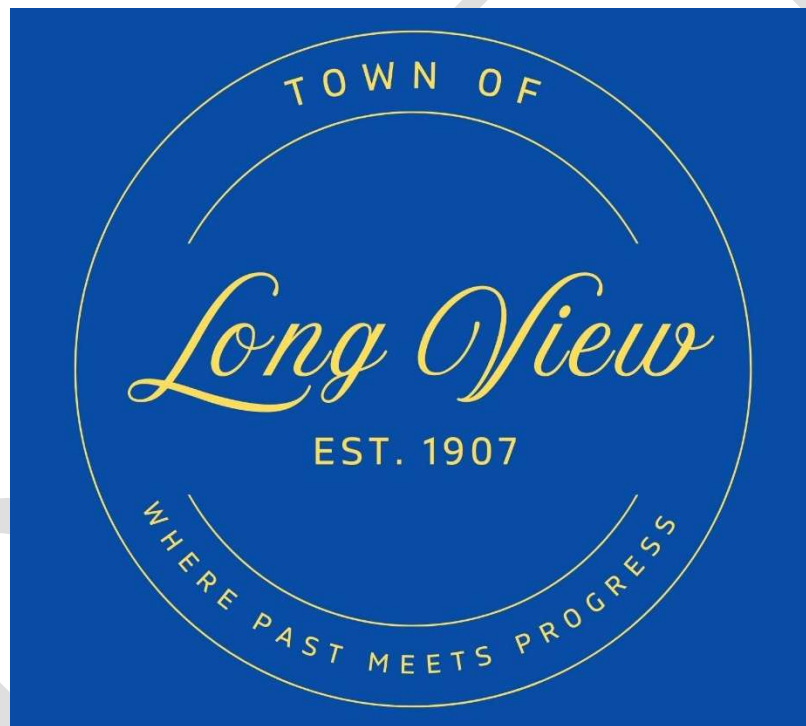


# Town of Long View Draft Zoning Ordinance



Prepared by:  
WESTERN PIEDMONT COUNCIL OF GOVERNMENTS

In conjunction with:  
TOWN OF LONG VIEW PLANNING BOARD

Adopted:

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## ARTICLE 1

### GENERAL PROVISIONS

#### 1.1 Repeal of Existing Regulations.

The existing regulations of the Town of Long View relating to the use of land, water, structures and buildings, the provision of off street parking and loading and related matters, being the Long View Zoning Ordinance, effective August 1, 1995, as amended, are repealed and replaced by this Ordinance.

#### 1.2 Effect on Pending or Future Prosecution.

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

#### 1.3 Legislative Authority.

The Board of Alderman of the Town of Long View enacts this ordinance in pursuance of the authority granted by the General Statutes of North Carolina, particularly G.S. § 160D-200, and that land as designated by the official zoning map as authorized by G.S. § 160D-307, to be known as extraterritorial area.

#### 1.4 Intent and Purpose.

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

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

#### 1.5 Short Title.

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

#### 1.6 Separate Publication.

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

## ARTICLE 2

### LANGUAGE RULES OF CONSTRUCTION AND DEFINITIONS

#### 2.1 Rules for Construction of Language.

The following rules apply to the text of this Ordinance:

- (a) The specific controls the general.
- (b) In case of any difference of meaning or implication between the text of this Ordinance and any caption, illustration, summary table, or illustrative example, the text shall control.
- (c) The word "shall" is mandatory and not discretionary. The word "may" is permissive. The word "should" is discretionary.
- (d) Reserved.
- (e) The term a "building" or "structure" includes any part thereof.
- (f) The phrase "used for" includes "arranged for", "designed for", "maintained for" or "occupied for."
- (g) The word "person" includes an individual, a corporation, a partnership, an incorporated association, a limited liability company, or any other similar entity.
- (h) Unless the context clearly indicates the contrary, where a regulation involves two or more times, conditions, provisions, or events connected by the conjunction "and," "or," or "either..or," the conjunction shall be interpreted as follows:
  - 1. "And" indicates that all the connected items, conditions, provisions, or events shall apply.
  - 2. "Or" indicates that the connected items, conditions, provisions, or events may apply singly or in any combination.
  - 3. "Either..or" indicates that the connected items, conditions, provisions, or events shall apply singly, but not in combination.
- (i) The word "includes" is intended to extend its meaning to all similar instances or circumstances.

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

## 2.2 Defined Words.

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

### Accessory.

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

### Accessory Dwelling Unit

A dwelling unit that is located on the same lot as a detached or attached primary residential structure. The structure may be a dwelling only or may be combined with a garage, workshop, shed, or other accessory building.

### Administrative Decision.

Decisions made in the implementation, administration, or enforcement of development regulations that involve the determination of facts and the application of objective standards set forth in this Chapter or local government development regulations. These are sometimes referred to as ministerial decisions or administrative determinations.

### Adult Uses.

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

Adult Bookstore. An establishment which has a substantial portion of its stock in trade in books, magazines or other periodicals and which excludes minors by reason of age.

Adult Picture Theater. An enclosed building or portion thereof with a capacity of more than 50 persons used for showing movies, slide shows, closed circuit TV or similar offerings and from which minors are excluded by reason of age.

Adult Mini-Picture Theaters. An enclosed building or part thereof with a capacity of 50 persons or less used for showing movies, slide shows, closed circuit TV or similar offerings and from which minors are excluded by reason of age.

**Adult Drive-in Theater.** A drive-in theater for the showing of movies, slide shows, closed circuit TV or similar offerings and from which minors are excluded by reason of age.

**Adult Cabaret.** An establishment which features go-go-dancers, exotic dancers, strippers, male or female impersonators or similar entertainments and from which minors are excluded by reason of age.

**Adult Massage Parlour.** An establishment in which body massages are offered as a service and from which minors are excluded by reason of age.

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

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

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

**Nude Model Studio** means any place where a person who appears semi-nude, in a state of nudity, or who displays "specified anatomical areas" is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration. Nude Model Studio shall not include a proprietary school licensed by the State of North Carolina or a college, junior college or university supported entirely or in part by public taxation; a private college or university which maintains and operates educational programs in which credits are transferrable to a college, junior college, or university supported entirely or partly by taxation; or in a structure:

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

**Sexual Encounter Center** means a business or commercial enterprise that, as one of its principal business purposes, offers for any form of consideration physical contact in the form of wrestling or tumbling between persons of the opposite sex, or activities between male and female persons

and/or persons of the same sex when one or more of the persons is in a state of nudity or semi-nude.

Agriculture.

The use of the land for:

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

Alcoholic Beverages.

Beverages containing more than one half percent alcohol by volume.

Alley.

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

Alley, private

Privately held and to be maintained by an HOA to provide access to abutting properties.

Amusement Services.

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

Animal Hospital or Veterinary Clinic.

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

Animals, Household.

Animals which are customarily kept for personal use or enjoyment within the home, not exhibited to the public, nor raised for commercial purposes. Animals which are dangerous to humans or property when they reach maturity or have cloven or solid hooves are not household animals. Household animals shall include but not be limited to domestic dogs, domestic cats, canaries,

parakeets, love birds, parrots, cockatiels, finches, toucans, myna birds, guinea pigs, hamsters, mice, rats, gerbils, small reptiles, small amphibians, and aquarium fish.

Area of Special Flood Hazard.

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

Art Gallery.

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

Bakery.

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

Bank.

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

Basement.

The lowest story of a structure which has its floor below grade..

Boarding/Rooming House and Bed and Breakfast.

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

Buildable Area.

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

Building.

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

Building, Accessory.

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

Building, Principal.

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

Business School.

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

Business Services.

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

Campground.

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

Campsite.

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

Car Wash.

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

### Cemetery, Human.

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

### Certificate of Occupancy.

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

### Certificate of Zoning Compliance.

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

### Child Care Center.

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

### Church/Synagogue.

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

### College/University.

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

### Commercial Vehicle.

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

### Communication Facilities.

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

### Community Center.

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

### Community Recreational Uses.

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

Condominium. Real estate, portions of which are designated for separate ownership and the remainder of which is designated for common ownership solely by the owners of those portions. Real estate is not a condominium unless the undivided interests in the common elements are vested in the unit owners. *(Boise City, Idaho)*

### Congregate Living Facility.

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

Such facilities shall contain congregate kitchen, dining and living areas only, with separate sleeping rooms. Further, such facilities shall not be used for those persons in need of a structured

environment, as it is defined herein. For purposes of this Ordinance, Congregate Living Facilities shall not be deemed to include boarding/rooming houses; fraternities/sororities; monasteries; convents; hotels/motels; professional residential facilities; or nursing, convalescent and extended care facilities.

#### Contractors Office.

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

#### Convenience Goods, Retail

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

#### Correctional Facility.

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

#### Crematorium.

An establishment for the burning of human or animal remains.

#### Critical Digital Infrastructure Facilities

The operation of specialized computer equipment for the purpose of mining one or more blockchain-based cryptocurrencies, such as Bitcoin. This activity, which is also termed “proof of work,” involves solving algorithms as part of the development and maintenance of a blockchain, which is a type of distributed ledger maintained on a peer-to-peer network. Typical physical characteristics of cryptocurrency mining include specialized computer hardware for mining operations as well as equipment to cool the hardware and operating space. For the purposes of the associated regulations, cryptocurrency mining includes the commercial “creation” (“mining”) of virtual currency, but does not include the exchange of cryptocurrency, the use, creation, or maintenance of all types of peer-to-peer distributed ledgers. This definition does not include the use of one or not more than five computers from which cryptocurrency is mined in an enclosed structure, provided the cryptocurrency is not mined for commercial purposes.

#### Cultural Facility.

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

**Determination.**

A written, final, and binding order, requirement, or determination regarding an administrative decision.

**Developer.**

A person, including a governmental agency or redevelopment authority, who undertakes any development and who is the landowner of the property to be developed or who has been authorized by the landowner to undertake development on that property.

**Development.**

Unless the context clearly indicates otherwise, the term means any of the following:

- a) The construction, erection, alteration, enlargement, renovation, substantial repair, movement to another site, or demolition of any structure.
- b) The excavation, grading, filling, clearing, or alteration of land.
- c) The subdivision of land as defined in G.S. 160D-802.
- d) The initiation or substantial change in the use of land or the intensity of use of land

**Development Approval.**

An administrative or quasi-judicial approval made pursuant to this Chapter that is written and that is required prior to commencing development or undertaking a specific activity, project, or development proposal. Development approvals include, but are not limited to, zoning permits, site plan approvals, special use permits, variances, and certificates of appropriateness. The term also includes all other regulatory approvals required by regulations adopted pursuant to this Chapter, including plat approvals, permits issued, development agreements entered into, and building permits issued.

**Development Regulation.**

A unified development ordinance, zoning regulation, subdivision regulation, erosion and sedimentation control regulation, floodplain or flood damage prevention regulation, mountain ridge protection regulation, stormwater control regulation, wireless telecommunication facility regulation, historic preservation or landmark regulation, housing code, State Building Code enforcement, or any other regulation adopted pursuant to this Chapter, or a local act or charter that regulates land use or development.

**Discotheque.**

A nightclub for dancing to live or recorded music.

### Domestic Vehicles.

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

### Dormitory.

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

### Drinking Establishment.

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

### Drive-In Theater.

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

### Drive-In Window.

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

### Dry Cleaners.

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

### Dry Cleaning Plant.

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

### Dwelling.

Any building, structure, manufactured home, modular, or mobile home, or part thereof, used and occupied for human habitation or intended to be so used, and includes any outhouses and

appurtenances belonging thereto or usually enjoyed therewith. For the purposes of this Chapter, the term does not include any manufactured home, modular, mobile home, or temporary shelter, if used solely for a seasonal vacation purpose.

*Dwelling, Accessory: see Accessory Dwelling Unit*

Dwelling, Multiple Family.

A structure containing four or more dwelling units.

Dwelling, Single Family.

A structure containing a single dwelling unit.

Dwelling, Two Family.

A structure containing two dwelling units.

Dwelling, Three Family.

A structure containing three dwelling units.

Dwelling Unit.

A room or group of rooms forming a single independent habitable unit used for, or intended to be used for living, sleeping, sanitation, cooking, and eating purposes by one family only; for owner occupancy or for rental, lease, or other occupancy on a weekly or longer basis; and containing independent kitchen, sanitary and sleeping facilities.

Eating Establishment.

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

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

Electrical and Electronic Repair, Large.

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

### Electrical and Electronic Repair, Small.

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

### Evidentiary Hearing.

A hearing to gather competent material, and substantial evidence in order to make findings for a quasi-judicial decision required by a development regulation adopted under this Chapter.

### Family.

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

### Family Care Home - Group Home

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

### Family Day Care Home.

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

### Floor Area.

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

### Floor Area Ratio.

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

### Floor Area Ratio, Maximum Permitted.

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

Funeral Parlor.

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

Furniture Refinishing and Repair.

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

Garage, Private.

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

Gas Station.

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

Gross Land Area.

Gross land area shall be computed as all area, except that devoted to non-residential purposes.

Handicapped Person

A person with a temporary or permanent physical, emotional, or mental disability including but not limited to mental retardation, cerebral palsy, epilepsy, autism, hearing and sight impairments, emotional disturbances and orthopedic impairments but not including mentally ill persons who are dangerous to others as defined in NC G.S. 122C-3(11)b.

Health Practitioner's Office.

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

Health Services.

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

Height.

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

Home Occupation.

An accessory use within a primary dwelling unit for the livelihood of the person(s) living in the dwelling unit. See Articles 7 and 11.

Hospital.

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

Hotel or Motel.

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

Junk.

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

Junkyard.

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

Kennel.

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

### Land Excavation.

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

### Landfill.

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

1. Sanitary Landfills - A facility used for the disposal of solid waste . Sanitary landfills are divided into two classes based on the amount of wastes received.
2. Clean Material Landfills - Minor - Land used for the disposal of stumps, limbs, leaves, concrete, brick, wood, and only non-water soluble, non-decomposable, inert material and uncontaminated earth which is less than one (1) acres in size and is in operation for less than one (1) year.

### Legislative Decision.

The adoption, amendment, or repeal of a regulation under this Chapter or an applicable local act. The term also includes the decision to approve, amend, or rescind a development agreement consistent with the provisions of Article 10 of this Chapter.

### Legislative Hearing.

A hearing to solicit public comment on a proposed legislative decision.

### Library.

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

### Liquor Store.

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

### Livability Space.

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

Loading, Off-Street.

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

Lodging Places.

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

Lodging Unit.

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

Lot.

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

Lot Line.

A line that marks the boundary of a lot.

Lot Line, Interior.

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

Lot Line, Street.

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

Lot of Record.

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

### Lot Width.

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

### Lumber and Other Building Materials Sales.

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

### Lumberyard.

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

### Manufactured or Mobile Home.

A dwelling that 1) is composed of one or more components, each of which was substantially assembled in a manufacturing plant and designed to be transported to the home site on its own chassis; 2) is a minimum of forty (40) feet in length and eight (8) feet in width; 3) is constructed in accordance with the National Manufactured Home Construction and Safety Standards; and 4) is not constructed in accordance with the standards of North Carolina Uniform Residential Building Code for One - and Two-Family Dwellings.

- (a) Class AA: A manufactured home constructed after July 1, 1976 that meets or exceeds the construction standards promulgated by the U. S. Department of Housing and Urban Development that were in effect at the time of construction and that satisfied the following additional criteria:
1. All homes must measure at least 1,150 square feet of enclosed and heated living space.
  2. Length shall not exceed 2.5 times width.
  3. Placement of homes: all homes shall be placed on the lot in harmony with the existing site-built structures. Where no neighboring structures are available for comparison, it shall be sited with the front running parallel to the street providing access to the site. On corner lots the side with the greatest road frontage shall be considered the front. On corner lots with equal road frontage, the Zoning Enforcement Officer shall make the decision. On cul-de-sacs the home shall be sited with the front running parallel to the street access.

4. Only multi-section units permitted, no single-wides.
5. The roof originally manufactured with the manufactured home shall have a minimum vertical rise of at least 2.75 feet for each 12 feet of horizontal run and the roof finished with a Class C or better roofing shingle that is commonly used in standard residential construction.
6. All roof structures shall provide an eave projection of no less than six inches, which may include a gutter.
7. Be permanently placed on a brick, concrete block or other masonry foundation. If any masonry other than brick is used, then it must be painted or stucco sided. The foundation shall be continuous and unpierced except for ventilation required by the NC State Building Code. A crawl space a minimum of 2 feet in height to the base of the frame shall be provided and an access crawl space door shall be required with the minimum dimensions of 22"h x 30"w. The exposed ground surface below the foundation shall be protected with a polyvapor barrier. Installation shall include a positive surface water drainage away from the home and installed according to the NC Department of Insurance and the North Carolina State Building Code.
8. The exterior siding consists predominantly of vinyl or aluminum lap siding (whose reflectivity does not exceed that of gloss white paint), wood, or hardboard, comparable in composition, appearance and durability to the exterior siding commonly used in standard residential site-built construction.
9. Any moving hitch, wheels and axles, and transporting lights shall be removed.
10. At least two (2) standard 9 feet x 18 feet off-street parking spaces shall be provided. The spaces shall not be closer than 15 feet away from the right-of-way in order to protect sight distances of the driving public. A driveway at least 10 feet in width shall be provided to access the parking spaces. The parking spaces and driveway shall be paved or graveled with not less than four (4) inches of crushed stone or other equally effective landscaping material on a well compacted subbase. If an applicant wishes to construct a concrete drive in weather conditions that would not allow the construction, for example the cold of January, then a security deposit or letter of credit may be issued to the Town as in the manner of a subdivision for guaranteeing required improvements.
11. All areas not used for parking, the manufactured home or required porches shall be grassed or otherwise suitably landscaped to prevent erosion. No exposed soils shall be permitted after issuance of the Certificate of Occupancy, except for agricultural activities.
12. All homes shall have either a deck, porch or a concrete patio with a minimum square footage for the entrance facing the street providing access (Refer to "Placement of homes" in this Section.) of at least 75 square feet. The foundation shall be constructed

with compatible materials with the masonry underpinning on the outer perimeter of the foundation. Stairs, porches, entrance platforms, ramps and other means of access to all other entrances shall measure at least 3 feet by 5 feet and be installed or constructed at each entrance of the home in accordance with the standards set by the North Carolina Department of Insurance, attached firmly to the primary structure and anchored securely to the ground.

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

5. The roof, manufactured with the home, shall have a minimum vertical rise of at least 2.75 feet for each 12 feet of horizontal run.
  6. Permits Required: All standards must be met prior to the issuance of a Certificate of Occupancy of final inspection approval by the Town of Long View Code Enforcement Officer. A building permit must also be secured. Once installation and construction is complete and necessary inspections have been performed, and before occupancy and use, a certificate of occupancy must be secured. The certificate shall state that the property owner is responsible for assuring that all applicable conditions and requirements continue to be satisfied, and that appropriate enforcement actions will be taken if violations occur. This shall be in addition to all other permits.
- (c) Class B: Manufactured housing units which do not meet State of North Carolina and U.S. Department of Housing and Urban Development (HUD) Mobile Home Construction Standards. The HUD codes were not effective until July 1, 1976; therefore, all homes built prior to July 1, 1976 do not meet the standards for a Class B home. The manufactured home shall be in full compliance with the Town of Long View's Minimum Housing Code.

#### Manufactured Home Park

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

#### Manufactured Home Park, Existing.

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

#### Manufacturing, Processing and Assembling.

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

#### Medical and Dental Laboratory.

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

### Membership Organizations.

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

### Mining of Earth Products.

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

### Modular Home.

For the purposes of this ordinance, a modular home is a stick built home.

### Motor Vehicle Repair - Minor.

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

### Motor Vehicle Repair - Major.

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

### Museum.

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

### New Construction.

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

### Nonconformity.

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

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

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

### Nursing, Convalescent and Extended Care Facility.

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

### Off-Premises.

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

### Open Space.

Any area which is not divided into private or civic building lots, streets, rights-of-way, parking, or easements for purposes other than open space conservation. Unless specifically allowed by this ordinance

### Open Storage.

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

Parking, Off-Street.

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

Personal Care Services.

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

Personal Services.

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

Place of Assembly.

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

Planned Development.

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

Professional Services.

An establishment containing practitioners of a calling or vocation in which a knowledge of some department of science or learning is used in its application to the affairs of others. Such activities would include but not be limited to accounting, auditing and bookkeeping services, architectural services, engineering and surveying services, interior design services and legal services. Physicians and dentists are classified as Health Practitioners. See Health Services and Health Practitioners.

Public Service Facilities.

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

Public Use Facility.

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

Public Utility Facility.

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

Publishing and Printing.

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

Radio and Television Studio.

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

Radio and Television Receiving Antenna and Dish, Accessory.

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

Radio or Television Transmitting or Receiving Facility.

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

Recreation Services.

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

**Recreation Facility, Private** - Clubs or recreation facilities for which a membership charge may be made and which are open only to bona fide members and their guests. A private recreational facility may not be open or available to members of the general public.

**Recreation facility, public** - Publicly owned or operated recreation facilities.

Recreational Vehicle.

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

Recreational Vehicle Park.

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

Recreational Vehicle Space.

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

Rehabilitation Centers.

An establishment engaged exclusively in the provision of outpatient services to correct, cure or assist an individual in adjusting to a physical disability. Such services include but are not limited

to physical therapy, occupational therapy, speech therapy, audiology, radiology and respiratory therapy, but excluding therapy for mental illness, drug or alcohol dependency, or rehabilitation of criminals.

#### Rental and Leasing of Light Equipment.

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

#### Repair Services.

The use of land, structures or buildings for the purposes of mending or restoring items after decay, damage, dilapidation or partial destruction. Such services include but are not limited to motor vehicle repairs, bicycle repair, electrical and electronic repairs, gunsmiths, locksmiths, reupholster services, furniture, refinishing and repair, small motor repair, and watch, clock and jewelry repair. Construction activities shall not be included in repair services.

#### Research Activity.

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

#### Residential Land Area.

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

#### Retail.

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

### School.

A facility that provides a curriculum of elementary and secondary academic instruction, including kindergartens, elementary schools, junior high schools, and high schools.

### Service Station.

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

- (a) Sales and service of spark plugs, batteries, and distributor and ignition system parts;
- (b) Sales, service, and repair of tires, but not recapping or regrooving;
- (c) Replacement of mufflers, tail pipes, water hose, fan belts, brake fluid, light bulbs, fuses, floor mats, seat covers, windshield wipers and blades, grease retainers, wheel bearings, mirrors, and the like;
- (d) Radiator cleaning, flushing, and fluid replacement;
- (e) Washing and polishing, and sale of automotive washing and polishing supplies;
- (f) Greasing and lubrication;
- (g) Providing and repairing fuel pumps, oil pumps and lines;
- (h) Minor adjustment and repair of carburetors;
- (i) Emergency repair of wiring;
- (j) Minor motor adjustment not involving removal of the head or crankcase;
- (k) Sale of beverages, packaged food, tobacco products, and similar convenience goods for customers, as accessory and incidental to principal uses;
- (l) Provision of road maps and other travel information to customers;
- (m) Provision of restroom facilities;
- (n) Warranty maintenance and safety inspections.

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

### Setback

The minimum distance by which any building or structure must be separated from a street right-of-way or lot line.

### Setback, Built to Line

A line extending through a lot which is generally parallel to the front property line and marks the location from which the principle vertical plane of the front building elevation, exclusive of

porches, bay windows and similar appurtenances, must be erected; intended to create an even building façade line on a street. The build-to line shall be included on the record plat (final plat).

### Shoppers' Goods, Retail

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

### Sign.

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

### Sign, Area.

The area of a sign shall be computed as including the entire surface area within a parallelogram, triangle, circle, semi-circle or other regular geometric figure, including all of the elements of the display, but not including, display of identification or licensing officially required by any governmental body, or any supporting framework or bracing that is clearly incidental to the display itself and bearing no advertising matter. In the case of signs mounted back-to-back or angled away from each other, the surface area of each sign shall be computed. In the case of cylindrical signs, signs in the shape of cubes, or other signs which are substantially three-dimensional with respect to their display surfaces, the entire display surface or surfaces shall be included in computations of area.

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

### Sign, Freestanding.

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

### Sign, Portable.

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

Sign, Temporary.

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

Signs, Number of.

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

Slaughterhouse.

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

Solid Waste.

Garbage, rubbish, refuse or other discarded solid or semi-solid material resulting from domestic, commercial, industrial, agricultural activities and governmental operations, excluding solids or dissolved materials in domestic sewage or other significant pollutants in water resources such as silt, dissolved or suspended solids in industrial waste water effluents, dissolved materials in irrigation return flows or other common water pollutants.

Special Use.

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

Start of Construction.

The first placement of permanent construction of a structure (including a manufactured home) on a site, such as pouring of slabs or footings or any work beyond the stage of excavation or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation such as clearing, grading and filling; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the

installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

Street, Private.

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

Street, Public.

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

Structural Alteration.

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

Structure.

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

Structure, Accessory.

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

Structure, Principal.

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

Structured Environment.

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

## Substantial Improvement

Any repair, reconstruction, expansion, or improvement of a structure, the cost of which exceeds 50 percent of the assessed value of a structure as determined either before the expansion or improvement begins or before the damage occurred giving rise to there pair or reconstruction. "Substantial improvement" shall not include, however, any repair or improvement required to bring the structure into compliance with existing state or Town health, sanitary, safety, or building code specifications necessary to ensure safe habitation of the structure.

## Supermarket.

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

## Technical Schools.

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

## Townhouse.

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

## Use.

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

## Use, Accessory.

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

## Use, Principal.

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

## Used Merchandise.

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

### Variance.

A relaxation by the Board of Adjustment of the dimensional regulations of this Ordinance where such action will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of actions or the situation of the applicant, a literal enforcement of this Ordinance would result in unnecessary and undue hardship. See Article 12.

### Warehouse.

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

### Warehouse, Mini.

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

### Wholesale Distribution.

Establishments engaged in selling merchandise to retailers, to industrial, commercial, institutional or professional business users or to other wholesalers. Wholesale distribution does not include the storage of dangerous or offensive items such as atomic waste or its byproduct-plutonium or any other hazardous waste classified as such by the state or federal governments. Operations existing as of date of adoption of this code and documented within one year with the Town Clerk, will be exempted from this requirement.

### Yard.

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

### Yard, Front.

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

Yard, Rear.

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

Yard, Side.

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

Zoning Compliance Permit.

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

Zoning Districts.

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

Zoning Lot.

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

## ARTICLE 3

### APPLICATION OF REGULATIONS

#### 3.1 Area of Coverage.

The regulations of this Ordinance shall apply throughout the Town of Long View.

#### 3.2 Ordinance Affects All Lands, Water, Structures, Uses and Occupancies; Affects Height and Bulk of Buildings, Population Density, Lot Coverage, Yards and Other Open Spaces, Off-Street Parking and Loading, Signs and Other Matters.

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

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

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

No part of a yard, area, open space, or off-street parking or off-street loading space required for one structure or use shall be included as meeting requirements for another, except where specific provisions therefore are made in this Ordinance. Private action shall not reduce or eliminate; except when an alternative or shared parking and loading plan is meeting the intent of the ordinance and has been approved as a modification by the zoning administrator.

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

No new lot shall be created after the effective date of this Ordinance except in conformity with the requirements of applicable regulations. No yard or lot existing at the time of passage of these

regulations shall be reduced by private action in width, depth, or area below the minimum requirements set forth herein.

### 3.6 Required Accessory Uses on Same Zoning Lot with Same Zoning.

All required accessory uses for any principal use, including but not limited to off-street parking and loading areas, retention or drainage areas, and private sewer or water systems shall be located on the same zoning lot as the principal use and shall have the same zoning district designation as the principal use, except as permitted elsewhere in this Ordinance.

### 3.7 One Principal Structure Per Lot.

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

### 3.8 Calculation of Combined Requirements or Limitations; Rounding in Total Only

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

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

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

## ARTICLE 4

### OFFICIAL ZONING MAP

#### 4.1 Adoption of Official Zoning Map.

The Official Zoning Map, together with all lawfully adopted explanatory material shown thereon or therewith, is hereby adopted by reference and declared to be part of this Ordinance. [The Zoning Map shall be maintained for public inspection in the office of the local government clerk. The maps may be in a paper, or a digital format approved by the local government \(G.S. 160D-105\).](#)

#### 4.2 Other Supplements.

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

#### 4.3 Rules Where There is Uncertainty as to Boundaries.

Where uncertainty exists as to boundaries of districts, or other areas delineated for regulatory purposes in the Official Zoning Map, shall be construed as being parallel to or extensions of such features; the following rules shall apply:

- (a) Boundaries or centerline of Streets, Alleys, other public or private property lines, Rights-of-Way, or Easements; Variation Between Actual and Mapped Location and Effect on Zoning Status of Property when closed or vacated shall remain in its location
- (b) Boundaries Indicated as Approximately Following Mean High-Water Lines or Centerline of Rivers or Other Bodies of Water shall be determined by center of water source or survey. Boundaries indicated as entering any body of water, but not continuing to intersect with other zoning boundaries or with the limits of the jurisdiction of the Town, shall be construed as extending, in the direction in which they enter the body of water, to intersect with other zoning boundaries or with the limits of Town jurisdiction
- (c) Where distances are not specifically indicated on the Official Zoning Map shall be determined by the scale of the map.
- (d) Action in Cases of Remaining Uncertainty, Conflicts.

In other circumstances not covered above, or where existing natural or man-made features are at variance with those shown in the Official Zoning Map, or where it is illegible or unclear, or where interpretation based on the above rules appears to produce contradiction or conflict with

the intent of this Code, or upon request from the Zoning Administrator or from any affected property owner, the Board of Adjustment shall make a finding and interpretation concerning the boundaries involved in accord with the intent and purpose of this Ordinance.

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

#### 4.4 Zoning Map Replacement

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

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

#### 4.5 Official Zoning Map; Authentication and Location

##### (a) Authentication.

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

"This is to certify that this is the Official Zoning Map referred to and adopted by reference by Ordinance No.      of the Town of Long View, N.C., approved      , 20      ."

##### (b) Location.

The Official Zoning Map shall be located in the Town of Long View Town Hall. [The Zoning Map shall be maintained for public inspection in the office of the local government clerk. The maps may be in a paper or a digital format approved by the local government \(G.S. 160D-105\).](#)

#### 4.6 Official Zoning Map; Amendment.

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

#### 4.7 Official Zoning Map; Final Authority.

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

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## ARTICLE 5

### SCHEDULES OF DISTRICT REGULATIONS

#### 5.1 Introduction

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

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

#### 5.2 Schedule of Statements of Intent.

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

(a) Medium Density.

1. R-2 District - Residential

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

2. R-3 District - Residential

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

(b) High Density

1. R-4 District - Residential

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

## 2. R-5 District - Residential

The Residential (R)-5 District is intended to accommodate a variety of moderate to high intensity residential uses, including single-family, two-family and multiple-family dwelling types, under conventional or planned development controls. Land designated as R-5 shall normally be located with access to major or minor thoroughfares with access through local residential streets discouraged and shall be serviced by public water and sewer services, plus the governmental and support services necessary for urban levels of development. The overall gross density in multiple-family developments shall be 12 units or less per acre.

### (c) Office

#### OI-1 District - Office and Institutional

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

### (d) Commercial

#### 1. C-3 District - Neighborhood Business

The Commercial (C)-3 District is intended to provide for the sale of convenience goods and a limited number of personal services to the residents of the surrounding neighborhood. These districts shall normally be located at intervals along major or minor thoroughfares, and these regulations shall provide standards for development of such retail and service uses on either free-standing parcels or in small commercial centers which shall be designed to protect the integrity of the surrounding residential neighborhood. This is meant to serve as a transitional district and residential dwellings are permitted in this district; residential lots will be governed by the HDR parameters in Table 5-1 and Table 5-2.

## 2. C-4 District - General Business

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

## 3. C-5 District - Mixed Used in Specified Existing Areas

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

### (e) Economic Development

#### ED District - Economic Development

The purpose of the Economic Development (ED) District is to provide regulations for the development of areas generally devoted to light manufacturing, processing and assembly uses, warehousing, distribution and servicing enterprises and office activities controlled by performance standards to limit the effect of such uses within the district and on adjacent districts. Development in this district under the planned development process will be encouraged.

### (f) Industrial

#### I District - Industrial District

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

### (g) Overlay Districts

1. Planned Unit Development (PUD): The uses permitted or permissible in the Planned Development Districts are listed in Article 14.1

Purpose. The Planned Unit Development District is established to encourage the master planning of large scale, multiple and/or mixed use development patterns that allow for the development of fully integrated pedestrian-oriented neighborhoods. Applicants who propose planned unit development have more flexibility and creativity in design than is possible under conventional zoning regulations. The planned unit development process:

- a. Allows for the layout of uses and open space that promote high standards in design and construction;

- b. Encourages well-planned, efficient development to promote economical and efficient land uses and to minimize suburban sprawl, traffic congestion, infrastructure costs and environmental degradation;
- c. Allows planned and coordinated mix of land uses which are well-balanced but were previously discouraged by conventional zoning procedures;
- d. Encourages the development of contiguous large lot parcels into an integrated and orderly pattern with particular attention to developing an efficient and coordinated network of internal streets;
- e. Promotes the clustering of structures and other uses in order to preserve unique and natural features such as woodlands, wetlands, natural drainage systems, bodies of water and scenic areas; and
- f. A carefully designed, well-ordered mix of land uses and/or housing types which serve to lessen traffic congestion, provide for the efficient use of land and travel patterns, and bring variety and diversity to communities.

2. Downtown Overlay District (DOD): The uses permitted or prohibited uses in the DOD are listed in Article 14.2

Purpose. The Downtown Overlay District is designed to create an aesthetically pleasing corridor along the downtown area in keeping with the Town's policy of protecting our safe, family-friendly, attractive business environment. The Downtown Overlay District does not affect land use regulations or development standards of the underlying Zoning Districts except as specified in this section.

The specific purposes of the DOD District are to:

- a. Encourage appropriate residential and commercial development;
- b. Preserve, enhance, and improve the visual quality, function, safety, and enjoyment of the Downtown streetscape corridor; for citizens, business owners, and visitors.
- c. Promote orderly development and safe and efficient movement of all modes of transportation within the business thoroughfare.

3. Water Supply Watershed Protection District (WSP District): the uses permitted or permissible in the Water Supply Watershed Protection District are listed in Article 15.

General Purpose & Intent.

The purpose of this division is to regulate the development and land use density in order to limit water supply watershed exposure to non-point source discharge and pollution. The non-point source discharge can contribute biological contamination, sediment from soil erosion, nutrient enhancement and heavy metal pollution; all of which endanger the water supplies.

As required by the Water Supply Watershed Protection Act of 1989, the State of North Carolina has reclassified each of North Carolinas drinking water supply watersheds to appropriate classification. Lake Hickory watershed, a portion of which is in the Long View

jurisdiction, is classified as "WS IV" and are protected water supplies that are generally moderately to highly developed.

This effort is a proactive approach, rather than reactive, to assure a clean, safe, and healthy water supply for the citizens and businesses of North Carolina.

### 5.3 Schedule of Permitted and Permissible Special Uses by District.

#### (a) Legend Interpretation

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

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

1. "X" indicates the use is permitted principal use by right.
2. "S" indicates that the uses requires approval of a Special Use Permit Approved by the Board of Adjustment and development standards are met as set forth in Chapter 7
3. "C" permitted with conditions, subject to the Zoning Administrator's finding that additional development standards as set forth in Chapter 7 are met.
4. " Blank" indicates that this use is a Prohibited Use.

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

TABLE 5-1

SCHEDULE OF PERMITTED AND PERMISSIBLE USES BY DISTRICT

X = Permitted Principal Uses

S = Special Use Approved by Board of Adjustment

C = Permitted with conditions met: See applicable Supplemental Regulations Article 7.

Blank = Prohibited Use

USE	Medium Density Residential: <u>R2 and R3</u>	High Density Residential: <u>R-4 and R-5</u>	Office: <u>O&amp;I</u>	Commercial: <u>C-3, C-4 and C-5</u>	Economic : <u>ED</u>	Industrial: <u>I</u>
<b>AGRICULTURAL</b>						
Animal Husbandry						
Bonafide Farms						
Greenhouses					X	X
Nurseries/Landscaping				X	X	X
Forestry	X	X	X	X	X	X
Gardening	X	X	X	X	X	X
Hatcheries						
Livestock Sales						
Pasturage						
Private Greenhouses	X	X	X	X	X	X
Roadside Stand - C						
Roadside Stand - Residential						
Stable						
<b>COMMUNICATIONS FACILITIES</b>						
Ham Radio Antenna	C	C	C	C	C	C
Radio and TV Studio			X		X	X
Communication Tower, Radio and TV Transmitting and Receiving Facility			C		C	C
Radio and Television Receiving - Antenna Dish, Accessory/ Satellite Dish	C	C	C	C	C	C

USE	MDR	HDR	OI	C	ED	I
<b>COMMUNITY RECREATION USES</b>						
Community Centers	C	C	X	X	X	X
County Clubs	C	C				
Golf Courses (18-hole)	C	C				
Greenways	X	X	X	X	X	X
Parks & Playgrounds	X	X	X	X	X	X
Recreation Clubs	C	C				
<b>CULTURAL FACILITIES</b>						
Art Galleries	C	C				
Libraries	C	C				
Museums	C	C				
<b>MANUFACTURING, PROCESSING AND ASSEMBLY</b>						
Asphalt Products						
Bedding and Carpet Manufacturing				X	X	X
Bottling Plants				X	X	X
Brick, Tile & Pottery Yards					X	X
Cabinet Shops						
Canvas Goods Manufacturing				X		X
Cardboard Containers				X	X	X
Case Goods				X	X	X
Chemical Manufacturing				X		X
Chrome Plating						
Clothing and Textiles				X	X	X
Concrete Products Production						
Critical Digital Infrastructure Facilities						S
Electrical Appliances & Equipment				X	X	X
Farm Machinery				X	X	X
Fertilizers						
Fiberglass				X		X
Flour and Feed Mills						
Food & Food Products				X	X	X
Foundries				X		X

USE	MDR	HDR	OI	C	ED	I
Glass Products Assembly				X	X	X
Furniture (except case goods & frames)				X	X	X
Headquarters of Manufacturing, Processing & Assembly Firms			X	X	X	X
Hosiery Mills				X	X	X
Ice Manufacturing				X	X	X
Knitting Mills				X	X	X
Leather Products Assembly				X	X	X
Leather Tanneries						
Luggage				X	X	X
Machine Tools				X	X	X
Manufacturer's Showrooms, Accessory				X	X	X
Meatpacking Plants						
Metal Fabricating Plants				X	X	X
Monument Works & Sales				X	X	X
Paints, Varnishes, Finishes				X		X
Paper Goods, Assembly				X	X	X
Pharmaceuticals				X	X	X
Pillow Manufacturing				X	X	X
Plastic Products, Manufacturing				X		X
Plastic Products, Assembly				X	X	X
Precision Instruments				X	X	X
Sawmills						
Sheetmetal Shops				X	X	X
Springs Manufacturing				X	X	X
Stone and Clay Products						
Textile Finishing & Dying				X	X	X
Transportation & Heavy Equipment Manufacturing				X	X	X
Upholstering Shops				X	X	X
Wooden Box Factories				X		X
Woodworking Shops				X		X

USE	MDR	HDR	OI	C	ED	I
<b>MISCELLANEOUS</b>						
Accessory Uses	C	C	C	C	C	C
Armories						
Bakeries (wholesale)						
Construction Trailers	C	C	C	C	C	C
Electrical Equipment Sales				X	X	X
Equipment, Rental				X	X	X
Firing Range, Outdoor						
Flea Markets, Indoor				C		
Flea Markets, Outdoor						
Heating and Refrigeration Shops				X	X	X
Industrial Supplies and Equipment				X	X	X
Kennel						
Livestock Sale Barns						
Lumberyard						
Membership Organizations						
Music Studios				X		
Oil and Gasoline Bulk Storage				X		X
Places of Assembly				X		
Plumbing and Heating Supplies				X	X	X
Publishing and Printing				X	X	X
Research Activities				X	X	X
Slaughterhouse						
Technical Schools			X	X		
Tire Recapping Shops				X		X
Utility Company Operation Centers				X	X	X
Vending Companies				X		X
<b>OPEN USES OF LAND</b>						
Cemetery, Human	C	C	C	C		
Junkyards						
Landfill-Clean Material-Minor					X	X
Landfill-Sanitary						
Mining of Earth Products (sand, soil and clay)						
Open Storage (Accessory Use)				C	C	C
<b>PUBLIC FACILITIES</b>						
Public Service Facilities	C	C	C	X	X	X
Public Use Facilities	C	C	C	X	X	X
Public Utility Facility	X	X	X	X	X	X

USE	MDR	HDR	OI	C	ED	I
<b>RESIDENTIAL</b>						
<b>RESIDENTIAL SUPPORT FACILITIES</b>						
Adult Care Center (more than 9)	C	C	C	C	C	C
Child Care Center (more than 5)	C	C	C	C	C	C
Church/Synagogue	X	X	X	X		
College/University/Tech College			X			
Home Occupation	C	C	C	C	C	C
Garage Sales Residential	C	C				
Schools (Elementary, Middle, High)	X	X	X	X		
Swimming Pools	C	C				
<b>RESIDENTIAL USES</b>						
Congregate Living Facility		S				
<b>Dwelling Units</b>						
Multiple Family (includes condominiums)		X	X	X		
Single Family, including modular	X	X				
Two Family, including modular	X	X				
Three Family		X				
Family Care Home (Group Home)	X	X				
Accessory Dwelling Unit						
Accessory Building	X	X				
<b>Manufactured Homes</b>						
Class "AA" (8), mobile	X	X				
Class "A" (9) (Single), mobile						
Class "B", mobile, RV Motorhomes						
Mobile Home Parks, Planned Development. See Article 14		X				
Single Family Townhouse Subdivision	C	C				

USE	MDR	HDR	OI	C	ED	I
<b>RETAIL</b>						
<b>Convenience Goods</b>						
Bakeries				X		
Candy, Nut & Confectionery Stores				X		
Convenience Store				X		
Dairy, Meat & Seafood Market				X		
Delicatessen				X		
Drug Stores (under 3,000 sq.ft.)			X	X		
Newsstands			X	X		
<b>Eating Establishment</b>						
Drinking Establishments				C		
Mobile Food Truck				X		
Sit-down				X		
Walk-in/Drive-in				X		
<b>Shoppers Goods</b>						
Antique Shops				X		
Apparel and Footwear				X		
Appliances				X		
Art Supplies				X		
Automotive Supplies				X		
Auto, Truck, Boat and Motorcycle Sales				X		
Bicycle Sales and Service				X		
Book and Stationery Stores				X		
Camera & Photography Supplies				X		
Department Stores				X		
Discount Stores				X		
Drug Stores				X		
Fabric Stores				X		
Farm and Heavy Equipment Sales and Rental				X	X	X
Farm Supplies				X		

USE	MDR	HDR	OI	C	ED	I
Floor Covering Stores				X		
Florists				X		
Furniture & Home Furnishings				X		
Furriers				X		
Gas or Service Station				X		
Gift Shops				X		
Glass and Mirror Shops				X		
Gun & Ammunition Sales				X		
Hardware Stores				X		
Hobby, Toy & Craft Stores				X		
Jewelry Stores				X		
Lawn and Garden Supply				X		
Liquor Store				X		
Lumber & Building Materials-Sales				X		
Manufactured Home Sales				Z		
Recreational Vehicle Sales				X		
Monument Sales				X	X	X
Music Stores				X	X	X
Office Equipment Stores				X		
Optician & Optical Supply Stores				X		
Paint & Wallpaper Stores				X		
Parking - Off Street	X	X	X	X	X	X
Pawn Shops				X		
Pet Shops				X		
Radio & TV Sales				X		
Rental & Leasing of Light Equipment				X	X	
Rental of Domestic Vehicles				X		
Saddleries				X		
Second Hand Stores & Swap Shops				X		

USE	MDR	HDR	OI	C	ED	I
Service Station				X		
Sporting Goods				X		
Supermarkets				X		
Tailoring & Dressmaking Shops				X		
Variety Stores				X		
<b>RECREATIONAL / EDUCATIONAL / INSTITUTIONAL</b>						
Amusement Services						
Amusement Arcades				X		
Amusement Park				X		
Batting Ranges				X		
Billiards or Pool Halls				X		
Bowling Lanes				X		
Circus, Carnival, Fair	C	C	C	C	C	C
Dance Schools/Studios or Classes				X		
Discotheques				X		
Drag Strip/Race Track						
Golf Driving Ranges				X		
Gymnasiums				X		
Health Clubs				X		
Miniature Golf				X		
Movie Theaters (Drive-in)				C		
Par 3 Golf				X		
Skating Rinks				X		
<b>SERVICES</b>						
<b>BUSINESS SERVICES</b>						
Advertising Agency			X	X	X	
Arts & Graphics Services			X	X	X	
Automatic Bank Teller				X		
Banks & Finance Companies				X		

USE	MDR	HDR	OI	C	ED	I
Blueprints & Drafting Supplies			X	X	X	
Building Cleaning & Maintenance Services			X	X	X	X
Computer & Data Processing Services			X	X	X	
Detective Agencies			X	X		
Insurance Agencies			X	X		
Linen & Uniform Supply Services				X	X	X
Management Consultants			X	X	X	
News Syndicates			X	X	X	
Personnel Services			X	X	X	
Photocopying Services			X	X	X	
Photofinishing Laboratories			X	X	X	
Photography Services & Studios			X	X	X	X
Public Relations Services			X	X	X	
Real Estate Services			X	X	X	
<b>HEALTH SERVICES</b>						
Animal Hospital/Vet Clinic				X		X
Health Practitioner's Office			X	X	X	
Hospital			X	X	X	
Medical & Dental Labs			X	X	X	X
Medical/Dental Clinics			X	X	X	
Nursing, Convalescent & Extended Care Facilities	C	C	X			
Rehabilitation Center			X	X	X	
Sanitarium & Mental Institutions (accessory use to a hospital)			X			
<b>LODGING PLACES</b>						
Board/Rooming House & Bed & Breakfasts		C				
Hotels/Motels				X		
<b>MISCELLANEOUS SERVICES</b>						
-Adult Uses				S		

USE	MDR	HDR	OI	C	ED	I
Automotive Towing and Storage Services						C
Car Wash				X		
Contractor's Office				X	X	X
Dry Cleaners				X		
Dry Cleaning Plants				X	X	X
Exterminators				X	X	X
Food Catering				X	X	
Funeral Parlor			X	X		
Landscapers				X	X	X
Lawn & Garden Care				X		
Machine & Welding Shops				X		X
Mail Order Office				X		X
Sign Painting				X	X	
Tailoring & Dressmaking Shops				X	X	
Truck, Farm Equipment & Heavy Equipment Sales & Service				X	X	X
<b>PERSONAL SERVICES</b>						
Barber Shop/Beauty Shop			X	X		
Coin Operated Laundry				X		
Dry Cleaning & Laundry Pick-up Facilities			X	X		
Seamstress Shop			X	X		
Shoe Repair and Shining				X		
<b>PROFESSIONAL SERVICES</b>						
Accounting			X	X	X	
Architects			X	X	X	
Auditors & Bookkeepers			X	X	X	
Engineers			X	X	X	
Interior Designers			X	X	X	
Legal Services			X	X	X	

USE	MDR	HDR	OI	C	ED	I
Surveyors			X	X	X	
Repair Services						
Bicycle Repair				X		
Electronic & Electronic Repair (large)				X	X	X
Electronic & Electronic Repair (small)				X		
Furniture Refinishing & Repair				X		
Gunsmith				X		
Locksmith				X		
Motor Vehicle Repair-Major (excludes the open storage of wreck cars)				X	X	X
Motor Vehicle Repair-Minor (excludes the open storage of wreck cars)				X		
Reupholstery				X	X	X
Small Motor Repair				X	X	X
Jewelry/Clock Repair				X		
<b>INDUSTRIAL</b>						
Airport						S
Airstrip						S
Truck Terminal				X	X	X
Mini-warehouse				C	C	C
Moving/Transfer Companies				X	X	X
Warehouse				X	X	X
Wholesale Distribution				X	X	X

Table 5-2

Official Schedule of Area, Height, Bulk, and Placement Regulations by District

See Also Article 6 and Article 7

District	Minimum Lot Area Per Dwelling Unit (Feet)			Minimum Lot Width (Feet)	Minimum Setback (Feet)				Max. Lot Coverage (%) *WS LD/HD	Max Bldg Height (Feet)
	Single Family	Two Family (First/Additional)	Multi-family (First/Additional)		Front	Side	Street Side Yard	Rear		
R2, R-3 Medium Density	15,000	10,000 5,000	N/A	70	30	10	12	30	*36/70	35
R-4,R-5 High Density	8,000	8,000 3,600	8,000 5,000	60	BTL 10-30	5	10	20	*36/70	35

*\*Watershed requirement – maximum lot coverage is dictated by watershed regulations.*

District	Minimum Lot Area (sq. ft.)	Minimum Lot Width (Feet)	Minimum Setbacks (Feet)				Max Bldg Height (Feet)
			Front	Side	Street Side Yard	Rear	
C-3,C-4,C-5 Commercial	8,000	60	20	10	15	15	50
ED	15,000	100	20	10	15	20	50
I	15,000	100	20	10	15	20	50

(b) Determination for Unlisted Uses.

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

## ARTICLE 6

### APPLICATION OF AREA, HEIGHT AND PLACEMENT REGULATIONS

#### 6.1 Introduction.

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

#### 6.2 Regulations Encumbering Land Required to Satisfy Ordinance Requirements.

No portion of a lot, used in connection with an existing or proposed building, structure or use, and necessary for compliance with the area, height and placement regulations of this Ordinance shall, through sale or otherwise, be used again as part of the lot required in connection with any other building, structure, or use.

#### 6.3 Height Regulation, Generally.

##### (a) Structures Permitted Above Height Regulations.

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

##### (b) Aviation Hazards

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

#### 6.4 Permitted Encroachments into Required Setbacks

(a) Encroachments Permitted in Required Setbacks: the following are permitted in required setbacks provided there is no interference with any sight area:

1. Landscaping features, including but not limited to, ornamental pools, planting boxes, sculpture, arbors, trellises, and birdbaths; and
2. Pet shelters; at-grade patios; play equipment; outdoor furniture; ornamental entry columns and gates; flagpoles; lampposts; address posts; mailboxes; outdoor fireplaces; public utility wires, poles, pumps and boxes; wells; fences or retaining walls subject to the requirements of Article 6.7 (Fences); or similar structures.
3. Handicapped ramps

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

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

Type	Setback	Maximum Encroachment	Maximum Area
Covered or Uncovered	Front	5 feet	35 sq ft
Uncovered Only	Rear	50% of setback	

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

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

### 6.5 Averaging Existing Residential Front Setback Line

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

### 6.6 Accessory Use, Building and Structure Requirements

The following requirements are for accessory uses, buildings and structures. Other accessory buildings and structures, such as open storage, listed in Article 5.3, (Permitted Use Schedule) may have additional development requirements found in Article 7 (Supplemental Regulations.)

(a) Maximum Area

1. The maximum total area of all accessory buildings shall not exceed fifty percent (50%) of the gross floor area of the principal building.

(b) Location

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

Accessory Building/Structure Size

	<u>&lt; 600 sq. ft.</u>	<u>&gt; 600 sq. ft.</u>
Building		
Separation	5 feet	10 feet

(c) Setback Requirements

1. Street Setbacks: Accessory buildings and structures shall meet required street setbacks except as otherwise allowed in Article 6.4 Permitted Encroachments into Required Setbacks).
2. Side and Rear Setbacks: Accessory buildings and structures shall be setback at least 10 feet from any lot line, not street line, except as otherwise allowed in Article 6.4 (Permitted Encroachments into Required Setbacks).

(d) Height Requirements

1. Accessory Buildings and Structures: The height of all accessory buildings and structures, except for communication towers and as provided in Article 6.3(a) (Structures Permitted Above Height Limits), shall conform to the height limits of the zoning district in which they are located.
2. Accessory Communication Towers: Accessory communication towers may exceed the height limit of the district in which they are located with approval of from the Zoning Administrator and meeting of requirements in Article 7.

6.7 Fences

(a) Applicability

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

(b) Temporary Fences

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

(c) Permitted Fence Types

The following fence types are permitted in all zoning districts:

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

5. Similar materials.

(d) Prohibited Fence Types

The following fence types are prohibited:

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

(e) Maintenance

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

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

1. Residential Uses:

- a. Within Required Front Yard: No fence shall exceed four (4) feet in height within the required front setback.
- b. Within Required Side Yard: No fence shall exceed six (6) feet in height within the required side setback.
- c. Within Required Rear Yard and Otherwise: No fence shall exceed eight (8) feet in height.

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

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

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

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

5. Measurements

- a. Fence height shall be measured at the highest point, not including columns or posts, of the fence section as measured from the grade on the side nearest the abutting property or street.
- b. Columns or posts shall not extend more than eighteen (18) inches above the built height of the fence. Columns or posts shall be separated by a horizontal distance of at least four (4) feet, except at gates.
- c. As measured in Subsection a. above, any retaining wall or berm below the fence shall be considered as part of the overall height of the fence. Safety railings required by the NC Building Code shall not be included in height measurements.

#### 6.8 Visibility at Intersections

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

- (a) Start at the intersection of the rights-of-way of the two intersecting roadways or at the intersection of the pavement edges, if no right-of-way exists;
- (b) Measure from said intersection 70 feet along the major right-of-way or pavement edge, if none exists,; and ten feet along the minor; and
- (c) Connect the ends of the measurements to form a triangle.

- (d) This section does not apply to utility poles, vehicle parking facilities authorized by the Town Code of Ordinances and essential highway oriented signs installed by the Town of Long View and the North Carolina Department of Transportation.

## 6.9 Lots; Dimensional, Access, and Related

### (a) Lots, Measurement of Width

The width of a lot shall be measured across the required front setback line, provided, however, that width between side lot lines where they intersect with the street line shall not be less than eighty percent of the required minimum lot width except in the case of lots on the turning circles of cul-de-sacs or at similar points of street curvature where the radius of the right-of-way line (or a circle approximately following the right-of-way line and intersecting the foremost points of the side lot lines) is less than ninety feet.

### (b) Lot, Area

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

### (c) Minimum Lot Area

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

### (d) Street Access

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

### (e) Area Per Dwelling Unit

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

## 6.10 General Requirements Concerning Arrangement and Location of Structures and Landscaping; Access

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

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

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

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

## 6.11 Buffers and Screening

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

### (a) Buffer Required

Buffer strips shall be provided upon any side or rear lot line where non-residential use and/or non-residential zoning districts abut residential zones, where multi-family use abuts single-family use and between manufactured homes parks and adjacent properties. No such buffer strip shall, however, extend nearer to a street right-of-way line than the established building line of the adjoining lot and no such buffer shall be required upon any yard which abuts a public street.

A buffer strip shall be equal to one the following:

1. A planting strip at least ten (10) feet in width, composed of deciduous or evergreen trees or a mixture of each, spaced not more than ten (10) feet apart and not less than one (1) row of dense shrubs, spaced not more than five (5) feet apart and five (5) feet in height after one (1) growing season;
2. A six-foot high solid picket type fence with the pickets being placed facing the adjoining property;
3. A six-foot high, open type fence with dense evergreen shrubs planted facing the adjoining property, spaced not more than five (5) feet apart and five (5) feet or more in height after two (2) growing seasons;
4. A six-foot high chain link type fence with panel inserts;
5. A six-foot high masonry, brick, or stucco wall;
6. A earthen berm and planting combination, at least fifteen (15) feet in width, with the berm an average of three feet in height and dense plantings, which will, when combined with the berm, achieve a minimum height of eight (8) feet within two growing seasons;
7. In lieu of compliance with the above buffer requirements, an applicant may submit to the Zoning Enforcement Officer, a detailed plan showing the retention of existing vegetation and natural forest growth that will satisfy one of the above requirements.

(b) Screening Required

Uses which provide dumpsters or similar trash containers shall provide screening according to the following requirements, with the exception of single-family residential uses and temporary construction dumpsters. However, upon completion of construction, all construction dumpsters shall be removed.

1. Dumpsters and similar trash containers shall be hidden by an opaque fence or wall of sufficient height to screen the container, but not less than six (6) feet in height.
2. The wall or fence shall enclose the dumpster on all four sides. Gates or doors for access on one side are permitted.
3. The fence or wall shall match the color and be constructed of materials similar to the main building.

Non-residential uses with outdoor storage of materials, equipment, vehicles, etc shall provide screening according to the following requirements. Areas for retail sales display are exempt from this requirement.

1. A six-foot high, opaque fence with dense evergreen shrubs planted facing the adjoining property, spaced not more than five (5) feet apart and five (5) feet or more in height after two (2) growing seasons.

(c) Alternative Buffers and Screening

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

(d) Existing Vegetation

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

(e) Maintenance and Irrigation of Landscaping

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

6.12 Perennial Stream Buffer not in WSP District

A minimum thirty (30) foot wide vegetated buffer is required for all new development along perennial streams indicated on the most recent version of USGS 1:24,000 (7.5 minute) scale topographic maps or as determined by local government studies. For perennial waters located in the Water Supply Watershed Protection District (WSP District), see Article 15.7.

6.13 Lighting.

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

6.14 Additional Requirements for Districts:

(a) Developments with 4 or more dwelling units.

1. Each dwelling unit shall be connected to municipal water and sewer systems.

2. To permit adequate fire protection, all portions of every building shall be located within three hundred (300) feet of a public street that furnishes direct access to the property unless the fire marshal determines that fire hydrants and service drives will offer adequate protection.
  3. All common driveways shall have approved traffic circulation and shall be kept available for emergency and service use by any public vehicle.
  4. Off-street parking spaces shall be located within 100 feet of each building in an amount proportional to the number of dwelling units in each building. No parking area with five (5) or more spaces shall be located closer than ten (10) feet to a dwelling wall with windows or doors.
  5. Walkways shall be provided between parking areas and building entrances. Any walkway serving only one dwelling unit, other than a handicapped unit, shall have a minimum width of three (3) feet. All other walkways shall have a minimum width of four (4) feet. Walkways shall be constructed of concrete, asphalt, paving stone, brick or other similar all-weather surfaces approved by the Zoning Administrator.
  6. Open Space and/or Recreation Facilities:
    - a. The minimum open space shall be 70 percent of the total site area.
    - b. At least 25 percent of the minimum 70% open space shall be open space designed and developed for use by the occupants of the development or others for recreation, courts, gardens, or household service activities, such as clothes drying, which space is effectively separated from automobile traffic and parking and is readily accessible. This 25 percent open space shall not include space devoted to street and parking.
  7. Stationary refuse containers (i.e. dumpsters or compactors) shall be provided in a number and size conforming with the requirements of the Town. No container location shall interfere with sight distance or the free movement of vehicles on streets or access drives. Such locations shall also allow collection trucks adequate maneuvering space to empty the containers (without interference from utility lines or other structures) and to leave the property without excessive backing. Concrete pads constructed in accordance with standards of the Town shall be located beneath and in the approach to each container.
- (b) Additional Performance Standards for Manufacturing, Processing and Assembly Operations
1. All off-street parking areas, and loading and unloading areas, shall be paved. All such areas located in the front yard must be curbed, guttered, and landscaped according to

Article 10.12. Location of loading areas are discouraged on the side of a building facing a public street.

2. Outside storage or assembly shall be fully screened from ground level view from adjacent non-manufacturing, processing and assembly operation properties or public streets.
3. Outside manufacturing or processing shall not be permitted.

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

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

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## ARTICLE 7

### PERMITTED WITH CONDITIONS: SUPPLEMENTAL REGULATIONS

#### 7.1 Introduction

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

#### 7.2 Maintenance of Automobiles or Motor Vehicles in Residential Districts

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

- (a) Only minor maintenance may be performed which, for purposes of this Section, are defined as the changing and replenishment of fluid levels, such as hydraulic fluid, windshield washer fluid, and lubricating oil, the replacement of sparkplugs, ignition points, the rotation of tires and the checking of adequate pressure; and the replacement of drive belts and hydraulic lines.
- (b) Any other repairs on a motor vehicle or automobile shall be restricted to totally enclosed spaces and only accomplished on privately registered vehicles having current State of North Carolina license plates, or motor vehicles designated by the State of North Carolina as qualifying for an antique or horseless carriage designation.

#### 7.3 Parking of Domestic, Recreational and Commercial Vehicles

##### (a) Domestic and Recreational Vehicles

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

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

(b) Commercial Vehicles

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

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

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

7.4 Reserved.

7.5 Reserved.

7.6 Reserved.

7.7 Automotive Towing and Storage Services

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

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

7.8 Animal Hospital and Veterinary Clinics

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

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

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

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

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

- (a) All towers and antennas shall have setbacks equal to or greater than the height of the proposed structure.
- (b) Distance of any guy anchorage or similar device shall be at least ten (10) feet from any property line and an additional 15 (15) feet must be provided if the site abuts a residential district.
- (c) Suitable protective anti-climb fencing and a landscape planting screen shall be provided and maintained around the structure and accessory attachments.
- (d) The applicant shall present documentation of the possession of any required license by any federal, state or local agency.
- (e) No structure shall be in excess of a height equal to the distance from the base of the structure to the nearest overhead electrical power line which serves more than one dwelling or place of business, less five (5) feet.
- (f) Application for the permit must include construction drawings showing proposed method of installation, structural engineering analysis, and site plan depicting structures and plantings on the property and all adjacent properties. At the request of administrative authority, documentation of a maintenance program may be required.
- (g) If any modifications are made to the structure, the zoning administrator shall have the authority to require proof that said addition, change or modification is in conformity with the permit and the Long View Building Code.
- (h) The owners of such a structure shall assume complete liability in case of personal property damage.

#### 7.10 Construction Trailers as Temporary Offices

- (a) A contractor, engaged upon a construction project for which a Building Permit has been issued by the Town of Long View, may temporarily use a construction trailer for office facilities in the location where the work is being done; provided such construction trailer shall not be placed upon a public street, but only upon the property on which the Building Permit authorizes the construction. The construction trailer shall be removed within 30 days of completion of the work for which the permit has been issued.
- (b) A Zoning Compliance Permit may be issued by the Zoning Administrator for a one-year period for the use of a manufactured home, or a modular home, as a temporary office while business properties are being remodeled, provided that it is placed upon the property for which there is a Building Permit issued by the Town of Long View for the remodeling. The permit shall be for a period of one year or until the remodeling is completed, whichever is the shorter period.

### 7.11 Discotheques

- (a) The use shall not be within 1,000 feet of any Residential District. Distance shall be measured from property line to property line, along shortest distance between property lines, without regard to the route of normal travel.
- (b) The property must abut and have its primary access to a major or minor thoroughfare as designated on the Hickory-Newton-Conover Urban Area Thoroughfare Plan adopted at time of application.
- (c) Nothing in this subsection shall be construed to permit the operation of any business or the performance of any activity prohibited under any other section of this Ordinance or the laws of the Town of Long View or the State of North Carolina.

### 7.12 Drinking Establishments

- (a) The use shall not be within 1,000 feet of any Residential District. Distance shall be measured from property line to property line, along shortest distance between property lines, without regard to the route of normal travel.
- (b) The property must abut and have its primary access to a major or minor thoroughfare as designated on the Hickory-Newton-Conover Urban Area Thoroughfare Plan adopted at time of application.
- (c) Nothing in this subsection shall be construed to permit the operation of any business or the performance of any activity prohibited under any other section of this Ordinance or the laws of the Town of Long View or the State of North Carolina.

### 7.13 Flea Markets, Indoor.

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

### 7.14 Garage, Yard, etc. Sales

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

### 7.15 Ham Radio Antenna

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

- (a) The occupant shall possess a valid FCC license to operate radio transmitting and receiving equipment associated with the antenna.
- (b) The antenna shall not be located in any required front and side yards and, if located in the required rear yard, shall not be located closer than 20 feet from any rear lot line.
- (c) The antenna shall be so located, constructed and maintained as to avoid menacing adjacent property by collapse, overturning or by falling ice.

#### 7.16 Home Occupations

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

- (a) No home occupation shall be permitted that:
  - 1. Changes the outside appearance of the dwelling unit or is visible from a street;
  - 2. Generates traffic, parking, sewage or water use in excess of that which is normal in a residential district;
  - 3. Creates a hazard to persons or property or is a nuisance per se or per accidents;
  - 4. Results in outside storage or display of anything;
  - 5. Is conducted in any structure other than the principal structure;
  - 6. Employs or uses persons who are not residents of the premises;
  - 7. Devotes more than 25 percent of the usable floor area of the dwelling unit to the home occupation;
- (b) The following are permitted home occupations in all residential districts, provided that they meet the requirements of (a), above:
  - 1. Dressmaking, sewing and tailoring;
  - 2. Painting, sculpturing and writing;
  - 3. Telephone answering service;
  - 4. Home crafts, such as weaving, lapidary, potting;
  - 5. Tutoring of no more than four students at a time;
  - 6. Computer programming;
  - 7. Barber shops and beauty parlors;
  - 8. Cooking and baking.

(c) The following are prohibited as home occupations:

1. Animal hospitals;
2. Physicians, dentists and chiropractors;
3. Dance studios;
4. Exercise studios;
5. Mortuaries;
6. Nursery schools;
7. Private clubs;
8. Repair shops;
9. Restaurants;
10. Stables and kennels;
11. Automobile repair and paint shops.

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

#### 7.17 Manufactured Home Sales Lot

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

#### 7.18 Mini-Warehouse

Mini-warehouse facilities shall meet the following requirements:

- (a) Such facilities shall be used only for dead storage of materials or articles and shall not be used for assembly, fabrication, processing or repair.
- (b) The storage of dangerous or offensive items is prohibited.
- (c) The requirements of Article 7.9 shall be met unless the storage is located 200 feet from the zoning lot boundaries.

#### 7.19 Model Dwelling Units

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

1. The model dwelling unit shall meet all district requirements for lot and yard dimensions.

2. Signs shall not be illuminated.
3. The model dwelling unit shall not be used for any business activity, other than showing and sales.
4. At least five off-street parking spaces shall be provided on the same lot as the model dwelling unit or on a contiguous lot within the specific project.
5. The model dwelling unit shall be discontinued when the specific residential project is sold out and shall comply with regulations generally applicable within the district.
6. The model dwelling unit shall not be approved for occupancy unless the site conditions and access are free from hazards to the public.

(b) Model dwelling units may be erected or displayed in districts which exclude residential uses, provided that such models shall not be used for residential purposes, but only for display as a means to sell homes in districts in which they are permitted and provided that all other requirements of the district in which the model dwelling unit is erected shall be met.

#### 7.20 Open Storage - Accessory Use

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

#### 7.21 Satellite Radio and Television Receiving Dishes, Location Requirements

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

#### 7.22 Swimming Pools

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

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

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

### 7.23 Townhouse Subdivisions

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

- (a) The minimum area required for creation of a townhouse subdivision of three or more lots shall be determined by the minimum lot size and dimensions required for multi-family housing in the zoning district. A two lot subdivision for townhouse dwellings may be created on tracts meeting the requirements for two-family development in the zoning district.
- (b) In each district permitting townhouse development the lot size for each attached dwelling may be reduced from the general lot area of that district. Each townhouse lot shall have access to a public street through a portion of the lot or through commonly owned property in accordance with 6.10(j) of this ordinance. The minimum width of a townhouse lot shall be twenty feet. The minimum required front, rear and side street setbacks of the district shall apply to townhouse lots. The minimum interior side lot setback required by the zoning district may be reduced to zero feet between adjoining attached townhouse units. Minimum interior side yard setbacks between groups of attached townhouse dwellings shall be as required by the underlying zoning district.
- (c) The plat creating the townhouse subdivision shall state that individual lots are limited to townhouse construction.
- (d) All areas within the townhouse subdivision other than public streets and individual townhouse lots shall be shown and designated as common areas, the fee simple title to which shall be conveyed by the developer to a non-profit corporate homeowners association, the members of which shall be all of the owners of residential sites within the development. Such common area shall not be subsequently subdivided or conveyed by the homeowners association.
- (e) The homeowners association shall be organized and in legal existence prior to the sale of any residence in the development; membership in the homeowners association shall be mandatory for each original purchaser and each successive purchaser of a townhouse lot; the homeowners association shall be responsible for the maintenance of all facilities located on the common areas. Easements over common areas for access to public streets, recreation areas, parking, walkways, and for maintenance purposes shall be granted to each owner of a townhouse lot. Prior to approval of a townhouse subdivision, proposals for the establishment, operation and maintenance of common area facilities and improvements shall be reviewed by the Town Attorney who shall provide an opinion as to the legal sufficiency of the devices for insuring that the land shall be held and improved and maintained for the purposes set forth.

- (f) The minimum land area for multi-family housing within the zoning district shall apply to townhouse subdivisions as a whole.
- (g) Townhouses subdivisions shall provide buffers and screening in accordance with Article 7 with the dwelling unit densities required to determine the type of buffers and screening required to be established for the subdivision as a whole.
- (h) Driveways for townhouse subdivisions must have the written approval of the Town Engineer.
- (i) Building plans for the construction of the townhouse units shall be submitted prior to the final subdivision plat. The final plat may not be approved until construction plans are approved by the building inspector.

#### 7.24 Reserved

#### 7.25 Mobile Food Vendors.

##### (a). Intent

1. The Town of Long View finds that allowing Mobile Food Vendors to operate in the Town would promote diversification of the town's economy and employment opportunities and would support the incubation and growth of entrepreneurial/start-up businesses.
2. North Carolina General Statute 160A-174 grants cities the power to define, prohibit, regulate, acts, omissions, or conditions, detrimental to the health, safety or welfare of its citizens and the peace and dignity of the city through the creation of ordinances.
3. Mobile Food Vendors bring benefits to communities; however, they also bring unique regulations and challenges.

##### (b). Permit

1. A Town of Long View Commercial Zoning Permit for a Mobile Food Vendor shall be required prior to the operation of a vendor.
2. A Mobile Food Vendor permit is valid through December 31 of the year upon which the permit was issued.
3. A Mobile Food Vendor permit allows permittee to operate up to three (3) different properties. Vendors may operate on private property with written permission from the property owner that the food vendor may operate on his/her private property.
4. A Mobile Food Vendor permit does not include peddler, solicitor, or transient vendor as defined by Town Code.
5. No permit issued shall authorize a Mobile Food Vendor to operate on or from a public street.

(c). General Requirements

1. Vendors shall provide documentation of approval from the Burke or Catawba County Health Department and/or North Carolina Department of Health. A valid health permit must be maintained for the duration of the Mobile Food Vendor permit and shall be placed in a conspicuous location for public inspection.
2. A mobile food vendor permit shall be placed in a conspicuous location for public inspection.
3. Temporary connections to potable water are prohibited. All plumbing and electrical connections shall be in accordance with the State Building Code.
4. No liquid, grease or solid wastes may be discharged from the Mobile Food Vendor. Absolutely no waste may be disposed of in tree pits, storm drains, the sanitary sewer system or public streets.
5. All areas within 5 feet of the Mobile Food Vendor must be kept clean
6. Dining accessories are permitted within a 10-foot radius of the unit.
7. Trash receptacles shall be provided for customers to dispose of all waste associated with the Mobile Food Vendor. The Mobile Food Vendor shall be responsible for removing all trash, litter, and refuse from the site at the end of each 24-hour period. This includes all waste improperly discarded by customers. Public trash receptacles shall not be used for compliance with this section.
8. The noise level from the Mobile Food Vendor shall comply with the municipality's noise ordinance.
9. No signage shall be allowed other than signs permanently attached to the movable trailer or motorized vehicle and a portable menu sign no more than six (6) square feet in display area on the ground in the customer waiting area
10. No vendor shall remain on site at one property for more than forty-eight consecutive hours, with exception of a holiday weekend if holiday falls on Friday or Monday.
11. A Mobile Food Vendor shall not operate as a drive-through.
12. Mobile Food Vendors shall not connect to electric receptacles that are owned by the Town of Long View.
13. Vendors must be located 1000' from any approved events permitted by the Town of Long View except a qualified vendor at that event.
14. The town manager reserves the right to temporarily suspend Mobile Food Vendor permits during times of special events in the downtown area.

(d) Location Requirements

1. Mobile Food Vendors may only conduct business in the following locations:

- ii. On all privately owned property in the following zoning districts: Commercial Districts, O&I, ED, and Industrial; subject to the approval of the property and/or business owner. No Mobile Food Truck can operate on a residential lot, even if the residential lot is in a mixed-use commercial district.
  - iii. On any zoning lot, when performing solely catering function for owner and not selling food to the general public.
  - iv. On any zoning lot, when authorized by the owner, and when participating in a special event or specialty market when such activity is authorized as an accessory use to property's current use.
  - v. Location requirements shall not apply in any respect to food vending at any non-profit fundraising event, a market, festival, or activity, arts and crafts, exhibit or event sanctioned by the town.
2. A Mobile Food Vendor may locate on a vacant lot or on a lot with another principal use.
  3. The Mobile Food Vendor shall not block drive aisles, other access to loading/services areas, or emergency access and fire lanes. Mobile Food Vendors shall be positioned at least three feet away from any fire hydrants, any fire department connection, utility box or vault. The Mobile Food Vendor shall not locate within any area of the lot that impedes, endangers, or interferes with pedestrian or vehicular traffic. A Mobile Food Vendor shall not impede ingress and egress from driveway entrances, handicapped parking spaces & ramps, building entrances and exits

(e) Penalties and Enforcement

1. Any violations of this Section shall be subject to penalties enumerated in Article 19.
2. A Mobile Food Vendor permit may be denied, suspended, or revoked for fraud or misrepresentation in the application for the permit or in the conduct of the business, or constitute a danger to the public health, safety, welfare, or morals, or for conduct that is contrary to the provisions of this division. Notice of revocation shall be made in writing to the permit holder.

7.26 Bed and Breakfast Operation and Boarding and Rooming House

(a). General Requirements

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

1. All required off-street parking shall be located outside of required yards.
2. No more than four bedrooms shall be donated to accommodation of transients.
3. The operators shall be full-time residents of the premises.

4. Signs shall be limited to one non-illuminated sign of not more than six square feet.
5. The serving of meals to transients shall be limited to breakfast only.
6. A minimum lot size of 2 acres in residential zone.

#### 7.27 Cemetery, Human

##### (a). General Requirements

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

1. All requirements of the North Carolina General Statutes, regarding the interment of the human dead, shall be met.
2. A minimum lot size of 85,000 square feet shall be provided.
3. There shall be adequate space within the site for the parking and maneuvering of funeral corteges.
4. No interment shall occur within 30 feet of any lot line.
5. All structures shall be set back a minimum of 25 feet.
6. All structures over 25 feet in height must be set back a minimum of 25 feet plus two feet for each foot, or fraction thereof, of height above 25 feet to the maximum height permitted in the district in which it is located or 50 feet, whichever is more restrictive.

#### 7.28 Child and Adult Care Center

##### (a). General Requirements

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

1. A paved circular driveway, 20 feet in width with a minimum inside radius of 20 feet, shall be provided.
2. A fenced outdoor playing area for children shall be provided in the rear yard.
3. Uses designed to accommodate more than 30 children shall be located upon and have direct access to an arterial or collector street as shown on the Hickory-Newton-Conover Thoroughfare Plan.

4. Uses designed to accommodate more than 30 children shall have a minimum lot size of 30,000 square feet.
5. Such use should, as a usual practice, be located so that it forms part of a group of community service uses, such as churches, schools, parks, etc.
6. Evidence that the requirements and standards of the N.C. Department of Human Resources have been and shall continue to be met.

#### 7.29 Circus, Carnival and Fair

##### (a). General Requirements

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

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

#### 7.30 Community Recreational Uses

##### (a). General Requirements

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

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

#### 7.31 Congregate Living Facility

##### (a). General Requirements

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

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

### 7.32 Cultural Use Facility; Libraries, Museums

#### (a). General Requirements

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

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

### 7.33 Drive-In Theaters

#### (a). General Requirements

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

7.34 Reserved

7.35 Reserved

7.36 Nursing, Convalescent and Extended Care Facilities

(a). General Requirements

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

1. All nursing, convalescent and extended care facilities shall have direct access to a collector or arterial street, as shown on the Thoroughfare Plan.
2. Minimum lot size shall be 40,000 square feet with a minimum frontage of 150 feet.
3. Front, rear and side setbacks shall be a minimum of fifty feet.
4. Buffers and screening shall be as required by Article 6.11, Buffers and Screening.
5. Signs shall be limited to one non-illuminated sign with a maximum area of six feet. Said sign shall be attached either flush to the wall of the building or else shall be located at ground level with a maximum height of 4 feet from the ground. No other external evidence of the use for identification or advertising purposes shall be permitted.
6. Evidence that all the requirements of the State of North Carolina have been and shall continue to be met.
7. Paved circular driveway access for ease of pick-up and delivery.

7.37 Reserved.

7.38 Public Service Facility

(a). General Requirements

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

1. Operating requirements shall necessitate locating in the district.
2. Buffers and screening shall be provided as required by Article 6.11, Buffers and Screening.
3. Front, rear and side setbacks shall be a minimum of 50 feet.

4. Whenever possible, such facilities shall be designed and constructed to have the same height and bulk as adjacent structures.
5. When operating requirements necessitate heights above the district maximum, an additional one foot setback shall be required for each foot of height above the district maximum.

### 7.39 Public Use Facility

#### (a). General Requirements

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

1. The facility shall have direct access to a collector or arterial street as shown on the Thoroughfare Plan.
2. Buffers and screening shall be as required by Article 6.11, Buffers and Screening.
3. Front, rear and side setbacks shall be a minimum of 50 feet.
4. Whenever possible, such facilities shall be designed and constructed as to have the same height and bulk as adjacent structures.

## ARTICLE 8

### SIGNS

#### 8.1 Intent

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

#### 8.2 Administration.

No sign shall be constructed, enlarged, moved, replaced or altered until a zoning permit has been issued by the zoning enforcement officer, except for those signs specifically permitted in zoning districts without a zoning permit. All signs shall be constructed and installed in accordance with the applicable provisions of the North Carolina State Building Code and North Carolina State Electrical Code and shall obtain applicable permits prior to construction. The building inspector or zoning enforcement officer shall order the immediate removal of any signs or supporting structures that are not constructed or maintained safely in good repair in accordance with the provisions of this section or in accordance with the applicable provisions of the North Carolina State Building Code. Unauthorized signs posted in the public right-of-way may be removed without notice by the zoning enforcement officer or his/her designee.

#### 8.3 Definition of Sign.

Any structure, object, device or part thereof which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service or location by any means, including words, letters, figures, designs, symbols, fixtures, colors, illumination, or projected images. Signs do not include the flag or emblem of any nation, state, city or any fraternal, religious or civic organizations, works of art which in no way identify an object, person, institution, organization, business, product, service, event or location by any means, or scoreboards located on athletic fields.

#### 8.4 Nonconforming signs.

Any sign existing on the effective date of this section which does not conform to the requirements set forth herein will be allowed to remain if in good repair but shall not be changed to another nonconforming sign. If a nonconforming sign is altered, removed, moved or changed in any way, the sign shall be brought into compliance with the regulations of this section.

### 8.5 Measurement of sign area.

The area of a sign shall be measured to include the entire sign, including its display area, frame, border, incidental decoration and foundation of any kind except a pole. Where a sign consists of letters, figures or other devices individually mounted to a building wall, the sign area shall be the smallest circle or rectangle that can be inscribed around the sign. Only one (1) side of a double-faced sign shall be included in calculating the display area.

### 8.6 Sign location.

No sign requiring a permit shall be placed closer than ten (10) feet from a street right-of-way line or five (5) feet from an interior lot line. Where no right-of-way exists signs shall be placed at least fifteen (15) feet from the edge of the pavement. Signs shall not block visibility from three-to-eight (3-8) vertical feet within twenty (20) feet of any road intersection. Additional setbacks may be required by the Town of Long View or the North Carolina Department of Transportation so as not to obstruct visibility at a street or driveway. Signs that do not require a permit may be located closer than ten (10) feet from a street right-of-way line or five (5) feet from an interior lot line, provided they do not obstruct the visibility of the traveling public and are not located in the public right-of-way.

### 8.7 Illumination.

Where permitted, illuminated signs may be either directly lit from inside the sign or may have an indirect light source that shines on to the surface of the sign. Any illuminated sign shall be so designed or placed so as to prevent direct or reflected light from being cast upon adjacent properties, the public right-of-way or the night sky. Flashing, blinking or pulsating signs shall not be permitted except as part of a digital or LED (Light Emitting Diode) sign.

### 8.8 Sign types.

(a) Ground sign. A sign attached directly to the ground by means of one (1) or more upright pillars, braces, posts, poles or foundations placed directly upon or in the ground and not attached to any part of the building. Ground signs must conform to the following provisions:

1. The maximum area for the sign is one (1) square foot per lineal foot of building frontage not exceeding one hundred (100) square feet, except as stated below.
  - Businesses located on parcels fronting on Interstate 40 are permitted one (1) square foot per lineal foot of lot frontage not exceeding one hundred (100) square feet.
  - Ground signs located in the C-3 District are permitted one (1) square foot per lineal foot of building frontage not exceeding fifty (50) square feet.

2. No ground sign shall be more than twenty (20) feet tall, measured from the natural ground line to the top of the sign frame. No ground sign located in the C-3 District shall be more than eight (8) feet tall.
3. The sign shall not be placed closer than ten (10) feet from the right-of-way line.
4. Only one (1) ground sign may be erected per building, regardless of the number of tenants, except as provided for in Article 8.10(c).
5. The sign may be illuminated.

(b) Wall sign. A sign attached or painted directly on the building wall, generally on the façade, with the exposed display surface of the sign in a plane parallel to the wall. Wall signs must conform to the following provisions:

1. The maximum area for the sign is one (1) square foot per lineal foot of building frontage.
2. No wall sign shall be mounted more than twenty (20) feet above the natural ground line.
3. One or more wall signs may be used on a building, as long as the total area of the signs does not exceed the maximum permitted.
4. On multiple-occupancy buildings, each occupant with a separate outside entrance serving the public may have a separate wall sign.
5. No part of a wall sign shall extend more than eighteen (18) inches from the wall.
6. The sign may be illuminated.

(c) Projection sign. A hanging, suspended, shingle, blade or any other type of sign that is mounted to and projects perpendicularly from a building wall. Projection signs must conform to the following provisions:

1. The maximum area for the sign is one (1) square foot per lineal foot of building frontage not exceeding forty (40) square feet.
2. The sign shall not project more than six (6) feet from the building.
3. The sign shall not extend higher than three (3) feet above the roof of the building.
4. The sign shall have nine (9) or more feet of vertical clearance from the ground or sidewalk level.
5. The sign may be illuminated.

(d) Roof sign. A sign which is attached to or painted on the roof of a building. Roof signs must conform to the following provisions:

1. The maximum area for the sign is one (1) square foot per lineal foot of building frontage not exceeding forty (40) square feet.
2. The sign shall be placed a minimum of five (5) feet from the edge of the roof.
3. The sign shall not exceed six (6) feet in height.
4. Only one (1) roof sign shall be permitted per business.
5. The sign may be illuminated.

(e) Canopy sign. A sign painted or otherwise affixed directly to a canopy or awning. The signage area shall not exceed twenty-five (25) square feet. The sign shall identify only the name of the business and logo and may be illuminated.

(f) Window sign. A sign directly attached to windows or doors. A business may use one or more window signs but the total sign area shall not exceed fifty (50) percent of the glass area. The sign may be illuminated.

(g) Temporary On-premise sign. A sign that is not permanently installed in the ground or affixed to any structure or building and designed to be mobile or movable. This includes, but is not limited to, portable signs, sandwich boards, banners, wire-frame signs or signs on parked vehicles. Temporary on-premise signs must conform to the following provisions:

1. The maximum area for the sign shall not exceed twenty-five (25) square feet.
2. The sign is allowed without a permit but must be located in compliance with the provisions of Article 8.6.
3. The sign must remain in good repair at all times.
4. Obsolete temporary on-premise signs advertising special events must be removed within forty-eight (48) hours after the termination of the advertised events. Property owners are responsible for the removal of the obsolete signs.
5. No sign exceeding four (4) square feet shall be placed closer than ten (10) feet to the right-of-way line. A sandwich board sign may be placed in on the sidewalk; however, any person erecting such a sign shall indemnify and hold harmless the Town of Long View and its employees from any claims arising from the presence of the sign in the right-of-way.
6. The sign may be illuminated.

(h) Temporary Off-premise sign. A sign or banner that meets all of the following:

1. Must be for special community events, open to the general public, and the event must be within the Town of Long View.
2. Events must be sponsored by non-commercial civic, charitable, community, or similar organizations.
3. Signs or banners shall be located in accordance with Article 8.6.
4. Signs or banners may be posted up to thirty (30) days prior to the event and must be removed within seven (7) days following the event.
5. Nothing in this provision shall be construed to authorize the posting of such signs or banners upon trees, utility poles, traffic control signs, lights or devices in any place or manner prohibited by the provisions herein.

(i) Off-premises sign. A sign, billboard or other permanent outdoor advertising structure that directs attention to a business, commodity or service sold, conducted or offered at a location

other than the premises on which the sign is erected. Off-premises signs shall not be permitted in the Town of Long View, except signs identifying the location of a church or house of worship. Such signs shall not exceed four (4) square feet and may not be illuminated. The continued use of existing off-site outdoor advertising signs shall be allowed consistent with the provisions of Article 8.4.

(j) Subdivision/group development sign. A sign used to identify the entrance to a subdivision, planned unit development, apartment or townhouse complex, manufactured home park or other group development. The area of the face of the sign shall not exceed thirty-six (36) square feet but may be mounted on a larger masonry wall. The sign may be illuminated.

#### 8.9 Number and type of permitted signs in non-residential zoning districts.

- (a) A single-occupancy building in the O-I, C-3, C-4, C-5, ED, or I zoning district is permitted to choose three (3) signs from the following list: ground, wall, projection, canopy, window, roof or temporary. The selection of more than one (1) sign of each type is not permitted except as stated in Article 8.8(a)3, 8.8(b)4, and 8.8(f).
- (b) Each business or entity in a multiple-occupancy building in the O-I, C-3, C-4, C-5, ED, or I zoning district is permitted to choose three (3) signs from the following list: ground (1 per building), wall, projection, canopy, window, roof or temporary. The selection of more than one (1) sign of each type is not permitted except as stated in Article 8.8(a)3, 8.8(b)4, and 8.8(f).
- (c) In addition to the number of signs permitted in Article 8.9 (a). and (b). above, a building in the O-I, C-3, C-4, C-5, ED, or I zoning district situated on a corner lot or a lot bounded by more than one street shall be permitted to choose one (1) additional sign per building front from the following list: ground, wall, projection, canopy, window, roof or temporary, provided that the additional sign area does not exceed the sign area permitted for the building front. Additional sign area shall be used specifically for the side or rear of the building and may be illuminated.

#### 8.10 Number and type of permitted signs in residential zoning districts.

- (a) Any church, school, long-term care facility, or day care facility located in a residential zoning district is permitted to choose three (3) signs from the following list: ground, wall, projection, canopy, window, roof or temporary. The selection of more than one (1) sign of each type is not permitted.
- (b) In addition to the number of signs permitted in Article 8.10(a). above, a church, school, long term care facility, or day care facility situated on a corner lot or a lot bounded by more than

one street shall be permitted to choose one (1) additional sign per building front from the following list: ground, wall, projection, canopy, window, roof or temporary, provided that the additional sign area does not exceed the sign area permitted for the building front. Additional sign area shall be used specifically for the side or rear of the building and may be illuminated.

- (c) A subdivision or group development is permitted one (1) subdivision/group development sign per entrance. Subdivision or group development signs shall not be less than eight hundred (800) feet apart if located on the same street.

#### 8.11 Signs permitted in all zoning districts.

The following signs are permitted in all zoning districts without a zoning permit, provided they are kept in good condition, do not obstruct the visibility of the traveling public, are not located in the public right-of-way and comply with the provisions below:

- (a) Any sign erected by a government agency to convey information about a public facility or service or to regulate, control or direct vehicular or pedestrian traffic. Such signs may be illuminated, flashing or moving as necessary for public safety.
- (b) Signs which warn of safety hazards. Such signs may be illuminated.
- (c) One (1) real estate sign per street frontage on property for sale, lease or rent. The sign(s) shall be a maximum of four (4) square feet in size in residential zoning districts and thirty-two (32) square feet in non-residential zoning districts. The sign(s) shall not be illuminated.
- (d) Signs not exceeding four (4) square feet in area. Such signs shall not be illuminated.
- (e) Construction site identification signs on active construction sites. The sign(s) shall be a maximum of four (4) square feet in size in residential zoning districts and thirty-two (32) square feet in non-residential zoning districts. The sign(s) shall not be illuminated and shall be removed within thirty (30) days of the completion of the project.
- (f) Incidental signs not exceeding four (4) square feet in size or three (3) feet in height if located closer than five (5) feet from the right-of-way line. An incidental sign is defined as one which carries no advertising message, directs traffic flow, indicates the location of ingress and egress points, directs certain activities to certain areas (e.g. parking or waiting) or provides other incidental information. The sign(s) may be illuminated.
- (g) Streamers, pennants, balloons and similar devices. Such devices shall not be illuminated.
- (h) Temporary Off-premise Signs which comply with Article 8.8 (h).
- (i) Political and election signs displayed on private property provided such signs shall not exceed sixteen (16) square feet in area and may not be illuminated. Such signs shall be

removed within forty-eight (48) hours after the election or time which the purpose of the sign ceases to exist. Political signs shall not be located on public property, except at polling places on the day of the election, or in any right-of-way. Signs that do not conform to the terms of this section may be removed and discarded by the zoning enforcement officer without notice.

#### 8.12 Signs prohibited in all districts.

The following signs shall be prohibited in all districts:

- (a) Signs or other devices that resemble traffic signals, traffic signs, emergency vehicle flashing lights, or which are likely to be misconstrued by the traveling public as being an official governmental sign or emergency warning.
- (b) Animated, rotating or other moving or apparently moving signs.
- (c) All other signs not expressly permitted.

ARTICLE 9  
NONCONFORMITIES

9.1 Classification

Nonconformities are classified as

- (a) Land;
- (b) Buildings;
- (c) Manufactured Homes and Manufactured Home Parks;
- (d) Characteristics of uses which were lawful but would be prohibited, regulated or restricted by the enactment of this Ordinance or a subsequent amendment thereto.

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

9.2 Intent Concerning Nonconformities Generally

It is the intent of this Ordinance to require the cessation of certain nonconformities and to permit others to continue until they are removed or cease.

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

All rights and obligations associated with a nonconforming status run with the land and are not personal to the present ownership or tenant of the land, and are not affected by a change in ownership or tenancy, unless abandoned.

9.3 Special Uses Not to be Considered Nonconforming

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

9.4 Continuing Nonconforming Uses of Land.

- (a) Extensions of Use. Nonconforming uses or land shall not hereafter be enlarged or extended in any way.

(b) Change of Use. Any nonconforming uses of land may be changed to a conforming use, or with the approval of the Board of Adjustment, to any use more in character with the uses permitted in the district in question.

(c) Cessation of Use. When nonconforming uses of land are discontinued for a continuous period of one hundred eighty (180) days the property involved may thereafter be used only for conforming purposes. All nonconforming uses of land involving minor structures such as junkyards, signs, or any nonconforming uses similar to those enumerated, shall be eliminated within two years from the date of adoption of this Ordinance. A record of these nonconforming uses shall be compiled by the Planning Board and kept on permanent file in the Town Hall. Involved property owners shall be notified of this provision within six (6) months of the adoption of this Ordinance.

#### 9.5 Continuing the Use of Nonconforming Buildings.

(a) Extensions of Use. Nonconforming buildings and nonconforming uses of buildings shall not hereafter be enlarged. Additionally, no nonconforming structure or use may be enlarged or altered in any way which increases its dimensional deficiencies.

(b) Change of Use. The lawful use of a building existing at the time of the adoption of this Ordinance may be continued although such use does not conform with the provisions of this Ordinance, and such building may be reconstructed or structurally altered and nonconforming use therein changed subject to the following regulations:

1. The order of classification of uses from highest to lowest for the purpose of this section shall be as follows: single-family residential uses, multi-family residential uses, commercial uses, and industrial uses as permitted by this Ordinance.
2. A nonconforming use may be changed to a use of higher classification but not to a use of lower classification, nor shall a nonconforming use be changed to another use of the same classification unless the new use shall be deemed by the Board of Adjustment, after public notice and hearing, to be less harmful to the surrounding neighborhood, from the standpoint of the purposes of this Ordinance, than the existing nonconforming use.
3. A nonconforming commercial or industrial use may not be extended, but the extension of a use to any portion of a building, which portion is at the time of the adoption of this Ordinance primarily or designed for such nonconforming use, shall not be deemed to be an extension of a nonconforming use.
4. Nor shall the building be enlarged, unless the use therein is changed to a conforming use, provided however, that a nonconforming building damaged by fire, explosion, tornado, earthquake, or similar uncontrollable cause to the extent of not more than sixty percent (60%) of its assessed value at the time of the damage may be repaired or rebuilt within one year of the date of such damage, but not thereafter. Such determination shall be made by the Board of Adjustment.

5. Existing single-family residential structures in business or industrial districts may be enlarged, extended or structurally altered, provided that no additional dwelling units result there from. However, any enlargements, extensions or alterations shall comply with the dimensional requirements set forth by this Ordinance.

(c) Cessation of Use. If active operations are discontinued for a continuous period of one hundred eighty (180) days with respect to a nonconforming use of a building, such nonconforming use shall thereafter be occupied and used for a conforming use.

#### 9.6 Continuing the Nonconforming Use of Manufactured Homes and Manufactured Home Parks.

(a) Extension of Use. Nonconforming manufactured homes and manufactured home parks existing at the time of the adoption of this Ordinance shall be allowed to continue to their present existence. Existing mobile home parks shall not hereafter be enlarged or extended in any way, unless the park comes into compliance, in which case all enlargements or extensions must comply with Article 2.

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

(c) Replacement of Manufactured Homes in Existing Manufactured Home Parks. Manufactured home parks that are operating as existing parks as of the effective date of this Ordinance may continue to operate. The replacement of nonconforming manufactured homes in manufactured home parks is allowed and must meet the criteria of Article 2.

#### 9.7 Nonconforming Characteristics of Use

(a) Nonconforming characteristics of use, which may include, by way of illustration but not limitation, inadequate parking and loading facilities, landscaping, lighting, emissions, etc., may continue to operate, but shall not be expanded, altered, changed or relocated in such a manner to increase the degree of nonconformity without approval by the Board of Adjustment.

(b) Open Storage- Exception. At a minimum, the screening requirements of Article 7.20, Open Storage - Accessory Use, shall be met within 1 year of the passage of this ordinance.

#### 9.8 Unsafe Nonconforming Structures

Nonconforming structures or portions thereof, which are declared unsafe by the Building Inspector or other competent authority, may be repaired and restored.

#### 9.9 Repairs and Maintenance of Structures Containing Nonconforming Use(s)

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

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

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## ARTICLE 10

### OFF-STREET PARKING AND LOADING

#### 10.1 Intent

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

#### 10.2 Off-Street Parking Required

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

#### 10.3 Compliance with Regulations

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

#### 10.4 Methods of Providing Required Parking

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

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

1. Required parking for a use on a zoning lot may be located on another zoning lot, either by itself or combined with parking for other uses, subject to certification by the Zoning

Administrator that the following requirements have been met:

- a. The use being served by the off-site parking shall be a permitted principal use as established in Article 5, in the zoning districts within which the zoning lot containing such parking is located, or parking is a permitted principal use in the district where the offsite parking is located;
- b. The off-site parking spaces shall be located within four hundred feet walking distance of a public entrance to the structure or land area containing the use for which such spaces are required. A pedestrian route shall exist or be provided between the off-site parking and the use being served;
- c. The continued availability of off-site parking spaces, necessary to meet the requirements of this Article, shall be ensured by an appropriate agreement, with the Town of Long View as one of the parties with the right of enforcement, satisfactory to the Office of the Town Attorney, filed with the Zoning Administrator, and recorded with the Register of Deeds of the county in which the use is located.
- d. For purposes of determining applicable minimum and maximum intensities, the land area devoted to off-site parking shall be added to the land area of the zoning lot containing the use being served by such parking and shall be subtracted from the area of the zoning lot containing the off-site parking.
- e. Off-site required off-street parking shall not be separated from the use it serves by a street with more than four lanes, or other similar physical barriers to convenient access between the parking and the use, unless a controlled pedestrian crossing is provided or exists.
- f. The zoning compliance permit covering such approval shall include the requirement that the permit is valid only so long as the conditions described in the application for the permit exist.

#### 10.5 Joint Use Facilities and Shared Parking

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

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

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

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

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

10.6 Number of Required Off-Street Parking Spaces

(a) Required Off-Street Parking Spaces

Parking shall be provided a rate indicated in the following Table of Parking Ratios

<i>Table of Parking Ratios</i>	
<b>Use</b>	<b>Parking Requirement</b>
Single family, two family, multi-family dwellings	2 per dwelling unit
Mixed Use Building	see Article 14.1(b)7
Animal hospitals, veterinary offices & clinics	1 per 250 sqft gross floor area (gfa)
Animal pound or shelter	1 per 350 sqft gfa
Appliance & Electronics repair	1 per 300 sqft gfa
Auto, boat, recreation vehicle & motorcycle sales	1 per 7,000 sqft of outdoor display, plus 1 per 250 sqft of indoor sales area, plus service & repair requirement if applicable
Automobile service, repair & body shops	3 per bay or similar facility
Bakery (production & distribution)	1 per 500 sqft gfa
Banks & other financial establishments	1 per 300 sqft gfa or 5 spaces, whichever is great
Barbershops & salons	2 per chair or station
Spas	1 per 250 sqft gfa
Bed & breakfast establishments	1 per guest room, plus single-family requirement
Boat service & repair	1 per service stall or similar facility
Bus station	1 per 200 sqft of waiting area
Car wash	2 per stall, plus 3 stacking spaces in front of stall

Use	Parking Requirement
Cemeteries	1 per 250 sqft gfa of office
Churches & other places of worship	1 per 30 sqft of seating area, including balconies
Clubs & lodges	1 per 150 sqft gfa
Commercial indoor recreation establishments	1 per 300 sqft gross floor area (gfa)
Commercial outdoor recreation establishments	1 per 200 sqft gfa, plus 1 per 550 sqft of site area open to public (excluding parking area)
Community centers	1 per 200 sqft gfa
Public community swimming pools	1 per 100 sqft of water surface area, plus 1 per 80 sqft of patio area
Convenience store or gas station	1 per 150 sqft gfa
Child Care Facility	1 per 375 sqft gfa
Dry cleaning	1 per 300 sqft gfa
Emergency response facilities	1 per vehicle involved in operation, plus 1 per 300 sqft (excluding bays or service area)
Family care & group homes	2 per dwelling unit
Funeral homes & mortuaries	1 per 200 sqft gross floor area gfa
Golf courses	4 spaces per hole
Heavy equipment service & repair	3 per service bay or similar facility
Heavy equipment sales & rental	1 per 500 sqft gfa plus 1 per 2,000 sqft of outdoor display
Hospitals	3 per bed
Hotels, inns & motels	1.25 per guestroom, plus 1 per 100 sqft of meeting, dining or banquet facilities
Institutional facilities, such as libraries & other nonprofits	1 per 300 sqft gfa
Laundromat	1 per 200 sqft gfa
Manufacturing & Industrial uses	1 per 2 employees during the maximum work shift
Mini-storage	1 per 25 storage units, plus office requirement
Movie theaters & performing theaters	1 per 3 seats
Museums & art galleries	1 per 700 sqft gfa
Offices, government, medical, business, professional & public	1 per 250 sqft gfa
Pet grooming	2 per chair or station
Photography services	1 per 250 sqft gfa
Photography, dance, art & music studios	1 per 250 sqft gfa

Use	Parking Requirement
Printing & copy services	1 per 250 sqft gfa
Radio & TV broadcasting	1 per 400 sqft gfa
Railroad station	1 per 200 sqft of waiting area
Recycling establishment	2 per collection container, plus office requirement for office area
Restaurants (all types)	1 per 80 sqft gfa, including outdoor seating area
Retail sales	1 per 200 sqft gfa – if less than 3,000 sqft or 1 per 300 sqft gfa – if 3,000-10,000 sqft or 1 per 400 if greater than 10,000 sqft
Elementary & secondary schools	2.5 per room used for classroom or administration
High schools & colleges	7 per classroom
Shopping centers	see Article 14.1(b)7
Long term care facilities	1 per 3 beds
Towing service	1 per 350 sqft gfa, plus 1 per 4,000 sqft of outdoor storage area
Winery	Manufacturing and warehousing area – 1 per 1000 sqft gfa Sales and tasting area – 1 per 250 sgft gfa
Warehousing & distribution	1 per 4000 sqft gfa
Wholesale establishments	1 per 2000 sqft gfa

### 10.7 Determinations for Unlisted Uses

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

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

### 10.8 Off-Street Parking Space Standards

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.

- (a) Off-street loading and unloading spaces shall have access to an alley, or if there is no alley available, then to a street.

- (b) Off-street loading and unloading spaces shall have a minimum dimension of 12 feet by 40 feet and overhead clearance of 14 feet in height above the alley or street grade.
- (c) Loading and service areas shall be designed to ensure the safety of pedestrians and private property.
- (d) Such areas shall have sufficient space to be properly accessed and the use of these areas shall not block public road rights-of-way nor hinder access or traffic flow.
- (e) Loading and service areas should be designed out of view from public roads.

Retail Operations: One loading space for each 5,000 square feet of gross floor area (gfa) or fraction thereof.

Wholesale and industrial: One loading space for each 10,000 square feet of operations gross floor area (gfa) or fraction thereof.

#### 10.9 Shopping Center Parking Requirements.

Commercial developments with a mixture of tenants and uses shall provide parking according to the following standards.

Shopping Centers with less than 20,000 square feet:	1 per 180 square feet of gfa.
Shopping Centers with 20,000 to 50,000 square feet:	1 per 200 square feet of gfa.
Shopping Centers with greater than 50,000 square feet:	1 per 225 square feet of gfa.

#### 10.10 Mixed Use Building Parking Requirements.

Buildings with a mixture of uses shall provide parking according to the following standards. The portion of the building used for residential purposes shall provide parking at the rate of two (2) spaces per dwelling unit. The portion of the building used for non-residential purposes shall provide parking according to the rates for the non-residential use, as listed in the “*Table of Parking Ratios*” above.

#### 10.11 Stacking/ Drive-Thru Reservoir Requirements.

For uses utilizing drive-thrus stacking/ reservoir space shall be provided for a minimum of five (5) vehicles. For automatic teller machines stacking/ reservoir space shall be provided for a minimum of three (3) vehicles.

#### 10.12 Landscaping Requirements.

The following landscaping requirements shall apply:

- (a) Within parking areas, tree planting areas shall be provided for every 10 parking spaces. Tree planting areas shall be at least eight (8) feet wide, a minimum of 200 square feet in area, include at least one (1) shade tree, and be designed to minimize damage to trees by

parking or moving vehicles. The remaining area shall be landscaped with plantings (bushes, shrubs, flower beds, rain gardens). Pedestrian ways are permitted within parking landscaped areas but do not count towards the landscaping area requirement.

- (b) A vegetative strip shall be provided between public right-of-ways and interior parking areas and where two parking areas abut. The vegetative strip shall be at least ten (10) feet wide and shall include a minimum of one (1) large canopy tree per fifty (50) feet. Grass, shrubs, bushes, flower beds, pedestrian amenities, decorative walls and fences, stormwater retention areas, and sidewalks may be placed in this area. Only where existing overhead utility lines prevent use of large maturing trees may small maturing trees be substituted. Landscaping may be provided within the required parking setback but shall not impede visibility at corners and intersections.

#### 10.13 General Parking Requirements.

The following general parking requirements shall apply:

- (a) No parking space shall be more than three hundred (300) feet from a building entrance.
- (b) Parking areas shall provide spaces in sufficient number and design that are accessible for persons with disabilities in a manner compliant with the Americans with Disabilities Act (ADA) requirements or other federal, state and local laws.
- (c) Parking shall not be closer than ten (10) feet from the front property line, any dedicated street or railroad right-of-way line. When no right of way exists, then a 50-foot distance will be used to determine the setback (25-feet on each side from the center of the road). This distance is measured from the middle of the existing road or street.
- (d) Parking shall not be closer than five (5) feet from any side or rear property line, not a street line.
- (e) Parking spaces shall be striped to designate stalls.
- (f) Angle parking stall dimensions: 30-90 degree shall be a minimum eight (8) feet by eighteen (18) feet.  
Parallel parking stall dimensions: shall be a minimum eight (8) feet by twenty-two (22) feet.
- (g) Parking shall be accessed by adequate egress and ingress, drives, and maneuvering space.
- (h) Parking egress and ingress, drives, and maneuvering space shall be paved with asphalt or concrete. Pervious paving, such as porous asphalt, porous concrete, or grass pave is permitted where appropriate as determined by a certified engineer.

- (i) Parking areas shall be designed and constructed to dispose of all surface water accumulated within the area in a manner that will not contribute to the subsidence, erosion, or sedimentation of the development site or offsite
- (j) To ensure safe sight distances where streets intersect and where driveways intersect streets, a minimum clear vision area shall be provided at the corners of the intersections according to NC DOT standards. No structure, planting, sign, fence, wall or obstruction to vision that would impede visibility shall be established in the clear vision area. Grading of land may be required where topography impedes the required clear vision area.
- (k) Vehicular access points to the development shall be designed according to NC DOT standards to encourage smooth traffic flow with minimum hazards to pedestrians, bicycles and vehicular traffic. Accommodation for controlled turning movements into and out of the development and improvement of the approach street shall be provided according to NC DOT requirements.
- (l) Lighting shall be provided for the safety of individuals within the parking area. In order to reduce the impact of lighting on neighboring residential uses, potential safety hazards to the traveling public, and effect on viewsheds and nightscapes, lighting shall meet the following requirements:
  - 1. Exterior lighting shall be fully shielded and directed to avoid illuminating the night sky.
  - 2. Lighting shall not illuminate neighboring residential properties.
  - 3. Lighting shall not be directed towards or illuminate the I-40 Interstate right-of-way or be directed in a manner as to distract or harm the traveling public on road rights-of-way.
  - 4. On-site lighting may be used to accent architectural elements and provide safety and security on pedestrian walkways, at building entrances, and public areas between buildings, but shall not be used to illuminate entire portions of building(s).
  - 5. In order to promote safety and security in developments, lighting should be used at intersections, development entrances, and in parking areas.

## ARTICLE 11

### SPECIAL USES

#### 11.1 Intent

It is the intention of the Board of Alderman to create, and from time to time amend, a list of Special Uses within the Table of Permitted Uses which, because of their inherent nature, extent and external effects, require special care in the control of their location and methods of operation. The Board of Alderman is aware of its responsibility to protect the public health, safety and general welfare and believes that certain uses which, now or in the future, may be included on this list are appropriately handled as Special Uses, subject to review in relation to general and specific requirements, rather than as uses permitted by right.

In addition to the listing of such uses, the Board of Alderman intends that the general standards, established in Article 11.2, and the more specific requirements, established below shall be used by the Board of Adjustment, the Planning Board and the Board of Alderman, as appropriate, to direct deliberations upon applications for the approval of Special Uses. It is the express intent of the Board of Alderman to delineate the areas of concern connected with each Special Use and to provide standards by which applications for such Special Use shall be evaluated.

#### 11.2 General Standards

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

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

The Board of Adjustment or the Board of Alderman, as appropriate, shall make these general findings based upon substantial evidence contained in its proceedings. It shall be the responsibility of the applicant to present evidence in the form of testimony, exhibits, documents, models, plans and the like to support the application for approval of a Special Use.

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

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

Class A - Approved or disapproved by Board of Alderman

Class B - Approved or disapproved by Board of Adjustment.

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

(a) Application Submitted to Zoning Administrator

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

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

(b) Planning Director Prepares Analysis and Recommendation

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

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

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

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

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

In order to approve any special use petition a majority of the members of the Planning Board must vote in favor of the petition. For the purposes of this section, vacant positions on the Board and members who are disqualified from voting on a quasi-judicial matter shall not be considered "members of the Board" for calculating the requisite majority.

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

(e) Public Hearing Required; Notice Specified

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

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

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

(f) Action on the Application

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

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

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

(g) Action Subsequent to the Decision

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

### 11.5 Imposed Conditions

The Board of Alderman or the Board of Adjustment, as appropriate, may impose such reasonable conditions upon approval of a Special Use as will afford protection of the public health, safety and general welfare, ensure that substantial justice is done and equitable treatment provided.

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

#### 11.6 Contents of Application for Approval of Special Use

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

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

The Zoning Administrator is authorized to approve minor changes in the approved plans of Special Uses, as long as they are in harmony with action of the approving body, but shall not have the power to approve changes that constitute a modification of the approval. A modification shall require approval of the board having jurisdiction and shall be handled as a new application. The Zoning Administrator shall use the following criteria in determining whether a proposed action is a minor change or a modification:

- (a) Any change in location or any increase in the size or number of signs shall constitute a modification.
- (b) Any increase in intensity of use shall constitute a modification. An increase in intensity of use shall be considered to be an increase in usable floor area, an increase in number of dwelling or lodging units or an increase in outside land area devoted to sales, displays, or demonstrations.
- (c) Any change in parking areas resulting in an increase or reduction of 5% or more in the number of spaces approved by either the Board of Alderman or the Board of Adjustment shall constitute a modification. In no case shall the number of spaces be reduced below the minimum required by this ordinance.
- (d) Structural alterations significantly affecting the basic size, form, style, ornamentation and the like of the building, as shown on the approved plan, shall be considered a modification.
- (e) Substantial change in the amount or location of open space, recreation facilities or landscape screens shall constitute a modification.
- (f) A change in use shall constitute a modification.

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

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

The Zoning Administrator shall, if he determines that the proposed action is a modification, require the applicant to file a request for approval of the modification, which shall be submitted to the body which approved the original application. The approving body may approve or disapprove the application for approval of a modification and, prior to its action, may hold a public hearing thereon.

## 11.8 RESERVED

## 11.9 Standards Applicable to Individual Special Uses

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

### 11.9.1 Adult Uses

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

1. All windows, doors, entries, etc., for all adult uses shall be so located, covered, screened or otherwise treated that views of the interior of the establishment are not possible from any public or semi-public area, street or way.
2. No adult use shall be located within a 1,000-foot radius of another adult use. Distance shall be measured from property line to property line, along the shortest distance between property lines, without regard to the route of normal travel.
3. No adult use shall be located within 1000 feet of any Residential District.
4. Nothing in this subsection shall be construed to permit the operation of any business or the performance of any activity prohibited under any other section of this Ordinance or the laws of the Town of Long View or the State of North Carolina.

### 11.9.2 Airport/Airstrip

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

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

2. All FAA (Federal Aviation Administration) regulations that apply shall be met and indicated to the Board prior to approval, if applicable.
3. The minimum length for the landing strip shall be 3,000 feet long.
4. Each end of the landing strip shall be at least 600 feet from any exterior property line of the parcel of land the airport/airstrip is located on.
5. The Board may require other conditions that would protect the property values and living standards of properties in the area, including but not limited to; sound barriers, hours of operation, size and type of aircraft, etc.

### 11.9.3 Critical Digital Infrastructure Facilities

#### (a) Purpose

The purpose of this section is to establish standards for Critical Digital Infrastructure Facilities, which are specialized industrial uses that may generate operational impacts related to noise, vibration, mechanical equipment, and emergency power generation. These standards are intended to ensure that such facilities are appropriately sited and operated in a manner that protects surrounding properties and the public health, safety, and welfare.

The critical digital infrastructure use is established to provide a location for facilities consisting of one or more buildings used primarily for the storage, management, processing, and transmission of digital data, which houses computer and/or network equipment, systems, servers, appliances, and other associated components related to digital data operations.

Critical Digital Infrastructure Facilities shall include, but not be limited to:

- Data centers;
- Cryptocurrency mining facilities;
- Similar digital or data-intensive infrastructure uses with comparable operational characteristics.

Where permitted, such facilities shall comply with all requirements of this section in addition to all other applicable provisions of this ordinance.

#### (b) Requirements

Critical Digital Infrastructure Facilities are established through the Special Use application and approval process. An approved Special Use and the approved site plan shall govern all uses and development activities in the district. Additionally, these facilities must be in accordance with the requirements outlined in this section and the following criteria:

1. Site Plan.
  - a. Major Site Plan required.

2. Outdoor Containers.
  - a. The use of cargo containers, railroad cars, semi-truck trailers, and other similar outdoor storage containers or open-air structures for any component of the operation is prohibited.
3. Setbacks.
  - a. Structures must be set back at least 50 feet from all property lines.
  - b. Critical Digital Infrastructure Facilities must be setback at least 500 feet from any residential dwelling units.
  - c. A setback of 1,000 feet near land uses with sensitive populations such as schools, hospitals, and assisted living facilities.
4. Buffers and Screening.
  - a. A continuous 20-foot wide, at a minimum, evergreen vegetative buffer designed to grow at least six feet in height will be maintained continuously along all property lines. All vegetative buffers shall be maintained in good standing and be recorded as a required landscape buffer on a recorded plat with the register of deeds.
  - b. Any additional buffers and/or screening must comply with Article 6.
5. Performance Standards.

These performance standards for Critical Digital Infrastructure Facilities are intended to mitigate potential detrimental effects on adjacent properties and the neighborhood. These performance standards shall apply to all phases of development, including initial construction, expansion, and full build-out of the facility. All applications for site plan approval must be accompanied by a registered engineer's certification that the use complies with all of the performance standards. If, after occupancy of the structures, continuous or frequent (even if intermittent) violations of the performance standards occur, and after notice is given, bona fide and immediate corrective work is not performed which successfully prevents the violation(s) from reoccurring, the Zoning Administrator may suspend or revoke the Zoning Certificate and require the operations and occupancy to immediately cease. The Zoning Certificate will be reinstated after the property owner demonstrates to the Zoning Administrator's satisfaction that operation of the facilities is able to conform to these requirements.

Failure to submit, maintain, or comply with any required plans, studies, certifications, monitoring reports, or mitigation measures required by this section shall constitute a violation of this ordinance and shall be subject to enforcement in accordance with the Town's general zoning violation and enforcement provisions.

- a. Noise Mitigation.
  - i. The maximum sound pressure levels permitted from any source, including but not limited to electrical equipment, air handlers, generators, and other mechanical devices, cannot exceed 55 dBC and 40 dBA to be measured at any time at all property lines.
  - ii. All applications for site plan approval must include a sound study that is prepared by a licensed professional engineer qualified in environmental

acoustics. The purpose of the detailed study is to assess the impact of all noise sources and determine the appropriate layout, design, and control measures. The study must include:

1. Details of assessment methodology.
  2. List of all air handlers, generators, and other mechanical devices that are included in the sound evaluation, including manufacture specifications.
  3. Predicted sound levels for three scenarios:
    - a. All mechanical and electrical equipment required for normal operation at 100% load.
    - b. Generator testing and maintenance.
    - c. Emergency scenario with all generators, mechanical equipment, and electrical equipment operating at 100%.
  4. When multiple buildings are proposed on the site plan application, the study must include sound levels for each phase of building construction to ensure that the sound levels listed in this section in (5)(a)(i) above are met during all phases of buildout.
  5. Summary of the results and recommended control measures.
- iii. Within 6 months of the date of occupancy of any completed Critical Digital Infrastructure Facility, and biennially thereafter, actual sound levels for scenarios a and b listed under subsection (5)(a)(ii)(3) above must be measured by a licensed professional engineer qualified in environmental acoustics and a final sound level report must be submitted to the Town for review and approval. If actual sound levels exceed the maximum sound pressure levels listed in (5)(a)(i) above, corrective actions must be executed as soon as reasonably possible, but no later than 180 days from the date of the submission of the report.
- b. Vibration.
- i. No vibration may be produced which is transmitted through the ground and is discernible without the aid of instruments at any point beyond the property line; nor may any vibration produce a particle velocity of 2 inches per second or exceed other applicable industry standards as approved by the Town, measured at or beyond the property line.
  - ii. All applications for site plan approval must include a vibration impact study that is prepared by a qualified individual with experience in vibration analysis.
  - iii. Within 6 months of the date of occupancy of any completed Critical Digital Infrastructure Facility, and biennially thereafter, actual vibration levels must be measured by a qualified individual, and a vibration report must be submitted to the Town for review and approval. If vibration levels exceed the maximum listed in (5)(b)(i), above, corrective action must be taken as soon as reasonably possible but no later than 180 days from the date of the submission of the report.
- c. Generators.
- i. Generators must meet or exceed Tier 4 or equivalent emission standards as defined by the United States Environmental Protection Agency.

- ii. Critical Digital Infrastructure Facilities shall be designed and operated such that on-site generators are not the primary or sole source of electrical power for normal facility operations. Generators may be used for emergency power, required testing and maintenance, and other limited operational scenarios consistent with applicable fire, building, and utility regulations.
  - iii. Generator testing shall be limited to Monday through Friday, 8:00 a.m. to 5:00 p.m. Only one generator per building, or the minimum number necessary to meet operational standards, may be tested at a time and for a period not to exceed 60 minutes, unless federal or state law, rule or regulation, utility company restrictions prevent testing during such time, or unless otherwise approved by the Town.
  - iv. Generators shall be installed at ground level or on structurally supported platforms designed to meet applicable building and safety codes.
  - v. Sound-attenuated enclosures are required. All permanent generators shall be:
    - 1. Located within an enclosed building or
    - 2. Installed within a sound-proofed or acoustically treated enclosure designed to minimize noise impacts, as demonstrated in the approved sound study.
- d. Fuel Storage Tanks
- i. Any on-site fuel storage tanks, whether stand-alone or integrated with stationary equipment, associated with a Critical Digital Infrastructure Facility shall comply with all applicable federal, state, and local regulations, including but not limited to the North Carolina State Fire Code and regulations administered by the North Carolina Department of Environmental Quality.
  - ii. Fuel storage tanks shall be located and maintained in a manner that minimizes visual and operational impacts on adjacent properties and shall comply with all applicable floodplain and watershed protection requirements of this ordinance.
- e. Water Use and Conservation
- i. Critical Digital Infrastructure Facilities shall be designed and operated to minimize potable water demand and avoid adverse impacts to public water systems, groundwater resources, and downstream users.
  - ii. As part of site plan approval, applicants shall submit a water use and conservation plan that:
    - 1. Identifies anticipated water demand for normal operations and peak conditions;
    - 2. Describes measures to reduce potable water consumption, including the use of recycled water, non-potable water sources, or closed-loop or high-efficiency cooling systems, where feasible; and
    - 3. Demonstrates that the proposed water use will not adversely impact the Town's public water system or applicable watershed protection requirements.
  - iii. All Critical Digital Infrastructure Facilities shall comply with all applicable federal, state, and local regulations governing water withdrawal, discharge, stormwater management, wastewater treatment, and environmental

protection, including permitting requirements administered by the North Carolina Department of Environmental Quality and the United States Environmental Protection Agency. Approval under this ordinance shall not be construed as approval of any permit or authorization required by other regulatory agencies.

## 6. Utility Capacity Verification

### a. Electrical Service

- i. Where a Critical Digital Infrastructure Facility utilizes electricity from a public electrical service provider, the applicant shall provide written verification from the applicable electrical service provider prior to issuance of a Zoning Permit, or at another point in the development review process as determined by the Town, demonstrating that:
  1. Adequate electrical capacity is available, or will be made available, to serve the proposed facility at peak operational demand while continuing to serve existing users within the service area;
  2. Existing electrical infrastructure and related equipment are sufficient to safely accommodate the proposed use; and
  3. The proposed use will not result in electrical interference, voltage fluctuations, or other service disruptions affecting off-site properties.

### b. Potable Water Service

- i. Where a Critical Digital Infrastructure Facility utilizes potable water from a public water system, the applicant shall provide written verification from the applicable water service provider prior to issuance of a Zoning Permit, or at another point in the development review process as determined by the Town, demonstrating that:
  1. Adequate potable water capacity is available to serve the proposed facility at peak operational demand while continuing to serve existing users;
  2. Existing water supply infrastructure is sufficient to safely accommodate the proposed use; and
  3. The proposed use will not result in a reduction of water pressure necessary to maintain functional fire protection or service to off-site properties.

## 7. Security.

- a. The property boundary for all Critical Digital Infrastructure Facilities shall be fenced, with a minimum six-foot height, located along the property line.
- b. Chain-link fencing or barbed wire fencing are prohibited along public or private street frontages.
- c. Fencing shall be constructed of decorative metal, masonry, or other materials approved by the Town.

## 8. Parking.

- a. All off-street parking, loading, and landscaping must meet Article 10 of the zoning ordinance.
9. Lighting.
    - a. Lighting shall be fully shielded and directed downward so as not to create glare or illumination onto adjacent properties or public rights-of-way.
  10. Signs.
    - a. Signs must be in conformance with the regulations established in Article 8.
  11. Electronic Waste.
    - a. Verification must be provided that all electronic waste generated at Critical Digital Infrastructure Facilities will be handled by a North Carolina Department of Environmental Quality-licensed electronic waste recycling firm, pursuant to N.C.G.S.130 A-309.142.
  12. Electrical Disconnection Switch.
    - a. The electrical disconnect switch shall be clearly marked and unobstructed. Switches are permitted to be secured within a fenced area or building. The electrical disconnect switch shall always be accessible to the applicable utility provider or emergency responders.
  13. Power Grid Operations.
    - a. Duke Energy or any other power provider to the operation shall have the authority during select high power usage events to cut or significantly reduce or restrict power to any Critical Digital Infrastructure Facility. The power utility provider is requested to cut or reduce power to these operations before considering reducing power to residential homes or other commercial or industrial facilities.
  14. Special Flood Hazard Area.
    - a. No structures, equipment, storage, or buildings shall be located within the Special Flood Hazard Area.
  15. Watershed Protection.
    - a. This type of development is subject to all regulations within Article 15, Watershed Protection, in the zoning ordinance.
  16. Expansion of Use.
    - a. Any expansion of a Critical Digital Infrastructure Facility that increases building floor area, electrical demand, mechanical equipment capacity, or operational intensity shall require review and approval in accordance with this section and shall not occur without prior authorization from the Town.
  17. Discontinuation of Use.
    - a. If a Critical Digital Infrastructure Facility ceases operation for a continuous period of twelve (12) months, the use shall be considered discontinued. The property

owner shall remove all equipment, machinery, generators, fuel storage systems, and related operational infrastructure associated with the use within a timeframe approved by the Town. Any future reestablishment of the use shall require new approval in accordance with this ordinance.

11.9.4 Reserved.

11.9.5 Reserved.

11.9.6 Sanitarium/Mental Institution

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

1. All sanitarium/mental institutions shall have direct frontage onto a major or minor thoroughfare, as shown on the Hickory-Newton-Conover Thoroughfare Plan.
2. The minimum lot size shall be five acres with a minimum frontage of 200 feet.
3. The structures shall be located a minimum of 200 feet from any zoning lot boundary.
4. Signs shall be limited to one non-illuminated sign with a maximum area of six square feet. No other external evidence of the sanitarium for identification or advertising purposes shall be permitted.
5. At the time of the Special Use request, the operator of such a facility shall provide information on, and if approved, shall utilize adequate measures to prevent the unauthorized exit of the patients. The more dangerous the patients are to the public, the more elaborate and certain the security measures shall be.
6. Buffers and screening shall be as required by Article 6.11, Buffers and Screening.
7. Parking shall be provided at the rate of .35 parking spaces per bed.
8. The facility shall comply with all applicable Federal, State and local requirements.

## ARTICLE 12

### BOARD OF ADJUSTMENT

#### 12.1 Establishment of Board

There is hereby established the Long View Board of Adjustment, hereafter the Board, according to Section 160D-1-9(d) of the General Statutes of North Carolina.

##### 12.1.1 Composition

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

##### 12.1.2 Tenure

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

##### 12.1.3 Compensation and Reimbursement

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

#### 12.2 Powers of Board

The Board shall have the following powers:

- (a) Hear and decide appeals from and review any order, requirement, decision, or determination made by the Zoning Administrator in the performance of his duties.
- (b) Hear and decide applications for the approval of those Special Uses requiring Board of Adjustment approval, in accordance with the rules and conditions laid down in this Ordinance.

- (c) Hear and decide appeals for variances from the dimensional regulations of this Ordinance in accordance with Article 12.5. Nothing in this Section shall be construed to authorize the Board to permit a use in a district where that use is neither a permitted use nor a permissible Special Use.
- (d) Pass upon, decide or determine such other matters as may be required by this Ordinance.
- (e) To make interpretations of the meaning and intent of this Ordinance in accord with Article 12.7.
- (f) The Board of Adjustment shall have the power to authorize, in specific cases, minor variances from the terms of the Watershed Ordinance as will not be contrary to the public interests where, owing to special conditions, a literal enforcement of this Ordinance will result in practical difficulties or unnecessary hardship, so that the spirit of this Ordinance shall be observed, public safety and welfare secured, and substantial justice done. In addition, the Town of Long View shall notify and allow a reasonable comment period for all other local governments having jurisdiction in the Lake Hickory watershed where the variance is being considered.

### 12.3 Organization

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

### 12.4 Meetings; Quorum and Vote Required

- (a) All meetings of the board shall be open to the public. The board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, an indication of such fact. The final disposition of appeals shall be made by recorded resolution indicating the reasons of the board therefor, all of which shall be a public record.
- (b) A quorum of the Board, necessary to conduct any business of the Board, shall consist of a simple majority.
- (c) The concurring vote of  $\frac{3}{4}$  of the members of the Board, excluding vacant seats and disqualified members, shall be necessary in order:
  - 1. to reverse any order, requirement, decision or determination of the Zoning Administrator;
  - 2. to decide in favor of the applicant any matter upon which it is required to pass by this Ordinance;

3. to approve any application for a variance.

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

(e) Boards shall follow quasi-judicial procedures in determining appeals of administrative decisions, special use permits, certificates of appropriateness, variances, or any other quasi-judicial decision (G.S. 160D-406).

### 12.5 Application of the Variance Power

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

- (a) That the alleged hardships or practical difficulties are unique and singular as regards the property of the person requesting the variance and are not those suffered in common with other property similarly located;
- (b) That the alleged hardships and practical difficulties, which will result from failure to grant the variance, extend to the inability to use the land in question for any use in conformity with the provision of this Ordinance and include substantially more than mere inconvenience and inability to attain a higher financial return.
- (c) That the variance, if allowed, will not substantially interfere with or injure the rights of others whose property would be affected by allowance of the variance.
- (d) That the variance is in harmony with and serves the general intent and purpose of this Ordinance and the adopted Land Development Plan.
- (e) That allowing the variance will result in substantial justice being done, considering both the public benefits intended to be secured by this Ordinance and the individual hardships that will be suffered by a failure of the Board to grant a variance.

All of these findings of fact shall be made in the indicated order by the Board, which is not empowered to grant a variance without an affirmative finding of fact on all five categories above. Each finding of fact shall be supported by substantial evidence in the record of proceedings before the Board.

The Board may impose reasonable conditions upon the granting of any variance to insure that the public health, safety, and general welfare shall be protected and substantial justice done. Violation of such conditions shall be a violation of this Ordinance.

### 12.6 Application of Special Use Power

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

The Board may impose reasonable conditions upon the installation and operation of any Special Use to ensure that the public health, safety and general welfare shall be protected and substantial justice done. Violation of such conditions shall be a violation of this Ordinance.

#### 12.7 Application of Interpretation Power; Appeals

An appeal from an order, requirement, decision or determination of the Zoning Administrator shall be decided by the Board, based upon its findings of fact and to achieve the intent of the Ordinance. In exercising this power, the Board shall act in a prudent manner so that the purposes of the Ordinance shall be served. The effect of the decision shall not be to vary the terms of the Ordinance nor add to the list of permitted or permissible uses in the districts.

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

#### 12.8 Appeal Stays Further Proceedings

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

#### 12.9 Exceptions to Stay of Action

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

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

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

#### 12.10 Appeals of Board Actions

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

Any person who has standing under G.S. § 160D-1-2 or the town may appeal a decision to the Board of Adjustment. An appeal is taken by filing a notice of appeal with the Town Clerk. The notice of appeal shall state the grounds for the appeal. The owner or other party shall have 30 days from receipt of the written notice of the determination within which to file an appeal. Any other person with standing to appeal shall have 30 days from receipt from any source of actual or constructive notice of the determination within which to file an appeal. In the absence of evidence to the contrary, notice pursuant to G.S. 160D-4-3(b) given by first class mail shall be deemed received on the third business day following deposit of the notice for mailing with the United States Postal Service (G.S. 160D-405(d)).

#### 12.11 Conflicts on Quasi-Judicial Matters

Members of the Board of Adjustment shall not participate in or vote on any quasi-judicial matter in a manner that would violate affected persons' constitutional rights to an impartial decision maker. Impermissible violations of due process 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 board member's participation at or prior to the hearing or vote on that matter and that member does not recuse himself or herself, the remaining members of the board shall by majority vote rule on the objection. For purposes of this section, a close familial relationship means a spouse, parent, child, brother, sister, grandparent, or grandchild. The term includes the step, half, and in-law relationships.12 (G.S. 160D-109(d), (e), (f)).

#### 12.12 Acting as the Planning Board

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

## ARTICLE 13

### AMENDMENTS

#### 13.1 Reserved.

#### 13.2 Amendment Initiation

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

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

#### 13.3 Filing and Contents of Application

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

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

13.3.2 Contents of Application: All applications for amendments to this Ordinance, without limiting the right to file additional material, shall contain at least the following:

- (a) Each application involving a change to the official zoning map shall be signed, be in duplicate, and shall contain at least the following information:
  - 1. The applicant's name in full, applicant's address, address or description of the property to be rezoned.
  - 2. Applicant's interest in the property and the type of rezoning requested.
  - 3. If the proposed change would require a change in the zoning map, an accurate diagram of the property proposed for rezoning showing:

All property lines with dimensions including north arrow.

Adjoining streets with rights-of-way and paving widths.

The location of all structures, the use of all land.

Zoning classification of all abutting zoning districts.

Names of all adjoining property owners.

- (b) A legal description of such land, if applicable.
- (c) Any alleged error in this Ordinance which would be corrected by the proposed amendment with a detailed explanation of such error in the Ordinance and detailed reasons how the proposed amendment will correct same.
- (d) The changed or changing conditions, if any, in the jurisdiction of the Town of Long View generally, which make the proposed amendment reasonably necessary to the promotion of the public health, safety and general welfare.
- (e) All other circumstances, factors and reasons which applicant offers in support of the proposed amendment.

#### 13.3.3 Reserved

#### 13.3.4 Planning Board Consideration

Upon receipt of the application to amend this Ordinance, which has been examined and approved as to form, the application shall be referred to the Planning Board for study and report. The Board of Alderman shall not enact the proposed amendment until 31 days after such referral to the Planning Board or until the Planning Board makes its report, whichever first occurs. The Planning Department shall prepare and submit a written report to the Planning Board at or prior to the meeting to consider the application, and to the Board of Alderman prior to the public hearing described in Article 13.6.

#### 13.3.5 Planning Board's Review/Recommendation

The Planning Board shall review each proposed zoning map amendment or zoning text amendment and shall advise and comment on whether the proposed amendment is consistent with any officially adopted plan that is applicable. The Planning Board shall provide a written recommendation to the Board of Alderman that addresses any matters deemed appropriate by the Planning Board, but a comment by the Planning Board that a proposed amendment is inconsistent with any adopted plan shall not preclude consideration or approval of the proposed amendment by the Board of Alderman. The recommendation to the Board of Alderman shall include a statement recommending approval, approval with modifications, or denial. The Planning Board shall make its recommendation to the Board of Alderman within no more than two consecutive meetings.

#### 13.4 Reserved

### 13.5 Planning Board Composition

The members of the Town of Long View Planning Board shall be those same persons as the members of the Long View Board of Adjustment.

- (a) Planning Board consideration. Every proposed amendment, supplement, change, modification or repeal to this chapter shall be referred to the planning board for its recommendation and report (G.S. 160D-604(c), (e)). The owner of affected parcels of land, and the owners of all parcels of land abutting that parcel of land, shall be mailed a notice of the hearing on a proposed zoning map amendment by first class mail at the last addresses listed for such owners on the county tax abstracts. For the purpose of this section, properties are “abutting” even if separated by a street, railroad, or other transportation corridor. Additionally, the town shall prominently post a notice of the public hearing on the site proposed for rezoning the amendment or on an adjacent public street or highway right-of-way. The notice shall be posted within twenty-five days prior to the hearing until 10 days prior to the hearing. When multiple parcels are included within a proposed zoning map amendment, a posting on each individual parcel is not required, but the town shall post sufficient notices to provide reasonable notice to interested persons (G.S. 160D-602). The Planning Board shall have thirty-one (31) days from the time the proposed amendment was first considered by the Planning Board to submit its report. If the Planning Board fails to submit a report within the above period, it shall be deemed to have approved the proposed amendment.
- (b) Members of the Planning Board shall not participate in or vote on any zoning amendment matter in a manner that would violate affected persons’ constitutional rights to an impartial decision maker. Impermissible violations of due process include, but are not limited to, 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 board member’s participation at or prior to the hearing or vote on that matter and that member does not recuse himself or herself, the remaining members of the board shall by majority vote rule on the objection. For purposes of this section, a close familial relationship means a spouse, parent, child, brother, sister, grandparent, or grandchild. The term includes the step, half, and in-law relationships.<sup>12</sup> (G.S. 160D-109(d), (e), (f)).

### 13.6 Public Hearing and Notice

- (a) A public hearing shall be held by the Board of Alderman before adoption of any proposed amendment to this Ordinance. Notice of the public hearing shall be given by publishing said notice at least twice in a newspaper of general circulation in Long View, stating the time and place of such hearing and the substance of the proposed amendment. This notice shall appear in said newspaper for two successive weeks with the first notice appearing not less than ten days nor more than twenty-five days before the date set for the public hearing.

(b) North Carolina GS 160D-601, as it is amended from time to time, may require additional notice. Please refer to NCGS 160D-601 for further reference.

### 13.7 Notice for Multiple Contiguous Properties

When a zoning map amendment is proposed for multiple contiguous properties, the Town of Long View shall not be required to post notice on each individual parcel, but shall rather post one official sign for each 750 feet of road frontage or fraction thereof. A minimum of at least one official sign shall be posted for each road frontage. Unless otherwise expressly provided in state statutes or this Ordinance, required posted notice shall be in place at least 10 days before the public hearing, meeting, or date of action that is the subject of the notice.

### 13.8 Large Scale Rezoning

If a zoning map amendment directly affects more than 50 properties, owned by a total of at least 50 different owners, the Town of Long View may follow the notification procedures typical of smaller zoning map amendments, or may elect to eliminate the mailed notice and utilize a one half page notice of the public hearing that is published at least twice in a newspaper having general circulation in Long View. The notice shall appear in the newspaper for 2 successive weeks with the first notice appearing not less than 10 calendar days nor more than 25 calendar days before the date of the public hearing.

13.9 Fees Each petition for an amendment shall be accompanied by a fee (See Fee Schedule) to help defray the cost of advertising the public hearing required by Article 19, Chapter 160D-601 of the North Carolina General Statutes.

### 13.10 Comprehensive Review of Ordinance

The Planning Board and the Zoning Administrator, on the election year of a new Mayor, should examine the provisions of this Ordinance and the location of zoning district boundary lines and shall submit a report to the Board of Alderman recommending changes and amendments, if any, which are desirable in the interest of public health, safety, and general welfare.

### 13.11 Water Supply Watershed Protection District Consideration

Under no circumstances shall the Board of Alderman adopt such amendments, supplements or changes that would cause the watershed ordinance to violate the watershed protection rules as adopted by the N.C. Environmental Management Commission. All amendments must be filed with the N.C. Division of Environmental Management, N.C. Division of Environmental Health, and the N.C. Division of Community Assistance.

### 13.12 Action of the Town Aldermen

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

- (a) Members of the Town Aldermen shall not participate in or vote on any zoning amendment matter in a manner that would violate affected persons' constitutional rights to an impartial decision maker. Impermissible violations of due process include, but are not limited to, 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 board member's participation at or prior to the hearing or vote on that matter and that member does not recuse himself or herself, the remaining members of the board shall by majority vote rule on the objection. For purposes of this section, a close familial relationship means a spouse, parent, child, brother, sister, grandparent, or grandchild. The term includes the step, half, and in-law relationships.12 (G.S. 160D-109(d), (e), (f)).
- (b) Plan consistency. When adopting or rejecting any zoning text or map amendment, the Town Aldermen shall approve a brief statement describing whether its action is consistent or inconsistent with an adopted comprehensive plan. The requirement for a plan consistency statement may also be met by a clear indication in the minutes of the Town Aldermen, that at the time of action on the amendment, the Town Aldermen was aware of and considered the planning board's recommendations and any relevant portions of an adopted comprehensive plan. If the amendment is adopted and the action was deemed inconsistent with the adopted plan, the zoning amendment shall have the effect of also amending any future land use map in the approved plan and no additional request or application for a plan amendment shall be required. A plan amendment and a zoning amendment may be considered concurrently. The plan consistency statement is not subject to judicial review. If a zoning map amendment qualifies as a "large-scale rezoning" under G.S. 160D-6-2(b), the Town Aldermen statement describing plan consistency may address the overall rezoning and describe how the analysis and polices in the relevant adopted plans were considered in the action taken.

## ARTICLE 14

### OVERLAY DISTRICTS

#### 14.1– Planned Unit Developments.

The purpose of the Planned Unit Development is identified in Article 5.2(g)(1)

##### (a) PERMITTED USES.

The following uses are permitted as a PUD by a conditional rezoning process:

1. Accessory uses and structures, which are customarily and clearly incidental to permitted principal uses and structures, excluding manufactured homes.
2. Bank, savings and loan associations and similar financial institutions.
3. Barbershops, beauty shops and similar personal service establishments.
4. Bed and Breakfast Inns.
5. Churches, synagogues and the like.
6. Community facilities.
7. Eating and drinking establishments, catering establishments and bakeries with products sold at retail on the premises. Drive-thru facilities are strongly discouraged and subject to board review.
8. Florist.
9. Home occupations as defined in Article 7.16.
10. Hotels.
11. Laundry and dry cleaning collection stations.
12. Museums
13. Offices, businesses, professional, public, and non-profits.
14. Photography, dance, art, and music studios.
15. Printing and copy services.
16. Retail establishments, not including motor vehicle sales.
17. Retirement, Nursing Homes, and Assisted Living.
18. Single-family, two-family and multi-family dwellings, attached, detached and semidetached; excluding manufactured homes.
19. Schools, child care centers and family care centers.
20. Mixed Use

##### (b) REQUIREMENTS.

Planned unit development districts may be established in accordance with the general procedures and requirements set forth in this section and the following criteria:

1. General Provisions.
  - a. The district shall be divided into blocks, streets, lots and open space. All lots shall share a frontage line with a public street or designated open space, such as but not limited to plaza, green, and park.

- b. Projects shall include provisions for pedestrian scale amenities such as benches, picnic tables, courtyards, plazas, water attractions, trash receptacles, bicycle parking, and other such elements that promote an efficient and functional pedestrian environment and maintain a sense of place.
  - c. Similar land uses shall be generally positioned across each street from each other.
  - d. Proposed developments within or adjacent to existing single-family neighborhoods shall be designed so as to maintain the character of the existing neighborhood. Considerations may include open space, building height, and design criteria.
  - e. 10% of the land area shall be designated as open space/recreational areas, not including stormwater management features unless developed as an amenity. Any initial variation in the above percentages is subject to board review.
  - f. Planned unit developments are designed to offer housing at a variety of affordability levels.
  - g. Structures designated for multi-tenant use may contain residential and commercial uses.
  - h. Planned unit developments have at least one defined center typically featuring uses such as shops and services, live-work units, attached dwellings, apartments over businesses, a formal open space such as a village square or green and public/civic building. The neighborhood center is ideally located near the geographic center of the development however it may be located bordering the district to attract patrons from outside the development.
  - i. Automobile oriented uses are typically not found in a neighborhood center. Drive-thru facilities are strongly discouraged and subject to board review;
  - j. Commercial buildings must be grouped, in relation to parking areas, so that visitors arriving by automobile can enter the walkway system, and establishments can be visited conveniently with a minimum of internal automotive movements.
  - k. Where a planned unit development adjoins any residential district, the residential uses within the planned unit development should be located adjacent to the residential district and nonresidential uses and signs located and oriented away from the adjoining residential district. If design of the planned unit development will not allow for separation between nonresidential uses and an adjoining residential district, the setback for the nonresidential uses shall be increased by 20 feet.
  - l. Impervious surface may be calculated over the entire development rather than on an individual lot-by-lot basis, and can be no higher than what is permitted in the district in which the development is located.
2. Project Dimensions.
- a. Minimum development size: 1.5 acres
  - b. Maximum permitted density shall be derived from the constraints of natural features, easements, infrastructure and other applicable ordinance requirements.

\*Tracts larger than 200 acres shall be developed as multiple planned unit developments, each individually subject to all provisions.

- 3. Housing density may be calculated over the entire development rather than on an individual

lot-by-lot basis, and can be no higher than what is permitted in the district in which the development is located, except as provided below:

- a. Where housing density of a proposed development is determined to be a fraction, that fraction shall be rounded up or down to the nearest whole number for the purpose of plan review and approval.
- b. In mixed use developments, where only a percentage of the gross floor area is to be used for residential development, the maximum permitted housing density shall be calculated by taking the same percentage of the maximum housing density for that district.
- c. In reviewing the density of a proposed development, the capacity of Town services, including but not limited to fire and police protection, sewer service, and roads shall be taken into consideration

4. Average Block Length:

- a. Minimum: 400 ft.
- b. Maximum: 1,400 ft.

\*The intent of block length is the distance between Public Street to Public Street. In scenarios where block length minimums and maximums can't be met due to topography or other constraints, alleys and pedestrian pathways crossing the road may be counted toward block length requirements.

5. Lot Dimensions.

Individual lots can be established within a planned unit development after a detailed site plan has been approved. All principal buildings and accessory buildings or uses abutting the property lines of the project must meet the minimum yard requirement of the district where the project is located for all yards abutting said property lines. All height requirements shall be met for the district where the project is located.

6. Public Streets.

- a. Such districts must be created where direct access to an arterial street is available or is made available, at convenient locations at the edges of or within the district.
- b. All streets must be designed and built to NCDOT standards. Public streets may be petitioned for maintenance by NCDOT.
- c. Turn lanes, deceleration lanes, and other traffic treatment along the road frontage may be required subject to NCDOT determination and approval, according to N.C.G.S. 136-18(29).
- d. Public streets shall provide access to all tracts and lots, unless specified otherwise.
- e. Streets and parking areas must be located and designed to separate vehicular use from pedestrian areas.
- f. Streets and alleys shall, wherever practical, terminate at other streets within the neighborhood and connect to existing and projected streets outside the development.
- g. Cul-de-sacs should be discouraged, however when necessary, shall not exceed 250 feet in length, must be accessed from a street providing internal or external connectivity, shall be permanently terminated by a vehicular turnaround and are permitted where topography makes a street connection impractical. Vehicular turnarounds of various

configurations are acceptable so long as emergency access is adequately provided and the turnaround is approved by NCDOT.

- h. Primary vehicular access to office or commercial development shall not be through intervening residential development if located along the exterior of a project
- i. Non-residential areas in the district shall be designed and located to primarily serve the residents of the district and resultant surrounding area.

7. Parking.

- a. Parking lots shall generally be located at the rear or at the side of non-residential buildings and shall be screened from the sidewalk by low walls, fences or hedges.
- b. On-street parking directly facing a non-residential building shall count toward fulfilling the parking requirement of that lot.
- c. The number of parking spaces required for each commercial use shall follow the requirements as set forth in Article 10.6.
- d. There shall be a minimum of one parking space per two bedrooms of residential use.
- e. Loading zones and maintenance areas shall be located and arranged to prevent the interference with pedestrian movement within the development.

8. Pedestrian Walkways and Alternative Transportation.

An interconnected system of sidewalks and trails provides a public benefit as an alternative transportation mode to automobiles and provides recreational opportunities within a development.

a. Sidewalks.

- i. Sidewalks shall be required in residential and mixed use planned unit development districts.
- ii. Sidewalks shall be located along all interior streets providing access to residential and non-residential structures and also along the frontage of developments on major thoroughfares, collectors or higher classification streets.
- iii. The minimum width required for a sidewalk is five feet, separated from the roadway by a planting strip of at least six feet in width.
- iv. All sidewalks constructed within the public right-of-way require approval by NCDOT through an encroachment agreement.
- v. All sidewalks, whether constructed within or outside of the public right-of-way, must be maintained by the developer unless or until maintenance responsibilities are transferred or assigned to a homeowners association or other responsible entity.
- vi. All proposed sidewalks shall be delineated and noted on the master plan at the time of rezoning submittal.
- vii. Sidewalks constructed outside of the right of way shall be held in an easement and responsible party clearly stated on the plat.

- b. Walking trails should be provide in the development connecting residential areas to common open space areas.
- c. Greenways shall be constructed according to the design standards where the Pedestrian Plan shows a proposed greenway going through the property. In cases where the

greenway is along property lines, then the property owner shall set aside a fifteen (15') foot dedicated public access easement along the proposed greenway corridor for the future construction of the greenway. The developer may choose to provide a thirty (30') foot dedicated public access easement entirely on the property along the property line for future greenway construction.

9. Public Utilities.

- a. The developer is required to extend public water and sanitary sewer lines or develop an approved system throughout the development to each lot.
- b. Connection to and extension of public water and sewer lines must conform to the Burke County and Long View Utilities Policy. All lots served by a public water supply system must be in accordance with applicable fire protection regulations.
- c. All telephone, electric, cable and like utilities must be underground.

10. Open Space/Recreation.

- a. Open space for passive or active recreation is required in a planned unit development for the purpose of providing public open space for recreation, preservation and recreational facilities. Should not include stormwater management devices, unless the device is designed as an amenity.
- b. Open space should be centrally located and easily accessible to the public.
- c. A minimum of ten percent (10%) of the total project acreage shall be set aside as open space/recreational space.
- d. Everything in the common area may count as open space as long as it not a stormwater management device, unless the device is designed as an amenity.

11. Landscaping. The required buffer for a planned unit development between non-residential and/or residential uses shall consist of two rows and be 20 feet in width. Landscaping in a planned unit development must be in conformance with all other regulations established in Article 13.

12. Signs. Signs in a planned unit development must be in conformance with the regulations established in Article 11.

(c) MASTER PLAN REQUIRED.

Planned Unit Development Districts must be proposed according to submitted master plan. The site plan shall provide for safe, efficient, convenient and harmonious groupings of structures, uses, facilities and open spaces in a manner facilitating pedestrian movement between major origins and destinations within and adjacent to the district. The master plan shall at a minimum contain:

1. Location and hierarchy of streets with pavement and right-of-way widths; specified to NCDOT standards.
2. Location of new and existing buildings
3. Height of structures

4. Total square footage of buildings
5. Total square footage of built upon area
6. Set-back of buildings to property lines
7. Streets and lot of adjacent developed or platted properties;
8. The existing and proposed uses of land within the district including the number of residential dwelling units and approximate square footage of nonresidential structures, and the existing uses of land adjoining the development;
9. General locations of existing natural features of the site such as wooded areas and water features;
10. Existing property lines and approximate locations of proposed property lines within the development showing all proposed lots or other divisions of land.
11. Tree save shall be marked on the plan in the designated open space areas.
12. Details of typical lots, street cross-sections shall be provided on the plan set.
13. Location and size of existing and proposed public utilities, including fire hydrants;
14. Location and acreage of open spaces or recreational areas with the intent of use labeled;
15. Location of parking areas, including the number of parking spaces provided.
16. The location of stormwater management facilities where required by the National Pollutant Discharge Elimination System (NPDES) regulations or watershed requirements and the North Carolina Environmental Management Commission.
17. Any other information required to evaluate conditions within the project or immediately adjacent to the project edges.

(d) APPLICATION REQUIREMENTS AND REVIEW PROCEDURES.

Rezoning property to a planned unit development district shall occur only under the special use process, which is found in Article 11.

1. When applying for a special use for a planned unit development, the applicant must first submit an application in accordance with the procedures found in Article 11. The application must be submitted under the following guidelines:
  - a. The permit application must be accompanied by a master plan (site plan and other applicable sheets) as outlined in 14.1(c).
  - b. The site plan shall be prepared by an engineer, landscape architect or land surveyor currently licensed and/or registered by the appropriate state board.
2. Application for a planned unit development district shall be approved only if the application of the planned unit development will:
  - a. Produce a development of equal or higher quality than otherwise required by the strict application of district regulations that would otherwise govern;
  - b. Encourage innovative arrangement of buildings and open spaces to provide efficient, attractive, flexible and environmentally sensitive design;
  - c. Produce a development functioning as a cohesive, unified project;

- d. Not substantially injure or damage the use, value and enjoyment of surrounding property nor hinder or prevent the development of surrounding property in accordance with the adopted plans and policies of the Town of Long View.
3. An approved conditional zoning and the approved site plan shall govern all uses and development activities in the district.
4. Regulations Ordinance. The district shall be subject to all the applicable standards, procedures and of the Zoning and Watershed Ordinances.

#### 14.2 Downtown Overlay District

(a) The purpose of the Downtown Overlay District (DOD) is identified in Article 5.2(g)(2). The Downtown Overlay District will adhere to the following general regulations and exceptions within its designated area:

1. District Boundaries.
  - a. The Downtown Overlay District shall extend along 1<sup>st</sup> Ave NW from 22<sup>nd</sup> St to 27<sup>th</sup> St.
  - b. The width of the Downtown Overlay District shall include the entire area of all lots adjoining either side of 1<sup>st</sup> Ave NW from 22<sup>nd</sup> St. to 27<sup>th</sup> St.
2. Principal Uses. Any permitted, permitted with conditions, or special use allowed in the underlying general zoning district or in conjunction with a conditional rezoning plan shall be permitted and meet all the requirements of the DOD. Where the requirements of the DOD district are more restrictive than in the underlying district, the regulations of the DOD district shall prevail unless approved on a conditional rezoning plan. See prohibited uses and exceptions in this Article.
3. Setbacks. The Minimum required front yard setback, build to line, is 0-10 ft. measured from existing right-of-way.
4. Sign Standards. To reduce clutter, improve visual impact, and enhance safety, signs shall be in accordance with Article 8 – Sign Regulations for the underlying zoning district, with the following exceptions:

Prohibited signs:

- a. Billboards
- b. Any sign attached to trees or utility poles.
- c. Abandoned or dilapidated signs.
- d. More than two temporary signs per lot except for political signs.

(b) Development and Maintenance Standards.

The following standards apply to non-residential principal structures and businesses located inside the DOD district:

1. The proposed location of all proposed structures shall be shown on the site plans. For buildings located within the Overlay District (OD), the site plan shall include exterior facades of the proposed buildings (and/or additions) and all other information necessary to show compliance with this section.
2. Where the façade of any principal structure is visible from a public road, metal materials siding, concrete, split faced block, shall not be used on the facade.
3. Windows and building entrances shall comprise at least 50% of the first floor length of any principal structure. On any ground floor level, any window or door shall be horizontally separated by no greater than 15 feet from the nearest other such window or door in the same façade level. If the principal structure contains a second or higher story, each such story shall contain windows that are spaced in a manner complementary to the second story of nearby buildings.
4. The exterior color finish of multi-family and non-residential building facades visible from the street shall be of low reflectance, subtle or neutral earth tone colors. High intensity colors, metallic colors, black or fluorescent colors shall be prohibited.
5. Parking should be made available in the rear or to the side of buildings, where possible. Vehicular access to off-street parking and service areas should be taken from alleys and side streets where possible.
6. Solid waste collection areas shall be located on the interior or at the rear of the building.
7. Buildings in the downtown district shall be maintained in structurally sound condition. Exterior facades visible from public streets shall be free of peeling paint, broken windows, deteriorated materials, and unsafe conditions.
8. Vacant buildings are discouraged in the Downtown Overlay District and should be temporary. A vacant building goes against the purpose of this community-gathering environment. Owners shall ensure that vacant buildings shall be secured, weather-tight, and maintained to prevent deterioration. Long-term boarded up windows are not permitted. Maintenance regulations apply.

(c) Lighting.

All streets, driveways, sidewalks, parking areas and other common areas and facilities shall be lighted where necessary to insure the security of property and the safety of persons using the facilities. In no case shall sources cause direct light or glare upon adjacent property or constitute a hazard to motorists using public streets. Exterior lighting on any lot shall be designed and directed so that light is confined primarily to that lot.

(d) Commercial Use.

A commercial use that does not provide shopper services or goods that do not promote the specific purposes of this district as outlined in Article 5.2(d) do not cultivate the intent of this district and are prohibited.

**Prohibited Uses:**

1. Any commercial use which encourages patrons to remain in their automobiles while receiving goods or services, including service stations
2. Carting, moving, or hauling terminal or yard
3. Chemical manufacturing, storage or distribution as a primary use
4. Enameling, painting or plating, except artist's studios
5. Manufacturing and warehousing activities
6. Landfills
7. Manufacturing, storage or disposal of hazardous waste materials
8. Mobile homes
9. Outdoor advertising or billboard as a principle use
10. Parking lot as principal use
11. Prisons, detention centers, or half-way houses
12. Sand, gravel, or other mineral extraction
13. Scrap yards
14. Any use which produces the following adverse impacts; noise at a level greater than typical street or traffic noise, offensive vibration, emission of noxious solids, liquids, or gases.
15. Permanent Outdoor movie theaters.
16. Public swimming pools
17. Adult Establishments
18. Storage facility, mini-storage
19. Vehicle Sales and Rental
20. Vehicle Repair Facility, major

**(e) Exceptions.**

1. Any nonconforming structure existing before the adoption of this ordinance shall be allowed to expand as long as the new construction falls within existing setbacks and district height requirements are not exceeded.
2. Any prohibited use that was existing and permitted within the DOD footprint before the adoption of this ordinance shall be allowed to continue until the business closes or moves, the new use must then comply with this updated ordinance.

## ARTICLE 15

### WATER SUPPLY WATERSHED PROTECTION DISTRICT (WSP DISTRICT)

The purpose of the Water Supply Watershed Protection District (WSP District) is identified in Article 5.2(g)(3).

#### 15.1. Authority & Enactment.

The statutory authority for this division is mandated by North Carolina General Statutes Chapter 160A, Article 8, Sections 174 and Section 193; Chapter 143, Section 214.5; and Chapter 160D Section 200. The Town of Long View Board of Alderman enacts into law this division as the "Water Supply Watershed Protection District," which may be referred to as the WSP District.

#### 15.2. Jurisdiction and Affected Area.

The provisions of this division shall apply only to those lands within the Town of Long View corporate boundaries that have been designated as a Public Water Supply Watershed by the NC Environmental Management Commission. These areas are defined and established by the overlay district "Water Supply Watershed Protection District" on the official zoning map and delineated on the map entitled "Watershed Protection Area of Long View" which is adopted as a part of this division and permanently kept on file in the office of the Town Clerk.

#### 15.3. Exceptions to Applicability.

(a) Existing development, as defined in Article 15.8 Existing Requirements, is not subject to the requirements of this division. Expansions to structures classified as existing development must meet the requirements of this division; however, the built-upon area of the existing development is not required to be included in the density calculations.

(b) If a nonconforming lot of record is not contiguous to any other lot owned by the same party, then that lot of record shall not be subject to the development restrictions of this ordinance if it is developed for single-family residential purposes. Any lot or parcel created as part of a family subdivision, as defined in this ordinance, after the effective date of this ordinance shall be exempt from this ordinance if it is developed for one single-family detached residence and if it is exempt from local subdivision regulation. Any lot or parcel created as part of any other type of subdivision that is exempt from a local subdivision ordinance shall be subject to the land use requirements (including impervious surface requirements) of these rules, except that such a lot or parcel must meet the minimum buffer requirements to the maximum extent practicable.

(c) If a use or class of use is not specifically indicated as being allowed in the watershed protection district, such use or class of use is prohibited.

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

(e) If the requirements of this ordinance conflict with other ordinances adopted by the Long View Town Board, the more restrictive of each particular item shall apply.

(f) Projects in the WSP District that do not require a Sedimentation and Erosion Control Plan are exempt from this Division.

#### 15.4. Severability.

Should any section or provision of this division be declared invalid or unconstitutional by any court of competent jurisdiction, the declaration shall not affect the validity of the Zoning Ordinance as a whole or any part thereof that is not specifically declared to be invalid or unconstitutional.

#### 15.5. Effective Date.

This division was adopted on September 28, 1993 by the Long View Town Board. This division shall become effective and be in force on and after October 1, 1993.

#### 15.6. Development Regulations.

The WSP District is intended to accommodate a moderate to high land use intensity pattern as permitted by the WS IV classification of the Lake Hickory Water Supply Watershed.

##### (a) Allowed Uses in the WSP District:

1. Agriculture is allowed, subject to the provisions of the Food Security Act of 1985 and the Food, Agricultural, Conservation Act of 1990.
2. Silviculture is allowed, subject to the provisions of the Forest Practices Guidelines Related to Water Quality (15 NCAC II.6101-.0209).
3. Residential development is allowed where the underlying primary zoning district permits.
4. Non-residential development is allowed where the underlying primary zoning district permits, excluding the storage of toxic and hazardous materials unless a spill containment plan is implemented.

##### (b) Density and Built-upon Criteria:

1. Single Family Residential Development. Residential lots should not be less than 21,780 square feet (.5 acre) for projects with curb and gutter system, or 14,520 square feet (.33 acre) for projects without curb and gutter street system. Where the particular zoning district permits a smaller lot size, then such smaller lot size is permitted, however the maximum built-upon area must not exceed the standards in sub-paragraph (b)(2) below.

2. All Other Residential and Non-Residential Development. For projects with curb and gutter system development shall not exceed 24% built-upon area on a project by project basis. For projects without curb and gutter street system development shall not exceed 36% built-upon area on a project by project basis. For the purpose of calculating the built-upon area, total project area shall include acreage in the tract on which the project is to be developed.

3. In addition to the development allowed under paragraphs (1) and (2) above, new development and expansions to existing development may occupy up to ten percent (10%) of the protected area with up to seventy percent (70%) built-upon area when approved as a special intensity allocation (SIA). The Planning Director is authorized to approve SIAs consistent with the provisions of this ordinance. Projects must, to the maximum extent practicable, minimize built-upon surface area, direct stormwater away from surface waters, and incorporate Best Management Practices to minimize water quality impacts.

#### 15.7. Buffer Area Requirements.

(a) A minimum thirty (30) foot wide vegetated buffer is required for all new development along all perennial waters indicated on the most recent version of USGS 1:24,000 (7.5 minute) scale topographic maps or as determined by local government studies. Desirable artificial streambank stabilization is permitted.

(b) No new development is allowed in the buffer except for water dependent structures, other structures such as flag poles, signs and security lights which result in only diminimus increases in impervious area and public projects such as road crossings, water and sewer lines and associated improvements and greenways where no practical alternative exists. These activities should minimize built-upon surface area, direct runoff away from the surface waters and maximize the utilization of stormwater best management practices.

(c) This division shall not reduce the development standards and specifications as required by Article 6.11, Buffers and Screening.

#### 15.8. Existing Development.

Existing development as defined in this division, may be continued and maintained subject to the provisions provided herein. Expansions to structures classified as existing development must meet the requirements of this division, however, the built-upon area of the existing development is not required to be included in the built-upon area calculations.

(a) Uses of land existing at the time of the effective date of this division, but which would not be permitted to be established hereafter in the WSP district, may continue except as follows:

1. When such use of land has been changed to an allowed use, it shall not thereafter revert to any prohibited use.
2. Such use of land shall be changed only to an allowable use.

3. When such use or occupancy ceases for a period of at least 360 continuous days, it shall not be reestablished. Refer to Article 9, Nonconformities of the Long View Zoning Ordinance.

(b) Reconstruction of buildings or built-upon areas not in conformance with the restrictions of this division that has been damaged or removed may be repaired and/or reconstructed, except that there are no restrictions on single family residential development, provided it meets the following conditions:

1. Repair or reconstruction is initiated within twelve (12) months and completed within two (2) years of such damage.
2. The total amount of built-upon area may not be increased.

#### 15.9. Public Health Regulations.

(a) Public Health In General. No activity, situation, structure or land use shall be allowed within the WSP district which poses a threat to water quality and the public health, safety and general welfare. Such conditions may arise from inadequate on-site septic systems which utilize ground absorption, inadequate sedimentation and erosion control measures, the improper storage or disposal of junk, trash or other refuse on the property, the absence or improper implementation of a spill containment plan for toxic and hazardous materials, improper management of stormwater runoff, or any other situation found to pose a threat to water quality.

(b) Abatement.

1. The planning director or his designee shall monitor land use activities within the WSP district to identify situations that may pose a threat to water quality.
2. The planning director shall report all findings to the city manager. He may consult with any public agency or official and request recommendations.
3. Where the planning director or his designee finds a threat to water quality and the public health, safety and general welfare, the planning director shall institute any appropriate action or proceeding to restrain, correct or abate the condition and/or violation.

#### 15.10. Administration.

(a) The planning director shall keep all records of the amendments to the water supply watershed regulations and shall provide copies of all amendments upon adoption to the Water Quality Section of the Division of Environmental Management.

(b) The planning director or his designee may enter any building, structure, or premises, as authorized by law, to perform any duty imposed upon him by this division.

(c) The planning director shall keep a record of variances to this division. The record shall be submitted to the Water Quality Section of the Division of Environmental Management by the 1st day of January for the preceding year and shall provide a description of each project receiving a variance and the reasons for granting the variance.

(d) The Planning Director shall keep records of the jurisdiction's use of the provision that a maximum of ten percent (10%) of the protected area of WS-IV watersheds may be developed at up to seventy percent (70%) built-upon surface area. Records for each watershed shall include the total acres of non-critical watershed area, total acres eligible to be developed under this option, total acres approved for this development option, and individual records for each project with the following information: location, acres, type of land use and stormwater management plan (if applicable).

#### 15.11. Variances.

(a) The Zoning Board of Adjustment shall have the power to authorize, in specific cases, minor variances, as defined herein, from the terms of this division as will not be contrary to the public interest. Application for a variance shall be made in accordance with Article 12, Board of Adjustment of this ordinance.

(b) If the application for a variance calls for the granting of a major variance, as defined herein, and if the Board of Adjustment decides in favor of granting the major variance, the board shall prepare a preliminary record of the hearing within thirty (30) days. The preliminary record of the hearing shall include:

1. The variance application;
2. The hearing notices and advertisements;
3. The evidence presented;
4. Motions, offers of proof, objections to evidence, and rulings on them;
5. Proposed findings and exceptions; and,
6. The proposed decision, including all conditions proposed to be added to the permit.

The preliminary record shall be sent to the Environmental Management Commission for its review as follows:

(a) If the Commission concludes from the preliminary record that the variance qualifies as a major variance and that:

1. The property owner can secure no reasonable return from, nor make any practical use of the property unless the proposed variance is granted, and

2. The variance, if granted, will not result in a threat to the water supply; then the Commission shall approve the variance as proposed or approve the variance with conditions. The Commission shall prepare a Commission decision and send it to the Long View Board of Adjustments, in care of the planning director. If the Commission approves the variance as proposed, the Board of Adjustment shall prepare a final decision granting the proposed variance. If the Commission approves the variance with conditions and stipulations, the Board of Adjustments shall prepare a final decision including such conditions and stipulations, granting the proposed variance.

(b) If the Commission concludes from the preliminary record that the variance qualifies as a major variance and that:

1. The property owner can secure a reasonable return from or make a practical use of the property without the variance, or

2. The variance, if granted, will result in a serious threat to the water supply, then the Commission shall deny approval of the variance proposed. The Commission shall prepare a Commission decision and send it to the Long View Board of Adjustments, in care of the planning director. The Board of Adjustment shall prepare a final decision denying the variance as proposed.

(C) Public health. Refer to 15.9.

#### 15.12. Definitions.

The intent of the definitions found within this section is to apply specifically to watershed management measures. These terms are intended as a supplement to the definitions found in Article 2, Language Rules of Construction and Definitions, of this ordinance.

Agricultural Use. The use of waters for stock watering, irrigation and other farm purposes.

Best Management Practices (BMP). A structural or nonstructural management based practice used singularly or in combination with another BMP to reduce non-point source inputs to receiving waters in order to achieve water quality protection goals.

Buffer (watershed protection only). An area of natural or planted vegetation through which stormwater runoff flows in a diffuse manner so that the runoff does not become channelized and which provides for infiltration of the runoff and filtering of pollutants. The buffer is measured landward from the normal bank of each side of the streams.

Built-upon Area. That portion of a development project that is covered by impervious or partially impervious cover including buildings, pavement, gravel areas (e.g. Roads, parking lots, paths), recreational facilities (e.g. tennis courts); wooden slat decks, and the area covered by water in a swimming pool is not built-upon area.

Cluster Development. The grouping of buildings in order to conserve land resources and provide for innovation in the design of the project including minimizing stormwater runoff impacts. This

term includes non-residential development as well as single family residential and multi-family developments.

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

Development, Existing (watershed protection only). Those projects that are built or those projects that at a minimum have established a vested right under North Carolina zoning laws as of the effective date of this ordinance based on at least one of the following criteria.

- (1) substantial expenditure of resources (time, labor, money) based on good faith reliance upon receiving a valid local government approval to proceed with the project, or
- (2) having an outstanding valid building permit as authorized by NCGS 160D-102, or
- (3) having an approved site specific development plan as authorized by NCGS 160D-102.

Development, Industrial (watershed protection only). Any non-residential development that requires an NPDES permit for an industrial discharge and/or requires the use or storage of any hazardous material for the purpose of manufacturing, assembly, finishing, cleaning or developing any product or commodity.

Development, Non-residential (watershed protection only). All development other than residential development, agriculture and silviculture.

Development, Residential (watershed protection only). Buildings for residences such as attached and detached single family dwellings, apartment complexes, condominiums, townhouses, cottages, etc. and their associated accessory structures such as garages, storage buildings, gazebos, etc. and customary home occupations.

Development, Single Family Residential (watershed protection only). Any development where:

- (1) no building contains more than one dwelling unit,
- (2) every dwelling unit is on a separate lot, and
- (3) where no lot contains more than one dwelling unit (e.g. single family detached or manufactured home).

Dwelling Unit (watershed protection only). A building or portion thereof providing complete and permanent living facility for one family.

Family Subdivision. Family subdivision means a division of a tract of land: (a) to convey the resulting parcels, with the exception of parcels retained by the grantor, to a relative or relatives as

a gift or for nominal consideration, but only if not more than one parcel is conveyed by the grantor from the tract to any one relative (within any 12 month period); or (b) to divide land from a common ancestor among tenants in common, all of whom inherited by intestacy or by will.

Hazardous Material. Any substance listed as such in SARA section 302, Extremely Hazardous Substances, CERCLA Hazardous Substances or Section 311 of the Clean Water Act (oil and hazardous substances).

Landfill. A facility for the disposal of solid waste on land in a sanitary manner in accordance with Chapter 130A Article 9 of the N.C. General Statutes. For the purpose of this ordinance, this term does not include composting facilities.

Lot. A parcel of land occupied or capable of being occupied by building or group of buildings devoted to a common use, together with the customary accessories and open spaces belonging to the same.

Lot, Existing. A lot which is part of a platted subdivision of which has been recorded in the Office of the Register of Deeds office in Catawba County prior to the effective date of this division, or a lot described by metes and bounds, the description of which has been so recorded prior to the effective date of this division.

Nonconforming Lot of Record. A lot described by a plat or a deed that was recorded prior to the effective date of this ordinance (or its amendments) that does not meet the minimum lot size or other development requirements of this ordinance.

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

Protected Area. The area adjoining and upstream of the critical area in which protection measures are required. The boundaries of the protected area are defined as extending five (5) miles upstream and draining to water supply reservoirs or to the ridge line of the watershed; or within 10 miles upstream and draining to the intake located directly in the stream or river or to the ridgeline of the watershed.

Residuals. Any solid or semi-solid waste generated from a wastewater treatment plant, water treatment plant or air pollution control facility permitted under the authority of the Environmental Management Commission.

Street (Road). A right-of-way for vehicular traffic which affords the principal means of access to abutting properties.

Structure. Anything constructed or erected which requires location on or attachment to the land or attachment to something having permanent location on the land.

Subdivision. All divisions of a tract or parcel of land into two or more lots, building sites, or other divisions for the purpose of sale or building development (whether immediate or future) and shall include all division of land involving the dedication of a new street or a change in

existing streets; but the following shall not be included within this definition nor be subject to the regulations authorized by this ordinance:

- (1) The combination or recombination of portions of previously subdivided and recorded lots where the total number of lots is not increased and the resultant lots are equal to or exceed the standards of this ordinance;
- (2) The division of land into parcels greater than 10 acres where no street right-of-way dedication is involved;
- (3) The public acquisition by purchase of strips of land for the widening or opening of streets;
- (4) The division of a tract in single ownership whose entire area is no greater than two acres into not more than three lots, where no street right-of-way dedication is involved and where the resultant lots are equal to or exceed the standards of this ordinance;
- (5) The division of a tract into plots or lots used as a cemetery.

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

Variance, Major. A variance from the minimum statewide water supply watershed protection criteria that results in the relaxation of, by a factor greater than 10%, of any management requirement under the low density option.

Variance, Minor. A variance from the minimum statewide water supply watershed protection criteria that results in the relaxation, by a factor of up to ten (10) percent, of any management requirement under the low density option.

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

ARTICLE 16

RESERVED

ARTICLE 17

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## ARTICLE 18

### ADMINISTRATION

#### 18.1 Establishment of Administrative Officer

The provisions of this Ordinance shall be administered by the Zoning Administrator, who shall be designated by the Town Administrator.

#### 18.2 Duties of the Zoning Administrator

The Zoning Administrator, or his designee, shall have the power to grant Zoning Compliance permits and Certificates of Zoning Compliance and to make or cause to be made inspections of buildings or premises necessary to carry out the enforcement of this Ordinance. In connection with the enforcement of this Ordinance, the Zoning Administrator shall make all necessary determinations and interpretations as required by this Ordinance. Persons aggrieved by a decision or a determination made by the Zoning Administrator may appeal that action to the Board of Adjustment.

#### 18.3 Powers and Limitations of Zoning Administrator

If any proposed excavation, construction, moving, alteration, or use of land as set forth in an application for a Zoning Permit is in conformity with the provisions of this Ordinance, the Zoning Administrator shall issue a Zoning Permit; however;

- (a) Issuance of a Zoning Permit shall in no case be construed as waiving any provisions of this Ordinance.
- (b) Under no circumstances is the Zoning Administrator permitted to grant exceptions to the actual meaning of any clause, standards, or regulation contained in this Ordinance to any person making application to excavate, construct, move, alter, or use building, structures or land.
- (c) Under no circumstance is the Zoning Administrator permitted to make changes to this Ordinance or to vary the terms of this Ordinance in carrying out his duties.
- (d) The Zoning Administrator shall issue a permit when the imposed conditions of this Ordinance are complied with by the applicant regardless of whether the use of the permit would violate contractual or other arrangements (including, but not by way of limitation, restrictive covenants) among private parties.
- (e) If an application for such permit is disapproved, the Zoning Administrator shall state in writing the cause of such disapproval.

(f) The Zoning Enforcement Officer or other staff member shall not make a final decision on an administrative decision required by this chapter if the outcome of that decision would have a direct, substantial, and readily identifiable financial impact on the staff member or if the applicant or other person subject to that decision is a person with whom the staff member has a close familial, business, or other associational relationship (G.S. 160D-109).

#### 18.4 Zoning Permit Required

- (a) It shall be unlawful to begin the excavation for the construction, the moving, alteration, or repair, except ordinary repairs, of any building or other structure, including an accessory structure, costing more than \$25.00 or exceeding one hundred square feet in area, until the Zoning Administrator has issued for such work a Zoning Permit. The Zoning Permit shall include a determination that plans, specifications and the intended use of such structure and land do, in all respects, conform to the provisions of this Ordinance. Prior to the issuance of a Zoning Permit, the Zoning Administrator shall consult with all applicable departments including, but not limited to, the Department of Public Works and the Utilities Department.
- (b) Also, it shall be unlawful to change the type of use of land, or to change the type of use or type of occupancy of any building, or to extend any use or any lot on which there is a nonconforming use, until the Zoning Administrator has issued for such intended use a Zoning Permit, including a determination that the proposed use does, in all respects, conform to the provisions of this Ordinance.
- (c) All Zoning Permit applications shall be made in writing to the Zoning Administrator on forms provided for that purpose. A record of all such applications shall be kept on file by the Zoning Administrator.
- (d) Any Zoning Permit issued shall expire and be cancelled unless the work authorized shall have commenced within six (6) months of its date of issue, or if the work authorized by it is suspended or abandoned for a period of one year. If a zoning permit is requested for the establishment of vested rights, upon approval it shall be valid for a period of two (2) years from its date of issue (NC G.S. 160D-102).
- (e) Written notice of such determination refusal and reason therefore shall be given to the applicant and property owner (G.S. 160D-403(b)), the Zoning Enforcement Officer may provide their determination in print or electronic form; if electronic form is used then it must be protected from further editing (G.S. 160D-403(a)).
- (f) Vesting. Zoning permits expire one year after issuance unless work has substantially commenced. Expiration of a local development approval does not affect the duration of a vested right established as a site specific vesting plan, a multiphase development plan, a development agreement, or vested rights established under common law. A site specific plan or planned unit development shall remain vested for a period exceeding two years, but not exceeding five years. A multi-phase development shall remain vested for a period of seven years from the time a site plan is approved. For the purposes of this chapter, a multi-phase development must contain 100

acres or more and is submitted for site plan approval for construction to occur in more than one phase and is a master plan that includes a requirement to offer land for public use (G.S. 160D-108(d)).

(g) Revocation of development approvals. Development approvals may be revoked by the local government issuing the development approval by notifying the permit holder in writing stating the reason for the revocation. The local government shall follow the same development review and approval process required for issuance of the development approval, including any required notice or hearing, in the review and approval of any revocation of that approval. Development approvals shall be revoked for any substantial departure from the approved application, plans, or specifications; for refusal or failure to comply with the requirements of any applicable local development regulation or any State law delegated to the local government for enforcement purposes in lieu of the State; or for false statements or misrepresentations made in securing the permit approval. Any development approval mistakenly issued in violation of an applicable State or local law may also be revoked. The revocation of a development approval by a staff member may be appealed to the board of adjustment pursuant to G.S. 160D-4-5. If an appeal is filed regarding a development regulation adopted by a local government pursuant to this Chapter, the provisions of G.S. 160D-4-5(e) regarding stays shall be applicable (G.S. 160D-403(f)).

(h) The Zoning Enforcement Officer may inspect work undertaken pursuant to a development approval to assure that the work is being done in accordance with applicable State and local laws and of the terms of the approval. In exercising this power, staff are authorized to enter any premises within the jurisdiction of the Town local government at all reasonable hours for the purposes of inspection or other enforcement action, upon presentation of proper credentials, provided the appropriate consent has been given for inspection of areas not open to the public or that an appropriate inspection warrant has been secured (G.S. 160D-403(e)).

(i) The Zoning Enforcement Officer or other staff member shall not make a final decision on an administrative decision required by this chapter if the outcome of that decision would have a direct, substantial, and readily identifiable financial impact on the staff member or if the applicant or other person subject to that decision is a person with whom the staff member has a close familial, business, or other associational relationship (G.S. 160D-109).

### 18.5 Contents of Application for Zoning Permit

Every application for a Zoning Permit for site clearance, excavation, grading, filling, construction, moving, alteration, or change in type of use or type of occupancy, shall be accompanied by a written statement and plans or plats, drawn to scale, showing the following in sufficient detail to enable the Zoning Administrator to ascertain whether the proposed work or use is in conformance with the provisions of this Ordinance:

(a) The actual shape, location, and dimensions of the lot; if the lot is not a lot of record, sufficient data to locate the lot on the ground.

- (b) The shape, size, and location of all buildings, or other structures, to be erected, altered, or moved, and of any other buildings, or other structures already on the lot.
- (c) The existing and intended use of the lot and of all structures upon it.
- (d) Such other information concerning the lot, adjoining lots, or other matters as may be essential for determining whether the provisions of this Ordinance are being observed including parking, landscaping, screening, buffering, signage, flood hazards, floor areas.

#### 18.6 Certificate of Zoning Compliance

No building, structure, or zoning lot for which a Zoning Permit has been issued shall be used or occupied until the Zoning Administrator has, after final inspection, issued a Certificate of Zoning Compliance indicating compliance has been made with all the provisions of this Ordinance. However, the issuance of a Certificate of Zoning Compliance shall in no case be construed as waiving the provisions of this Ordinance.

#### 18.7 Reserved.

#### 18.8 Fees

Before any Zoning Permit or Certificate of Zoning Compliance shall be issued covering building or other operations regulated by this Chapter, a fee in an amount fixed by the Board of Alderman shall be paid.

## ARTICLE 19

### ENFORCEMENT

#### 19.1 Violation

Whenever, by the provisions of this Ordinance, the performance of any act is required, or the performance of any act is prohibited, or whenever any regulation or limitation is imposed on the use of any land and water, or on the erection of a structure, a failure to comply with such provisions shall constitute a violation of this Ordinance.

#### 19.2 Liability

The owner, tenant, or occupant of any land or structure, or part thereof, and any architect, builder, contractor, agent or other person who participates in, assists, directs, creates, or maintains any situation that is contrary to the requirements of this Ordinance shall be held responsible for the violation and be subject to the penalties and remedies provided herein.

#### 19.3 Reserved.

#### 19.4 Penalties.

- (a) Any violation of the articles of this Ordinance or amendments thereto shall subject the offender to a civil penalty in the amount of fifty dollars (\$50.00) per day. Violators shall be issued a written citation by registered mail or by hand delivery when the deliverer is accompanied by a witness, and said citation must be paid within seventy-two (72) hours of receipt.
- (b) Each day that a violation continues shall be considered a separate offense and punishment assigned accordingly.
- (c) Notwithstanding subsection (a) above, this Ordinance may be enforced by a court of competent jurisdiction and no higher notice of any action to enforce this Ordinance shall be required.

#### 19.5 Remedies.

If a building or structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained, or any building, structure or land is used in violation of this Ordinance or a regulation made under authority conferred by this Ordinance, the Zoning Administrator, in addition to other remedies, may institute any appropriate action or proceedings to prevent the unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use, to restrain, correct or abate the violation, to prevent occupancy of the building, structure or land, or to prevent any illegal act, conduct, business or use in or about the premises.

## ARTICLE 20

### LEGAL STATUS

#### 20.1 Severability

It is the legislative intent of the Board of Alderman in adopting this Ordinance that all provisions thereof shall be liberally construed to protect and preserve the peace, health, safety, and general welfare of the inhabitants of the Town of Long View and its extraterritorial jurisdiction. It is the further intent of the Board of Alderman that this Ordinance shall stand, notwithstanding the invalidity of any part thereof, and that should any provision of this Ordinance be held to be unconstitutional or invalid, such holding shall not be construed as affecting the validity of any of the remaining provisions.

#### 20.2 Effective Date.

The Town of Long View Zoning Ordinance Adopted August 1, 1995 shall be repealed and replaced with this updated Town of Long View Zoning Ordinance and shall be effective the \_\_\_\_ day of \_\_\_\_\_, 2026.