signs shall not exceed three (3) square feet in area.
- b. Signs pertaining only to the lease, rent, or sale of the property upon which displayed. Such signs shall not exceed six (6) square feet in area exposed to view. No such sign shall be illuminated.
- c. Church bulletin board or sign not exceeding twelve (12) square feet for the purpose of displaying the name of the institution and other related information. Such signs shall be set back at least twenty (20) feet from the street right-of-way line.

(9/13/99) Towers, commercial wireless communications with conditional use permit in compliance with Sec. 114.

Accessory buildings or structures, provided such shall not be less than ten (10) feet from any property line, and further provided, that in the case of corner lots, such buildings or structures shall be set back at least twenty-five (25) feet from any side street right-of-way lines.

ARTICLE VII – AREA, YARD AND HEIGHT REQUIREMENTS

Section 75. Area, Yard and Height Requirements

(Each permitted use shall conform to the dimensional requirements of the district in which it is located.)

DISTRICTS		MINIMUM LOT SIZE		MINIMUM YARD REQUIREMENTS			MAXIMUM HEIGHT In Feet
		Square feet per Dwelling unit	Lot Width In feet	Front Yard Setback	Side Yard In Feet	Rear Lot In Feet	
R-20 07/06/93	Residential	20,000	100(a)	50	15 (c)	40	35
	Single-Family	15,000 (b)	90(b)	50	15 (c)	40	35
	Two-Family	15,000	110(a)	50	15 (c)	40	35
	Waterfront Lots	(h)	(h)	30	15	11 PEC Property Line	
R-A	Residential-						
	Agricultural						
	Single-Family	20,000(a)	100(a)	50	15 (c)	40	35
	Two-Family	15,000	110	50	15 (c)	40	35
R-10	Residential						
	Single-Family	10,000	75	40	12 (c)	30	35
	Two-Family	7,500	85	40	12 (c)	30	35
R-8	Residential						
	Single-Family	8,000	70	35	10 (c)	25	35
	Two-Family	6,000	80	35	10 (c)	25	35
R-8A	Residential						
	Single-Family	8,000	70	35	10 (c)	25	35
	Two-Family	4,000	80	35	10 (c)	25	35
	Multi-Family	3,000	85	35	10 (c)(i)	30	50
	Business:						
N-B	Neighborhood			30(d)	10(a)	20(e)	35
H-B	Highway			40(d)	20(e)	20(e)	35
C-B	Central			None	(e) (g)	(e) (g)	None
G-B	General			30(d)	10(e)	(e) (g)	50
	Industrial						
M-1	Light			50(d)	(e) (g)	(e) (g)	No maximum height
M-2	Heavy			50(d)	(e) (g)	(e) (g)	No maximum height

- (a) Minimum lot size when neither public water nor public sewer is provided.
- (b) Minimum lot size when either public water or public sewer is provided.
- (c) Corner lots must have an additional ten (10) feet along the side street line. Accessory buildings in the rear must comply with the requirement. Two-family dwellings to be constructed in the R-20 and R-10 Residential Districts shall be allowed only on corner lots with entrances facing different streets.
- (d) May be used for parking except in case of M-2 Heavy Industrial District, where it must be landscaped.
- (e) Upon any side or rear lot line which abuts a residential district, there shall be a buffer strip as specified in Section 41.4 of this ordinance. No such buffer shall, however, extend nearer to a street right-of-way line than the established building line of the adjoining lot, and no buffer shall be required upon any side or rear yard which abuts a public street.
- (f) No building shall be less than fifty (50) feet from any street right-of-way line.
- (g) Where a lot abuts any residential district, there shall be a side or rear yard clearance of at least thirty (30) feet.
- (h) Same as other in R-20 unless covered by Sec. 110 of this Ordinance.
- (i) Where multi-family structures are located on a single lot with no side yard boundary identified by deed, residential structures must be separated a minimum of 20 ft.
- (j) (9/12/05) Where the Progress Energy high water mark (the 284.11 feet U.S. Geological survey contour line or applied adjustments) is a side yard property boundary line, the setback for that portion of the boundary shall be eleven (11) feet.

ARTICLE VIII

MOBILE HOME REGULATIONS

Section 80. Regulations Governing Manufactured Homes

These regulations shall govern the establishment of each and every new manufactured home coming into the planning area of Norwood, as well as manufactured home parks, and any addition or expansion of existing manufactured home parks within the Norwood Planning Area.

Section 81. Requirements of Individual Manufactured Homes

When a manufactured home is sited within the Norwood Planning Area for the first time, or when a manufactured home is moved from one site to another in the Norwood Planning Area, no person shall occupy such home for residential purpose until a certificate of compliance and occupancy has been obtained from the Enforcement Officer, (10/7/96) or his designee.

- A. Individual manufactured homes located within the zoning areas of Norwood shall meet the minimum lot and yard requirements of the Health Department in regulating the distance between wells and septic tanks.
1. Lots shall have an area of at least twenty thousand (20,000) square feet where an individual water supply and sewerage disposal system are maintained. Separation distance between well and sewerage disposal system will be determined by the Health Department.
 2. All lots shall have a minimum mean depth of not less than one hundred and ten (110) feet. Greater depth is required when:
 - (a) A lot is served by public or community water but not public or community sewer. In such case, the mean lot depth shall be not less than one hundred and twenty (120) feet.
 - (b) A lot is not served by public or community water or public or community sewer. In such case, the mean lot depth shall be not less than one hundred and fifty (150) feet.
 3. The minimum setback from property lines shall be as follows:

(4/7/97)

 - (a) From the front property line, fifty (50) feet.

- (b) From the side property line, fifteen (15) feet.
 - (c) From the rear property line, forty (40) feet.
- B. Individual manufactured homes shall be put on a permanent foundation and properly tied down as set forth under this ordinance.
- C. Written notification from the Health Officer that a sewage disposal system complying with its rules has been installed on the site.
- D. Written notification from the Health Officer that a source of water for domestic use complying with its rules or the State Department of Water and Air Resources is available to the manufactured home as sited.
- E. Written notification from the Stanly County Building Inspector that yard, lot requirements as well as anchorage and tie downs complying with the North Carolina Uniform Residential Building Codes have been installed.
- F. Written notification from the County Building Inspector that electrical service complying with the National Electrical Code has been provided to the manufactured home and that a connection of at least 100 amperes has been provided. However, no electrical power shall be turned on until this section of this ordinance has been completely satisfied in the regulating of individual manufactured homes on individual lots.

Section 82. Individual Manufactured Home Temporary Permit

In any residential district, (1) manufactured home may be permitted in a rear yard as an accessory use on a temporary basis, provided the Norwood Board of Adjustment shall make a finding that a personal hardship situation justifying such a special exception exists. Such hardship shall involve the need to care for elderly parents or other dependents of the family occupying the principal building. Reasons justifying separate quarters shall be incompatibility, contagious disease, illness, or lack of adequate space within the principal building. Temporary use permits may be issued in such cases for six (6) months, but may be renewed for successive six-month periods so long as the hardship continues to exist. Application for renewal of a temporary use permit shall be made thirty (30) days prior to the expiration of said permit. All applications shall be made to the (10/7/96) *Zoning Enforcement Officer or his designee* and, in turn, shall be reviewed by the Board of Adjustment to determine relative need. All such

manufactured homes must have access to water and sewer systems approved by Norwood or the Stanly County Health Department if location is beyond the corporate limits.

82.1 Individual manufactured home or prefabricated units may be used for such purposes as temporary offices or security quarters in any commercial or industrial district on a temporary basis. Temporary permits may be issued in such cases for six (6) months, but may be renewed for successive six-month periods within reason. This provision shall not apply to mobile schoolrooms or health units.

Section 83. Requirements for Manufactured Home Parks

The purpose of the regulations expressed herein is to guide and regulate the development of Manufactured Home Parks within the Town of Norwood and its extraterritorial jurisdiction in order to preserve the public health, safety and welfare, and to require preparation and approval of a plan whenever a Manufactured Home Park is created or expanded. Specifically, these regulations are designed to provide for an adequately planned street system; to avoid overcrowding of the land and extreme concentration of population; to secure safety from fire, panic and other dangers; to provide for adequate water and sewage systems; to insure against erosion, water and flood damage; to facilitate an orderly system for the design, layout, use of land. In order to achieve these goals, the Town of Norwood shall not approve any Manufactured Home Park where it has been determined through a proper investigation that such a development will include or cause excessive flooding, poor drainage, soil slippage, inadequate soil conditions or other potentially dangerous, unhealthy conditions. The following uses are permitted with conditions:

Manufactured Home Parks

83.1 Manufactured Home Parks with site plan approval by the Norwood Planning Board. A fee as specified by the Town shall accompany each Manufactured Home Park application. This fee shall be in addition to any other applicable fees, such as the fee for a rezoning application.

- A) The Planning Board shall consider a site plan and application only after a completed application has been submitted to the Zoning Officer. (Note: Prior to any submission of the site plan and application, and prior to any disturbance of any land or vegetation, it is recommended that the applicant consult with the Zoning Officer in order for the applicant to be briefed on the requirements of this Ordinance and that consideration be given to natural features of the site.) Prior to the formal submission of the site plan and application, the applicant is encouraged to submit a preliminary sketch plan for review by the Planning and Zoning Department.

The formal site plan and application shall, as a minimum, include the following items:

1. The name of the Manufactured Home Park, the names and addresses of the owner(s) and the designer of the park, date, approximate north arrow, and scale, and the boundary line survey of the tract with accurate linear and angular dimensions drawn to scale by a professional surveyor or engineer.
2. The locations of existing and platted property lines, streets, buildings, water courses, railroads, bridges, known grave site areas, water mains, sewers, culverts, drainpipes and any utility easements, both on the land to be developed as a Manufactured Home Park within 200 feet of land immediately adjoining the proposed Manufactured Home Park.
3. The names, proposed location and approximate dimensions of proposed streets, entrances, exits, walkways, easements, recreation areas, parking areas, parks and other spaces, reservations, manufactured home spaces (with area calculations shown) and building lines (with setback distances shown). See Section 83.2(c)(5) for staking requirements where individual septic tanks will be used.
4. Plans of proposed utility layouts (sewer lines, water lines, hydrants, storm drainage, etc.) showing feasible connections to existing and proposed utility systems; plans for electric lighting; and the location and number of trash dumpsters and mail boxes.
5. Proposed screening, including walls, fences or planting areas as well as treatment of any existing natural features.
6. Delineation of areas within the regulatory flood plain as shown on the official Flood Hazard Boundary Maps.
7. Proposed number and location of signs including both park identification signs and space identification numbers.

8. Proposed phasing, if any, and approximately completion time of the project.
 9. Topographic lines at intervals of no greater than two (2) feet, unless the Zoning Officer in writing approves a greater interval.
 10. The above items (1) through (9) shall be submitted on a plan drawn to a scale of one (1) inch equals fifty (50) feet or one (1) inch equals one hundred (100) feet on sheet(s) not exceeding twenty-four (24) inches by thirty-six (36) inches. Ten (10) complete copies of the application plus fifteen (15) copies of the scaled site plan shall be submitted. In addition, one reproducible copy shall be submitted. The Zoning Officer may require additional copies if outside agency review is deemed appropriate.
 11. A management plan describing at a minimum how the common facilities will be maintained and how the park will be maintained in accordance with Section AA of this Ordinance.
 12. Sedimentation control plan information in accordance with State regulations.
- B) All completed applications for a Manufactured Home Park shall be submitted to the Zoning Officer at least thirty (30) days prior to the Planning Board meeting. If individual septic tanks are to be used in the park, the minimum submittal period shall be increased to forty-five (45) days to allow outside agencies additional time for review prior to the meeting. The Zoning Officer shall have an opportunity at the meeting to present any written comments made by outside agencies concerning the proposed park.
- C) The Planning Board shall have a maximum of forty-five (45) days from the date of the meeting to approve, conditionally approve, or deny the proposed plan. Failures to approve, conditionally approve, or deny the proposed plan within the 45 days shall constitute approval unless a written extension from the applicant is granted. Decisions of the Planning Board may be appealed to the Board of Town Commissioners, under Town policy.
- D) When dealing with the application review process, it may be desirable to request additional information in order to evaluate the project and its relationship to the surrounding area. Therefore, the Zoning Officer, and/or Planning Board may request needed additional information as they deem necessary which the applicant should furnish within seven (7) days of the request, or the approval process may be delayed beyond the 45 day limit.
- E) The applicant shall address requirements of the Norwood Zoning Ordinance in obtaining a proper zoning for a Manufactured Home Park. The Planning Board approval of a park plan shall not constitute approval of zoning district changes.

These changes shall be governed under guidelines in the Norwood Zoning Ordinance.

83.2 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 Planning Board may approve other methods and designs to solve unique problems associated with individual developments, on an individual basis. In no case may the Planning Board approve a design of less than the minimum standards herein contained.

A) Occupancy

There must be at least four (4) improved manufactured home spaces at first occupancy. No manufactured home space shall be occupied, nor may a certificate of compliance be issued unless the requirements of this Ordinance have been met. The requirement of a minimum four (4) spaces at first occupancy shall apply only to the first four (4) spaces of a new Manufactured Home Park. In all other situations a Manufactured Home Park may increase in any increments.

B) Minimum Park Area

All Manufactured Home Parks shall have a gross land area of at least ten (10) acres outside of any street right-of-way. Park additions shall have at least 10 acres in gross area (including old and new) for any expansions. If a public or approved community sanitary sewer system is provided, there shall be no more than (9/9/96) four (4) manufactured homes per acre, otherwise the number of units shall be determined by the Planning Board.

C) Space Sizes and Staking

All manufactured homes with the park shall be located in designated manufactured home spaces. Minimum space sizes shall be as follows:

1. Where a well and septic tank are on the same space – Twenty thousand (20,000) square feet.
2. Where one of either public or a state regulated and monitored community water service, or public or state regulated and monitored community sewer service are provided to each space, a minimum of fifteen thousand (15,000) square feet shall be required.
3. Where both public or state regulated and monitored community water and sewer services are provided to each space – Ten thousand (10,000) square feet.

4. The above space sizes are to be deemed the minimum size requirements and may be increased by the Planning Board due to requirements for placement of well and septic tank systems (such as soil conditions and separation distances), the topography of the land 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. Where individual septic tanks are used, each manufactured home space shall have all corners marked during the application review and construction phase of the project. Failure to do so will slow the review process.

D) Availability of Land for Spaces

Each manufactured home space shall be located on ground not located within the one hundred (100) year flood plan as established by maps published by the Federal Emergency Management Agency. No manufactured home shall be placed on land having excessive slope (1:1) 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.

E) 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 setback line.

F) 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 on a one to one basis to meet one of the buffering requirements in Section 41.7. 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.

2. All manufactured homes within a Manufactured Home Park shall be located no closer than twenty (20) feet from each other.

G) Location of Accessory Structures and Common Structures

Accessory structures belonging to a particular manufactured home shall be located only on the lot containing that manufactured home. All such structures shall be (1) residential in character; (2) located only in the side or rear yards; (3) no closer than five (5) feet from the Manufactured home space boundary and no closer than ten (10) feet from any Manufactured home on another space within the park. However, for detached 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.

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, 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 and public phones may be located in the Manufactured Home Park. All vending machines and public phones must be located indoors or, if outdoors, under a covered surface adjacent to a common building (i.e., administrative office) or facility (i.e., community pool). Vending machines or phones of any type on individual Manufactured home spaces shall be prohibited. No retail establishments (other than customary home occupations) may be allowed within the Manufactured Home Park.

H) Manufactured Home Standards

No manufactured home shall be placed in a Manufactured Home Park unless it is a Class A unit.

I) Stand, Underpinning and Tiedown

The location of each manufactured home stand must be at an elevation, distance and angle in relation to the adjacent access drive so that placement and removal of the manufactured home is practical by means of customary moving equipment. All manufactured homes shall have continuous brick, cinder block, concrete block, stucco, stone, or other masonry-type underpinning or other non-reflective skirting specifically manufactured for manufactured homes, or pressure treated wood (except plain standard-surface, pressure treated plywood shall not be considered acceptable), unpierced except for required ventilation and an access door. Such underpinning or skirting shall be installed under all elements of the manufactured home. Each manufactured home in the park shall conform to North Carolina Department of Insurance Standards for tie-down requirements.

J) Steps and Patios

All manufactured homes within the park shall have steps that comply with the NC Building Codes. All manufactured home spaces shall contain a patio. The patio shall be constructed of four (4) inch thick concrete and shall be at least thirty-five (35) square feet in area and shall be located at the front entrance to each manufactured home. In lieu of a patio, a deck that is at least thirty-five (35) square feet may be permitted. Other entrance must comply with 41-32(8).

K) Space Numbers

Each manufactured home space shall have a space number assigned by the Norwood Director of Field Operations or designee. Such space number shall use numerals at least four (4) inches in height and shall be of a color that contrasts with the background material on which it is placed. The numerals shall be placed on the side of the manufactured home which lies in closest proximity to the manufactured home space's point of ingress and egress with the interior road.

L) Public Road Frontage

All Manufactured Home Parks shall abut and have at least fifty (50) feet of frontage on a road maintained by NCDOT. Alternatively, a Manufactured Home Park may be developed on a lot that was recorded at the effective date of this Ordinance which does not abut a NCDOT-maintained street, provided that the park is given access to a NCDOT-maintained street by an easement, at least fifty (50) feet in width, for the exclusive use of persons traveling to and from the Manufactured Home Park. Such easement shall be maintained in a condition passable for automobiles, service, and emergency vehicles. This easement may not be extended to provide access to any other lots not having frontage on a NCDOT-maintained street. Said easement shall be paved to a minimum width of twenty (20) feet and shall be maintained by the manufactured park owner in the same manner as any other interior road within the Manufactured Home Park.

M) Ingress and Egress

The number of points of ingress and egress onto a public road in a Manufactured Home Park shall be as follows:

Number of Manufactured Home Spaces	Point of Ingress and Egress
Less than 50	1
50 – 100	2
over 100	2 plus one per 100 spaces over 100 spaces

No two points of ingress and egress onto a public road shall be closer than two hundred (200) feet as measured from their nearest right-of-way.

N) Park Identification Signs

All Manufactured Home Parks shall have one ground-mounted park identification sign at each point of ingress and egress on a public road, provided that only one sign shall be required for any two points of ingress and egress onto the same public road located within three hundred (300) feet of each other. Such signs shall not exceed 32 square feet in sign face area nor be greater than 10 feet in height. Each Manufactured Home Park shall be named, and the name of the park shall be shown on the identification sign. The sign shall show the park name in letters at least three inches in height and the address in numerals at least five inches in height.

O) Interior Streets, Drainage, and Markings

No structure within a Manufactured Home Park shall have direct access to a public street. Access to all manufactured homes and accessory structures within the Manufactured Home Park shall be made using internal two-way streets. All internal streets within a Manufactured Home Park shall be privately owned and maintained. All such streets shall be constructed to minimum NCDOT subdivision road standards. Two-way streets shall be paved to a minimum width of twenty (20) feet located within a thirty (30) foot right-of-way. 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 width of less than specified above 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 and all street signs shall be in accordance with the zoning requirements of the Town of Norwood. Upon completion of the construction site, the Town of Norwood will install these signs following the developer submitting any related fees for such signs as specified on the town fee schedule. It shall be the developer's responsibility to maintain these signs including the cost of replacement by the Town. 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.

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);

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 that provide access to three (3) or more manufactured home spaces shall be provided with a permanent turnaround. All such turnarounds shall have a minimum paved surface diameter of seventy (70) feet.

Streets and roads within the Manufactured Home Park shall intersect as nearly as possible at right angles, and no street shall intersect at an angle of less than 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.

P) 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 concrete, 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 be located outside the roadway, shoulder, or drainage ditches. One or more separate common visitor parking areas may be designated within any Manufactured Home Park. Such areas shall be separate from any manufactured home space, roadway, drainage facility, buffer or required open space and recreation areas.

Utility lots designated for the storage of the residents' unoccupied campers or boats may be located within the Manufactured Home Park in designated areas. No vacant manufactured homes shall be stored on said lot(s). All such lots shall

be screened from all manufactured home spaces within the park with a minimum buffer strip as shown in Section 41.7.

Q) 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 fifty-five(55) 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. In lieu of cans and racks, covered roll out trash/garbage containers may be provided. In lieu of requiring individual garbage and trash containers, the Planning Board may approve any other alternate trash removal process.

Only where collection service is not available from municipal or private agencies, the Manufactured Home Park operator shall provide this service. All solid waste shall be collected and transported in covered vehicles or containers and disposed of in accordance with sanitation guidelines.

The owner or operator shall also be responsible for hauling and disposing of said trash in accordance with all Town, County and State regulations. The burning of refuse within the Manufactured Home Park is not permitted.

R) Lighting

Manufactured Home Parks which contain over five (5) manufactured home spaces or contain more than one internal street shall contain street lights throughout the Manufactured Home Park. Such lights shall be located at all internal street intersections, at the intersection of any internal street and a public street and elsewhere in the park at a maximum of three hundred (300) feet intervals.

S) Electric, Telephone and Cable Television Utilities

Each manufactured home space shall have individual electric and telephone service connections provided.

All electric, telephone, cable television and other utility lines shall be placed underground unless unsuitable underground conditions (i.e., 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.

T) Mailboxes

Spaces for mailboxes 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.

U) Administrative Office

One manufactured home may be used solely as an administrative office within the park or an administrative office may be located in a manufactured home that is used as a residence by the resident manager. An administrative office is not required.

V) Water Service

An accessible, adequate, safe and potable supply of water shall be provided in each Manufactured Home Park.

Adequate water supply shall be developed and its supply used exclusively, in accordance with the standards of the State of North Carolina, the Stanly County Health Department and the Town of Norwood. Any water supply must be capable of providing three hundred (300) gallons of water per day per manufactured home space.

Each space shall be provided a minimum three-fourths (3/4)-inch size water service line that complies with the NC Building Codes.

W) Sewage Facilities

a. Adequate and safe sewage disposal facilities shall be provided in all Manufactured Home Parks. Collection systems and sewage treatment plants complying with the requirements of the North Carolina Department of Health and Environment, the County Health Department and the Town of Norwood shall be provided. Individual septic tank systems are permissible in accordance with the requirement of the County Health Department's Sewage Disposal Regulations. There shall be no more than one (1) manufactured home connected to an individual septic tank, unless permitted by the Stanly County Health Department.

Each manufactured home space shall be provided with at least a three (3) inch PVC or ABS, Schedule 40 or equivalent sewer riser.

The sewer riser pipe shall be located on each space so that the sewer connection is located a distance of at least one hundred (100) feet or greater from any ground water supply.

All material used for sewer connections shall be semi-rigid, corrosion resistant, nonabsorbent, and durable. The inner surface shall be smooth.

A clean-out shall be provided at each space. Surface drainage shall be diverted away from the sewer connection. The sewer connection shall extend at least four (4) inches above ground elevation.

- b. Community sewage disposal systems (commonly referred to as package plants), as permitted by the State of North Carolina, shall be an acceptable method of disposal of residential sewage for Manufactured Home Parks within the jurisdiction of this Ordinance. The following information must be submitted when a sewage package plant is proposed.

The developer shall indicate on the plans that a sewage package plant is being proposed for the Manufactured Home Park, and show on the preliminary plan the following:

- 1. Size and location of the package treatment plant.
 - 2. All proposed sewer lines, including:
 - location and line size of gravity lines
 - location and line size of force mains
 - location and size of pump stations
 - 3. Location of discharge point into surface water stream.
 - 4. All associated easements and rights-of-way.
- c. The developer shall provide a copy of the State Permit Application to the Zoning Officer and the County Health Department at the time of application.
 - d. The developer shall submit, at the time the application for a permit is submitted to the State, the following information:

1. Name of owner and licensed operator of the plant and name of the licensed firm that will operate the package plant, if different from the owner.
2. Amount of liability insurance required for operation of the system.
3. Name of owner and responsible party for the package plant.
4. Other pertinent information.

e. The developer shall submit the following, upon completion:

1. A set of as-built plans and drawings certified by the project engineer for the package treatment plant and all sewer lines, pump stations and other devices used in the sewer system.
2. Operation and maintenance agreements for:
 - the package treatment plant
 - the sewer lines and other devices which are a part of the sewer system
3. Copy of the executed and notarized agreement(s) for the ownership and maintenance of the package plant and sewer lines.
4. Copy of insurance liability riders, required by the State, pertaining to the operation of the package plant.
5. Copy of the approved State Permit, along with any and all conditions set forth in the operating permit.
6. Copies of other agreements and information for plans pertaining to the maintenance and operation of the sewer system.

X) Screening

All Manufactured Home Parks shall be screened from all adjoining properties and public streets. Such screening shall be located within the Manufactured Home Park and shall materially screen all structures within the Manufactured Home Park from all adjacent properties and public streets. All manufactured home setbacks shall be measured from the edge of the buffer strip area nearest the

manufactured home, except when a screen indicated in Section 41.7 is used. When such a buffer strip is used, the width of the said buffer strip may be included within the required setback area. All required buffer strip areas shall contain either option listed in Section 41.7.

Required screening shall be installed and maintained in conformance with the standards set forth in Section 41.7 of the Norwood Zoning 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 41.7 of the Norwood Zoning Ordinance.

Y) Interior Landscaping

Landscaping inside the Manufactured Home Park shall be provided at locations within the park as follows:

At least one large or small tree shall be planted and maintained on each manufactured home space within the Manufactured Home Park.

Z) Open Space Areas

Open space areas are required as follows for parks having manufactured home spaces smaller than 20,000 square feet:

- a. None of the following may be counted as an open space area:
 1. Any portion of a manufactured home space;
 2. Any parking areas or any area used as a utility lot as set forth in Section 83.2(P).
 3. Any area designated for street purposes, except that traffic medians and islands designated as special landscape areas may be counted as open space areas; (Refer to Section Z(b)(5));
 4. Any land occupied by a building, swimming pool, tennis court or other structure;
 5. Any minimum screen area required by Section X;
 6. Any area designated for common trash facilities;
 7. Drainage ditches, structures or facilities.
- b. Open space areas may consist of one or more of the following:

1. Screen areas in addition to any minimum screen areas required by this ordinance;
2. Natural wooded areas;
3. Open fields or lawns;
4. Community garden plots;
5. Special landscaped areas containing plant material such as traffic islands, medians and flower gardens;
6. Ponds or perennial streams (the aggregate area of which within any Manufactured Home Park may constitute up to fifty (50) percent of the required open space).

c. The amount of required open space area shall be calculated as follows:

For Each Manufactured Home Space In The Following Space Size Category:	Amount of Area to Be Designated For Open Space:
15,000 to 19,999 square feet	500 square feet
10,000 (or less) to 14,999 square feet	1000 square feet

EXCEPTION: Where the total open space area required for the Manufactured Home Park totals less than 2,000 square feet according to the above formula, no open space area shall be required.

- d. Open space areas shall be well-maintained by the park owner to prevent the overgrowth of plant material and/or other conditions which could create unsafe or unhealthy conditions for park residents or adjoining property owners.
- e. The designated open space area within a Manufactured Home Park may consist of a single area or multiple areas. Except as provided in Section Z(b)(5), any required open space shall consist of a contiguous area of at least two thousand (2,000) square feet.

(AA) 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

that 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 owner 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.

83.3 Operating Permits.

- A. When the developer has completed the construction of the entire park or any phase, he shall make application to Zoning Officer for an Operating Permit Inspection. Any variance from the approved plan shall be noted. The Zoning Officer and representatives of any consulting agencies shall make an on-site inspection to verify the proper installation of the improvements.
 - 1. If the construction conforms to the approved park plan, the Zoning Officer shall issue the developer an Operating Permit.
 - 2. If the construction does not conform to the approved plan, the Zoning Officer shall delay issuance of the Operating Permit until it comes into conformity. The Zoning Officer shall inform the developer in writing of deficiencies in the construction and advise as to actions needed to be in compliance with the approved plan.
- B. The Operating Permit issued to the developer shall constitute authority to lease or rent spaces in the Manufactured Home Park.
- C. When a Manufactured Home Park is to be developed in stages, the proposed park plan may be submitted for the entire development, and application for Operating Permits may be made for each stage of development upon completion.
- D. The County Health Department, Norwood Zoning Officer and/or other County and/or Town personnel designated by the Town Commissioners are hereby authorized and directed to make such inspections as are necessary to determine satisfactory compliance with this Ordinance. It shall be the duty of the owners or occupants of the Manufactured Home Park to give these agencies free access to such premises at reasonable times for the purpose of inspection.

83.4 Enforcement and Appeals

- a. Enforcement of this section shall be regulated through ARTICLE XIII of the Norwood Zoning Ordinance.
- b. A decision of the Zoning Board under this section may be appealed in accordance with Sec. 136, Norwood Zoning Ordinance.

83.5 Variances

- a. The Zoning Board may grant variances only when, in its opinion, undue hardship may result from strict compliance. In granting any variance, the Zoning Board shall make the findings required below, taking into account the nature of the proposed Manufactured Home Park, the existing use of land in the vicinity, the number of persons to reside in the proposed Manufactured Home Park and the probable effect of the proposed Manufactured Home Park upon traffic conditions in the vicinity. No variance shall be granted unless the Zoning Board finds:
 1. That there are special circumstances or conditions affecting said property such that the strict application of the provisions of this ordinance would deprive the applicant of the reasonable use of his land.
 2. That the variance is necessary for the preservation and enjoyment of a substantial property right of the petitioner.
 3. That the circumstances giving rise to the need for the variance are peculiar to the parcel and are not generally characteristic of other parcels in the jurisdiction of this ordinance.
 4. That the granting of the variance will not be detrimental to the public welfare or injurious to other property in the territory in which said property is situated.

ARTICLE IX

APPLICATION OF REGULATIONS

Except as hereinafter provided:

Section 90. Use

No building or land shall hereafter be used or occupied and no building or structure or part thereof shall be erected, moved or structurally altered except in conformity with the regulations of this ordinance, or amendments thereto, for the district in which it is located.

Section 91. Height and Density

No building shall hereafter be erected or altered so as to exceed the height limit, or to exceed the density regulations of this ordinance for the district in which it is located.

Section 92. Lot Size

No lot, even though it may consist of one or more adjacent lots of record, shall be reduced in size so that the lot width or depth of the front, side or rear yards, or the lot area per family or other requirements of this ordinance are not maintained. This prohibition shall not be construed to prevent the condemnation of narrow strips of land for public utilities or street or sidewalk right-of-way purpose.

Section 93. Yard Use Limitations

No part of a yard or other open space required about any building for the purpose of complying with the provisions of this ordinance shall be included as a part of a yard or other open space similarly required for another building.

Section 94. Only One Principal Building on Any Lot

Only one (1) principal building and its customary accessory buildings may hereafter be erected on any residential lot, nor shall any building be erected on any lot which does not abut at least twenty-five (25) feet on a publicly dedicated or maintained street. As an exception to this requirement, single lots in R-8A (multi family residential) zoning districts, where three or more individual dwelling units are contained in one building, a lot may contain more than one principle building as long as the lot remains in single ownership, the buildings comply with requirements in Sec. 75 and other zoning requirements that may be applicable.

94.1 (10/2/98) ---. *In residential areas, one accessory building and one structure (such as a swimming pool) are allowed (but not including a detached garage). Any others must be authorized by a conditional use permit. The size of accessory buildings shall not be greater in size than 40% (3/6/00) of the principle building. In business areas, only one accessory building is allowed. Any additional accessory buildings or increase in size*

must be authorized by a conditional use permit. Accessory buildings or structures must be no closer than ten (10) feet to any other building or structure unless authorized to be closer by a conditional use permit.

94.2 In business zoned districts (NB, CB, GB, HB) and manufacturing districts (M-1 & M-2), unified buildings and/or groups of building are authorized on a single lot after review by the Planning Board and upon approval of the Zoning Board and granting a conditional use permit. Applicants for unified and group buildings must submit a development plan, at a scale of not less than one inch (1") to one hundred feet (100'), containing the following information:

- a. Location and dimensions of the proposed site, and showing adjacent lots, streets, and buffer zones.
- b. Locations and proposed use of all buildings, with dimensions and ground area thereof.
- c. Parking area with spaces, traffic circulations (to include access to and from public highways/streets) and ratios for which parking sites are allocated.
- d. Service area, off street loading facilities, service drives and dimensions thereof.
- e. All pedestrian ways and canopies.
- f. Sign plans for the site and buildings.
- g. Title, giving the names of the developers, scale of the plan, and the person or firm preparing the plan.

Section 95. Fence and Hedge Limitations

Fences consisting of either masonry, rock, wire or wooden material and hedges may be installed on the boundaries of any residential lot, except that the height of such fencing or screening shall

be limited to a maximum height of three (3) feet between the street right-of-way line and the normal building line for that section adjacent to the street. A four ft. (4') fence, providing 80% visibility or more may be installed with written prior approval by the Zoning Enforcement Officer or his designee in lieu of the three ft. (3') restriction. Fencing and hedges on all other boundaries of residential property shall be limited to a maximum of eight (8) feet in height, except as otherwise specifically stipulated herein.

(5/4/98) Where sidewalks are located, fencing and hedges must be a minimum of two feet (2') (lot side) behind the sidewalk. For corner lots, see section 113.

(10/2/98) Section 96. Combining Lots

Only lots with a contiguous border may be combined to form a larger lot. Those lots separated by a public or dedicated road, alley, or any other obstruction that prevents contact of the lots cannot be combined.

Section 97. Adequate Public Facilities Standards

To ensure public health, safety and welfare, the Planning Board shall review each subdivision, multi-family development, and manufactured home park to determine if public facilities are adequate to serve that development.

The public facilities to be considered include, but are not limited to, schools, water, sewer, fire and rescue, law enforcement and other city/county facilities. Applicable state standards and guidelines shall be followed for determining whether facilities are adequate. Facilities must be in place or programmed to be in place within two years of the preliminary approval to be considered adequate. The Planning Board may grant or recommend partial approval of developments based on limited adequacy.

All residential subdivisions, multi-family residences, and mobile home parks shall comply with the standards as required by the Stanly County Adequate Facilities Ordinance as amended from time to time.

Appeals, to this section only, shall be made within 30 days to the Stanly County Board of County Commissioners.

ARTICLE X

GENERAL PROVISIONS

Section 101. Non-Conforming Uses

Any building, structure or use of land existing at the time of the enactment of this ordinance or any amendment hereto, used for a purpose not permitted in the zoning district in which it is located shall be considered a non-conforming use. However:

- 101.1 An existing non-conforming use may not be changed to another non-conforming use.
- 101.2 When a non-conforming use has been changed to a conforming use it shall not thereafter be used for any non-conforming use.
- 101.3 A non-conforming use may not be extended or enlarged, nor shall a non-conforming structure be altered except as follows:
 - 101.31 Structural alterations as required by law or ordinance ordered by the Building Inspector to secure the safety of the structure are permissible.
 - 101.32 Maintenance and repair necessary to keep a non-conforming structure in sound condition are permissible.
 - 101.33 Existing non-conforming residential structures in business or industrial districts may be enlarged, extended or structurally altered, provided that no additional dwelling units result therefrom. However, any such enlargement, extension, or alteration shall comply with the dimensional requirements of the State Building Code.

- 101.4 *(9/25/00) A non-conforming use may not be reestablished after discontinued use of one year, except that single family residential structures may be re-established within a two year period after discontinuance and manufactured homes within one year after discontinuance as a result of acts of God, natural disasters, accidents, or criminal acts as determined by the Norwood Zoning Board of Adjustment. A conditional use permit is required, as set forth in Article XIII, Section 135.2 of the Norwood Zoning Ordinance. That calls for a public hearing before the Zoning Board of Adjustment. No other general type of replacement, upgrading, or expansion of a non-conforming structure shall be allowed under this subsection.*
- 101.5 Non-conforming uses may not be rebuilt, altered or repaired after damage exceeding sixty percent (60%) of their fair market value immediately prior to damage.
- 101.6 Non-conforming signs will be allowed to remain for a period of three (3) years after the adoption of this ordinance if kept in good repair, after which time all signs shall conform to the regulations of this ordinance.
- 101.7 The outdoor storage of *(4/5/94) one (1)* or more wrecked or broken-down vehicles shall be eliminated not later than two (2) years after the date of adoption of this ordinance except in junk yards as defined in 41.16 subsection of this ordinance.
- 101.8 *(Adopted 5/7/01)* The use of or storage of furniture that is obviously designed for interior use (such as upholstered and/or overstuffed furniture, beds, mattresses, etc.) shall not be allowed on an open porch, veranda, portico, or in yards. Existing conditions of this nature shall be eliminated within 120 days after the adoption of this ordinance. Any person violating this ordinance shall be subject to penalties under Sec. 124 of this ordinance.
- 101.9 Nonconforming manufactured homes located in nonconforming manufactured home parks *or* on individual lots shall comply with the following applicable regulations:
- 101.91 Manufactured home parks whether or not approved under the Norwood Zoning Ordinance, shall comply with the following criteria for *replacement of* any manufactured home in the park from the date of this ordinance:
- a) All roadways shall be properly graded, maintained and street graveled to a minimum 19-foot in width per NCDOT design and construction standards. Roadways shall be construed to include the travel-way from the state maintained road right-of-way to the manufactured home site required parking area.
 - b) Replacement manufactured homes shall meet the requirements for Class A as defined in this ordinance unless the existing unit

qualifies as a Class A manufactured home in which a Class A manufactured home shall be its only replacement.

- c) Setbacks are as follows: 50' from the front, rear and side to the adjoining property lines or park boundaries, 30' from any interior roadway and a 20' separation from each individual manufactured home and/or accessory buildings not serving the individual manufactured home. Accessory buildings shall not be larger than 12'x12'. Current Manufactured homes can be replaced within the same footprint within six months from the date of removal.
- d) Two 10'x20' parking spaces street graveled with not less than two inches of crushed stone or other suitable material on a well-compacted sub-base shall be provided at each manufactured home space. Spaces may be side by side, tangential, or placed otherwise within the manufactured home space adjacent to the park driveway.
- e) All required driveways, cul-de-sacs, and parking areas shall be paved either with concrete or asphalt, or street graveled maintained free of vegetation, potholes, gullies, poor drainage areas or other impediments to normal vehicular operation. Stone used for sub-surfacing of parking areas shall be #7ABC grade or smaller, and shall be further subject to approval and periodic inspection by the Zoning Enforcement Officer or Inspector.
- f) Each replacement manufactured home shall be provided with a minimum 5' x 7' concrete pad and steps or a minimum 5' x 7' porch or deck and steps constructed to building code standards at front entrance to the manufactured home.
- g) Prior to inspection and/or occupancy of any manufactured home, a park name and address sign shall be provided at the main entrance, which shall be clearly visible from the publicly maintained road. The sign shall show the park name in letters at least three inches in height and the address in numerals at least five inches in height. Each manufactured home space will be assigned a sequential number throughout the park. Prior to inspection and/or occupancy of any home, the approved lot number must be clearly displayed on the front of the manufactured home or adjacent thereto, so as to be legible from the park drive. Space numbers shall be a minimum of four inches in height.
- h) Existing Manufactured Home Parks are giving varying amounts of time to comply with certain Manufactured Home Park standards contained in this Ordinance. The following schedule shows the Manufactured Home Park standards to which compliance is

required by existing Manufactured Home Parks. An existing park will be in violation of this Ordinance if the individual specifications of this Section are not complied within accordance with the time period given below.

Provision	Compliance Period (length of time to bring into conformance)
Tiedowns (Per Section 83.2(I))	Six Months
Space Numbers (Per Section 83.2(K))	One Year
Park Identification Sign (Per Section 83.1(2)(N))	One Year
Street gravel (per Section 83.2)	Six Months
Park Maintenance (Per Section 83.2(AA))	Three Months
Trash Facilities (Per Section 83.2(Q))	Six Months
Steps (Per Section 83.2(J))	One Year
Drainage Improvements (Per Section 83.2(O))	Two Years
Underpinning (Per Section 83.2(I))	One Year

101.92 Nonconforming manufactured homes located on *individual lots* shall comply with the following criteria in order for replacement of a manufactured home unless replaced within 90 days under the same ownership following removal or destruction of the existing unit. *NOTE: If the nonconforming manufactured home is not replaced within the 90 days, the replacement structure shall meet the regulations of the underlying zoning district. This shall be construed to mean that a site built or modular home may be required as a replacement structure.*

- 1) The replacement manufactured home shall meet all requirements for a Class A as defined in this ordinance. In no case shall the existing manufactured home be replaced with a lower class manufactured home as defined in this ordinance.
- 2) The replacement manufactured home and any accessory structures shall comply with the zoning setbacks as required in the underlying zoning district.

Section 102. Advertising Signs, Business and Identification Signs

All advertising signs and business and identification signs require prior approval by the Zoning Enforcement Officer or his designee and shall comply with the following regulations. Zoning compliance permits are required except as may be listed herein.

102.1 Location. No advertising sign or business and identification sign or structure shall be erected, constructed or maintained so as to interfere with vision clearance of vehicle traffic arteries, nor shall any sign or structure be located within the street, road, or highway right-of-way. All such signs must be located totally behind the street right-of-way and/or any sidewalks.

102.2 Size

a. Advertising Signs

- (1) Free standing signs not exceeding 24 sq. ft. and limited to 8 ft. high from the ground immediately under the sign. Must be located behind the right-of-way line unless properly licensed by NCDOT to be inside the right-of-way. Permission letter required from property owner.
- (2) Advertising signs must be located a minimum of 500 ft. from any residence on the same side of the street.
- (3) Advertising signs permitted in Residential-Agricultural (R-A) and Highway Business (H-B) zoned districts only.

b. Business and Identification Signs

- (1) No detached business and identification sign shall exceed forty (40) square feet.
- (2) No detached business and identification sign or structure shall exceed seventeen (17) feet in height except in the Central Business District where total height is limited to six (6) feet including base, mount or frame.
- (3) No detached business and identification pole mounted sign shall be less than eight (8) feet above the ground, street or sidewalk level except in the Central Business district where pole signs are not permitted.
- (4) No attached sign shall be less than eight (8) feet above the ground, street or sidewalk level.
- (5) Where buildings are set back and a free-standing sign is placed in the front yard, only one other identification sign is permitted unless on a corner lot abutting a street or sidewalk, a second building mounted sign, not to exceed forty (40) square feet, is permitted.

102.3 Setbacks.

- a. Where detached signs are permitted, no such sign shall be located less than two (2) feet behind (lot side) the right-of-way line or an existing sidewalk.

- b. That triangle bounded by the right-of-way lines measured 35 feet from the point of their intersection in each connecting the further ends of such 35 foot lengths with a straight line.
- c. The NCDOT standard 10 feet x 70 feet sight distance triangle.

102.4 Illumination. No flashing, intermittent, red, green or yellow illumination shall be used on any sign or structure located in the same line of vision as a traffic control signal. All illuminated signs or structures shall be so placed as to prevent the light rays or illumination therefrom being cast upon residential dwellings. All signs or structures with flashing or intermittent lights shall be located at least two hundred sixty (260) feet from residential district boundaries.

102.5 Maintenance. All sign structures, together with any supports, braces, guys and anchors shall be kept in repair and in safe state of preservation. All signs erected to serve a temporary purpose shall be removed within thirty (30) days from the date the purpose ceased to exist unless otherwise stated herein.

102.6 Sign Amortization. All non-conforming free-standing signs must be removed and/or replaced by January 1, 2015 of the effective date of this section of the Ordinance.

102.7 Nonconforming Signs

- a. Except as herein provided, nonconforming signs that were otherwise lawful on the effective date of this Ordinance may be continued for five-and-one-half years.
- b. 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.
- c. 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 that is in conformance with the terms of this Ordinance.
- d. Minor repairs and maintenance of nonconforming signs necessary to keep a nonconforming sign for a particular use in sound condition are permitted so long as the nonconformity is not in any means increased.
- e. 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 fifty percent (50%) of the sign's value immediately prior to the sign having received said damage.

- f. 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.
- g. If a nonconforming on-premises sign that advertises a business, service, commodity, accommodation, attraction or other enterprise activity has for a period of at least one-hundred eighty (180) days not been operated, conducted or offered, that sign shall be deemed abandoned and shall be removed from the property or brought into compliance by the sign owner, property owner, or other party having control over such sign within thirty (30) days after the one-hundred eighty (180) day period has expired.

Notwithstanding the above, if there is a change of name of business on a particular piece of property, and there were one or more on-premise nonconforming signs which advertised the former business or use, any new signs used, and all new sign faces for the new use or business, must meet all sign requirements for the underlying zoning district.

- h. If a nonconforming sign remains blank for a continuous period of one hundred eighty (180) days, 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:
 - 1. It depicts a business, service, commodity, accommodations, attraction, or other enterprise or activity that is no longer operating or being offered or conducted; or
 - 2. The message it displays becomes illegible in whole or substantial part; or
 - 3. It does not contain an advertising or identification 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.)

102.8

Signs Not Requiring Permits

The following types of signs are exempt from permit requirements of this Ordinance and may be placed in any zoning district subject to the provisions of this Ordinance. Such signs shall otherwise be in conformance with all applicable requirements contained in this Ordinance. All such signs (except government signs) shall be located outside a road right-of-way.

- a. Government signs and logo signs.

- b. Memorial signs, plaques or grave markers that are noncommercial in nature.
- c. Flags, pennants, insignia, or religious symbols of any government, non-profit or not-for-profit organization when displayed in connection with a commercial promotion. Flags may be permitted as an advertising device provided they do not exceed thirty-two (32) square feet.
- 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. No signs may be placed on utility poles.
- f. On-premise directional and instructional signs not exceeding six (6) square feet in area apiece.
- g. Incidental signs, however, in no case shall a drive-in menu board be oriented to a public right-of-way or exceed thirty-two (32) square feet in area. Any such drive-in window menu board containing a loud speaker shall be located at least fifty (50) feet from any pre-existing residential unit located in a residential district.
- h. Campaign and election signs provided that:
 1. Each sign shall not exceed thirty-two (32) square feet in area.
 2. All such signs shall be removed within three (3) days after the election for which they were made.
- i. Temporary real estate signs advertising a specific property for sale, lease, rent or development. Such signs shall not exceed thirty-two square feet in area.
- j. Temporary construction signs provided that:
 1. Signs in conjunction with any residential use shall not exceed ten (10) square feet each.
 2. Signs in conjunction with all other uses shall have a maximum area of forty (40) 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 and shall be removed within seven (7) days after a completion of the project.
- k. Temporary special signs for religious, charitable, civic, fraternal or similar non-profit or not-for-profit organizations provided that:
 1. Signs shall be on premises and erected no sooner than fourteen (14) days prior and removed no later than two (2) days after the event
 2. No such sign shall exceed thirty-two (32) square feet.
 3. No such sign shall be illuminated.
 - l. Directional signs for public uses only.
 - m. Bulletin boards and signs which contain information of a non-commercial nature. Such bulletin boards and signs may have a maximum area of forty-two (42) square feet.
 - n. Historic plaques provided they do not exceed four (4) square feet in area.

102.9

Administration

The Zoning Enforcement Officer (10/7/96) or his designee shall refuse a permit for the erection or construction of any sign or structure which does not meet the requirements of this section. The Zoning Enforcement Officer or his designee shall order the removal of any signs that are not constructed or maintained in accordance with the provisions of this section.

102.10

Definitions and Interpretations

“ADVERTISING SIGN”. An outdoor structure or display, pictorial or otherwise, which advertises or directs attention to a business commodity, service or other activity, conducted, sold or offered elsewhere than on the premises on which the said sign is located.

“BUSINESS OR IDENTIFICATION SIGN”. Any outdoor notice or advertisement, pictorial or otherwise, which directs attention to a business, commodity, service or other activity, conducted, sold or offered on the premises on which said sign is located.

“SIGN, INCIDENTAL”. A sign used in conjunction with 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. However, in no case shall a drive-in menu board be oriented to a public right-of-way or exceed thirty-two (32) square feet in area. Any such drive-in window menu board containing a loud speaker shall be

located at least fifty (50) feet from any pre-existing residential unit located in a residential district.

“SIGN, LOGO”. A sign used by North Carolina Department of Transportation on limited access highways that direct motorists to nearby businesses and services.

“SIGN, PORTABLE”. Any sign not permanently attached to the ground or other permanent structure, including those signs which may be transported to the site on wheels or a truck; signs constructed as or converted to an A- or T-frame sign; menu and sandwich board signs, hand portable commercial signs up to 3’ x 3’ (2’ wide x 3’ high in Central Business and may be brought out at the beginning of the business day and taken in at the end of the business day). Such signs shall be placed so they will not impede pedestrian traffic.

“SIGN, ROOF”. A sign erected or maintained in whole or in part upon or over the roof or parapet of a building. Not permitted.

“SIGN, 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 place of public assembly.

“SIGN AREA”. Sign area shall be measured by the smallest square, rectangle, triangle, circle, or combination thereof, which will encompass the entire advertising copy area excluding architectural trim and structural embellishments. In computing area, only one (1) side of a double-face 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 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. For this purpose, a marquee is a canopy, but an awning is not.

“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 DIRECTORY”. A sign listing names and/or uses, or locations of more than one business, activity, or professional office conducted within a building, group of buildings, or shopping center. Such signs are typically located near entrances or at strategic locations within the center or complex, and contain no other identifying or advertising messages.

“SIGN, GOVERNMENT”. Any temporary or permanent sign erected and maintained for any government purposes other than signs placed on the premises of publicly owned building, structure or other land use, designed

to identify to the public and land use. Examples of government signs include speed limit signs, city limit signs, street name signs, and traffic signs. Conversely a sign placed on a public building such as library, school or public safety building which identifies said building, shall not be considered a government sign.

“SIGN, POLE”. A detached sign erected and maintained on a freestanding frame, mast or pole and not attached to any building but not including ground-mounted or monument signs. The bottom of such signs shall be greater than eight (8) feet from the ground directly beneath the sign.

“SIGN, MONUMENT”. A nonmetallic sign in which the bottom of the sign is flush with the ground and is obviously something set up to keep alive the memory of a person, event, or a structure surviving from a former period.

“SIGN, GROUND”. A free-standing sign which extends from the ground or is attached directly to the ground generally for the entire length of its bottom sign face dimension or which has a support which places the bottom of the sign less than 12 inches from the ground.

“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, 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 it is placed. Signs directly painted on walls shall be considered wall signs.

Section 103. Special Sign Regulations.

- 103.1 For the purpose of this sign regulation, a shopping center consisting of five (5) or more businesses located in a unified building or group of buildings may have business and/or identification signs as permitted in the zone except that the center as a whole may have one (1) detached sign per street front, over and above the detached signs permitted for the business establishments in the center.
- 103.2 One (1) temporary sign shall be permitted on the site of any construction work bearing the name of the building, the owner, and those furnishing services or materials used on each construction work.
- 103.3 Real estate signs in residential zones advertising the sale, rental, or lease of the premises on which such sign is located shall not exceed four (4) square feet in area and shall be at least ten (10) feet from any street right-of-way line.
- 103.4 (a) A Town shall not prohibit an official governmental flag from being flown or displayed if the official governmental flag is flown or displayed:

- (1) In accordance with the patriotic customs set forth in 4 U.S.C. §§ 5-10, as amended; and
 - (2) Upon private or public property with the consent of either the owner of the property or of any person having lawful control of the property.
- (b) Notwithstanding subsection (a) of this section, for the purpose of protecting the public health, safety, and welfare, reasonable restrictions on flag size, number of flags, location, and height of flagpoles are not prohibited, provided that such restrictions shall not discriminate against any official governmental flag in any manner.
- (c) For purposes of this section, an official governmental flag shall mean any of the following:
- (1) The flag of the United States of America.
 - (2) The flag of nations recognized by the United States of America.
 - (3) The flag of the State of North Carolina.
 - (4) The flag of any state or territory of the United States.
 - (5) The flag of a political subdivision of any state or territory of the United States.
- (G.S. 144-7.1)

Section 104. Off-Street Automobile Parking and Storage

Off-street automobile parking or storage space shall be provided on every lot on which any of the following uses are hereafter established provided that if no parking space can be reasonably provided on the same lot, such space shall be provided on any lot a substantial portion of which is within five hundred (500) feet of such uses. No certificate of occupancy shall be issued unless and until all off-street parking and loading requirements, as shown upon the plans or made part of the building permit shall be in place and ready for use. The required parking spaces for any number of separate uses may be combined in one (1) lot but the required space assigned to one (1) use may not be assigned to another use at the same time, except that one-half (1/2) of the parking spaces required for churches, theaters or assembly halls whose peak attendance will be at night or on Sundays.

Each automobile parking space shall be not less than two hundred (200) square feet in area exclusive of adequate access drives and maneuvering space. Such spaces shall be provided with vehicular access to a street or alley, shall not thereafter be encroached upon or altered, and shall be equal in number to at least the minimum requirements for the specific use set forth below:

USE CLASSIFICATION	PARKING SPACE REQUIREMENT
Automobile sales and repair garage	One (1) space for each two (2) employees at maximum employment on a single shift, plus two (2) spaces for each 300 square feet of repair or maintenance space
Bowling alleys	Two (2) spaces for each lane, plus one (1) additional space for each two (2) employees
Churches and funeral homes	One (1) space for each four (4) seats in the main chapel
Elementary schools and junior high schools, both public and private	One (1) space for each classroom and administrative office
Hospitals	One (1) space for each four (4) patient beds plus one (1) space for each staff or visiting doctors, plus one (1) space for each four (4) employees
Hotels	One (1) space for each two (2) accommodations plus one (1) additional space for each five (5) employees
Motels, tourist homes and tourist courts	One (1) space for each accommodation plus two (2) additional spaces for employees
Libraries	One (1) space for each four (4) seats provided for patron use
Medical offices and clinics	Four (4) spaces for each doctor practicing at the clinic, plus one (1) space for each employee
Multi-family dwellings	Two (2) spaces for each dwelling unit
Residential dwellings single-family and two-family	Two (2) spaces for each dwelling unit
Offices, professional, business, or public, including banks	One (1) space for each 200 square feet of gross floor area
Places of public assembly, including private clubs and lodges, auditoriums, dance halls, pool rooms, theaters, stadiums, gymnasiums, amusement parks, community centers, and all similar places of public assembly	One (1) space for each four (4) seats provided for patron use, plus one (1) space for each 100 square feet of floor or ground area used for amusement or assembly but not containing fixed seats
Rescue squads and armories	Parking space equivalent to three (3) times the floor space in the main building
Restaurants, drive-in	Parking space equivalent to five (5) times the

	floor space in the main building
Restaurants, in-door	One (1) space for each three (3) seating accommodations, plus one (1) space for each two (2) employees on the shift of largest employment
Retail business and consumer service outlets	One (1) space for each 200 square feet of gross floor area
Rooming and boarding houses	One (1) space for each three (3) guest rooms, plus one (1) additional space for the owners
Sanitariums, rest and convalescent homes, homes for the aged, and similar institutions	One (1) space for each four (4) patients beds, plus one (1) space for each staff or visiting doctor, plus one (1) space for each two (2) employees
Senior high schools and colleges, both public and private	One (1) space for each five (5) students for whom the school was designed, plus one (1) space for each employee, each classroom and administrative office
Service stations	Two (2) spaces for each gas pump plus three (3) spaces for each grease rack or similar facility
Shopping centers	Two (2) square feet of parking space for each square foot of gross floor area
Manufactured home parks	Two (2) spaces for each sleeping unit
Wholesaling and industrial uses	One (1) space for each two (2) employees at maximum employment on a single shift

Section 105. Off-street Loading and Unloading Space

Every building or structure used for business, trade or industry hereafter erected shall provide space as indicated herein for the loading and unloading of vehicles off the street or public alley. Such space shall have access to an alley or, if there is no alley, to a street. For the purposes of this section, an off-street loading space shall have a minimum dimension of twelve (12) feet by forty (40) feet and an overhead clearance of fourteen (14) feet in height above the alley or street grade.

105.1 Retail business: One (1) space for each 5,000 square feet of floor

105.2 Wholesale and industrial: One (1) space for each 10,000 square feet of floor space

Section 106. Use of Manufactured Homes for Certain Business, Educational and Related Purposes

Manufactured homes shall be permitted on a temporary basis in connection with construction upon property on which the manufactured home is to be temporarily located and on a temporary basis for business, educational, religious and similar uses in districts where such businesses, schools, religious institutions and similar uses are listed as permitted uses in the district, but subject to a finding by the Zoning Board of Adjustment and the additional conditions listed below will be met:

- 106.1 Such manufactured home will be used only for the purpose requested and for which a permit is granted.
- 106.2 The original permit will be limited to one (1) year, but may be renewed for such additional period or periods as the Board of Adjustment may deem appropriate but no permit shall be extended for a period of more than one (1) year at a time.
- 106.3 Every application for such permit shall be accompanied by drawing of the lot or tract of land involved and shall show the proposed location of the manufactured home thereon in relation to the property lines and other improvements to the property and the location on said lot or tract shall comply with other provisions of this ordinance where practicable due to construction on the property, other improvements to the property, or similar reasons may modify such ordinances requirements for the duration of the permit only.
- 106.4 The sign regulations of the use and district shall apply unless there is a finding by the Board of Adjustment that due to the circumstances of the particular situation it is impracticable or impossible to comply with the sign regulations and may modify such regulations for the duration of the permit only.

Section 107. Customary Home Occupations

Customary home occupations may be established in a dwelling in any residential district. The following requirements shall apply in addition to all other applicable requirements of this ordinance for the residential district in which such uses are located:

- 107.1 The home occupation shall be clearly identical and subordinate to the residential use of the dwelling and shall not change the residential character of the dwelling.
- 107.2 No accessory building or outside storage shall be used in connection with the home occupations.
- 107.3 Use of the dwelling for home occupations shall be limited to twenty-five per cent (25%) of one (1) floor of the principal building.
- 107.4 Residents of the dwelling only may be engaged in the home occupations (except that not more than one (1) assistant may be employed by the following professional persons, lawyers, physicians, dentists, chiropractors).
- 107.5 No display of products shall be visible from the street and only products made on the premises may be sold on the premises.
- 107.6 No internal or external alterations inconsistent with the residential use of the building shall be permitted.
- 107.7 No machinery that causes noises or other interference in radio and television reception shall be allowed.
- 107.8 Only vehicles used primarily as passenger vehicles shall be permitted in connection with the conduct of the customary home occupation.
- 107.9 No chemical, electrical, or mechanical equipment that is not normally part of domestic or household equipment shall be used primarily for commercial purposes, with the exception of medical and dental equipment used for professional purposes.
- 107.10 Instruction in music, dancing and similar subjects shall be limited to two (2) students at one time.

Section 108. Rural Home Occupations

- 108.1 A building containing a rural home occupation shall be located to the rear of the established setback and shall be located at least one hundred (100) feet from any existing residence on adjacent tracts of land at least fifty (50) feet from any exterior property line where a lot line adjoins a residential lot.
- 108.2 In the case where a lot line adjoins a lot of non-residential use, the minimum required yard (rear, side and/or front) for any building containing a rural home occupation shall be as required for single-family dwellings.

- 108.3 A rural home occupation shall be contained entirely within one building with a maximum floor area of 2,000 square feet devoted to that use, and there shall be no outside storage of materials or equipment.
- 108.4 One rural home occupation shall be permitted per lot.
- 108.5 The operator of the rural home occupation must reside on the same parcel of land upon which the rural home occupations is located.
- 108.6 No more than three people who do not reside on the premises may be employed by a rural home occupation.
- 108.7 The rural home occupation shall not create smoke, odors, dust, or noise which would cause health hazard or nuisance to surrounding property.

Section 109. Waterfront Properties

(8/14/00) On any lot abutting a lake or stream, the principle structure building line on the water side of said lot may be eleven (11) feet off the rear surveyed lot line. In instances where the water line is the rear property line of record, the principle structure must be a minimum of forty-one (41) feet from the water line.

Accessory structures such as piers and boat houses are allowed at the water line, subject to approval of the property owner if said property is leased.

Accessory structures may be placed in the front yard of waterfront lots, provided a twenty (20) foot setback from the right-of-way is maintained, and it is determined that visual clearance along all streets is maintained. Front yard setback for principle structure shall be a minimum of thirty (30) feet on any waterfront lot.

ARTICLE XI

EXCEPTIONS AND MODIFICATIONS

Section 110. Lot of Record

Where the owner of a lot of official record in any district at the time of the adoption of this ordinance, or his successor in title thereto, does not own sufficient contiguous land to enable him to conform to the minimum lot size requirements of this ordinance, such lot may be used as a building site; provided, however, that the requirements of the district are complied with or a variance is obtained from the Zoning Board of Adjustment.

Notwithstanding the foregoing, whenever two (2) or more adjoining vacant lots of record are in single ownership at the adoption of this ordinance or at any time after its adoption and such lots individually have less area or width than the minimum requirements of the district in which such lots are located, such lots shall be considered as a single lot or as several lots if the lots can be divided into several lots, each of which meets the minimum requirements of this ordinance for the district in which such lot or lots are located.

Section 111. 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 (100) feet on either side of the proposed dwelling and fronting on the same side of the street and in the same block and use district as such lot is less than the minimum required front yard depth. In such case the setback on such lots may 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 (10) feet from the street right-of-way line, whichever is greater.

Section 112. Height Limitations

The height limitations of this ordinance shall not apply to church spires, belfries, cupolas and domes not intended for human occupancy; and shall not apply to monuments, water towers, observation towers, transmission towers, chimneys, smokestacks, conveyors, flag poles, radio towers, television towers, masts, aerials and similar structures, except in the vicinity of airports.

Section 113. Visibility at Intersections

No planting, structure, sign, fence, wall or obstruction to vision more than three (3) feet in height shall be planted, placed, or maintained on a corner lot in any residential district within the triangular area formed by the intersecting street right-of-way lines forming the corner, by points located along each right-of-way lines (5/4/98) *except that a four foot (4') cyclone fence or other materials with not less than forty per cent (40%) visibility may be installed providing it is a minimum of ten feet (10') (lot side) behind the right-of-way or, where sidewalks are located, must be a minimum of two feet (2') (lot side) behind the sidewalk.* A four ft. (4') fence constructed from materials allowing 80% or better visibility may be placed along the right-of-way lines or where sidewalks are located, must be a minimum of two feet (2') (lot side) behind the sidewalk with written prior approval by the Zoning Enforcement Officer or his designated representative.

Section 114. Towers, Commercial Wireless Communications

(9/13/99) Commercial wireless communications towers with a conditional use permit upon conclusion that location of the project will not substantially injure the value of adjoining properties, site size is sufficient (including required setbacks) based on engineering design, adequate safety and security precautions are provided, and buffering and/or landscaping are in harmony with the surrounding area.

Conditions include:

- a) Such facilities are essential to the service of the immediate area;
- b) No vehicles or materials shall be stored on the premises, and no offices shall be permitted;
- c) All buildings shall be set back at least twenty (20) feet from all property lines and shall be designed and landscaped in such a way as to blend in with surrounding area;
- d) All dangerous apparatus shall be enclosed by a chain-link fence at least eight (8) feet in height.

ARTICLE XII

ADMINISTRATION, ENFORCEMENT AND PENALTIES

Section 120. Zoning Enforcement Officer

(10/7/96) The Zoning Enforcement Officer or his designee is hereby authorized and it shall be his duty to enforce and administer the provisions of this ordinance. If a decision of the *(10/7/96)* Zoning Enforcement Officer or his designee is questioned, the aggrieved party or parties may appeal such decision to the Board of Adjustment for hearing and determination. If any application is denied, the *(10/7/96)* Zoning Enforcement Officer or his designee shall state in writing the reasons for such denial and shall notify the applicant of the denial of the application and of the reasons therefor.

***(10/7/96)* Section 121. Zoning Permit Required**

No building, sign or other structure 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 *(10/7/96)* Zoning Enforcement Officer or his designee issued a zoning permit for such work.

Section 122. Application for Zoning Permit

Each application to the (10/7/96) Zoning Enforcement Officer or his designee for a zoning permit shall be accompanied by plot plans in duplicate showing:

- 122.1 The actual dimensions of the lot to be built upon;
- 122.2 The size of the building to be erected;
- 122.3 The location of the building on the lot;
- 122.4 The location of existing structures on the lot, if any;
- 122.5 The number of dwelling units the building is designed to accommodate;
- 122.6 The approximate setback lines of buildings on adjoining lots; and
- 122.7 Such other information as may be essential for determining whether the provisions of this ordinance are being observed.

Any (10/7/96) zoning permit issued shall become invalid unless the work authorized by it shall have been commenced within six (6) months of its date of issue or if the work authorized by it is suspended or abandoned for a period of one (1) year.

Section 123. Certificate of Occupancy Required

A certificate of occupancy issued by the Building Inspector is required in advance of:

- 123.1 Occupancy or use of a building hereafter erected, altered, or moved;
- 123.2 Change of use of any building or land.

A certificate of occupancy, either for the whole or a part of a building, shall be applied for at the time application for a building permit is made and shall be issued within ten (10) days after the erection or structural alteration of such building, or part of a building is completed in conformity with the provisions of this ordinance. A certificate of occupancy shall not be issued unless the proposed use of a building or land conforms to the applicable provisions of this ordinance.

If the certificate of occupancy is denied, the Building Inspector shall state in writing the reasons for refusal and the applicant shall be notified of the refusal. A record of all certificates shall be kept on file in the office of the Building Inspector and copies shall be furnished on request to any person having a proprietary or tenancy interest in the building or land involved.

Section 124. (06/06/11) Violations and Remedies

124.1 Enforcement by Zoning Enforcement Officer.

- (1) It shall be the duty of the Zoning Enforcement Officer to initiate proceedings for the enforcement of these regulations.
- (2) If the Zoning Enforcement Officer discovers a violation of these regulations, the Zoning Enforcement Officer shall notify the violator, and give the violator a specified time to correct the violation. If the violation continues or is not corrected, the Zoning Enforcement Officer shall initiate proceedings for enforcement as described in this Section.

124.2 General Enforcement Provisions:

- (1) The provisions of this Section may be enforced by any one, all, or a combination of the remedies authorized and prescribed by this Section. If a person continues to fail to comply with a particular provision of these regulations after the imposition of any one type of penalty, the person shall continue to remain subject to the remedies prescribed by this Section for the continued violation of the particular provision of these regulations. The Zoning Enforcement Officer, or any persons who would be damaged by such violation may institute a citation to secure injunctions and abatement orders to further ensure compliance with the Zoning Ordinance, or take any other appropriate action to prevent such violation in accordance with N.C. General Statute provisions. Each day's continuing violation shall be a separate and distinct offense and may be subject to any one, all, or a combination of the remedies authorized and prescribed by this Section.

124.3 Criminal Penalties:

Any person, firm or corporation who knowingly or willfully violates any provision of these regulations shall have committed a misdemeanor, and upon conviction thereof, shall be subject to a fine not exceeding \$500.00 or imprisonment for a period not to exceed thirty (30) days.

124.4 Citations:

- (1) the zoning Enforcement Officer is empowered to issue citations to any person if there is a reasonable cause to believe that the person has willfully or non-willfully violated

any provision of these regulations. A violator shall be deemed to include the owner of the premises; the agent of the owner authorized to be responsible for the premises or the occupant of the premises; the contractor in charge of building, erecting, demolishing, or change the use of the property. Citations may be directly issued to the occupant, lessee, or person having immediate beneficial use of the property or contractor in charge of building, erecting, demolishing, or changing the use of the property. The non-occupant owner or agent or contractor in charge responsible for the premises each has a duty to maintain the premises in compliance with these regulations. A citation shall not be issued to a non-occupant owner, agent or occupant or contractor in charge for those premises unless there has been written notification to the owner,, agent, or occupant, or contractor in charge, mailed to the last known mailing address as shown by public records, or by making other reasonable efforts to communicate the existence to the violation to the owner, agent or occupant.

- (2) The initial citation for each violation shall be \$50.00. The issuance of a second citation for any violation that has not been corrected shall be in the amount of \$200.00 upon the date of issuance, \$500.00 for the third citation and \$500.00 thereafter. Any unpaid citations and delinquency charges shall be cumulative, and shall subject the violator to a possible civil penalty to be recovered in a civil action in the nature of debt. The citations may be delivered in person to the violator(s) or, the citation may be mailed certified return receipt requested.
- (3) The citations shall direct the violator to make payment at the Town Hall, Town of Norwood within fifteen (15) days of the date of the citation or alternatively pay the citation by mail. If the violator does not make such payment or does not mail the citation and payment within fifteen (15) days from the date of issuance, a delinquency charge of ten dollars (#10.00) shall be added to the amount shown on the citation or criminal summons may be filed if the citation and delinquency charge is not paid within fifteen (15) days from the date of delinquency. Further, the citation shall state that the violation is a continuing violation, and additional citations may be issued

124.5 Civil Judicial Remedies:

- (1) 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 these regulations, the Town of Norwood, 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 violations, to prevent occupancy of the building, structure or land, or to prevent any illegal act, conduct, business or use in or about the premises. The General Court of Justice shall have jurisdiction to issue such orders as may be appropriate.
- (2) If the Zoning Ordinance makes unlawful a condition existing upon or use made of real property, the Zoning Ordinance may be enforced by injunction and order of abatement and the General Court of Justice shall have jurisdiction to issue such orders. When a violation of such as Ordinance occurs, the County may apply to the

appropriate division of the General Court to Justice for mandatory or prohibitory injunction and order of abatement commending the defendant to correct the unlawful condition upon or cease the unlawful use of the property.

- (3) In addition to an injunction, the court may enter an order of abatement as a part of the judgment in the cause. An order of abatement may direct that buildings or other structures on the property be closed, demolished, or removed, or that any other action be taken that is necessary to bring the property into compliance with the ordinance. If the defendant fails or refuses to comply with an injunction or with an order of abatement within the time allowed by the court, he may be cited for contempt, and the Town of Norwood may execute the order of abatement. The Town shall have a lien on the property for the cost of executing an order of abatement in the nature of a mechanic, and Materialman's Lien. The defendant may secure cancellation of an order of abatement by paying all cost of the proceedings, and posting a bond for compliance with the order. The bond shall be given with sureties approved by the clerk of superior court in an amount approved by the judge before whom the matter is heard, and shall be conditioned on the defendant's full compliance with the terms of the order of abatement within a time fixed by the judge. Cancellation of an order of abatement shall not suspend or cancel an injunction issued in conjunction therewith.

124.6 Remedies: "Stop Orders"

Whenever any building or structure is being demolished, constructed, reconstructed, altered, or repaired in a hazardous manner, in a manner that endangers life or property or in substantial violation of this ordinance, the Zoning Enforcement Officer may order the specific part of the work that is in violation or presents such a hazard to be immediately stopped. This stop order shall be in writing, directed to the person doing the work, and shall state the specific work conditions under which the work may be resumed. The owner or builder may appeal from a stop order to the Town of Norwood Administrator within a period of five (5) days after the order is issued.

Notice of appeal shall be given in writing to the Town Administrator, with a copy to the Zoning Enforcement Officer. The Town Administrator shall promptly conduct a hearing at which the appellant and the Zoning Enforcement Officer shall be permitted to submit relevant evidence, and shall rule on the appeal as expeditiously as possible. Pending the ruling by the Town Administrator on an appeal no further work shall take place in violation of a stop order. Violation of a stop work order shall constitute a misdemeanor.

Section 125. Remedies

(6/6/11) Deleted and incorporated into Section 124 Violations and Remedies

ARTICLE XIII

ZONING BOARD OF ADJUSTMENT

Section 130. Establishment of Zoning Board of Adjustment

A Zoning Board of Adjustment is hereby established. Said Board shall consist of six (6) member; three (3) members of the Board to represent the Town of Norwood shall be appointed by the Town Commissioners of the Town of Norwood and three (3) members to represent the area of extraterritorial jurisdiction shall be appointed by the Board of County Commissioners of Stanly County for terms of three (3) years. However, initial appointments by both the Town Commissioners and County Boards of Commissioners shall be as follows: one (1) member for a term of three (3) years, one (1) member for a term of two (2) years and one (1) member for a term of one (1) year. Any vacancy in the membership shall be filled for the unexpired term in the same manner as the initial appointment. Members shall serve without pay but may be reimbursed for any expenses incurred while representing the Council. (04/05/04) Properly appointed Board members will, at the end of their designated term, continue to serve until officially reappointed or replaced.

The Town Commissioners of the Town of Norwood may, in its discretion, appoint not more than two (2) alternate members to serve on the Board of Adjustment in the absence, for any cause, of any regular member. Such alternate member or members shall be appointed for the same term or terms as regular members, and shall be appointed in the same manner as regular members and at the regular times for appointment. Such alternate member, while attending any regular or special meeting of the Board and serving in the absence of any regular member, shall have and exercise all the powers and duties of such regular member so absent.

Section 131. Jurisdiction and Decisions of the Zoning Board of Adjustment

All members of the Zoning Board of Adjustment shall have equal vote regardless of location of the matter within town limits or ETJ. The concurring vote of four-fifths (4/5) of the regular membership of the Board shall be necessary to reverse any order, requirement, decision or determination of the Zoning Enforcement Officer or his designee pertaining to the town limits or extraterritorial jurisdiction or to decide in favor of the applicant any matter upon which it is required to pass under the zoning ordinance or to effect any variation of such ordinance. Vacant positions on the Board of Adjustment and members who are disqualified from voting on a matter before the Board of Adjustment shall not be considered members of the board for calculation of the requisite four-fifths (4/5) majority if there are no qualified alternates available to take the place of such members. (G.S. 160A-388(e)) A member of the Board of Adjustment or any other body exercising the functions of a board of adjustment shall not participate in or vote on any quasi-judicial matter in a manner that would violate affected persons' constitutional rights to an impartial decision maker. Impermissible conflicts include, but are not limited to, a member having a fixed opinion prior to hearing the matter that is not susceptible to change, undisclosed ex parte communications, a close familial, business, or other associational relationship with an affected person, or a financial interest in the outcome of the matter. If an objection is raised to a member's participation and that member does not recuse himself or herself, the remaining members shall be majority vote rule on the objection. (G.S. 160A-388(e1))

On all appeals, applications and other matters brought before the Board of Adjustment, said Board shall fix a reasonable time for the hearing of the appeal and give due notice thereof to the

parties, and shall decide the same within a reasonable time. The Board shall inform all parties involved of its decision in writing, stating the reasons therefor.

Section 132. Proceedings of the Zoning Board of Adjustment

The Board of Adjustment shall elect a chairman and a vice chairman from its members, each of whom shall serve for one (1) year or until re-elected or until their successors are elected and qualify. The Board shall appoint a secretary who may be a municipal officer, an employee of the Town, a member of the Planning Board or a member of the Board of Adjustment. The Board shall adopt rules and by-laws in accordance with the provisions of this ordinance and of Article 14, Chapter 160 of the General Statutes of North Carolina. Meetings of the Board shall be held at the call of the chairman and at such other times as the Board may determine. The chairman, or in his absence the vice-chairman, may administer oaths and compel the attendance of witnesses by subpoena. All meetings of the Board shall be open to the public. The secretary shall not have a vote unless he is also a regular or alternate member of the Board.

Section 133. Appeals, Hearings and Notice

An appeal from the decision of the (10/7/96) Zoning Enforcement Officer or his designee may be taken by any person aggrieved or affected by such decision to the Board of Adjustment. Such appeal shall be taken within forty-five (45) days by filing with the (10/7/96) Zoning Enforcement Officer or his designee and with the secretary of the Board of Adjustment a notice of appeal specifying the grounds thereof. The Building Inspector shall forthwith transmit to the Board all papers constituting the record upon which the action appealed from was taken.

Section 134. Stay of Proceeding

An appeal shall stay all legal proceedings in furtherance of the action appealed from, unless the (10/7/96) Zoning Enforcement Officer or his designee shall certify 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 be granted by the Board of Adjustment or by a court of record on application, on notice to the (10/7/96) Zoning Enforcement Officer or his designee, and on due cause shown.

Section 135. Powers and Duties of the Board of Adjustment

The Zoning Board of Adjustment shall have the following powers and duties:

- 135.1 Administrative Review. To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the (10/7/96) Zoning Enforcement Officer or his designee in the enforcement of this ordinance.
- 135.2 Special Exceptions. To hear and decide special exceptions to the terms of this ordinance upon which the Board of Adjustment is required to pass under this ordinance, e.g., conditional uses and group developments. (9/25/00) *Conditional use permits may be issued in a situation where a particular kind of use is permitted in a district but only under Ordinance provisions that authorize such a permit when the Zoning Board of Adjustment makes specific general findings of fact. The Zoning Board of Adjustment may also affix other reasonable conditions and safeguards to the permit. The following general findings of fact are to be considered in each case:*
- 135.21 *That the use will not materially endanger the public health or safety if located where proposed and developed according to the plan as submitted and approved.*
- 135.22 *That the use meets all required conditions and specifications.*
- 135.23 *That the use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity.*
- 135.24 *That the location and character of the use, if developed according to the plan submitted and approved, will be in harmony with the area in which it is to be located and in general conformity with the plan of development of the Town of Norwood and its environs.*
- 135.3 Variances. To authorize upon appeal in specific cases such variances from the terms of the ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of the ordinance will, in an individual case, result in practical difficulty or unnecessary hardship, so that the spirit of the ordinance shall be observed, public safety and welfare executed, and substantial justice done. The existence of a non-conforming use of

neighboring land, buildings, or structures in the same district or of permitted or non-conforming uses in other districts shall not constitute sufficient reason for granting the requested variance. The fact that property may be utilized more profitably will not be considered adequate to justify the Board in granting a variance. Such variance may be granted in such individual case of unnecessary hardship upon a finding by the Board of Adjustment that the following conditions exist:

- 135.31 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.
- 135.32 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.
- 135.33 A literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other residents of the district in which the property is located.
- 135.34 The requested variance will be in harmony with the purpose of this ordinance and will not be injurious to the neighborhood or to the general welfare.
- 135.35 The special circumstances are not the result of the actions of the applicant.
- 135.36 The variance requested is the minimum variance that will make possible the legal use of the land, building or structure.
- 135.37 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.

Section 136. Appeals from the Board of Adjustment

Any person or persons, jointly or severally, aggrieved by any decision of the Board, or any taxpayer, officer, department, board or bureau of the Town of Norwood or of the area of its extraterritorial jurisdiction may, within thirty (30) days after the filing of the decision in the office of the Board, 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 ground of

illegality, whereupon such decision of said Board shall be subject to review by certiorari as provided by law.

ARTICLE XIV

AMENDMENTS

A petition for a zoning amendment may be initiated by the Town Commissioners of the Town of Norwood, by the Norwood Planning and Zoning Board, by any department or agency of the Town, or by the owner of any property within the zoning jurisdiction of the Town of Norwood.

Section 140. Application and Procedure

Any application for an amendment to the zoning ordinance shall be filed with the (10/7/96) Zoning Enforcement Officer or his designee at least ten (10) days prior to the date on which it is to be introduced to the Town Council. The (10/7/96) Zoning Enforcement Officer or his designee shall be responsible for presenting the application to the Town Commissioners. Each application shall be signed, be in duplicate, and shall contain at least the following information:

- 1) The applicant's name in full, applicant's address, address or description of the property to be rezoned.
- 2) Applicant's interest in the property and the type of rezoning requested.
- 3) If the proposed change would require a change in the zoning map, an accurate diagram of the property proposed to be rezoned showing:
 - (a) all property lines with dimensions; north arrow;
 - (b) adjoining streets with rights-of-way and paving widths;
 - (c) the location of all structures, the use of all land;
 - (d) zoning classification of all abutting zoning districts,
 - (e) comprehensive site plan if the application is for commercial, industrial, or multi-family development.
- 4) A statement regarding the changing conditions, if any, in the area or in the city generally, that make the proposed amendment reasonably necessary to the promotion of the public health, safety, and general welfare.

Subsequent to initial adoption of a zoning ordinance, all proposed amendments to the zoning ordinance or zoning map shall be submitted to the planning and zoning board for review and comment. If no written report is received from the planning and zoning board within 30 days of referral of the amendment to that board, the governing board may proceed in its consideration of the amendment without the planning and zoning board report. The Town Board of Commissioners is not bound by the recommendations, if any, of the planning and zoning board. (G.S. 160A-387).

The planning and zoning board shall advise and comment on whether the proposed amendment is consistent with any comprehensive plan that has been adopted by the Town and any other officially adopted plan that is applicable. The planning and zoning board shall provide a written recommendation to the Town Board of Commissioners that addresses plan consistency and other matters as deemed appropriate by the planning and zoning board, but a comment by the planning and zoning board that a proposed amendment is inconsistent with the comprehensive plan shall not preclude consideration or approval of the proposed amendment by the Town Commission. (G.S. 160A-383) No member of the Planning and Zoning Board shall vote on a recommendation regarding any zoning map or text amendment where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable impact on the member. (G.S. 160A-391(d))

A public hearing shall be held by the Town Commissioners before the adoption of any proposed amendment to the Zoning Ordinance. Notice of such public hearing shall be given as prescribed by the North Carolina General Statutes for amendments to a zoning ordinance.

Any petition for an amendment to this ordinance may be withdrawn at any time at the discretion of the person initiating such a request, upon written notice to the Town Clerk.

When the Town Commissioners shall have denied any application for the change of any zoning district it shall not thereafter accept any other application for the same change of zoning district affecting the same property, or any portion thereof, until the expiration of six (6) months from the date of such previous denial.

Zoning ordinances may from time to time be amended, supplemented, changed, modified or repealed. In case, however, of a qualified protest against a zoning map amendment, that amendment shall not become effective except by favorable vote of three-fourths of all the members of the Town Commission. Vacant positions on the council and members who are excused from voting shall not be considered members of the council for calculation of the requisite three-fourths supermajority. To qualify as a protest under this section, the petition must be signed by the owners of either (i) twenty percent (20%) or more of the area included in the proposed change or (ii) five percent (5%) of a 100-foot-wide buffer extending along the entire boundary of each discrete or separate area proposed to be rezoned. A street right-of-way shall not be considered in computing the 100-foot buffer area as long as that street right-of-way is 100 feet wide or less. When less than an entire parcel of land is subject to the proposed zoning map amendment, the 100-foot buffer shall be measured from the property line of that parcel. In the absence of evidence to the contrary, the city may rely on the county tax listing to determine the owners of potentially qualifying areas. 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 (i) special use district, (ii) conditional use district, or (iii) conditional district if the amendment does not change the types of uses that are permitted within the district or increase the total approved size of nonresidential development, or reduce the size of any buffers or screening approved for the special use district, conditional use district, or conditional district. (160A-385(a))

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. A person who has signed a protest petition may withdraw his or her name from the petition at any time prior to the vote on the proposed zoning amendment. Only those protest petitions that meet the qualifying standards set forth in G.S. 160A-385 at the time of the vote on the zoning amendment shall trigger the supermajority voting requirement. (G.S. 160A-386)

A Town Council member shall not vote on any zoning map or text amendment where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member. (G.S. 160A-381(d); 160A-75)

Prior to adopting or rejecting any zoning amendment, the governing board shall adopt a statement describing whether its action is consistent with any adopted comprehensive plan or other adopted development plan, and explaining why the board considers the action taken to be reasonable and in the public interest. (G.S. 160A-383)

Section 141. Special Provisions for Conditional Use District Rezoning

Proposals for rezoning to any Conditional Use District shall always be accompanied by a request for a Conditional Use Permit. Such proposals and requests shall be processed and considered in the same procedure as conventional rezoning proposals, except as otherwise set forth herein, and the voting shall be the same as that required for zoning matters.

Any proposal for Conditional Use District rezoning and its accompanying request for a Conditional Use Permit shall be heard and considered simultaneously. If the Board of Commissioners should determine that the property involved in the proposal should be rezoned and the Conditional Use Permit issued, it shall adopt an Ordinance rezoning the property and authorizing the issuance of the Conditional Use Permit. Otherwise the proposal shall be denied.

In granting a Conditional Use Permit, the Board of Commissioners shall make the following affirmative findings:

- 1) That the Use(s) requested is among those listed as an eligible Conditional Use in the Conditional Use District in which the subject property is located.
- 2) That the Use Limitations and Conditions as proposed and/or imposed for the Conditional Use Permit meet or exceed and/or are at least as restrictive as the minimum standards for the corresponding General Use District.
- 3) That the use limitations and conditions as proposed and/or imposed for the requested Conditional Use Permit can reasonably be implemented and enforced for the subject property.
- 4) That when implemented the proposed and/or imposed use limitations and conditions will mitigate specific land development issues that would likely result if the subject property were zoned to accommodate all the uses and the minimum standards of the corresponding General Zoning District.
- 5) That the applicant has agreed to accept the use limitations and conditions as proposed and/or imposed for the requested Use Permit.

In granting a Conditional Use Permit, the Board of Commissioners may impose such additional restrictions and requirements upon such Permit as it may deem necessary in order that the purpose and intent of this Ordinance are served, public welfare secured and substantial justice done. If all requirements and conditions are accepted by the applicant, the Board of Commissioners shall authorize the issuance of the Conditional Use Permit, otherwise the Permit shall be denied.

Any Conditional Use Permit so authorized shall be perpetually binding upon the property included in such Permit unless subsequently changed or amended by the Board of Commissioners, as provided for in this Article.

The Board of Commissioners may change or amend any Conditional Use Permit, after a public hearing upon recommendation by the Planning Board and subject to the same consideration as provided for in this section for the original issuance of a Conditional Use Permit.

No proposal to amend or change any Conditional Use Permit shall be considered within six (6) months of the date of the original authorization of such Permit or within six (6) months of hearing of any previous proposal to amend or change any such Permit.

Notwithstanding any other provision of this Ordinance, an application for rezoning to a conventional zoning district may be changed to a Conditional Use zoning district subject to the approval of the Board of Commissioners, as long as the change is to the Conditional Use district that corresponds to the original requested general use district. For example, a requested rezoning to H-B Highway Business District may be changed to a request to CU-H-B Highway Business District upon approval of the Board of Commissioners during the rezoning process.

ARTICLE XV

LEGAL STATUS PROVISIONS

Section 150. Conflict With Other Ordinances

Whenever the regulations of this ordinance shall require a greater width or size of yards, courts, or other open space, or require a lower height of buildings or lesser number of stories, or require

a greater percentage of lot to be left unoccupied, or impose other more restrictive standards than are required in or under any other statutes or agreements, the regulations and requirements of this ordinance shall govern.

Whenever the provisions of any other statute, ordinance, or agreement shall require more restrictive standards than are required by this ordinance, the provisions of such statute, ordinance, or agreement shall govern.

Section 151. Validity

If any section, provision or provisions of this ordinance shall be declared by the courts to be unconstitutional or invalid, such declaration shall not affect the validity of the ordinance as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

Section 152. Effective Date

This ordinance shall take effect and be in force from and after 12:01 a.m., November 8, 1978.

Duly adopted by the Board of Town Commissioners this the 6th day of November, 1978.