Town of Peachland

North Carolina - Anson County

Zoning Ordinance

Text Amendments Through June 21, 2021

ZONING ORDINANCE

TOWN OF PEACHLAND, NORTH CAROLINA

TABLE OF CONTENTS

ARTICLE		PAGE
I.	**AUTHORITY AND ENACTMENT CLAUSE**	**1**
II.	**SHORT TITLE AND EFFECTIVE DATE**	**2**
	Section 2.1 Short Title	2
	Section 2.2 Effective Date	2
III.	**JURISDICTION**	**3**
	Section 3.1 Area of Enforcement	3
	Section 3.2 Bona Fide Farm Exempt	3
IV.	**DEFINITIONS OF TERMS USED IN THE ORDINANCE**	**4**
	Section 4.1 Interpretation of Terms and Words	4
	Section 4.2 Definitions of Specific Terms and Words	5
V.	**ESTABLISHMENT OF ZONING DISTRICTS**	**15**
	Section 5.1 Zoning District Named	15
	Section 5.2 Zoning Map Interpretation	15
	Section 5.3 Zoning Map Administration	16
	Section 5.4 Prohibited Uses	16
VI.	**USE REQUIREMENTS BY DISTRICT**	**17**
	Section 6.1 RA-3 Residential-Agricultural District	17
	Section 6.2 RA-1 Residential-Agricultural District	33
	Section 6.3 R-20 Single Family Residential District	36
	Section 6.4 R-10 Single Family Residential District	41
	Section 6.5 R-8 One, Two and Multi-Family Residential District	43

Section 6.6	N-B Neighborhood Business District	45
Section 6.7	C-B Central Business District	48
Section 6.8	H-B Highway Business District	52
Section 6.9	I-1 General Industrial District	54
VII.	**GENERAL PROVISIONS**	**58**
Section 7.1	Uses	58
Section 7.2	Screening and Landscaping	58
Section 7.3	Fences or Walls Permitted	60
Section 7.4	Lot to Abut a Public Street	60
Section 7.5	One Principal Building	60
Section 7.6	Fractional Requirement	60
Section 7.7	Visibility at Intersections	60
Section 7.8	Temporary Structures and Uses	61
Section 7.9	Height Exemption	61
Section 7.10	Accessory Uses and Structures	61
Section 7.11	Outdoor Lighting	62
Section 7.12	Construction Begun Prior to Adoption of Ordinance	62
Section 7.13	Use of Manufactured Homes and Similar Structures	62
Section 7.14	Location of Required Yards on Irregular Lots	63
Section 7.15	Vibration	63
Section 7.16	Noise	63
Section 7.17	Reduction of Lot and Yard Areas Prohibited	63
Section 7.18	Customary Home Occupations	63
Section 7.19	Rural Home Occupations	64
VIII.	**OFF STREET PARKING AND LOADING**	**66**
Section 8.1	Off-Street Parking Requirements	66
Section 8.2	Location of Off-Street Parking	66
Section 8.3	Design Standards	67
Section 8.4	Computation of Off-Street Spaces	67
Section 8.5	Parking Requirements by Use	68
Section 8.6	Off-Street Loading Requirements	71
IX.	**SIGNS**	**72**
Section 9.1	Electric Signs	72
Section 9.2	Unsafe Signs	72

Section 9.3 Free Standing Signs 72
Section 9.4 Ground Signs 72
Section 9.5 Signs Permitted Without Permit 73
Section 9.6 Prohibited Signs 74
Section 9.7 Signs Permitted in the Residential Districts 75
Section 9.8 Signs Permitted in the N-B and C-B District 76
Section 9.9 Signs Permitted in the H-B and I-1 District 77

X. NONCONFORMING USES 82

Section 10.1 General Intent and Exceptions 82
Section 10.2 Nonconforming Uses 82
Section 10.3 Nonconforming Structures 84
Section 10.4 Nonconforming Lots of Record 86
Section 10.5 Abandonment 86
Section 10.6 Nonconforming Signs 86
Section 10.7 Change of Tenancy or Ownership 87

XI. SPECIAL USES AND ZONES 88

Section 11.1 Special Use Permit 88
Section 11.2 Procedure 88
Section 11.3 Town Council Decision 90
Section 11.4 Variances 90
Section 11.5 Perpetuity of Conditional Use Permit 91

XII. ZONING ADMINISTRATION 92

Section 12.1 Administration and Zoning Permits 92
Section 12.2 Certificate of Occupancy 93
Section 12.3 Right of Appeal 93
Section 12.4 Remedies 93
Section 12.5 Complaints Regarding Violations 93
Section 12.6 Penalties 94

XIII. BOARD OF ADJUSTMENT 95

Section 13.1 Powers, Duties, and Procedures 95
Section 13.2 Interpretation 97
Section 13.3 Variances 97
Section 13.4 Application Procedure 98

Section 13.5 Appeals from the Board of Adjustment 99

XIV. AMENDMENTS TO TEXT AND MAP 100

Section 14.1 Amendments to Text and Map 100
Section 14.2 Application for Amendments 101
Section 14.3 Planning Board and Town Council 101
Section 14.4 Public Hearing 103
Section 14.5 Protest Petitions 103
Section 14.6 Town Council Decision 104

XV. PLANNING BOARD 105

Section 15.1 Intent 105
Section 15.2 Establishment 105
Section 15.3 Duties and Powers 105
Section 15.4 Appointment and Terms 105
Section 15.5 Election of Officers 106
Section 15.6 Rules of Conduct for Members 106
Section 15.7 Meetings 107
Section 15.8 Voting 107
Section 15.9 Conduct of Meetings 109
Section 15.10 Adoption and Amendments 109

XVI. LEGAL STATUS PROVISIONS 110

Section 16.1 Conflict with Other Ordinances 110
Section 16.2 Validity 110
Section 16.3 Re-Enactment and Repeal of Existing Zoning Ordinances 110
Section 16.4 Effective Date 110

FEE SCHEDULE 111

XVII. YARD, BULK, HEIGHT AND YARD REGULATIONS 112

Peachland Zoning Ordinance

ARTICLE 1

AUTHORITY AND ENACTMENT CLAUSE

Zoning provisions enacted herein are under the authority of NCGS* 1*60D-701, which extend to cities the authority to enact regulations that promote the health, welfare and safety of the community. It is further authorized under NCGS 160D-702 that cities are allowed to regulate and restrict the erection, reconstruction, alteration, repair or use of buildings, structures or land. This section further authorizes the establishment of overlay districts in which additional regulations may be imposed upon properties that lie within the boundary of that district. North Carolina general statutes also require that all such regulations be uniform for each class or type of building throughout each district, but that the regulations in one district may differ from those in other districts.

NOW, THEREFORE, The Board of Commissioners of the Town of Peachland, North Carolina, do ordain as follows:

ARTICLE 2

SHORT TITLE AND EFFECTIVE DATE

Section 2.1 Short Title

This ordinance is "The Zoning Ordinance of the Town of Peachland, North Carolina" and shall be known as the "Zoning Ordinance"; and the map referred to which is identified by the title "Official Zoning Map, Peachland, North Carolina", shall be known as the "Zoning Map". The zoning map is hereby made a part of this Zoning Ordinance and incorporated herein by reference.

Section 2.2 Effective Date

This ordinance shall take effect and be in force from and after January 1, 2006.

ARTICLE 3

JURISDICTION

Section 3.1 Area of Enforcement

These regulations shall govern the use of all land and the development thereof within all of the incorporated area of the Town of Peachland, North Carolina and within that unincorporated area of Anson County lying within a radius of one (1) mile Town limits of Peachland but such area shall include only the area so identified on the Zoning Map as allowed by law. Said area outside the Town limits shall hereinafter be referred to as the "Extraterritorial Area."

Section 3.2 Bona Fide Farms Exempt

This Ordinance shall in no way regulate, restrict, prohibit, or otherwise deter any bona fide farm and its related uses within the Town of Peachland or its Extraterritorial Area except that any such use of property for non-farm purposes shall be subject to this Ordinance.

For the purposes of this ordinance, a Bona Fide farm shall be defined as any parcel-lot of record having ten (10) or more acres being in active agricultural use as defined by N.C. General Statutes Section 105-277.1 et. seq., or as determined by any other available method upon approval of the Zoning Officer.

ARTICLE 4

DEFINITIONS OF TERMS USED IN THE ORDINANCE

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

Section 4.1 Interpretation of Terms and Words

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

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

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

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

(5) The word "building" includes the word "structure".

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

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

(8) The "Map", or "Zoning Map", or "Peachland Zoning Map" shall mean the official zoning map of the Town of Peachland, North Carolina.

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

(10) Any word not specifically defined in Section 4.2 shall be assigned its customary dictionary definition.

(11) The term “Administrator” shall mean the “Zoning Administrator of Peachland, North Carolina”.

Section 4.2 Definitions of Specific Terms and Words

4.2.1 Accessory Use. A use customarily incidental and subordinate to the principal use or building and located on the same lot with such principal use or building.

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

4.2.3 Animal Hospital. A place where animals or pets are given medical or surgical treatment and the boarding of animals is conducting entirely indoors and is limited to short term care incidental to hospital use.

4.2.4 Bed and Breakfast Inn. An owner-occupied Single-Family dwelling in which the principal use is permanent residential quarters, and in which there are not more than five (5) guest bedrooms available for transient occupancy for periods no greater than seven (7) days.

4.2.5 Building. Any structure enclosed and isolated by exterior walls or columns constructed or used for residence, business, industry, or other public or private purposes, or accessory thereto. The term "building" shall be construed as if followed by the words "or parts of thereof".

4.2.6 Building Accessory. A building subordinate to the main building on a lot and used for purposes customarily incidental to the main or principal building and located on the same lot therewith.

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

4.2.8 Building, Principal. A building in which is conducted the principal use of the lot on which said building is situated.

4.2.9 Building Setback Line. A line establishing the minimum allowable distance between the nearest portion of any building and the street right-of-way when measured perpendicularly thereto.

4.2.10 Commercial Animal Kennel. An indoor or outdoor establishment in which animals are groomed, bred, boarded, trained or sold.

4.2.10(a) Conditional Zoning**.** A legislative zoning map amendment with site-specific conditions with a site-specific site plan incorporated into the zoning map amendment.

4.2.11 Construction Trailer. A mobile home which is designed for neither

overnight nor year-round occupancy and is used exclusively at a construction project on a temporary basis for office or storage purposes.

4.2.12 Convenience Store. An establishment which is open for extended hours which sells packaged and/or prepared foods and other conveniences (which may include gasoline) primarily for consumption and use off premises. Sales of items are highly dependent upon convenience of location, store hours, speed of service and highway accessibility and are less dependent on comparison shopping.

4.2.13 Country Club. A land area and buildings containing recreational facilities, club house and usual accessory uses. Except for special events, the facility is open only to members and their guests.

4.2.14 Customary Home Occupation. Any activity carried out for gain by a resident conducted as an accessory use in the resident's dwelling unit.

4.2.15 Day Care Center. An agency, organization, or individual whose primary purpose is to provide care for six or more children, unrelated by blood or marriage, and not the legal wards or foster children of, the attendant adult.

4.2.16 Day Care Center, Small Group. An agency, organization, or individual which provides daytime care for not more than five (5) children unrelated by blood or marriage to, and not the legal wards or foster children of, the attendant adult, within an occupied residence.

4.2.17 Dwelling Unit. Any building, structure, manufactured home, or mobile home, or portion thereof, and includes any outhouses and appurtenances belonging thereto or usually enjoyed therewith, providing complete and permanent living facilities for one (1) family. The term "dwelling" shall not be deemed to include a motel, hotel, tourist home or other structure designed for transient residence.

4.2.18 Dwelling, Two-Family. A building arranged or designed to be occupied by two (2) families living independently of each other.

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

4.2.20 Family. Any number of related persons living together as a single housekeeping unit.

4.2.21 Gross Floor Area. The total area of all buildings in the project including basements, mezzanines and upper floors, exclusive of stairways and elevator shafts.

4.2.22 Group Homes. A residential home provided by an agency, organization or individual for two or more unrelated persons who need sheltered living conditions for rehabilitation or extended care purposes.

4.2.23 Home for the Aged (Rest Home). A facility licensed to care for six or more elderly or disabled adults who do not need nursing care but are no longer able to remain in their own homes because they need assistance in meeting their day-to-day basic needs.

4.2.24 Junk Yard. The use of more than six-hundred (600) square feet of the area of any lot for the storage, keeping, or abandonment of junk, including scrap metal or other scrap materials, or the dismantling, demolition or abandonment of automobiles or other vehicles or machinery or parts thereof. In addition, excess of one automobile in a Residential district or five in a business or industrial district shall be defined as a junk yard.

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

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

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

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

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

4.2.30 Manufactured Home (See G.S.143-145(7)): A structure, transportable in one or more sections, which in the traveling mode is eight body feet or more in width, or 40 body feet or more in length, or, when erected on site, is 320 or more square feet; and which is built on a permanent chassis and designed to be used as a dwelling, with or without permanent foundation when connected to the required utilities, including the plumbing, heating, air conditioning and electrical systems contained in it. "Manufactured home" includes any structure that meets all of the

requirements of this definition except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the U.S. Secretary of Housing and Urban Development and complies with the standards established under the National Manufactured Housing Construction and Safety Standards Act of 1976. "Manufactured homes" are not constructed in accordance with the standards set forth in the North Carolina State Building Code and may also be referred to as a "Mobile Home". *This Ordinance shall not exclude manufactured homes based on the age of the home. (G.S. 160D-910.)*

4.2.31 Manufactured Home Design Classifications: For the intent of this ordinance, Manufactured Homes as defined herein shall be classified, and accordingly allowed as provided within the various Zoned District Regulations.

(A) **Manufactured Home, Class A:** A multi-sectional manufactured home that was constructed after July 1, 1976 that meets or exceeds the construction standards promulgated by the U.S. Department of Housing and Urban Development that were in effect at the time of construction and that satisfies each of the following additional criteria:

1) Is occupied only as a single family dwelling;
2) Has a minimum width of 16 feet;
3) Has a length not exceeding four times its width, with length measured along the longest axis and width measured perpendicular to the longest axis at the narrowest part;
4) Has the towing apparatus, wheels, axles, and transporting lights removed and not included in length and width measurements;
5) Is set up in accordance with standards established by the N. C. Department of Insurance. In addition, a continuous, permanent masonry foundation or masonry curtain wall constructed in accordance with the standards of the N. C. Uniform Residential Building Code for One- and Two- Family Dwellings, unpierced except for required ventilation and access, shall be installed under the perimeter, *with no visible exposed concrete block* ;
6) Has exterior siding, comparable to the exterior siding commonly used in standard residential construction, consisting of one or more of the following: 1) vinyl or aluminum lap siding (whose reflectivity does not exceed that of flat white paint); 2) cedar or other wood siding; 3) wood grain, weather resistant press board siding; 4) stucco siding; or 5) brick or stone siding;
7) Has a roof pitch minimum vertical rise of (2.2) feet for each 12 feet of horizontal run;
8) Has a roof finish with a Class C or better roofing material that is commonly used in standard residential construction;
9) Has an eave projection of no less than six inches, which may include a

gutter; and

10) Has stairs, porches, entrance platforms, ramps and other means of entrance and exit installed or constructed in accordance with the standards set by the North Carolina State Building Code, anchored securely to the ground. A porch or entrance platform with a minimum of 16 square feet shall be installed at one entrance.

(B) **Manufactured Home, Class B:** A *multi-sectional* or *single section* manufactured home constructed after July 1, 1976 that meets or exceeds the constructions standards of the U.S. Department of Housing and Urban Development that were in effect at the time of construction and that satisfies the following additional criteria:

1) Is occupied only as a single family dwelling;
2) Has the towing apparatus, wheels, axles, and transporting lights removed and not included in length and width measurements;
3) Is set up in accordance with standards established by the N. C. Department of Insurance. The foundation shall be:
   i. a continuous, permanent masonry foundation or masonry curtain wall constructed in accordance with the standards of the N. C. Uniform Residential Building Code for One- and Two- Family Dwellings, unpierced except for required ventilation with access installed under the perimeter, *and no visible exposed concrete block.*
4) Has exterior siding, comparable to the exterior siding commonly used in standard residential construction, consisting of one or more of the following: 1) vinyl or aluminum lap siding (whose reflectivity does not exceed that of flat white paint); 2) cedar or other wood siding; 3) wood grain, weather resistant press board siding; 4) stucco siding; or 5) brick or stone siding;
5) Has a roof pitch minimum vertical rise of 2.2 feet for each 12 feet of horizontal run;
6) Has a roof finish with a Class C or better roofing material that is commonly used in standard residential construction;
7) Has an eave projection of no less than six inches, which may include a gutter; and
8) Has stairs, porches, entrance platforms, ramps and other means of entrance and exit installed or constructed in accordance with the standards set by the North Carolina State Building Code, anchored securely to the ground. A porch or entrance platform with a minimum of 16 square feet shall be installed at one entrance.

(C) **Manufactured Home, Class C:** A *multi-sectional* or *single* section manufactured home that was 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 but that does not satisfy all of the criteria necessary to qualify the home as a class A or class B manufactured home but satisfies the following additional criteria:

1) A manufactured home meeting all of the requirements of a Class B Manufactured Home, except criteria (3), (4), (5), (6), and (7); provided however, said manufactured home shall be installed with permanent type non-reflective skirting specifically manufactured for manufactured homes, or masonry underpinning. Such underpinning or skirting shall be installed under all elements of the manufactured home and be unpierced except for required ventilation and access door.

(D) **Manufactured Home, Class D:** A manufactured home that was constructed either prior to, or after, July 1, 1976 that either complies or fails to comply with the construction standards promulgated by the U.S. Department of Housing and Urban Development that were in effect at the time of construction and does not meet the definitional criteria of a class A, class B, or class C manufactured home.

4.2.32 (Reserved)

4.2.33 Mobile Home. A movable or portable structure or vehicle eight (8) feet wide or more constructed to be towed on it's own chassis and capable of being transported over the public ways of North Carolina, and constructed without a permanent foundation for year-round occupancy, or which includes one or more components (rooms) that can be retracted for towing purposes and subsequently expanded for additional capacity; or two or more mobile home units separately towable, but designed to be joined into one integral unit. Any mobile home subsequently placed on a permanent foundation shall nonetheless be considered to be a mobile home. However, modular homes shall not be construed to be mobile homes.

4.2.34 Manufactured Home Park. Any premises where manufactured homes are parked for living and sleeping purposes, or any premises used for or set apart for the purpose of supplying to the public parking space for manufactured homes for living and sleeping purposes.

4.2.35 Manufactured Home Space. A space in a manufactured home park designed for the parking of a manufactured home containing connections to all utilities. Any common facilities, drives, or screening shall not be considered part of any mobile home space.

4.2.36 Modular Home. A sectional dwelling consisting of two or more units which are factory fabricated and transported to the home site where they are put on a permanent foundation and joined to make a single-family house. All such modular homes shall meet all single family home requirements of the North Carolina Uniform Residential Building Code,

Volumes 1b, 2, 3, and 4.

4.2.37 Nonconforming Structure. A structure the size, dimensions or location of which was lawful prior to the adoption, revision or amendment of this Land Development Ordinance, but which fails by reasons of such adoption, revision or amendment, to conform to the present requirements of the zoning district in which it is located.

4.2.38 Nonconforming Use. A use or activity which was lawful prior to the adoption, revision or amendment to this Land Development Ordinance, but which fails, by reason of such adoption, revision or amendment, to conform to the present requirements of the zoning district in which it is located.

4.2.39 Nursing Home. A long term intermediate or skilled nursing facility that is licensed to provide nursing and supportive care to individuals who by reason of advanced age, chronic illness or infirmity are unable to care for themselves. Such a facility may include licensed rest home beds.

4.2.40 Open Storage. An unroofed storage area, whether fenced or not.

4.2.41 Parking Space, Off-Street. A storage space of not less than nine (9) feet by twenty (20) feet for one (1) automobile, plus the necessary access space. Said space shall always be located outside the dedicated street right-of-way.

4.2.42 Principal Use. The primary or predominant use of any lot.

4.2.43 Restaurant. A commercial establishment where food and drink are prepared, served and consumed primarily within the principal building.

4.2.44 Restaurant Drive-In. A commercial establishment where food and/or drink is sold in a form ready for consumption and where all or a significant portion of the consumption takes place or is designed to take place outside the confines of the building, often in a motor vehicle on the site.

4.2.45 Restaurant, Fast Food. An establishment whose principal building is used for the sale of pre-prepared or rapidly prepared food directly to the customer in a ready-to-consume state for consumption either within the restaurant building, on the restaurant premises or off premises.

4.2.46 Service Station. Any building, land area or other premises, or portion thereof, primarily used or intended to be used for the retail dispensing or sale of vehicular fuels and including minor repair work conducted as an accessory use.

4.2.47 Sexually Oriented Business: An adult arcade, adult bookstore or adult video store, adult cabaret, adult massage parlor, adult motel, adult

motion picture theater, adult theater, escort agency, nude model studio, sexual encounter studio, or any combination of the foregoing. As used in this Ordinance, the following definitions shall apply:

A. Adult Arcade (also known as "Peep Show"): Any place to which the public is permitted or invited, wherein coin-operated or token-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 and/or specified anatomical areas.

B. Adult Bookstore or Adult Video Store: A commercial establishment that, as one (1) of its principal business purposes, offers for sale or rental, for any form of consideration, any one (1) of the following:

1. Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes or video reproductions, slides, or other visual representations that depict or describe specified sexual activities and/or specified anatomical areas; or

2. Instruments, devices, or paraphernalia that are designed for use in connection with specified sexual activities.

C. Adult Theater: A theater, concert hall, auditorium, or similar commercial establishment that regularly features, exhibits, or displays, as one (1) of its principal business purposes, persons who appear in a state of nudity or semi-nude, or live performances that expose or depict specified anatomical areas and/or specified sexual activities.

4.2.48 Shopping Center. A group of three (3) or more separate commercial establishments planned, constructed, and managed as a total entity with customer and employee parking provided on-site, and provision for goods delivery separated from customer access and aesthetic considerations made. Each establishment within the shopping center shall have its own separate entrance accessible from a common walkway or the outdoors.

4.2.49 Sign. Any object, device, display or structure, or part thereof, situated outdoors which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event or location by means such as letters, figures, design, symbols, fixtures, colors, or illumination.

4.2.50 Sign, Advertising. A sign which directs attention to a business, commodity, service or entertainment conducted, sold or offered elsewhere than upon the premises where the sign is displayed; or as a minor and incidental activity upon the premises where the sign is displayed.

4.2.51 Sign Area. Sign area shall be measured by the smallest square, rectangle, triangle, circle or combination thereof, which will encompass the entire advertising copy area excluding architectural trim and structural members. In computing area only one (1) side of a double-faced sign shall be considered.

4.2.52 Sign, Non-Commercial. A sign which bears a message on behalf of a political, religious, public service or charitable cause or event.

4.2.53 Sign, Commercial. A sign which bears a message on behalf of any commercial or industrial enterprise, product or event.

4.2.54 Sign, Free-Standing. Any sign erected on a supporting structure, mast, post, or pole greater than three and one-half feet tall and not attached, supported or suspended to or from a building structure.

4.2.55 Sign, Ground. Any sign erected on a supporting structure, post, mast, or pole three and one-half feet or less in height and not attached, supported or suspended to or from any building or structure.

4.2.55(a) Special Use Permit. A permit issued to authorize development or land uses in a particular zoning district upon presentation of competent, material, and substantial evidence establishing compliance with one or more general standards requiring that judgment and discretion be exercised as well as compliance with specific standards. The term includes permits previously referred to as conditional use permits or special exceptions.

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

4.2.57 Subdivider. Any person, firm, or corporation who subdivides or develops any land deemed to be a subdivision as herein defined.

4.2.58 Subdivision. All divisions of a tract or parcel of land into two or more lots, building sites or other divisions for the purpose, whether immediate or future, of sale or building development, and all divisions of land involving the dedication of a new street or a change in existing streets; but the

following shall not be included within this definition nor be subject to these regulations:

a. 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 contained herein;
b. The division of land into parcels greater than ten acres where no street right-of-way dedication nor street improvements are involved;
c. The public acquisition of strips of land for the widening or opening of streets;
d. The division of a tract in single ownership whose entire area is no greater than two acres and into not more than three lots where neither street right-of-way dedication nor street improvements are involved, and where the resultant lots are equal to or exceed the standards contained herein.

4.2.59 Subdivision, Major. A subdivision where:

a. New streets/roads are proposed or new right-of-way dedications are required; or,
b. New or existing street/road improvements are needed to serve the subdivision; or,
c. Contains five (5) or greater lots, or
d. Utility extensions are needed to serve the subdivision.

4.2.60 Subdivision, Minor. A subdivision where:

a. No new streets or roads are proposed and no new right-of-way dedications are required; and
b. No existing street or road improvements are required;
c. No utility extensions are needed; and
d. No additional lots are created that front a major or minor thoroughfare; and
e. The subdivision contains fewer than five (5) lots.

4.2.61 Total Care Facility. A facility which contracts with individuals providing residence and guaranteeing appropriate medical facilities and support for the rest of their lives.

4.2.62 Video Parlor. An establishment containing two or more video recreational machines which are operated by coin or token which are

available to the general public for recreational use and enjoyment.

ARTICLE 5

ESTABLISHMENT OF ZONING DISTRICTS

Section 5.1. Zoning Districts Named

For the purpose of this ordinance, the Town of Peachland and the extraterritorial area are divided into nine (9) zoning districts with the designations and purposes as herein listed:

RA-3	Residential-Agriculture District
RA-1	Residential-Agriculture District
R-20	Single Family Residential District
R-10	Single Family Residential District
R-8	One, Two and Multi-Family Residential District
N-B	Neighborhood Business District
C-B	Central Business District
H-B	Highway Business District
I-1	General Industrial District

Section 5.2 Zoning Map Interpretation

For purposes of interpretation of district boundaries as shown on the zoning map, the following rules shall apply:

5.2.1. Boundaries indicated as approximately following the center line of streets, highways, or alleys shall be construed to follow such center lines.

5.2.2. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.

5.2.3. Boundaries indicated as approximately following corporate limits shall be construed as following such corporate limits.

5.2.4. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.

5.2.5. Boundaries indicated as parallel to or extensions of features indicated in this Section shall be construed as such. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map.

5.2.6. Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map, or in other circumstances not covered by the Section, the Board of Adjustment shall interpret the district boundaries.

Section 5.3 Zoning Map Administration

5.3.1. The current zoning map will be authenticated by the County Clerk and maintained either in digital form or paper copy. The physical copy will be held on file Town Hall for public inspection along side any state or federal agency maps incorporated into the zoning map in accordance to NCGS 160D-105. Prior zoning maps will be maintained for public inspection in digital or paper format.

5.3.2. Copies of the zoning district map reproduced by any method of reproduction that gives legible and permanent copies, when certified by the local government clerk in accordance with NCGS 160A-79 or 153A-50, shall be admissible in evidence and shall have the same force and effect as would the original map

5.3.3. Amendments. The Zoning Administrator shall be responsible for entering amendments to the Official Zoning Map. Entries shall be made within five (5) working days of the date of passage of amendments.

a. Each entry of amendments must be authenticated by the Zoning Administrator and shall maintain a record of the nature and date of each amendment entry.

b. Changes to the Official Zoning Map, other then those authorized by duty approved amendments to this Ordinance, shall not be made and be considered a violation of this Ordinance.

c. Amendments to the Zoning Ordinance which result in the change in classification of any piece of land shall become effective immediately upon the enactment of such amendment.

d. For amendments to the Official Zoning Map, notice shall be sent to not only immediate neighbors but to properties separated by street, or other transportation corridor. Notice will be posted between twenty-five (25) to ten (10) days prior to hearing in accordance with NCGS 160-601.

Section 5.4 Prohibited Uses

Only those uses listed under "Permitted Uses" or "Special Uses" for each of the zoning districts found in Article 6 of this Ordinance shall or may be permitted. All uses not specifically listed as "Permitted Uses" or "Special Uses" shall be prohibited in each zoning district in accordance with the regulations of this Ordinance as herein described.

ARTICLE 6

USE REQUIREMENT BY DISTRICT

Section 6.1 RA-3 Residential-Agriculture District

The regulations of this district are intended to encourage the continuance of agricultural uses as well as to ensure that a residential development not having access to public water and/or sewer will occur at a density low enough to provide a safe and sanitary health environment.

6.1.1. Permitted Uses

A. Single family dwellings, modular homes and Class A and B manufactured homes (as principal uses only).

B. Two (2) family dwellings located on a corner lot only. Each entrance shall face a different street and each entrance shall meet the front yard setback.

C. Churches and related uses.

D. Golf courses, parks, playgrounds, community centers, libraries and swimming pools operated on a non-commercial basis for purposes of public recreation and enjoyment.

E. Rural home occupations in accordance with Section 7.19.

F. Small group day care centers.

G. Group homes for six (6) or less clients provided that a group home is located beyond a one-half (1/2)mile radius from another group home.

H. Yard regulations in accordance with Article 6A.

I. Signs in accordance with Article 9.

J. Public Elementary and Secondary Schools.

6.1.2 Special Uses

The following uses may be permitted subject to the Town Council issuing a Special Use Permit in accordance with Article 11:

A. Day Care Centers.

B. Public works and public utility facilities such as transformer stations, transmission lines, pumping stations, water towers,

telephone exchanges and government facilities.

C. Rest homes, nursing homes and total care facilities.

D. Riding Stables.

E. Country Clubs.

F. (Reserved)

G. Public safety facilities and stations.

H. Cemeteries, at least one (1) acre in area. All buildings and graves shall be set back at least twenty (20) feet from any property line.

I. Telecommunication Towers (See Section 6.3.2 (J) for conditions).

J. Manufactured parks subject to the following conditions:

Article I: Manufactured Home Park Requirements

Article II: Definitions

2.1 Where these definitions are in conflict with the rest of the ordinance they shall prevail in this section only but shall not override any other section.

a. BUFFER. A fence, wall, hedge, or other planted area or device used to enclose, screen, or separate one use or lot from another.

b. PARKING SPACE. A parking space of not less than one hundred eighty (180)square feet per automobile, plus the necessary access space. Parking spaces may not be stacked, but shall be side by side.

c. REVIEW COMMITTEE. A review Committee shall be comprised of Peachland town staff, Anson County staff, which shall include, but not be limited to the Code Enforcement Officer/Zoning Officer, Environmental Health Personnel, Economic Development staff, Soil Conservation Service staff, NCDOT, School District staff, utility staff, engineers, surveyors, environmental and other staff as deemed appropriate by the town.

d. SETBACK. The required distance between every structure

and the lot lines or park lot lines of the lot on which it is located.

MANUFACTURED HOME PARK MINIMUM DESIGN STANDARDS

Section 3.1: Minimum Park Size

Manufactured home parks shall be located on a tract of land not less than two (2) acres in size and shall be designed for at least five (5) spaces, but no more than thirty (30) spaces. Smaller size manufactured home parks are required in order to reduce the impact on utilities, schools, and adjacent neighborhoods.

Manufactured Home Parks with ten (10) spaces or less, shall have no unit manufactured more than ten (10) years prior to time of placement in park.

Manufactured Home Parks with more than ten (10) spaces shall have a section exclusively for homes manufactured no more than five (5) years prior to placement in park. This section will be separated by a buffer strip or solid fence of treated lumber.

Any Variance from the above two paragraphs will be at the discretion of the Planning Board.

Section 3.2: Manufactured Homes Located in the Town of Peachland

No unit, manufactured before 1976 is permitted to locate in the town of Peachland, in a park or on an individual tract, after adoption of this Manufactured Home Park Ordinance. If any manufactured home already in existence in the town of Peachland or its jurisdiction, at time of adoption of this Ordinance, is moved or ownership is transferred to another individual, then the following is required: (a) the manufactured home shall have been constructed after July 1, 1976, the date when the standards of the National Manufactured Home Construction and Safety Standards Act went into effect; (b) conform to all Federal Manufactured Home Construction and Safety Standards and /or codes for manufactured homes and bear the required HUD tag and /or date plate or an A-119.1 seal; and (c) approval by the town Enforcement Officer along with approval of the Planning Board.

Section 3.3: Minimum Space Size and Dimensions

The minimum manufactured home space area shall be 8,100 square feet, when public sewer and water are supplied. Where public sewer and water are not supplied, the minimum space area shall be 20,000 square feet. Where either a public sewer or a public water system is provided, the minimum space area shall also be 20,000 square feet. All lots must front on an internal, private street, and the minimum width of the space at the setback line (15 feet) shall be ninety (90) feet, and the minimum depth shall be ninety
(90) feet.

All manufactured homes shall have their longest axis oriented on the lot to be parallel to either the internal street or the public right-of-way.

Cul-de-sac lots are allowed to have a minimum street frontage of 45'. However, the manufactured home shall be located on the lot at a point where the width of the lot is equal to 90' or more. Along cul-de-sac streets, manufactured homes shall have the long length of the manufactured home oriented toward the street, to blend with the orientation required on non cul-de-sac streets.

Each manufactured home space shall be clearly established on the ground by permanent monuments or markers**.** The boundaries shall be easily discernible.

Section 3.4: Minimum Distances From Buildings and Streets

Each manufactured home shall be located a minimum of thirty (30) feet from any other manufactured home, or building; a minimum of twenty (20) feet from any accessory structure within the manufactured home park; a minimum of twenty (20) feet from the edge of any private internal street right-of-way, and minimum of fifty (50) feet from any public street right-of-way.

Section 3.5: Minimum Setbacks from Lot Lines

Each manufactured home shall be located a minimum of fifteen (15) feet from the boundary line of the manufactured home space. Accessory structures shall be located a minimum of five (5) feet from the boundary line of the manufactured home space.

Section 3.6: Required Manufactured Home Space Improvements

Each manufactured home space shall be provided with a patio of at least one hundred (100) square feet constructed of concrete, brick, flagstone, or other such hard surfaced material, or a porch or deck of the same size raised above the ground and constructed of the same materials or pressure treated lumber. A paved or gravel walkway, a minimum of two (2) feet wide, shall be provided, from the road or off-street parking space to the patio or porch. Each patio and walkway shall be graded and properly drained to prevent ponding.

Section 3.7: Grading Of The Manufactured Home Space

Each manufactured home stand and space shall be graded to provide adequate storm drainage away from the manufactured home and such that there will exist no more than three (3) feet difference between the chassis of the manufactured home and the finished grade at the footings along the entire perimeter of the manufactured home proper.

Section 3.8: Required Footings

The support of all manufactured homes located within a manufactured home park shall rest upon properly approved footings. When the manufactured home is accompanied with set-up instructions designed by a registered architect or engineer, then the owner shall use those set-up instructions as the standard for footings. If no such set of instructions are available, the Enforcement Officer will enforce the standards listed in the "State of North Carolina Regulations for Mobile Homes" booklet published by the North Carolina Department of Insurance.

Section 3.9: Tie Down And Anchoring Requirements

Manufactured homes shall be securely anchored to the ground by means of a tie down system. When the manufactured homes is factory equipped with a tie down system designed by a registered architect or engineer, then the owner will use the manufacturer's set of instructions as the standard of proper tie down procedures. If no such set of instructions is available the Enforcement Officer will enforce standards listed in the "State of North Carolina Regulations for Mobile Homes" booklet published by the North Carolina Department of Insurance.

Section 3.10: Flood Hazard And Watershed Area

If a manufactured home park is located within a special flood hazard area, as identified on the county's Flood Hazard Boundary Maps, or Watershed Maps it shall be required to comply with the applicable provisions contained in the Anson County Flood Damage Prevention Requirements or the Watershed Protection Ordinance.

Section 3.11: Buffers (Planting Strips)

The manufactured home park shall have a buffer not less than twenty (20) feet wide adjacent to the park boundary extending along the entire perimeter of the manufactured home park. The buffer shall not be a portion of any manufactured home space, street, right-of-way, or private drive and shall be planted with evergreen and/or deciduous trees. Nor shall the buffer area be counted toward minimum lot sizes.

Buffers may be included within the required distance of any lot from a public street right-of-way.

Fences may be placed in the buffer, but are not required. The purpose of the buffer is to act as screen. Before starting, the **buffer strip** must be reviewed and approved, by the Planning Board.

The buffer shall consist of one of three alternatives. Each side of the park may use a different alternative than other sides of the park. The plantings described for each alternative are the amount to be planted for each one hundred (100) feet, or portion thereof, of boundary. The alternatives are:

- a minimum twenty (20) foot wide strip of three (3) feet high solid evergreen
  hedge of a species expected to reach five (5) feet in height within three (3) years of normal growth and three (3) trees,
- a minimum thirty (30) foot wide strip of natural heavily wooded areas, or a minimum forty (40) foot wide area landscaped with grass or other ground cover and at least seven (7) trees and fifteen (15) shrubs.

Existing trees and shrubs in the buffer area, which meet the size requirements, may be used toward the required landscaping. Trees, which are of an evergreen variety, must be at least three (3) feet in height. Other trees must be at least four (4) in height. Shrubs must be at least twelve (12) inches in height. Species to be planted are any which meet the size specifications given above, but cedars of any variety in new parks

are prohibited, due to the damage they will cause to fruit trees. The addition of, or placement of cedars in existing parks is prohibited, however existing cedars may remain.

The property owner shall be responsible for the maintenance of all buffers. Litter and debris shall be kept cleared and dead plants shall be replaced with plants meeting the specifications of this Section. All structures shall be kept in good repair. If proper maintenance is not provided, the Enforcement Officer shall notify the property owner of such fact and if the proper action is not taken within thirty (30) days of such notice, the town shall be authorized to enter the property and perform the work. The cost of this work shall be charged to the property owner and a lien on the property in that amount shall exist until the town is reimbursed.

Section 3.12: Nonresidential Uses

No part of any park may be used for nonresidential purposes, except uses that are required for the direct servicing and wellbeing of park residents and for the management and maintenance of the park. This Section shall not be construed to prohibit the sale of a manufactured home located on a manufactured home space and connected to the pertinent facilities.

Section 3.13: Parking

A. Manufactured Home. Each manufactured home park shall provide sufficient parking and maneuvering space of at least twenty (20) feet in width, unless more is deemed necessary because of topography or street curvature.

B. Private Vehicles. At least two off-street parking spaces (with a minimum of 180 sq. ft. (9' X 20') per parking space) shall be provided for each manufactured home space in the park, but shall not be located within any right-of-way or within any street in the manufactured home park. Parking spaces shall be side-by-side and not stacked in the driveway. Each off-street parking space shall be paved or have a surface consisting of at least four inches of crushed stone or other suitable material on a well compacted sub-base which is durable and well drained under normal use and weather conditions. This area is the only area to be used for parking, except for guest parking areas, and utility/storage lots.

Section 3.14: Exterior Lighting

Adequate lights shall be provided to illuminate streets, common driveways, and walkways for the safe movement of vehicles and pedestrians at night. Such lights shall include, at a minimum, area lights at each entrance to the park, at each street intersection, at the end of each dead end street or cul-de-sac, at each recreation area, at the park office, and at each service center or other common area or building. The lighting will be installed every 300 ft. or as recommended by the utility company.

Section 3.15: Utilities

The following utility standards shall apply. In every manufactured home park, all installations (other than those within the manufactured home itself) of plumbing and

electrical wiring and all gas and oil appliances shall comply with the provisions of the building, plumbing, electrical, heating, and gas regulations of the state and local governments**.** In addition, all electrical wiring shall be placed underground. A waiver from the Town Council may be requested if unusual circumstances exist.

A. Water Supply. Each manufactured home park shall obtain water from a public water supply when available, and when unavailable, from a source approved by Anson County Environmental Health personnel or appropriate state agency. The supply shall be adequate for the park requirements. The drinking, cooking, laundry, and general bathroom water supply for each individual manufactured home shall be obtained from faucets or other plumbing connections located within each manufactured home.
B. Sewage Disposal. Each manufactured home park shall be provided with an adequate sewage disposal system by connection either to a public sewage system or to septic tank systems approved by Anson County Environmental Health Personnel or appropriate state agency.

Section 3.16: Interior Street System

A. Access. All manufactured home parks shall be provided with a network of streets, roads, or driveways that will allow safe and convenient vehicular access to an improved public street from each manufactured home space, but no individual, manufactured home within a park may have direct vehicular access to a public street.

B. Circulation. The street system shall provide convenient circulation by means of minor streets and properly located collector streets in all manufactured home parks and in any manufactured home parks that include other types of residential dwelling units. Dead end streets shall be no longer than 850 feet and their closed end shall have a turn–a-round such as a “T” or “Y” turn or cul-de-sac with a minimum diameter of fifty (50) feet.

C. Roadway Surface. All streets in manufactured home parks with average space sizes under 20,000 square feet, or all manufactured home parks with twenty (20) or more spaces must be paved with at least two (2) inches of I-2 asphalt or comparable material on a six (6) inch base of crushed stone with such base constructed on a compacted sub-base. Non-paved streets shall have a smooth, hard, dense surface consisting of at least six (6) inches of crushed stone on a compacted sub-base.

D. Roadway Width. Minimum street widths shall be twenty (20) feet for collector streets and eighteen (18) feet for minor streets with no parking allowed.

E. Street Grades. Grades of all streets shall be sufficient to ensure adequate surface drainage, but shall not be more than eight (8) percent. Short runs may have a maximum grade of twelve (12) percent, if traffic safety is assured.

F. Intersection With Public Streets. The intersection of the public street with the entranceway or private access road to the manufactured home park shall be designed to facilitate the free movement of traffic on the public street and to minimize the hazards caused by traffic entering or leaving the park development. Signs shall be erected or curb markings painted to indicate that parking on the entrance way or private access road within one hundred (100) feet of its intersection with the public street is prohibited.

G. All Intersections. All street intersections shall generally be at right angles. Offsets at intersections and intersections of more than two (2) streets at one point shall be avoided.

H. Drainage. Area to provide proper drainage ditches and a three (3) to one (1) back slope shall be provided where determined necessary by the Planning Board, upon recommendation by the Anson County Building Inspector/ Code Enforcement Officer and/or Zoning Enforcement Officer.

I. Multiple Park Entrances. All new manufactured home parks that can accommodate twenty (20) or more spaces shall provide at least two separately designated areas which contain both an entrance and exit to the manufactured home park. In certain circumstances, a waiver may be sought to reduce the number of the ingress/egress points when there is limited road frontage available. A waiver can be granted by the Planning Board, if at least one permanent turn-around within the park is provided.

All manufactured home parks that can accommodate less than twenty (20) spaces shall provide at least one are a containing both an entrance and an exit to the manufactured home park. Manufactured home parks requiring only one entrance and exit areas shall provide at least one permanent turn-around within the park.

When the manufactured home park has more than one direct access to a public street, they shall not be less than two hundred (200) feet apart or less than two hundred (200) feet from public street intersection unless topographical or site conditions demand otherwise.

J. "No parking" signs shall be erected along all residential streets within the manufactured home park.

K. Guest parking may be provided in demarcated areas scattered throughout the park, at a rate of one guest parking space per each three (3) manufactured home spaces. Guest parking spaces shall be 9' X 20' in size, each.

Guest parking shall be paved or have a surface consisting of at least four inches of crushed stone or other suitable material on a well compacted subbase which is durable and well drained under normal use and weather conditions.

L. Speed Bumps. If speed bumps or other traffic calming devices are used, they shall be painted in a manner to draw the motorists attention. Appropriate signs shall also be placed along the street, warning motorists of the device.

M. Maintenance of street(s) within the park shall be provided by the owner(s) or operator(s) of the park, unless dedication is made and accepted by the State for adding the street to the state public road system.

N. Each street shall have a permanent sign installed with a designated name identifying each street, and traffic control signs (stop, yield, and speed) shall be placed throughout the manufactured home park.

Section 3.17: Recreation Areas

When a manufactured home park contains at least twenty (20) or more spaces, a recreation area will be developed and maintained that shall include no less than eight (8) percent of the total park area. The minimum size of any recreation areas shall be 2,500 square feet. Lakes, ponds, rivers, streams, swamps, and marshlands shall not be considered as meeting, in part or in whole, the recreation area requirements of this Section. The regulations contained in this Section shall not apply to manufactured home parks which contain only spaces of 20,000 square feet or larger.

Section 3.18: Storage Buildings

Each manufactured home space may be equipped with a storage building not to exceed ten feet by twelve feet (10 X 12) provided that all such buildings are located adjacent to the rear space boundary line. All such storage buildings shall be residential in character with a pitch roof to blend with the residential neighborhood. Storage buildings shall be located a minimum of 5' from the side and rear property lines of each manufactured home space. Exterior storage is allowed only in an approved storage structure.

Section 3.19: Storage Of Possessions

Storage of possessions and equipment in the areas beneath a manufactured home shall be prohibited, and no storage is allowed outside the home, except in an approved storage structure.

Section 3.20: Nuisance Ordinance

All existing manufactured home parks and new parks are to comply with the Anson County Nuisance Ordinance.

Section 3.21: Skirting

At the time of set-up, and prior to occupancy, skirting shall be attached to each manufactured home, located in a Manufactured Home Park. This skirting shall be specifically manufactured for that purpose and shall be of a material compatible with the home siding.

Section 3.22: Service Center

The manufactured home park may have a service center containing a retail sales counter or coin operated machines for the park residents' use only, provided they are completely enclosed within a building, there is no exterior advertising, and provided that such structures shall not front on a public street. If such a structure is built and used, it shall be available to residents as a severe weather shelter.

Section 3.23: Park Signs

One (1) permanent, identification sign shall be permitted at each major entrance to a manufactured home park. This sign shall be no larger than six (6) square feet in area, shall not exceed four (4) feet in height above ground level, and must be placed on private property no closer than twelve (12) feet to any property line. Mobile signs and flashing signs shall be prohibited. Illumination shall be limited to indirect white lighting.

Section 3.24: Manufactured Home Space Numbering

Each manufactured home space shall have a site number, a minimum of four (4") in height, of permanent lettering attached on a 4" x 4" post made of treated lumber and placed at the driveway entrance or affixed to the unit. Such numbering shall be visible from the street serving the space.

Section 3.25: Cluster Mailboxes

Space within the manufactured home park shall be provided for cluster mailboxes. Only cluster mailboxes approved by the U.S. Postal Service shall be used. They shall be located at convenient places within the park deemed suitable by the U.S. Postal Service. Individually owned and located mailboxes shall not be allowed. All cluster mailboxes shall be located within the manufactured home park and shall not front directly on any public road. At least one (1) mailbox per manufactured home space shall be provided and the residents of the manufactured home occupying that space shall be provided with a key to open and close the corresponding mailbox.

Section 3.26: Utility and Storage Lots

Utility lots designed for the storage of campers, boats, etc. may be located within the manufactured home park in designated areas. It is highly recommended that any utility lot have a fence with a gate to ensure safety of residents' property. No such utility lot shall be located in any required screening or recreation area.

Section 3.27: Junked and Abandoned Vehicles

No junked or abandoned vehicles (as defined in the NCGS or this ordinance) shall be allowed in the manufactured home park.

ARTICLE IV

RESPONSIBILITIES AND DUTIES OF PARK OPERATORS

Section 4.1: Manufactured Home Park Maintenance

Manufactured home park operators, or management shall be required to provide adequate supervision to maintain the park in compliance with the requirements of this

Ordinance. Further, the manufactured home park operators shall keep all park owned facilities, improvements, equipment, and all common areas in good repair and maintained in such a manner as to prevent the accumulation or storage of materials which would constitute a fire hazard or would cause insect or rodent breeding and harborage. In addition, the park and its facilities shall be maintained in a clean and sanitary condition. Park operators shall abide by all requirements of the Anson County Nuisance Ordinance.

Maintenance of street(s) within the park shall be provided by the owner(s) or operators(s) of the park, unless dedication is made and accepted by the State for adding the street to the state public road system.

The manufactured home park owner(s), or operator(s) shall notify park occupants and prospective occupants of all applicable provisions of the Ordinance and inform them of their duties and responsibilities under this Ordinance.

Section 4.2: Placement and Anchoring

Operators shall be required to supervise the placement of all manufactured homes and to guarantee that they are properly anchored, attached to utilities, and skirted.

Section 4.3: Report To County Tax Supervisor

Operators shall be required to comply with G.S. 105-316 (a) (1), which requires that as of January 1 of each year each operator of a park renting spaces for six (6) or more manufactured homes furnish to the County Tax Supervisor the name of the owner of, and a description of each manufactured home located in the park. The town hereby requires that all Park owners comply with this G.S.

Section 4.4: Solid Waste Disposal

All garbage and refuse in every manufactured home park shall be stored in suitable water-tight receptacles which shall be kept covered with closely fitting covers. All receptacles shall have a capacity of at least thirty (30) gallons. No person shall throw, leave or store garbage or refuse upon the ground of any manufactured home park. It shall be the duty of the park operator to make certain that all garbage and refuse are regularly disposed of in a sanitary and timely manner, in accordance with county policies.

A fence (wood or chain link) at least five (5) ft. in height, which encloses three (3) sides of dumpsite areas must be in place at time of final approval of park. **All existing parks must comply with this section within thirty (30) days of its adoption.**

Section 4.5: Permanent Steps

The park operator shall be required to provide and supervise the placement of pre-cast concrete or metal steps or pressure treated lumber steps for each manufactured home, at each entrance which is not equipped with a raised porch. All steps are to have handrails on both sides of steps. Stacked block or brick steps and similar arrangements, which are not strong, sturdy, and secured, shall be prohibited. Only steps that are

strong, sturdy, and secured shall be permitted. All steps and landings shall meet minimum state standards.

Section 4.6: Manufactured Home Sales In Manufactured Home Parks

It shall be unlawful to conduct on a commercial basis the sale of manufactured homes or travel trailers within a manufactured home park.

Section 4.7: Residential Units Not To Be Travel Trailers

No manufactured home park shall permit a travel trailer, pop-up trailer, RV, or motor home as herein fined to locate within its boundaries if used for any dwelling purpose whatsoever.

Section 4.8: Fire Prevention and Detection

In addition to any fire prevention regulations of Anson County, the following shall apply:

A. The operator of a manufactured home park is responsible for informing each park resident of the locations of the nearest fire alarm box, if any.

B. The park owner(s), or operator(s) shall install a fire extinguisher labeled as suitable for Class A, B, and C fires and of a type approved by the Fire Department in each building open to the public and in the park office if such exists on the grounds.

C. The park owner(s) or operator(s) shall maintain the park areas free of rubbish, dry brush, leaves, weeds, and any other materials which might communicate fires between manufactured homes and other buildings.

D. Empty liquefied petroleum gas containers and other objects and materials, not approved by the Fire Department, shall be stored under manufactured homes.

E. The manufactured home park owner(s) or operator(s) shall be responsible for a payment of any applicable fee if the Fire Department is called upon.

Section 4.9: Infestation Prevention

A. Grounds, buildings, and structures shall be maintained free of insect and rodent infestation.

B. Parks shall be maintained free of accumulations of debris, which may provide rodent's harborage or breeding places for flies, mosquitoes, and other pests.

C. Where the potentials for insects and rodents infestations exists, all exterior openings, in or beneath any structure, shall be appropriately screened with wire mesh or other suitable materials.

D. The growth of brush, weeds, and grass shall be controlled to prevent harborage of ticks, chiggers, and other noxious insects. Parks shall be so maintained as to prevent the growth of ragweed, poison ivy, poison oak, poison sumac, and other noxious weeds considered detrimental to health. Open areas shall be

maintained free of heavy undergrowth of any description. All unfilled spaces and boundaries of the park shall be mowed at least every 30 days, during growing season.

ARTICLE V

PROCEDURE FOR MANUFACTURED HOME PARK APPROVAL

Section 5.1: Approval Required

No person shall construct or engage in the construction of any manufactured home park or make any addition or alteration to a manufactured home park that either alters the number of spaces for manufactured homes within the park or affects the facilities required therein, until an initial permit has been issued by the Enforcement Officer, upon approval of the proposed manufactured home park by the Town Council of Peachland.

Section 5.2: Initial Permit Application Procedure

A. Application and Plan. Prior to the construction of a new manufactured home park or the expansion of an existing manufactured home park, the owner/ developer shall file an application with the Enforcement Officer, to construct or expand such a park. The application shall be accompanied by five (5) copies of the proposed park plan, and a fee paid, according to a fee schedule adopted by the Town. Such application must be received at least 3 weeks prior to a regularly scheduled meeting of the Town Planning Board, if the application and proposed park plan is to be reviewed by the Planning Board at that time.

B. Park Plan Requirements: The park plan shall be drawn at a scale of one hundred (100) feet to one (1) inch or larger and shall include the following:

(1) The name of the park, the names and addresses of the owner or owners, and the designer or surveyor.

(2) Date, scale, and magnetic north, deed north, true north, or grid north arrow.

(3) Boundaries of the tract shown with bearings and distances, drawn to scale, and the area of the park in square feet or acres.

(4) The locations of existing and platted property lines, streets, buildings, water courses, railroads, bridges, water mains, sewers, culverts, drainpipes, and any utility easements. The Planning Board or Enforcement Officer may require similar information to be shown outside proposed park boundaries.

(5) The proposed names, location and proposed dimensions of all proposed streets, alleys, driveways, entrances, exits, walkways, easements, recreation areas, parks and open spaces, reservation, manufactured home spaces, manufactured home stands, parking areas, and building lines within the park. The locations, dimensions, and types of all buffers, must meet the requirements detailed in Section 3.11. In all cases the proposed characteristics shall be shown in a manner that shall distinguish them clearly from the existing characteristics of the land.

(6) A vicinity map showing the location of the park and the surrounding land usage.

(7) The names of adjoining property owners and the names of any adjoining subdivisions or other manufactured home parks.

(8) When deemed necessary by the Town Enforcement Officer profiles of all proposed public or private streets or drives, showing natural and finished grades drawn to a scale of not less than 1" = 40' horizontal and 1" = 4'vertical.

(9) The proposed storm drainage for each manufactured home space and for the entire manufactured home park. This will also include all proposed grading, sewer installations and storm drains, which may be deemed necessary to ensure proper drainage and the elimination of ponding. Storm drainage plans shall be approved by the District Office of the North Carolina State Highway Commission for all storm drainage along streets and roads.

(10) An accurate drawing showing the location and size of each manufactured home lot, all proposed and existing utilities, structures, patio, sidewalks, concrete footing, walks, off-street parking spaces, guest parking areas, utility and storage parking areas (if applicable), driveways, interior streets, entrances, buffer, signage, cluster mailboxes, service centers (if applicable), recreation areas (if applicable) and all other improvements.

(11) Land contours with vertical intervals of not more than two (2) feet for all manufactured home parks with twenty-five (25) home spaces or more.

(12) A detailed plan for electrical installations prepared to meet the Natural Electrical Code and State Building Code and any local codes or ordinances.

(13) The existing and proposed utility system for surface water drainage, street lights, water supply, and sewage and solid waste disposal facilities, including the number and location of trash receptacles.

(14) Certification of approval of water supply system plans by the appropriate state or local agency.

(15) Certification of approval of sewage collection system by the appropriate state or local agency.

(16) Certification of approval of solid waste storage, collection, and disposal plans by the Anson County Health Department.

(17) Certification of lot approval by the County Health Department including suitability for septic tank system, if used.

(18) The location and widths of the 100-year flood boundary.

(19) The location of proposed site lines and other property lines. Setback requirements as required in Section 3.4 and Section 3.5.

(20) Type and location of garbage and/or trash receptacles, as per Section 4.4.

(21) The location of all buffers, including widths, and proposed landscaping materials, and installation schedule.

(22) An accurate drawing of all proposed Manufactured Home Park signs and addressing systems, as per Section 3.23, Section 3.24, Section 3.16F, and Section 3.16L, and Section 3.16J.

Section 5.3: Review of The Proposed Park Plan

The Town Zoning Enforcement Officer shall transmit the proposed park plan to the Review Committee.

A. THE REVIEW COMMITTEE shall review the proposed manufactured home park plan to determine if it is in accordance with the requirements set forth in this Ordinance, and other adopted Ordinances and policies. Their recommendations and comments shall be forwarded by the Enforcement Officer with the proposed park plan to the Clerk of the Town Planning board for review at the next Planning Board meeting.

B. THE PLANNING BOARD shall review the proposed manufactured home park plan to determine if it is in accordance with the requirements set forth in this Ordinance, and make a recommendation regarding approval to the Town Council. The Enforcement Officer shall forward the proposed plan, application , and recommendation to the Clerk for the Town Council.

C. THE TOWN CLERK shall place the proposed manufactured home park application on the Town council's agenda.

D. THE TOWN COUNCIL shall review the proposed manufactured home park plan and the recommendation from the Planning Board to determine if the plan shall be approved.

E. IF THE TOWN COUNCIL should disapprove the proposed park plan, the reasons for such action and recommended changes shall be given to the applicant/developer or his agent.

F. AFTER THE TOWN COUNCIL has approved the proposed park plan, one approved copy shall be sent to the Zoning Enforcement Officer (for permanent record in department) and one approved copy shall be given to the applicant/developer or his agent.

Section 5.4: Issuance Of Initial Permit And Business License

A. After receiving approval of the proposed manufactured home park plan by the Town Council the Enforcement Officer is authorized to issue an initial permit. The intent of this permit is to enable the construction of the park according to the proposed plan, but shall not be construed to entitle the applicant to offer spaces for rent or lease, or to operate a manufactured home park.

B. If construction of the manufactured home park has not begun within twelve (12) months from the issued date of the initial permit, the Planning Board may

grant an extension of the permit when the applicant shows reasonable cause for the delay. If no extension is requested, then the initial permit shall expire.

C. When the developer has completed the construction, of the manufactured home park they shall apply to the Town Enforcement Officer for a business license. The Enforcement Officer and a representative of the Anson County Environmental Health Personnel shall make an on-site inspection of the park.

(1) If the park conforms to the plan approved by the Town Council and other agencies, the Enforcement Officer shall issue the developer a business license.

(2) If the park does not conform with the approved plan, the Enforcement Officer shall delay issuance of the business license until it comes into conformity.

D. The business license issued to the applicant shall constitute the authority to operate the manufactured home park. The business license shall expire after a two (2) year period and must be renewed to remain valid.

E. When a manufactured home park is to be developed in stages, the proposed plan may be submitted for the entire development, and application for a business license may be made for each stage completed.

F. Violation of any of the ordinance requirements constitutes grounds for refusing to issue or renew a business license or to revoke an existing license. Failure to apply for a business license, failure to apply for a renewal within thirty (30) days of the license expiration and operating a manufactured home park without a valid business license are misdemeanors, punishable under the terms of this Ordinance.

SECTION 5.5: All Existing Manufactured Home Parks

A. At the time of the adoption of this Ordinance, operators of all existing manufactured home parks shall be required to have their business license up to date. No manufactured home, whether as an addition or replacement, may be placed in any park not having a valid business license.

B. The business license issued to the manufactured home park operator shall constitute the authority to operate an existing manufactured home park. The business license shall expire after a two (2) year period and must be renewed to remain valid.

C. Anson County Environmental Health Personnel shall conduct a yearly on – site inspection of all manufactured home parks using on-site septic systems. The purpose of this inspection is the identification and abatement of any malfunctioning sewage system**s**.

SECTION 5.6: Non-conforming Manufactured Home Parks (Existing Parks)

A. Operators of all manufactured home parks existing at the time of the

adoption of prior Ordinance, dated June 5, 1990, had to meet all minimum design standards contained in that Ordinance by June 5, 1995. Prior to the issuance of a business license by the Enforcement Officer, operators of all manufactured home parks existing at time of adoption of this Ordinance shall be required to meet standards contained in Article III; Section 3.8, 3.11, 3.12, 3.13, 3.15 (A&B), 3.18, 3.19, 3.20, 3.21 plus all Sections in Article IV, of the Manufactured Home Park Ordinance. In addition, manufactured home park operators must also remove any trash, refuse, junked vehicles, and standing weeds from the park (see Nuisance Ordinance).

B. Failure of a manufactured home park operator to apply for a business license within six (6) months of the adoption of this Ordinance or failure to renew the business license within thirty (30) days following its expiration shall result in the permanent loss of the " nonconforming status ". Any manufactured home park, which loses its "nonconforming status", shall be required to meet all the minimum standards contained in this Ordinance before initial permit or another business license will be issued.

C. Within a period of one (1) year following the adoption of this Ordinance, existing nonconforming manufactured home parks shall be required to comply with the requirements of Section 3.6, 3.16, (B), (C), (D), (E) and 3.17.

D. Any manufactured homes placed in the park after the effective date of this Ordinance, whether as additional or replacement homes, must meet all requirements of grading, footings, skirting and tie downs, regardless of the non-conforming status of the manufactured home park.

E. Any expansions of existing manufactured home parks which will add additional spaces to the park, require the owner/developer to meet all requirements found in this ordinance for the new expansion (including minimum lot size, orientation of the unit, and setbacks). The existing part of the park shall remain in compliance with the remainder of this Ordinance.

Section 6.2 RA-1 Residential-Agriculture District

The regulations of this district are intended to encourage the continuance of agricultural uses as well as to ensure that a residential development not having access to public water and/or sewer will occur at a density low enough to provide a safe and sanitary health environment.

6.2.1. Permitted Uses

B. Single family dwellings, modular homes and Class A and B manufactured homes (as principal uses only).

B. Two (2) family dwellings located on a corner lot only. Each entrance shall face a different street and each entrance shall meet the front yard setback.

C. Churches and related uses.

D. Golf courses, parks, playgrounds, community centers, libraries and swimming pools operated on a non-commercial basis for purposes of public recreation and enjoyment.

E. Rural home occupations in accordance with Section 7.19.

F. Small group day care centers.

G. Group homes for six (6) or less clients provided that a group home is located beyond a one-half (1/2)mile radius from another group home.

H. Yard regulations in accordance with Article 6A.

I. Signs in accordance with Article 9.

J. Public Elementary and Secondary Schools.

6.2.2 Special Uses

The following uses may be permitted subject to the Town Council issuing a Special Use Permit in accordance with Article 11:

A. Day Care Centers.

B. Public works and public utility facilities such as transformer stations, transmission lines, pumping stations, water towers, telephone exchanges and government facilities.

C. Rest homes, nursing homes and total care facilities.

D. Riding Stables.

E. Country Clubs.

F. Public safety facilities and stations.

G. Mobile home parks subject to the following conditions:

Same requirements as in Section 6.1.2 (J)

H. Cemeteries, at least one (1) acre in area. All buildings and graves shall be set back at least twenty (20) feet from any property line.

I. Telecommunication Towers (See Section 6.3.2 (L) for conditions).

Section 6.3 R-20 Single-Family Residential District

The regulations of this district are intended to ensure that development not having access to public sewer system will occur at sufficiently low densities to provide for a safe and sanitary environment.

6.3.1 The following uses are permitted:

A. Single family dwellings including modular homes but not including mobile homes.

B. Two-family dwellings, constructed on corner lots only. Each entrance shall face a different street and each entrance shall meet the front yard setback.

C. Customary home occupations in accordance with Section 7.18.

D. Small group day care centers.

E. Group homes for six (6) or less clients provided that a group home is located beyond a one-half (1/2) mile radius from another group home.

F. Yard regulations in accordance with Section 6A.

G. Signs in accordance with Article 9.

H. Off-street parking in accordance with Article 8.

I. Public Elementary and Secondary Schools.

6.3.2 Special Uses

The following uses may be permitted subject to the Town Council finding that issuing a Special Use Permit is in accordance with Article 11:

A. Bed and Breakfast Inns subject to the following conditions:

1. The structure housing the bed and breakfast inn shall be pre-existing at the time of Special use approval. No physical expansions of the residential structure shall be allowed to accommodate the bed and breakfast inn.

2. Meals served shall be limited to breakfast only. Meals shall be available to guests of the bed and breakfast inn only. Cooking facilities within individual guest bedrooms shall not be allowed.

3. One off-street parking space per guest bedroom shall be required in addition to the spaces required for the single-family residential

structure itself. All off-street parking spaces shall be located on-site.

4. One on-premises sign advertising the bed and breakfast inn shall be allowed. The sign may be attached or free standing and have an area of no greater than four (4) square feet.

B. Cemeteries, at least one (1) acre in area. All buildings and graves shall be set back at least twenty (20) feet from any property line.

C. Churches and related uses

D. Day Care Centers.

E. Golf courses, parks, playgrounds, community centers, libraries, and swimming pools operated on a non-commercial basis for purposes of public recreation and enjoyment.

F. Public safety facilities and stations.

G. Public works and public utility facilities including transformer stations, transmission lines, pumping stations, water towers, telephone exchanges and government facilities.

H. Rest homes, nursing homes and total care facilities.

I. Private elementary and secondary schools.

J. Telecommunication Towers subject to the following conditions in addition to applicable requirements set forth in this district:

1. In recognition of the Telecommunications Act of 1996, it is the intent of the Town to allow communication providers the opportunity to locate towers and related facilities within its jurisdiction in order to provide an adequate level of service to its customers while protecting the health, safety, and welfare of the citizens of Peachland and its ETJ. Wireless towers may be considered undesirable with other types of uses, most notably residential, therefore special regulations are necessary to ensure that any adverse affects to existing and future development are mitigated.

2. All telecommunication towers must be of a monopole design and construction. If a permit is issued for a tower that must be higher than 199.9 feet, the provider should explore means for “stealth” antennae locations. This includes antennae in a structure or building disguised to look like something else (i.e. steeples, bell towers, Tree etc.).

3. The maximum allowable height of a tower is 250 feet. No variance to the height may be granted unless the applicant can prove the maximum height will not allow for the provision of adequate service levels (i.e. cannot meet reasonable service coverage area).

4. It is the intent of the Town to encourage providers to co-locate facilities in an
effort to reduce the number of telecommunication towers in Peachland's jurisdiction. The Town may require providers to negotiate in good faith with other providers space at a reasonable lease cost, and to publicize the fact that space is available on a lease basis as part of the Special use process. No tower may be located within 1,500 linear feet of an existing tower unless the applicant can prove that co-location is not a viable option.

5. Where a telecommunication tower is located on a lot with an existing principal use, the tower shall be located in the rear yard only. In addition, an access road at least twelve 12) feet wide shall be maintained by the property owner and/or applicant from a public street to the tower for use by service and emergency vehicles. A minimum separation of twenty (20) feet is required between structures.

6. The Town recognizes that a tower cannot be prohibited nor can a conditional use permit be denied on the basis of environmental or health concerns relating to radio emissions if the tower complies with the Federal Radio Frequency Emission Standards. The Town requires that the applicant must provide documentation proving that the proposed tower does comply with the Federal Radio Frequency Emission Standards.

7. Wherever feasible, all accessory structures on the ground which contain switching equipment or other related equipment must be designed to closely resemble the neighborhood's basic architecture, or the architecture and style of the principal use on the property.

8. Screening is required along all sides of the perimeter of the telecommunication tower site as per Section 7.2 of this ordinance. In addition, a minimum eight foot high fence is required immediately around the tower and any equipment buildings, with the screening to be located on the outside of the fenced area. It will be the responsibility of the provider to keep all landscaping material free from disease and properly maintained in order to fulfill the purpose for which it was established. The owners of the property, and any tenant on the property where screening is

required, shall be jointly and severally responsible for the maintenance of all screen materials. Such maintenance shall include all actions necessary to keep the screened area free of litter and debris, to keep plantings healthy, and to keep planting areas neat in appearance. Any vegetation that constitutes part of the screening shall be replaced in the event it dies.

9. Telecommunication towers can be denied on the basis of negative influence on property values or on aesthetic concerns provided that there is evidence to prove the impact on adjacent property owners will be significant. Elected officials must clearly state the reasoning and available evidence of the impact on adjacent property values if the request is denied on this basis.

10. A minimum setback requirement, on all sides of the property or leased area of a parcel, shall be 150 feet or one and one-half (1.5) feet for every one (1) foot of actual tower height (i.e. a 120 foot tower would require a 180 foot setback), whichever is greater. Additionally, all towers must be designed to collapse inward unless documentation can be provided to prove that such design is not feasible. Minimum setback requirements may be reduced by the Town if warranted.

11. Towers having a height of 199.9 feet or less, shall not contain lights or light fixtures at a height exceeding fifteen (15) feet. Furthermore, lighting of all towers in any district shall be directed toward the tower and/or accessory uses to reduce the effect of glare.

12. Towers and related facilities must be removed by the applicant and/or property owner if abandoned (no longer used for its original intent) for a period greater than ninety (90) consecutive days.

13. Any replacement or improvement to an existing telecommunication tower, including if the tower is blown over or considered inoperable, requires the provider to apply for a new review and approval process by the Planning Board and Town Council. Normal maintenance and repair of the structure can be completed without the issuance of a new permit at the discretion of the Zoning Officer.

14. Free-standing signs are prohibited. Wall signs limited to identification area allowed on equipment structures or fences surrounding the telecommunication tower provided it does not exceed nine square feet in size. Any signage must be specifically addressed in the Special use permit.

15. The provider must show proof of adequate insurance coverage for any potential damage caused by or to the tower prior to the issuance of a Special use permit. Once approved, documentation of adequate insurance must be provided to the town every six months.

16. Outdoor storage of equipment or other related items is prohibited.

17. All applications for a Special Use permit for a telecommunication tower must include the following information in addition to any other applicable information contained in the Land Development Ordinance:

    (a) Identification of intended provider(s);

    (b) Documentation by a registered engineer that the tower has sufficient structural integrity to accommodate 3 or more users, if applicable;

    (c) A statement from the provider indicating intent to allow shared use of the tower and how others will be accommodated, if applicable;

    (d) Evidence that the property owners of residentially zoned property within 300 feet of the site in addition to adjacent property owners if applicable, have been notified by the applicant of the proposed tower height and design;

    (e) Documentation that the telecommunication tower complies with the Federal Radio Frequency Emission Standards;

    (f) Documentation that towers over 125 feet are necessary for a minimal level of service;

    (g) Screening, if applicable, must be shown on the site plan detailing the type, amount of plantings, and location; and

    (h) Documentation of collapse area if applicable.

Section 6.4 R-10 Single-Family Residential District

The regulations of this district are intended to ensure that development not having access to public sewer system will occur at sufficiently low densities to provide for a safe and sanitary environment.

6.4.1 The following uses are permitted:

A. Single family dwellings including modular homes but not including mobile homes.

B. Two-family dwellings, constructed on corner lots only. Each entrance shall face a different street and each entrance shall meet the front yard setback.

C. Customary home occupations in accordance with Section 7.18.

D. Small group day care centers.

E. Group homes for six (6) or less clients provided that a group home is located beyond a one-half (1/2) mile radius from another group home.

F. Yard regulations in accordance with Section 6A.

G. Signs in accordance with Article 9.

H. Off-street parking in accordance with Article 8.

I. Public Elementary and Secondary Schools.

6.4.2 Special Uses

The following uses may be permitted subject to the Town Council finding that issuing a Special Use Permit is in accordance with Article 11:

A. Bed and Breakfast Inns subject to the following conditions:

1. The structure housing the bed and breakfast inn shall be pre-existing at the time of Special use approval. No physical expansions of the residential structure shall be allowed to accommodate the bed and breakfast inn.

2. Meals served shall be limited to breakfast only. Meals shall be available to guests of the bed and breakfast inn only. Cooking facilities within individual guest bedrooms shall not be allowed.

3. One off-street parking space per guest bedroom shall be required in addition to the spaces required for the single-family residential

structure itself. All off-street parking spaces shall be located on-site.

4. One on-premises sign advertising the bed and breakfast inn shall be allowed. The sign may be attached or free standing and have an area of no greater than four (4) square feet.

B. Cemeteries, at least one (1) acre in area. All buildings and graves shall be set back at least twenty (20) feet from any property line.

C. Churches and related uses

D. Day Care Centers.

E. Golf courses, parks, playgrounds, community centers, libraries, and swimming pools operated on a non-commercial basis for purposes of public recreation and enjoyment.

F. Public safety facilities and stations.

G. Public works and public utility facilities including transformer stations, transmission lines, pumping stations, water towers, telephone exchanges and government facilities.

H. Rest homes, nursing homes and total care facilities.

I. Private elementary and secondary schools.

J. Telecommunication Towers subject to the following conditions as in Section 6.3.2(J)in addition to applicable requirements set forth in this district.

Section 6.5 R-8 One, Two and Multi-Family Residential District

The regulations of this district are intended to ensure that development not having access to public sewer system will occur at sufficiently low densities to provide for a safe and sanitary environment.

6.5.1 The following uses are permitted:

A. Single family dwellings including modular homes but not including mobile homes.

B. Two-family dwellings, constructed on corner lots only. Each entrance shall face a different street and each entrance shall meet the front yard setback.

C. Customary home occupations in accordance with Section 7.18.

D. Small group day care centers.

E. Group homes for six (6) or less clients provided that a group home is located beyond a one-half (1/2) mile radius from another group home.

F. Yard regulations in accordance with Section 6A.

G. Signs in accordance with Article 9.

H. Off-street parking in accordance with Article 8.

I. Public Elementary and Secondary Schools.

6.5.2 Special Uses

The following uses may be permitted subject to the Town Council finding that issuing a Special Use Permit is in accordance with Article 11:

A. Bed and Breakfast Inns subject to the following conditions:

1. The structure housing the bed and breakfast inn shall be pre-existing at the time of special use approval. No physical expansions of the residential structure shall be allowed to accommodate the bed and breakfast inn.

2. Meals served shall be limited to breakfast only. Meals shall be available to guests of the bed and breakfast inn only. Cooking facilities within individual guest bedrooms shall not be allowed.

3. One off-street parking space per guest bedroom shall be required in addition to the spaces required for the single-family residential

structure itself. All off-street parking spaces shall be located on-site.

4. One on-premises sign advertising the bed and breakfast inn shall be allowed. The sign may be attached or free standing and have an area of no greater than four (4) square feet.

B. Cemeteries, at least one (1) acre in area. All buildings and graves shall be set back at least twenty (20) feet from any property line.

C. Churches and related uses

D. Day Care Centers.

E. Golf courses, parks, playgrounds, community centers, libraries, and swimming pools operated on a non-commercial basis for purposes of public recreation and enjoyment.

F. Public safety facilities and stations.

G. Public works and public utility facilities including transformer stations, transmission lines, pumping stations, water towers, telephone exchanges and government facilities.

H. Rest homes, nursing homes and total care facilities.

I. Private elementary and secondary schools.

J. Multi-Family Dwellings subject to the following provisions:

1. The maximum density for a multi-family development shall be eight (8) units per acre.

2. The minimum side yard for a multi-family development shall be twenty-five (25) feet. This shall apply to newly constructed buildings only. The minimum side yard for existing structures shall be as shown in Article 6A.

3. Screening shall be provided on all side and rear yards in accordance with Section 7.2 when the multi-family development abuts a Residential (R) District.

L. Telecommunication Towers subject to the following conditions in Section 6.3.2 (J) in addition to applicable requirements set forth in this district.

Section 6.6 N-B Neighborhood Business District

The regulations of this district are intended to provide for the retailing of goods and service for convenience to the community. In order to protect the area from large-scale development, the maximum permitted gross floor area of any particular use is limited to 5,000 square feet. In addition, screening will be required for all lots which abut residentially zoned areas.

6.6.1 The following uses are permitted:

A. Retail Trade

1. Antique store.

2. Appliance and appliance repair store.

3. Arts and crafts store.

4. Automobile supply store.

5. Bakery, retail.

6. Bicycle store.

7. Book and stationery store.

8. Camera store.

9. Clothing and accessory store.

10. Convenience store.

11. Delicatessen.

12. Dressmaking shop.

13. Drugstore.

14. Dry cleaning store.

15. Financial institution.

16. Florist and gift store (excluding commercial greenhouses).

17. Floor covering, wallpaper, paint and window covering store.

18. Food store.

19. Furniture and home accessory store.

20. Hardware store.

21. Hobby shop.

22. Jewelry store.

23. Medical supply store.

24. Music store.

25. Notion and fabric store.

26. Pet store.

27. Restaurants, including fast food, not drive-in restaurants.

28. Toy store.

B. Services:

1. Service stations provided that all bulk fuels are stored underground. Only minor repair work shall be permitted.

2. Animal hospital.

3. Barber and beauty shop.

4. Film processing shop.

5. Fitness and tanning center.

6. Laundromat.

7. Library.

8. Locksmiths and gunsmith.

9. Offices-business, professional and public.

10. Optician and optical service.

11. Photocopying and offset printing service.

12. Post Office and other government facilities.

13. Shoe repair shop.

14. Travel agency.

C. Other Uses

1. Church.

2. Daycare

3. Public park and playground.

4. Public safety facilities and stations.

D. Yard regulations in accordance with Article 6A.

E. Signs in accordance with Article 9.

F. Off-street parking in accordance with Article 8.

6.6.2 Special Use

The following uses may be permitted subject to the Town Council issuing a Special Use Permit in accordance with Article 11.

A. Any of the uses permitted in the N-B zone having a gross floor area of 5,001 - 10,000 square feet.

B. Shopping centers having three (3) or more individual uses. Uses in shopping centers shall be limited to those commercial, retail or office uses which are permitted in the N-B district. No shopping center shall contain more than twenty-five thousand (25,000) square feet of gross floor area.

C. Video Parlors.

D. Telecommunication Towers (See Section 6.1.2(J) for conditions)

6.6.3 Screening

Screening shall be provided in accordance with Section 7.2 of this Ordinance.

Section 6.7 C-B Central Business District

The regulations of this district are intended to permit the convenient performance of functions requiring a location near the transportation and population center of a trade area and to provide municipalities with a compact and efficient retail shopping, consumer services, financial and governmental center.

6.7.1 Permitted Uses

A. Accessory uses and structures when located on the same lot as the principal structures, excluding, however, open storage.

B. Alcoholic beverages, packaged, retail sales.

C. Automobile parking lots and structures

D. Automobile parts and supplies, new

E. Automobile rental

F. Automobile sales and display lots

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

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

I. Barber and beauty shops

J. Bicycle sales and repair shops

K. Bus stations

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

M. Churches and their customary related uses, except cemeteries.

N. Clubs and lodges(non-profit)

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

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

Q. Floral shops, but not commercial greenhouses.

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

S. Furriers and fur storage

T. Hotels, inns, and motels

U. Jewelry repair

V. Libraries, museums, and art galleries

W. Locksmiths and gunsmiths

X. Medical and dental clinics and laboratories

Y. Newspaper offices and printing plants incidental to such offices.

Z. Offices, business, professional and public

AA. Office supplies and equipment, sales and services

BB. One and two family accessory residential units subject to the following conditions: No more than two (2) accessory dwelling units per building or business;

1. Shall be located on the second floor or above;
2. Shall comply with all applicable fire and building standards;
3. Must own or operate a principle business within two hundred (200) feet of the residence

CC. Opticians and optical goods stores

DD. Parks, excluding recreational playing fields or other extensive outdoor recreational uses.

EE. Photographic studios and camera supply stores

FF. Physical culture and reducing salons

GG. Printing, publishing, and reproducing establishments

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

II. Public Works and Public Utility Facilities such as transformer stations, transmission lines, pumping stations, water towers, and telephone exchanges, etc, provided that:

(A) Such facilities are essential to the service of the immediate area;

(B) No vehicles or materials shall be stored on the premises, and no offices shall be permitted;

(C) All buildings shall (except public utility cabinets) be set back at least twenty (20) feet from all property lines and shall be designed and landscaped in such a way as to blend in with surrounding area. All structures not intended for human habitation are allowed to be placed with a minimum 30 foot front, zero side, and zero rear setback as measured from the street right of way or property line;

(D) All dangerous apparatus shall be enclosed by a chain link fence at least eight (8) feet in height.

JJ. Radio and TV repair shops, electric shops

KK. Recreational facilities - indoor

LL. Restaurants, but not drive-in restaurants

MM. Retail establishments such as department, clothing, fabric, shoe, variety, notion, drug, hardware, furniture, appliance, floor covering, paint, antique, art goods, jewelry, gift, music, toy, sporting goods, book and stationery, magazine, candy, tobacco, pet and hobby and craft stores.

NN. Second-hand stores, pawn shops

OO. Service stations, but not including major repair work, provided that such service stations have a minimum lot area of six thousand (6,000) square feet and a frontage of not less than one-hundred (100) feet. No portion of the service station building nor any of its equipment shall be nearer than fifteen (15) feet to the street right-

of-way; provided further, that a canopy may be erected over the pump island which may extend to the street right-of-way. Minor engine repairing; tune-up and tire repairing shall be permitted if conducted wholly inside a structure.

PP. Shoe repair and shine shops.

QQ. Tailoring, dressmaking and millinery shops

RR. Taxicab stands

SS. Telephone and Telegraph offices

TT. Theaters housed in a permanent indoor structure

6.7.2 Special Uses

6.7.3 The following uses may be permitted subject to the Town Council issuing a Special Use Permit in accordance with Article 11.

A. Assembly Halls
B. Personal Use and Storage of Livestock

6.7.3 Screening and Landscaping

Screening and landscaping shall be provided in accordance with Section 7.2 of this Ordinance.

Section 6.8 H-B Highway Business District

These districts are located primarily along major arteries in the community and provide a wide variety of retail and commercial needs including the traveling public.

6.8.1 The following uses are permitted:

A. All uses permitted in the N-B zone, except that there are no maximum building gross floor areas for any use.

B. Automobile and manufactured home sales.

C. Automobile repair garage.

D. Automobile wash establishment.

E. Bowling alley, skating rink and miniature golf course.

F. Building equipment and materials sales.

G. Cabinet, woodworking and upholstery shop.

H. Greenhouses and horticultural nurseries.

I. Monument works and sales.

J. Motorcycles, lawn mower and power saw sales and service provided that all principal and accessory structures are located a minimum distance of fifty (50) feet from any side or rear property line.

K. Restaurants, including fast food and drive-in restaurants.

L. Feed and seed store (excluding feed and grain mills or processing facilities).

M. Medical supply distribution facility.

N. Mini-warehouse, provided that all storage is kept indoors.

O. Motel and Hotel.

P. Golf course, park, playground, community center and swimming pool.

Q. Public works and public utility facilities including transformer stations, transmission lines, and telephone exchanges.

R. Plumbing, heating, air-conditioning, electric supplies, equipment and repair shops.

S. Yard regulations in accordance with Article 6A.

T. Off-street parking in accordance with Article 8.

U. Signs in accordance with Article 9.

6.8.2 Special Uses

The following uses may be permitted subject to the Town Council issuing a Special Use Permit in accordance with Article 11:

A. Assembly Halls.

B. Riding Stables.

C. Fraternal Clubs and Lodges (Non-Profit).

D. Shopping Centers containing three (3) or more individual uses. Uses in shopping centers shall be limited to those retail, commercial or office uses which are permitted in the H-B district.

E. Telecommunication Towers (See Section 6.3.2(J) for conditions).

F. Sexually Oriented Business.

1. Shall not be located within 750 feet from any School, Daycare, Church, Park, Playground, Residential Dwelling, Cemetery or another Sexually Oriented Business as measured in a straight line distance.

2. Shall not be located within 500 feet from a residential zoning district or place of public assembly.

G. Produce

6.8.3 Screening and Landscaping

Screening and landscaping shall be provided in accordance with Section 7.2 of this Ordinance.

Section 6.9 I-1 General Industrial District

The I-1 District is established for those areas where the principal land use is for manufacturing, industrial and warehousing uses. These uses by their nature may create some nuisances especially for adjoining non-industrial land uses. Thus, these uses normally are located in outlying areas of the community where the operations involved will not normally distract from the development potential of nearby properties.

6.9.1 The following uses are permitted:

A. Automobile parking lot.

B. Amusement, recreation and sporting goods manufacturing.

C. Apparel and clothing manufacturing, including hosiery.

D. Automobile parts and accessories manufacturing.

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

F. Bedding and manufacturing.

G. Boat and trailer works and sales.

H. Bottling works.

I. Building and household materials manufacturing and sales yard (excluding the manufacture of brick).

J. Business machines manufacturing.

K. Cabinet, woodworking and upholstery shop.

L. Contractors' offices and storage yards.

M. Dairy products processing and distributing facility.

N. Drugs, medicines and cosmetics manufacturing.

O. Dry cleaning and laundry plant.

P. Electrical appliances and electronic equipment manufacturing.

Q. Farm machinery sales, supplies, assembly and repair.

R. Feed and seed store, hatchery and fertilizer sales.

S. Flour and feed mill.

T. Freezer locker and ice plant.

U. Furniture manufacturing.

V. Glass manufacturing.

W. Greenhouses and horticulture nurseries.

X. Hardware and housewares manufacturing.

Y. Industrial supplies and equipment, sales and service.

Z. Industrial trade school.

AA. Leather products manufacturing excluding the tanning or curing of hides.

BB. Machine and welding shops.

CC. Metal fabricating plant (excluding foundries).

DD. Mini-warehouse, provided that all storage is kept indoors.

EE. Manufactured home manufacturing.

FF. Monument works and sales.

GG. Moving and storage operations.

HH. Musical instruments manufacturing.

II. Offices-business, professional or public.

JJ. Paper products fabrication or assembly (from previously prepared paper products only).

KK. Plastic products fabrication or assembly (from previously prepared plastics products only).

LL. Plumbing and heating supply establishments.

MM. Precision instrument and jewelry manufacturing.

NN. Printing, engraving and publishing establishments.

OO. Public safety facilities and stations.

PP. Public works and public utility facilities including transformer stations, transmission lines, and telephone exchanges.

QQ. Radio and TV stations.

RR. Service stations and automobile repair shops provided that all bulk fuels are stored underground.

SS. Sign painting and manufacturing shops.

TT. Textile manufacturing.

UU. Wholesaling and warehousing establishments.

VV. Yard regulations in accordance with Article 6A.

WW. Off-street parking in accordance with Article 8.

XX. Signs in accordance with Article 9.

6.9.2 Special Uses

The following uses may be permitted subject to the Town Commission issuing a Special Use Permit in accordance with Article 11.

A. Carpet manufacturing.

B. Brick manufacturing.

C. Lumber mills.

D. Livestock sales barns.

E. Sanitary landfills and transfer stations.

F. Research laboratories.

G. Cement and concrete mixing and manufacturing plants.

H. Trucking terminals.

I. Chemical manufacture, refining, or processing, excluding the manufacture, refining or processing of ammonia, asphalt, bleach, bluing, calcimine, chlorine, corrosive acid or alkali, dyes, fats, fertilizer, gutta percha, gypsum, lampblack, oils, oxygen, paints, plaster of Paris, potash, rubber, shellac, tar turpentine, vinegar, yeast.

J. Telecommunication Towers (See Section 6.3.2(J) for conditions).

K. Mining and Ground Extraction of Minerals

L. Manufacturing uses not otherwise named herein, upon the review by the Planning Board and approval by the Town Council, provided that no use shall be permitted in this district which is likely to be dangerous, offensive or detrimental to the health, safety, welfare or general character of this zoning district, or of the community by reason of the emission of dust, smoke, gas, noise, fumes, odors, vibration, glare or unusual threat of fire or explosion.

6.9.3 Screening and Landscaping

Screening shall be provided in accordance with Section 7.2 of this Ordinance.

6.10 Conditional Districts

A. Conditional Zoning (CD) District

a. Where the regulations and restrictions applicable within a zoning district permitting a proposed use are inadequate to ensure the compatibility of a proposed development with the immediately surrounding neighborhood in accordance with the principles of this Ordinance and applicable adopted plans, the property owner may apply for rezoning to a conditional zoning district(CD) bearing the same designation as a standard zoning district but subject to additional conditions, in accordance to G.S. § 160D-703.

b. A conditional zoning district bearing the designation CD is hereby established as a companion district for every district established in this Ordinance. These districts are: CD-RA-1,CD-RA-3, CD-RA-10, CD-R-20, CD-R-8, CD-R-10, CD-NB, CD-CB, CD-HB, CD-I-1

c. Regulations which apply to the use in underlying zoning district shall also apply to the companion conditional zoning district. All other regulations, which may be offered by the property owner and approved by the Governing Body as a part of the rezoning process shall also apply. Applicant must submit a site-specific site plan complying with zoning regulations for the use or uses applied for in the requested zoning district.

ARTICLE 7

General Provisions

Section 7.1 Uses

No building or land shall hereafter be used or occupied, and no building or structure shall be erected, expanded or moved except in conformity with the regulations of this ordinance.

Section 7.2 Screening and Landscaping

Screening required by this Ordinance shall be in accordance with the standards described herein. Such screening shall be located on the property with the use with which it is associated or required and shall materially screen the subject use from the view of adjoining property. Screening may be in the form of natural planting or opaque fencing. When screening is in the form of natural vegetation, a buffer strip shall be planted. This strip shall be free of all encroachment by buildings, parking areas or impervious coverage. Shrubs, which shall be arranged in at least one row, shall be a minimum of three feet high at planting and shall be spaced no more than five feet apart. Shrubs and/or trees may be used as natural screening provided that when trees are used, only varieties which bear limbs and foliage down to within one foot of ground level shall be allowed. Trees or shrubs installed as a planted screen shall be evergreen and of a variety which can be expected to achieve a height of at least six feet within two years from planting. When screening provided is in the form of fencing, such fencing shall be opaque and shall be a minimum of six feet in height as measured from the ground up along the adjoining property line. Berms may be used as screening provided that such berms are at least six feet in height. Any combination of the methods described in this section may be employed to achieve the intent of this section. It shall be the responsibility of the property owner to maintain any screening or landscaping required by this ordinance.

7.2.1 Business, industrial and certain other uses adjacent to residential districts shall provide screening to materially screen the subject use from the view of the adjoining residential zoning district.

7.2.2 For open-air storage, or an unenclosed structure consisting of a roof, but no walls used for storage of materials, products, wastes or equipment associated with business or industrial uses, screening shall be provided when such storage or enclosed structure is located within one-hundred (100) feet of the street right-of-way line. Such screening may be located anywhere on the subject property provided the storage is effectively screened. Screening required by this subsection shall be in accordance with this Section.

7.2.3 In cases where screening is required by this ordinance and devices such as existing vegetation or topographical features or extreme size of the tract involved would render the installation of such screening unnecessary, the Zoning Administrator is hereby empowered to accept the existing features as meeting the general screening requirements. Such decision shall be based on the spirit

and intent of Section 7.2. The vacancy or non-use of adjacent property shall not negate the necessity for installation of screening. If at any time after such existing features are accepted, such features are altered so as to render them inadequate as screening, the owner of the land shall be required to provide screening as herein described to achieve the required screen.

7.2.4 The foregoing subsections shall be construed to require screening along side and/or near property lines adjacent to residential zoning but in no case shall screening be required along a public street except as provided in Section 7.2.3.

7.2.5 In cases where screening is required by this Ordinance, a certificate of occupancy shall not be issued until such screening has been installed and approved by the Administrator.

7.2.6 Uses permitted within the H-B (Highway Business) or I-1 Industrial Districts shall provide street trees or shrubs as landscaping along the front property line, along the side street property line on a corner lot and at the rear property line when the rear property line lies directly across the street from a Residential (R) district. Such trees shall be installed in accordance with the following standards:

A. Such trees may be evergreen or deciduous.

B. Such trees shall be a minimum of three (3) feet high at planting.

C. The maximum spacing between trees shall be thirty (30) feet.

D. Such trees shall, when possible, be located behind the street right-of-way. When it is necessary to locate said landscaping on the right-of-way of a State-maintained road, an encroachment agreement shall be obtained from the North Carolina Department of Transportation. Consideration should be given to the alignment of trees or shrubs installed on an adjoining lot and, when possible, the alignment should be continued along the street.

Section 7.3 Fences or Walls Permitted

Except as otherwise noted, fences or walls are permitted in the various districts subject to the following regulations:

7.3.1 In Residential (R) districts:

A. Within the required rear and side yard areas, the maximum height of a fence or wall shall be six (6) feet.

B. Within the required front yard area, the maximum height of an opaque fence or wall shall be four (4) feet. A non-opaque fence shall have maximum height of four (4) feet.

C. No electrical or barbed wire fence is permitted in any R-20 district.

7.3.2 In Business or Industrial districts:

A. Within all required yard areas, the maximum height of a fence or wall shall be eight (8) feet.

Section 7.4 Lot to Abut a Public Street

No building or structure shall be erected or located, nor shall any principal use be instituted on a lot which does not have public street access unless an easement, at least twenty (20) feet in width is provided which permits access to the lot from the public street. Said easement shall be maintained in a condition passable for service and emergency vehicles.

Section 7.5 One Principal Building

No more than one single-family dwelling shall be permitted on a lot. More than one principal non-residential building may be located on a lot so long as an access road at least twenty (20) feet wide is maintained from a public street to each building for use by service or emergency vehicles. A minimum separation of twenty (20) feet is required between separate principal buildings on the same lot.

Section 7.6 Fractional Requirements

When any requirement of this ordinance results in a fraction of a unit, a fraction of one-half or more shall be considered the next higher whole unit and a fraction of less than one-half shall be disregarded. For instance, if the Ordinance calls for a use to have three and one-half parking spaces, four parking spaces shall be required.

Section 7.7 Visibility at Intersections

No structure, wall, fence, shrubbery or trees shall be erected, maintained or planted on any lot which will obstruct the view of a driver approaching the intersection.

Section 7.8 Temporary Structures and Uses

Temporary structures and uses, when in compliance with all applicable provisions of this ordinance and all other ordinances of the Town of Peachland, shall be allowed. The following temporary structures and uses shall be permitted:

7.8.1 Construction trailers are permitted provided that the following conditions are met:

A. Such mobile homes shall be located upon a building site upon receipt of a valid building permit for the construction project.

B. Such mobile homes may remain upon a construction site as long as there is a valid building permit for the construction project.

C. All construction mobile homes shall be located at least 20 feet from all rights-of-way.

7.8.2. Carnivals, circuses, sales of Christmas trees, 4-H shows, and other commercial and charitable uses of a limited nature and for a limited time are allowed only after having received a permit from the Town Council. The permit shall be for a period of time as determined by the Town.

7.8.3. Structures, whether temporary or permanent, located in a subdivision, and used as sales offices for the subdivision development are permitted. At the completion of the sales in a tract, or within two years of the date the office began operation, whichever comes first, the temporary structure shall be removed, and the permanent structure, temporarily used as a sales office, shall be used only for the purpose for which it was constructed.

Section 7.9 Height Exemption

The maximum heights as indicated in the various districts may be exceeded for specific use as provided in the following:

7.9.1. Roof structures not intended for human occupancy, such as skylights, transmission or television towers, housing for elevators, stairways, water tanks, ventilating fans, air conditioning equipment or similar equipment, steeples, spires, belfries, cupolas or chimneys, may exceed the maximum allowable heights as provided in any of the zoning districts.

Section 7.10 Accessory Uses and Structures

Minor uses or structures which are necessary to the operation or the enjoyment of a permitted principal use, and are appropriate, incidental and subordinate to any such uses, shall be permitted in all districts. The following provisions apply to all accessory uses except satellite dishes. Regulations concerning satellite dishes are found in Section 7.20.

7.10.1. Accessory uses shall be located on the same lot as the principal use except in instances when an adjoining lot is owned by the same property owner. In such instance, an accessory use may be located on the adjoining lot subject to all required yard restrictions.

7.10.2. No portion of any accessory structure shall be located within ten (10) feet of any side or rear lot line. Additional side yard setbacks may be required as indicated in Article 6A. Accessory structures, with the exception of garages used primarily to house automobiles, shall be located in the rear yard only. Detached automobile garages may be located in any non-required yard. On corner lots, accessory structures shall be set back at least twenty-five (25) feet from any side street right-of-way line.

7.10.3. On any lot containing a principal residential use, no accessory use or structure shall be permitted that involves or requires any construction features which are commercial or industrial in nature or character.

7.10.4. All accessory structures shall be one (1) story in height unless a conditional use permit is issued by the Town Council. No accessory structure shall exceed one-half the ground area of the principal building or twelve-hundred (1,200) square feet, whichever is less.

7.10.5. An accessory building or structure, attached to, or which is part of, a principal structure, shall comply with all the yard requirements of the principal structure.

Section 7.11 Outdoor Lighting

Outdoor lighting shall be so located as not to reflect on adjacent property, or on public streets in such a manner as to adversely affect the enjoyment of adjacent property, or endanger the motorist travelling such streets.

Section 7.12 Construction Begun Prior to Adoption of Ordinance

Nothing in this Ordinance shall be deemed to require any change in the plans, construction or designed use of any building upon which a building permit has been issued and remains valid. Building permits are valid for six months as under NCGS 160D-111. Development approvals and permits are valid for twelve months unless altered by statute or extended by local rule. Site specific vesting plans or site-specific development plans with vesting for more than two to five years must be identified. Multi-phase developments and long-term projects of at least 25 acres will be recognized with vesting rights up to seven years pursuant to NCGS 160D-108.

Section 7.13 Use of Manufactured Homes and Similar Structures

Manufactured homes shall be used for residential purposes only, as prescribed by this Ordinance, except where permitted on a temporary basis in compliance with Section 7.8 of this Ordinance or when serving as a manufactured home sales lot office. Manufactured homes shall

be oriented with the door facing the point of access (road or street) typically with the length of the home being parallel with the street or road.

Section 7.14 Location of Required Yards on Irregular Lots

The location of required front, side and rear yards on irregularly shaped lots will be determined by the Administrator. The determination will be based on the spirit and intent of this ordinance to achieve an appropriate spacing and location of buildings on individual lots.

Section 7.15 Vibration

No use in any district may operate in such a fashion that any inherent or recurring ground vibrations can be felt or detected at the property line without the use of instruments.

Section 7.16 Noise

Every use of land must be operated in such a way that regularly recurring noises are not disturbing or unreasonably loud and do not cause injury, detriment, or nuisance to any person of ordinary sensitivities. Every use in a Business (B) or Industrial (I) district which adjoins a Residential (R) district must be operated in such a way that any noise which may be detected by the human senses without instruments at the district boundary line is no louder than the noise which could be expected from uses permitted in that district.

Section 7.17 Reduction of Lot and Yard Areas Prohibited

No yard or lot existing at the time of passage of this ordinance shall be reduced in size or area below the minimum requirements set forth herein, except as a result of street widening. Yards or lots created after the effective date of this ordinance shall meet at least the minimum requirements established by this ordinance. This prohibition shall also not be construed to prevent the condemnation of narrow strips of land for public purposes.

Section 7.18 Customary Home Occupations

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

7.18.1 The home occupation shall be clearly incidental and subordinate to the residential use of the dwelling and shall not change the residential character of the dwelling.

7.18.2 No accessory buildings or outside storage shall be used in connection with the home occupation.

7.18.3 Use of the dwelling for the home occupation shall be limited to twenty-five percent (25%) of the area of the principal building.

7.18.4 Residents of the dwelling plus a maximum of one (1) non-resident may be

engaged in a home occupation or otherwise report to work at the dwelling.

7.18.5 A maximum of two (2) items for sale or display may be placed outdoors on the lot. Each item may bear a "for sale" or similar sign no greater than four (4) square feet area. These regulations regarding signs and display shall not be valid for honey, fruit and vegetable stands so long as the honey, fruit or vegetables are grown or produced on the lot on which the fruit stand is located. Said fruit stand may have only one sign which shall be no greater than four (4) square feet on area indicating that honey, fruit and/or vegetables are for sale.

7.18.6 No external alterations inconsistent with the residential use of the building shall be permitted.

7.18.7 Only vehicles used primarily as passenger vehicles (i.e., automobiles, vans and pick-up trucks) shall be permitted in connection with the conduct of the customary home occupation.

7.18.8 Chemical, mechanical, or electrical equipment that creates odors, light emission, noise, or interference in radio or television reception detectable outside of the dwelling shall be prohibited.

7.18.9 Customary home occupations may be conducted in an accessory building subject to the issuance of a Special Use Permit by the Town Council, after having first been submitted to the Planning Board for review and recommendation.

7.18.10 All home occupations shall normally be in operation between the hours of 7:00 A.M. and 9:00 P.M. only.

7.18.11 All customary home occupations shall require the issuance of a certificate of occupancy by the Administrator.

Section 7.19 Rural Home Occupations

7.19.1 A building containing a rural home occupation shall be located in the rear yard only at least one hundred (100) feet from any existing residence on an adjacent parcel and land at least fifty (50) feet from any side or rear property line which abuts a Residential (R) district. If the lot containing a rural home occupation abuts a Business (B) or Manufacturing (I) district, the side and/or rear yard setbacks normally prescribed for said lot shall be followed.

7.19.2 A rural home occupation shall have a maximum area equal to one-half (1/2) the ground floor area of the principal structures or eight-hundred (800) square feet, whichever is smaller.

7.19.3 No outside storage of materials shall be permitted.

7.19.4 Chemical, mechanical or electrical equipment which creates odors, light emission, noise or interference in radio or television reception detectable

without the use of instruments beyond the lot shall be prohibited.

7.19.5 No display of products shall be visible from a public street and only articles that are made on the premises may be sold (except as permitted on Section 7.18.5). Sales of products are limited to those made on the premises and/or those which are necessary to the service being provided (except as permitted in Section 7.18.5).

7.19.6 No more than one customary home occupation or rural home occupation may be conducted on a lot.

7.19.7 The operator of the rural home occupation must reside on the same parcel of land upon which the rural home occupation is located.

7.19.8 No more than two (2) people who do not reside on the premises may be employed by the rural home occupation.

7.19.9 Only vehicles used primarily as passenger vehicles (i.e., automobiles, vans and pick-up trucks) shall be permitted in connection with the conduct of the rural home occupation.

7.19.10 All rural home occupations shall normally conduct business between the hours of 7:00 A.M. and 9:00 P.M. only.

Section 7.20 (Reserved)

ARTICLE 8

OFF-STREET PARKING AND LOADING

Section 8.1 Off-Street Parking Requirements

Every new use, or an enlargement, expansion or alteration of an existing use shall require off-street parking in compliance with this Article.

8.1.1 Off-street parking spaces shall be increased when a change of use of either a structure or of land requires additional parking spaces in compliance with this Article. Parking spaces may be decreased when a change of use in either of structure or of land requires less spaces than provided for the replaced use.

8.1.2 A one-time enlargement of a structure or increase in the amount of land used may be made for existing uses deficient in off-street parking, provided that the enlargement or increase does not represent a requirement in excess of five (5) off-street parking spaces. In the event that such increase represents a requirement in excess of five (5) off-street parking spaces, such increase shall require complete compliance with the provisions of this Article for the entire use.

A certificate of occupancy will not be issued for any use until all off-street parking and loading requirements in accordance with this ordinance have been met and are in place and ready for use.

Section 8.2 Location of Off-Street Parking

8.2.1 Off-street parking spaces shall be provided on the same lot as the principal use except that when such parking cannot be reasonably provided on the same lot, it shall be provided on a separate lot, fifty (50%) percent or more of which is located within five-hundred (500) feet of the principal use. All such off-street parking areas located in a Residential (R) district shall require the issuance of a Conditional Use Permit by the Town Council in accordance with Article 10.

8.2.2 Cooperative provisions for off-street parking may be made by contract between owners of adjacent properties, and such contract shall be filed with the Administrator.

The parking area provided on any one lot may be reduced to not less than one-half the parking spaces required for the use occupying such a lot. Such cooperative parking shall not be less than the sum of the parking spaces for the uses computed separately.

8.2.3 No parking area shall be located over an active septic tank field.

8.2.4 The temporary parking or storage of mobile homes shall be prohibited in all areas not zoned for mobile homes (excluding mobile home sales lots or when in

use on a temporary basis in accordance with Section 7.8 of this Ordinance).

Section 8.3 Design Standards

8.3.1 A parking space shall be not less than nine (9) feet in width nor less than twenty (20) feet in length. In lots of more than twenty (20) spaces, compact stalls may be permitted on the basis of one compact stall to each five (5) standard stalls. Each compact stall shall be seven (7) feet wide and seventeen (17) feet long, and shall be clearly marked, "small cars only". All parking stalls shall be clearly marked and such markings shall be maintained so as to be easily seen.

8.3.2 Parking bays shall be designed in accordance with accepted standard practice for parking at various angles, with aisles being of such widths as to permit the entering and leaving of a parking space with ease and safety.

8.3.3 Access to all required off-street parking areas shall be by roads adequate in width to accommodate two-way traffic. Except by way of approved driveways, access from or egress to a public road from a parking area shall be expressly prohibited. Adequate provisions shall be made to ensure compliance by the use of fences, walls, wheel stops or landscaping, or a combination of these devices.

8.3.4 Driveways shall be considered as providing off-street parking spaces for all single-family dwellings.

8.3.5 All off-street parking areas shall be constructed in a manner that contamination by dust or dust clouds will not exist. This shall be accomplished by concrete, black top, crushed gravel or other non-dust producing surface.

8.3.6 Permits for driveway locations on State maintained roads shall be obtained from the North Carolina Department of Transportation.

8.3.7 Storm drainage facilities where required, shall be so designed as to protect any public right-of-way or adjacent property from damage.

Section 8.4 Computation of Off-Street Spaces

8.4.1 When units of measurement determining the number of required parking spaces result in a fractional space, any fraction of one-half (1/2) or more shall require one (1) parking space.

8.4.2 Where seats consist of pews or benches, each twenty 20) inches of pew or bench shall be considered as one seat.

8.4.3 For the purpose of computing parking requirements based on the number of employees, the owners or managers shall also be considered employees.

8.4.4 Lots containing more than one principal use shall provide parking in the amount equal to the total of the requirements for each use.

Section 8.5 Parking Requirements By Use

Use Classification	Parking Space Requirement
Automobile repair	One (1) space per employee during the shift of greatest employment plus four (4) spaces per grease rack.
Automobile washing and cleaning establishments	One (1) space for each three (3) employees, and reserve spaces equal to five (5) times the capacity of the establishment.
Bowling Alleys	Two (2) spaces for each lane plus one (1) additional space for each two (2) employees.
Cemeteries	One (1) space per employee during the shift of greatest employment plus parking on private internal roads.
Churches	One (1) space per employee during the shift with greatest employment plus one (1) space for each four (4) seats in the sanctuary.
Day Care Centers	One (1) space per employee during the shift of greatest employment plus one (1) space per five (5) children.
Dwellings, One-Family	Two (2) spaces for each one (1) dwelling unit.
Dwellings, Two-Family	Two (2) spaces for each one (1) dwelling unit.
Elementary and Junior High Schools	Three (3) spaces for each room used for instruction or administration, or one (1) space for each four(4)seats used for assembly purposes, whichever is greater.
Funeral Homes	One (1) space for each four (4) seats in the chapel or chapels, plus two (2) spaces for each three (3) employees, plus one (1) space for each vehicle used in the operation. In addition, parking shall be required to accommodate at least thirty (30) automobiles in funeral processions.
Fire Station	One (1) space per employee during the shift of greatest employment.
Furniture and appliance stores, household equipment repair shops; showroom of a plumber, decorator, electrician or similar trade; laundry, wholesale stores, and machinery sales	One (1) space per eight hundred (800) square feet of usable floor area.
Golf Courses	One (1) space for the largest number of employees per shift plus four (4) spaces per

	hole plus one (1) space for each vehicle used in the operation (excluding golf carts)
Laboratories, Analytical and Testing	One (1) space per employee during the shift with greatest employment plus one (1) space for each four hundred (400) square feet of gross floor area.
Lumber of Building Material Yards	One (1) space per employee during the shift with greatest employment plus one (1) space for each three hundred (300) square feet of retail floor space plus one (1) space for each vehicle used in the operation.
Manufacturing, Processing Fabrication Plants	One (1) space per employee during the shift with greatest employment plus one (1) space for each four hundred (400) feet of gross floor area plus one (1) space for each vehicle used in the operation. for each employee
Medical and dental offices and clinics.	Four (4) spaces for each doctor practicing at the clinic, plus one (1) space for each employee
Mobile Home Parks *(Manufactured Home Parks)*	Two (2) spaces for each mobile home space.
Motels and Hotels	One (1) space for each accommodation plus one (1) space for each employee on the shift of maximum employment.
Nursing Homes, Rest Homes, Homes for the Aged	One (1) space per employee during the shift with greatest employment plus one (1) space for each four (4) patients' beds, plus one (1) space for each visiting doctor, plus one (1) space for each vehicle used in the operation.
Offices--Professional, Business, or Public, (excluding medical and dental offices and clinics)	One (1) space per employee during the shift with greatest employment plus one (1) space for each three hundred (300) square feet of gross floor area.
Places of public assembly, including private clubs and lodges, auditoriums, dance halls, stadiums, community centers and all similar places of public assembly.	One (1) space for each four (4) seats provided for patron use, plus one (1) space for each one hundred (100) square feet of floor or ground area used for amusement or assembly but not containing fixed seats.
Police Station, Post Office, City Hall	One (1) space per employee during the shift of greatest employment plus one (1) space for each two hundred (200) square feet of gross floor area.
Restaurants, including Fast Food Restaurants	One (1) space for each employee during the shift of greatest employment plus one (1) space for each three (3) seats.

Restaurants, drive-in	One (1) space for each employee during the shift of greatest employment plus one (1)space for each (3)seats plus one (1) space for each car served on premises.
Retail business and consumer service outlets (except as noted)	One (1) space for each 200 feet of gross floor area.
Sales Lots and Showrooms	Four (4) spaces for each salesperson plus one (1) space per employee during the shift with greatest employment. These spaces shall be in addition to other spaces used to park all vehicles for sale or on display.
Senior High School	Five (5) spaces for each room used for instruction or administration or one (1) space for each four (4) seats used for assembly purposes, whichever is greater. Assembly purposes shall be construed to include the capacity of either indoor or outdoor assembly, whichever is greater.
Service Station	Two (2) spaces for each gas pump plus three (3) spaces for each grease rack or similar facility plus one (1) space for each employee during the shift of greatest employment.
Shopping Center	One (1) space per two hundred (200) square feet of gross floor area excluding uses whose off-street parking requirements are listed individually.
Theaters, Indoor	One (1) space for each employee during the shift of greatest employment plus one (1) space for each three (3) seats.

Section 8.6 Off-Street Loading Requirements

8.6.1 Purpose

In order to assure a proper and uniform development of off-street loading areas throughout the Town of Peachland and to relieve traffic congestion in the streets, the off-street loading requirements set forth will apply in all zoning districts. These requirements will apply to buildings and uses and to additions to existing buildings and uses.

8.6.2 Minimum Off-Street Loading Space Requirements

The following minimum loading space requirements shall apply for the appropriate use.

Use	Minimum Number of Loading Spaces
Commercial uses	One (1) for uses having gross floor area of 10,000 -29,999 square feet; two (2) for uses having gross floor areas of 30,000 square feet or more.
Industrial uses	One (1) per 10,000 sq. ft. of gross floor area not to exceed three (3) spaces.

8.6.3 Design of Loading Spaces

Off-street loading spaces must be designed and constructed so that all maneuvering to park and unpark vehicles for loading and unloading can take place entirely within the property lines of the premises. Loading spaces must be designed so as to not to interfere with the normal movement of vehicles and pedestrians on public right-of-way. Where feasible, off-street loading shall be located in the rear yard.

ARTICLE 9

SIGNS

Signs are permitted in accordance with regulations listed below and in accordance with other applicable regulations of this ordinance. These sign regulations shall pertain to commercial signs only. Non-commercial sign shall not be regulated by this ordinance.

Section 9.1 Electric Signs

No electric sign shall be so located with the relation to pedestrian traffic as to permit such sign to be easily reached by any person. The bottom of such a sign shall be located a minimum of ten (10) feet above the grade immediately under said sign, if the sign is within fifteen (15) feet of the edge of the street right-of-way.

Section 9.2 Unsafe Signs

Signs that are structurally unsafe and thereby endanger the public safety must be removed unless they are repaired and made to otherwise comply with the requirements of this ordinance.

Section 9.3 Free Standing Signs

All free-standing signs shall be located, where permitted, according to the following standards and additional requirements listed elsewhere in this Ordinance:

9.3.1 The sign shall be located in a manner so as to not impair traffic visibility.

9.3.2 The bottom of any free-standing sign located within fifteen (15) feet of the edge of the street right-of-way line shall be a minimum of ten (10) feet above the grade immediately under said sign.

9.3.3 No portion of a free-standing sign including projections may extend into or over an existing public right-of-way unless permitted by the Town Council.

Section 9.4 Ground Signs

Ground signs are permitted subject to the following requirements:

9.4.1 Unless authorized by the Town Council, no part of a ground sign including projections may extend into or over an existing public right-of-way.

9.4.2 All ground signs must be secured to the ground or affixed so as not to create a public safety hazard.

Section 9.5 Signs Permitted Without Permit

9.5.1 Signs or interior window glass, regardless of size.

9.5.2 Private unofficial traffic signs indicating directions, entrances or exits.

9.5.3 Any flag, badge or insignia customarily displayed by any government or governmental agency or by any charitable, civic, fraternal, patriotic, religious or similar organization.

9.5.4 Temporary signs, banners, lighting and displays as part of customary holiday decorations and regularly scheduled civic events so long as said signs are not placed in any right-of-way. If such signs are placed in a right-of-way, a permit shall be required from the Town Council.

9.5.5 No permit shall be required to change movable lettering on a permitted sign.

9.5.6 Private unofficial signs not exceeding four (4) square feet in surface area pertaining to regulations, instructions, restrictions or charge card services, and provide further, said signs do not display the name of a business. These signs shall be attached to a building, structure, and/or existing free-standing or ground sign that conforms to all sign regulations.

9.5.7 Service stations or any business selling gasoline are allowed to have, in addition to other signs permitted in this Ordinance:

a. Gasoline price and/or self-service signs located at and secured to each pump island.

b. A North Carolina inspections sign at any location on the business as long as said sign is not placed in any right-of-way.

9.5.8 Signs denoting a product being sold out of a vending machine or self-service container that distributes said product by depositing money into the machine or container, or depositing such money with an attendant.

9.5.9 Permanent municipal, school, recreational and civic club sponsored signs, schedule of events, rules and regulations signs with a maximum surface area of thirty-two (32) square feet. Such signs shall not include identification signs.

9.5.10 A sign advertising the sale of produce out of a home garden on the premises where the produce being sold shall be permitted. Said sign shall have a maximum area of ten (10) square feet.

9.5.11. Public signs regulating traffic.

9.5.12. Signs required to be posted by law.

9.5.13. "Warning" signs and "no trespassing" signs.

9.5.14 Permanent subdivision or planned residential development identification signs not exceeding fifty (50) square feet in area when located on private property.

9.5.15. Temporary signs involved in campaigns of religious, charitable, civic, fraternal, political and similar organizations located on private property. Said signs shall be removed by the property owner or the party(ies) who originally placed the signs within seven (7) days of the termination of the event advertised.

9.5.16. Temporary real estate signs not exceeding twelve (12) square feet each in any Residential (R) zone and twenty (20) square feet in other zones.

Section 9.6 Prohibited Signs

The following signs are expressly prohibited within all zoning districts.

9.6.1. Any sign which obstructs the view of bicyclists or motorists using any street, private driveway, approach to any street intersection, or which interferes with the effectiveness of or obscures any traffic sign, device, or signal.

9.6.2. Illuminated, highly reflective signs or spot-lights which hamper the vision of motorists or bicyclists.

9.6.3. Signs, lights, rotating disks, words, and other devices which resemble traffic signals, traffic signs, or emergency vehicle lights.

9.6.4. Signs, lights, rotating disks, words and other devices not erected by public authority which may be erroneously constructed as governmental signs or emergency warning signs.

9.6.5. Any sign which interferes with free passage from or obstructs any fire escape, downspout, window, door, stairways, ladder, or opening intended as a means of ingress or egress or providing light or air.

9.6.6. Any sign placed on any curb, sidewalk, post, pole, hydrant, bridge, tree, or other surface located on, over, or across any public street, or right-of-way, unless authorized by the Town Council.

9.6.7. Flashing light signs (except signs which give time and temperature and similar public information messages.)

9.6.8. The tacking, posting, or otherwise affixing of signs of a miscellaneous character visible from a public way located on the outside walls of a barn or shed or on a tree, pole, fence or other structures shall be permitted so long as said signs are located outside the public right-of-way.

Section 9.7 Signs Permitted In Residential (R) Districts

9.7.1 Signs on premises of single-family and two-family dwellings, group homes, mobile homes and small group day care centers are regulated as follows:

a. Types of signs permitted:	Identification
b. Permitted number of signs:	One (1) per dwelling unit
c. Maximum area of signs:	Three (3) square feet
d. Permitted location:	Behind street right-of-way line

9.7.2 Signs on premises of mobile home parks, are regulated as follows:

a. Types of sign permitted:	Identification
b. Permitted number of signs:	One (1) per street front
c. Maximum area of signs:	Twenty (20) square feet
d. Permitted location:	Behind street right-of-way line

9.7.3 Signs on all non-residential uses in a Residential (R) District.

a. Types of signs permitted:	Identification and bulletin board
b. Permitted number of signs:	One (1) identification and one (1) bulletin board each if only one principal building is involved. A third sign is permitted if the building is located on a through lot or has frontage on two (2) or more streets. If more than one (1) principal building is involved, one (1) identification and one (1) bulletin board for the first principal building is permitted plus one (1) identification sign for each additional principal building.
c. Maximum area of signs:	<u>One Principal Building</u>--No sign shall be greater than thirty (30) square feet. <u>Two or More Principal Buildings</u> No sign shall be greater than thirty (30) square feet for the first principal building and all signs for each additional building shall be no greater than fifteen (15) square feet.
d. Permitted location	Behind the street right-of-way line.

Section 9.8 Signs Permitted in the N-B Neighborhood Business and C-B Central Business District

9.8.1 Signs in the N-B and C-B District shall be regulated as follows:

a. Types of sign permitted:	Business and/or identification
b. Permitted number of signs	Attached--No limit. Free Standing - One (1) only (except as provided in Section 9.8.2.b) except that an additional free-standing sign may be permitted on through lots or lots having frontage on two (2) or more streets. Ground - One (1) only except that an additional ground sign may be permitted on through lots or lots having frontage on two (2) or more streets.
c. Maximum area of signs:	Attached - One (1) square foot of aggregate sign area per linear foot of building street frontage up to a maximum of sixty-four (64) square feet per premises regardless of the number of establishments occupying such premises. All such signs are permitted to have a minimum aggregate area of twenty-five (25) square feet. Free Standing - One (1) square foot of aggregate area per linear foot of building street frontage up to a maximum of fifty (50) square feet per premises regardless of the number of establishments occupying such premises. All such signs are permitted to have a minimum aggregate area of twenty-five (25) square feet. Ground - Twenty (20) square feet.
d. Permitted location	Attached - Signs shall be located on the building and may extend above the parapet of the building but may not protrude more than eighteen (18) inches from any building wall or marquee face. Free-Standing - Signs shall be no

greater than twenty (20) feet in height.
Ground - Behind street right-of-way line and in accord with Section 9.4.

9.8.2 Shopping Center Identification

a. Type of sign permitted:	Shopping Center Identification.
b. Permitted number of signs:	A shopping center containing three (3) or more businesses with separate entrances shall have one free-standing identification sign giving the names of the businesses located in the shopping center. No other free-standing signs shall be allowed unless the shopping center is located on a through lot or if it fronts on two (2) or more streets. In such instances, a second sign is permitted. Such sign(s) shall be in accord with Section 9.3 of this Ordinance.
c. Maximum area of signs:	One-hundred (100) square feet for the first sign provided that no portion of the sign advertising a particular business shall be in excess of twenty (20) square feet. If a second sign is permitted, it shall be no greater than one-half the size of the first sign.
d. Permitted location:	The maximum height of said sign(s) shall be twenty (20) feet.

Section 9.9 Signs permitted in the Highway Business (H-B) and (I-1) Industrial District

9.9.1 On premise signs for any permitted use shall be regulated as follows:

a. Types of signs permitted:	Business, Identification
b. Permitted number of signs:	Attached - No limit Free-Standing - One (1) only (except as permitted in Section 9.9.2) except plus an additional free-standing sign may be permitted on through lots or lots having frontage on two (2) or more streets (refer to Section 9.3 for

	additional criteria regarding free-standing signs). Ground - One (1) only except that an additional ground sign may be permitted on through lots or lots having frontage on two (2) or more streets. All signs must be in accord with Section 9.4.
c. Maximum area of signs:	Attached - One (1) square foot of aggregate sign area per linear foot of building street frontage up to a maximum of one hundred (100) square feet per premises regardless of the number of establishments occupying such premises. All such signs are permitted to have a minimum aggregate area of twenty-five (25) square feet. Free-Standing - Said sign shall have a maximum area of one-hundred (100) square feet when said sign fronts on a street containing four (4) or more traffic lanes; a maximum of seventy-five (75) square feet shall be permitted on signs which front on streets containing three (3) or less traffic lanes. If said sign faces more than one (1) street, then for the purpose of determining permitted area, the greater area allowances shall govern. If a second free standing sign is permitted, it shall be no greater than one-half the area of the first sign. Ground - Twenty (20) square feet.
d. Permitted location:	Attached - Signs shall be located on the building and may extend up to eighteen (18) inches above the parapet or from any building wall. Free-Standing - The maximum height shall be thirty-five (35) feet if the sign fronts on a street containing four (4) or more lanes of traffic; a maximum height of twenty-five (25) feet is permitted if the sign is located on streets containing three

(3) or less lanes of traffic. If said sign faces two (2) or more streets, then for the purpose of determining area, the greater area allowance shall govern.
Ground - Behind the street right-of-way line and in accord with Section 9.4.

9.9.2 Shopping Center Identification

a. Type of sign permitted: Shopping Center Identification

b. Permitted number of signs: A shopping center containing three (3) or more businesses with separate entrances shall have one free-standing identification sign giving the names of the businesses located in the shopping center. A second sign is permitted if the shopping center is located on a through lot or a lot having frontage on two (2) or more streets. No other free-standing signs shall be allowed. Such sign shall be in accord with Section 9.3 of this Ordinance.

c. Maximum area of signs: For the first sign, one-hundred (100) square feet provided that no portion of the sign advertising a particular business shall be in excess of twenty (20) square feet. If a second sign is permitted, it shall be no greater than half the size of the first sign.

d. Permitted location: The maximum height of said free-standing sign shall be thirty-five (35) feet if the sign fronts on a street containing four (4) or more lanes of traffic; a maximum height of twenty-five (25) feet is permitted if the sign is located on streets containing three (3) or less lanes of traffic. If said sign faces two (2) or more streets, then for the purpose of determining area,

the greater area allowance shall govern.

9.9.3 Advertising signs shall be permitted in the H-B, and I-1 Districts as follows:

a. (Reserved)

b. H-B, and I-1 Districts Only

Advertising signs may be located on either a developed or undeveloped lot. No advertising sign shall be located within one hundred feet of a residential structure located in a RA-3, RA-1, R-20, R-10 or R-8 zone. If an advertising sign is located within one hundred seventy-five (175) feet of a residential structure located in the zones listed above, it shall have a maximum area of one hundred (100) square feet.

c. H-B, and I-1 Districts

Unless as otherwise permitted, if the advertising sign fronts on a road containing three (3) or less traffic lanes, the maximum area shall be two hundred (200) square feet. If the sign fronts on a road containing four (4) or more traffic lanes, the maximum area shall be three hundred sixty (360) square feet.

An advertising sign must be located at least seven hundred fifty (750) feet from any other advertising sign on the same side of the road, and at least one hundred (100) feet from any other advertising sign on the opposite side of the road. The distance between signs will be measured along the centerline of the road from which the sign is intended to be viewed, and from the point of the perpendicular intersection of the centerline and a line projected from the center of the sign.

All advertising signs shall be located on at least seven hundred fifty (750) feet from any portion of the lot containing the principal use being advertised. Lighted signs must not interfere with the effectiveness or obscure any official traffic sign, device or signal. Lighted signs must be constructed to prevent beams or rays of light of such intensity or brilliance as to cause glare or to impair the vision or drivers.

Where an advertising sign has two or more faces, the combined area of all faces will be included in determining the area of the advertising sign. Where sign faces are placed back-to-back or in a V-shape, the area of the sign shall be the combined area of the faces on one side only. The greatest distance separating the faces of a back-to-back sign may not exceed 10 feet. The faces of a V-shaped sign must not form an angle which exceeds 90 degrees. An advertising sign shall have only one message board per face.

The area of signs composed in whole or in part of free-standing letters, devices or sculptured matter not mounted on a measurable surface will be considered to be the area of the smallest single regular plane figure that will enclose all of the letters, devices and/or sculptured matter. This area will also include any ornamental base, apron, support or other structural members if they contain any writing, numbers, symbols or lights other than for identification of the owner of the sign and/or illumination which in any way may augment or attract attention to the message of the sign. The name of the sign company is not subject to this limitation unless the smallest single regular plane figure which will

enclose it exceeds 6 square feet.

Advertising signs shall be limited to a height of no greater than thirty-five (35) feet. If an advertising sign is located within ten (10) feet of any street right-of-way line, the base of the advertising sign shall be a minimum of ten (10) feet in height.

No permit will be issued for an advertising sign to be erected within twenty (20) feet of an existing principal building, provided that the foregoing restriction applies only to initial erection of advertising signs, does not restrict the construction, alteration or maintenance of a principal building within 20 feet of an advertising sign, and does not restrict the maintenance or alteration of an advertising sign within 20 feet of a principal building.

ARTICLE 10

NONCONFORMING USES

Section 10.1 General Intent and Exceptions

Nonconforming uses, structures and signs are declared by this Ordinance to be incompatible with conforming uses, structures and signs in the various districts. The intent of this Article is to permit the continued use of the structure or sign and continuation of the use until they are removed, but not to encourage their survival. Such nonconformities shall not be expanded, enlarged or changed unless in conformance with the provisions herein listed.

Section 10.2 Nonconforming Uses

10.2.1 An existing non-conforming use may not be changed to another nonconforming use.

10.2.2 If said use is destroyed (i.e., damaged to an extent of more than sixty (60%) percent of its replacement cost at the time of destruction), it shall only be replaced by a conforming use except as permitted in Section 10.2.4(c).

10.2.3 If said use is discontinued or abandoned for one hundred eighty (180) days or more, it shall only be replaced by a conforming use.

10.2.4 No structural changes shall be made in any structure occupied by a nonconforming use (except residential uses) except as follows:

A. Those structural changes ordered by an authorized official in order to ensure the safety of the structure.

B. Maintenance and repairs to keep a structure in sound condition shall be permitted.

C. Existing non-conforming residential uses may be enlarged, extended or structurally altered, provided that no additional dwelling units result therefrom. Any such enlargement, extension or alteration shall comply with the dimensional requirements of the R-8 District. A non-conforming residential structure which is destroyed (i.e., sustains damage to an extent of more than sixty (60%) percent of its replacement cost at the time of destruction) may be replaced on the same lot only after a Special use permit has been issued by the Town Council.

10.2.5 Said structure and its accompanying use may be moved to another location on the same lot of record so long as the structure meets all applicable requirements of the District. Said structure and its accompanying use may be moved to a different lot, so long as the lot is located in a district which permits said structure and use and so long as all other applicable requirements, including parking, and dimensional requirements are met.

10.2.6 When a nonconforming use of a structure has been changed to a conforming use, it shall not thereafter be used for any nonconforming use.

10.2.7 Nonconforming manufactured homes located in nonconforming manufactured home parks ***or*** on individual lots shall comply with the following applicable regulations:

(A) Manufactured home parks whether or not approved under the town of Peachland Zoning Ordinance, shall comply with the following criteria for *replacement of any* manufactured home in the park from the date of this ordinance:

1) All roadways shall be properly graded; maintained and street graveled to a minimum 18-foot in width per NCDOT design and construction standards. Roadways shall be constructed to include the travel-way from the state maintained road right-of-way to the manufactured home site required parking area.

2) Replacement manufactured homes shall meet the requirements for a Class A, B or C as defined in this ordinance unless the existing unit qualifies as a Class A or B manufactured home in which a Class A or B manufactured home shall be its only replacement. Class D manufactured homes are allowed to continue but if moved they can only be replaced with a Class A, B or C manufactured home .

3) Setbacks are as follows: 50’ from the front, rear and side to the adjoining property lines or park boundaries. 30’ from any interior roadway and a 20’ separation from each individual manufactured home and/or accessory buildings not serving the individual manufactured home. Accessory buildings shall not be larger than 12’x 12’. Current Manufactured homes can be replaced within the same footprint within six months from the date of removal.

4) Two ten foot by twenty foot parking spaces street graveled with not less than two inches of crushed stone or other suitable material on a well-compacted sub-base shall be provided at each manufactured home space. Spaces may be side by side, tangential, or placed otherwise within the manufactured home space adjacent to the park driveway.

5) All required driveways, cul-de-sacs, and parking areas shall be paved either with concrete or asphalt, or street graveled maintained free of vegetation, potholes, gullies, poor drainage areas or other impediments to normal vehicular operation. Stone used for sub-surfacing of parking areas shall be #7ABC grade or smaller, and shall be further subject to approval and periodic inspection by the Zoning Enforcement Officer.

6) Each replacement manufactured home shall be provided with a minimum five foot by seven-foot concrete pad and steps or a minimum five-foot by seven-foot porch or deck and steps constructed to building code standards at front entrance to the manufactured home.

7) Prior to inspection and/or occupancy of any manufactured home, a park name and address sign shall be provided at the main entrance, which shall be clearly visible from the publicly maintained road. The sign shall show the park name in letters at least three inches in height and the address in numerals at least five inches in height. Each manufactured home space will be assigned a sequential number throughout the park. Prior to inspection and/or occupancy of any home, the approved lot number must be clearly displayed on the front of the manufactured home or adjacent thereto, so as to be legible from the park drive. Space numbers shall be a minimum of four inches in height.

8) Existing Manufactured Home Parks are giving varying amounts of time to comply with certain Manufactured Home Park standards contained in this Ordinance. The following schedule shows the Manufactured Home Park standards to which compliance is required by existing Manufactured Home Parks. An existing park will be in violation of this Ordinance if the individual specifications of this Section are not complied within accordance with the time period given below.

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

1) The replacement manufactured home shall meet all the requirements for a Class A, B, or C as defined in this ordinance. In no case shall the existing manufactured home be replaced with a lower class manufactured home as defined in this ordinance.

2) The replacement manufactured home and any accessory structures shall comply with the zoning setbacks as required in the underlying zoning district.

<u>Section 10.3 Nonconforming Structures</u>

10.3.1 A nonconforming structure may not, under any circumstances, be enlarged or altered in a way which increases its nonconformity.

10.3.2 If a nonconforming structure or nonconforming portion of a structure is destroyed to an extent of more than sixty (60%) percent of its replacement cost at the time of destruction, it shall not be reconstructed except in conformity with the provisions of this

ordinance.

10.3.3 Should such nonconforming structure be moved for any distance on the lot of record, it shall either be in accordance with all applicable provisions of this ordinance or shall be more in conformity with the ordinance than where previously located.

10.3.4 Said nonconforming structure can be moved to another lot so long as the lot is located in a district where the structure is permitted and so long as other applicable provisions of this ordinance are met.

Section 10.4 Nonconforming Lots of Record

10.4.1 In any zoning district where an unimproved lot has been recorded with the Anson County Office of Register of Deeds prior to the adoption of this ordinance and such lot does not comply with the dimensional requirements for lot width and/or area for the zoning district in which such lot is located, such lot may be used for any use permitted in that district provided that the principal and accessory structures meet all applicable front, side and rear yard requirements and all applicable parking and screening requirements.

10.4.2 If two or more unimproved lots with continuous frontage in single ownership are of record at the time of passage or amendment of this ordinance, and if these lots, in combination, meet the dimensional requirements established for lot width and area, the lands involved shall be considered to be an undivided parcel.

Section 10.5 Abandonment

A nonconforming use which has been abandoned for a period as specified in this Ordinance shall not thereafter be reestablished. Such structure or land use shall be used only for such purpose as permitted in the applicable zoning district and in full compliance with this ordinance.

10.5.1 The term "abandonment" as used herein shall mean the voluntary discontinuance of a use with the intent not to reestablish such use. Any of the following shall constitute evidence of abandonment or intent to abandon:

A. Any positive act indicating such intent.

B. Premises have been devoted to another use.

C. When the characteristic equipment and furnishings of the nonconforming use have been removed from the premises and have not been replaced by the same or similar equipment.

D. Failure to take all positive action to resume the nonconforming use with reasonable dispatch, including the failure to advertise the property for sale or for lease.

Section 10.6 Nonconforming Signs

10.6.1 Nonconforming advertising signs shall be allowed to continue provided as follows:

A. No structural changes to the support structure or changes to the sign face itself except message changes which do not renew or extend the life of said sign shall be allowed.

B. Once a nonconforming advertising sign is removed, taken down or destroyed (i.e., receiving damage to an extent of more than sixty (60%) percent of the replacement cost at the time of destruction), such sign shall not be replaced with another sign unless in conformance with this ordinance.

10.6.2 Nonconforming business or identification signs shall be allowed to continue provided as follows:

A. Nonconforming signs may be repaired and/or repainted or relettered provided such nonconformance is not increased.

B. Once a nonconforming business or identification sign is removed, taken down or destroyed (i.e., receiving damage to an extent of more than sixty (60%) percent of the replacement cost at the time of destruction, such sign shall not be replaced with another sign unless in conformance with this ordinance.

Section 10.7 Change of Tenancy or Ownership

There may be a change in tenancy, ownership or management in an existing nonconforming use, provided there is no change in the nature or character of such nonconforming use and provided all other applicable requirements of this Ordinance.

ARTICLE 11

SPECIAL USES

Section 11.1 Special Use Permit

Certain uses listed in this Ordinance require the issuance of a Special Use Permit by the Town Council with recommendation by the Planning Board prior to the issuance of a zoning permit by the Administrator. In certain cases, a change in the zoning district of the property(ies) in question will also be necessary. The following information details the procedures which shall be followed for securing a Special Use Permit.

Section 11.2 Procedure

Special use permits shall be considered by the Town Council by either of the following methods:

11.2.1 When a Special Use Permit is being requested for a use in a zoning district for which a rezoning is not required, the following procedures shall be followed:

a. A completed application for a Special Use Permit shall be filed with the Zoning Administrator. An application shall include a schematic plan drawn to scale and supporting text which will become a part of the Ordinance amendment. The application shall, as a minimum, include the following items:

1. A boundary survey showing the total acreage, present zoning classification(s), date and north arrow.

2. The owners name, addresses, and the tax parcel numbers of all adjoining properties.

3. All existing easements, rights-of-way and all required yards for the zoning district requested.

4. Proposed layout of land and proposed structures. For residential uses this should include the numbers of units and an outline of the area where the structures will be located. For nonresidential uses, this should include the approximate square footage of all structures and an outline of the area where the structures will be located.

5. Traffic, parking and circulation plans, showing the proposed locations and arrangement of parking spaces and access points to adjacent streets.

6. Proposed screening, including walls, fences or planting areas as well as treatment of any existing natural features.

7. Delineation of any floodplain areas as shown on the official Flood Hazard Boundary Maps.

8. Proposed number and location of signs.

b. The application shall be completed and presented to the Administrator at least ten (10) days prior to the Planning Board meeting at which the application is to be reviewed.

c. The Planning Board shall have a maximum of forty-five (45) days from the date at which it met to review the application to submit its recommendation to the Town Council. If a recommendation is not made during said forty-five (45) day period, the application shall be forwarded to the Town Council without a recommendation from the Planning Board.

d. When dealing with the Special Use Permit process, it may be desirable to request additional information in order to evaluate a proposed use and its relationship to the surrounding area. Therefore, the Planning Board and/or Town Council may request needed additional information as they deem necessary.

e. Once the Planning Board has considered the proposal and forwarded their recommendation to the Town Council, the Town Council shall consider conducting a public hearing. Due notice of such public hearing shall be published in a manner similar to that as prescribed in Section 14.4 in this Ordinance. The Mayor reserves the right to adjourn the meeting to another place and time to be announced at the public hearing.

f. After the completion of said public hearing, the Town Council shall take such lawful action as it may deem advisable. All Special Use Permits shall be issued in accordance with Section 11.3 - 11.5.

Section 11.3 Town Council Decision

If the Town Council should find, after conducting a public hearing, that the proposed Special Use Permit, the Town Council may impose such additional reasonable and appropriate special conditions upon such Special Use Permit as it may deem necessary in order that the purpose and intent of this section are served, public welfare secured, and substantial justice done. In no instance shall any of these conditions be less restrictive than any requirements which would pertain to that particular development found elsewhere in this Ordinance. Any conditions should relate to the relationship of the proposed use to surrounding property, proposed support facilities such as parking and driveways, pedestrian and vehicular circulation systems, screening and buffer areas, the timing of development and other matters that the Town Council may find appropriate, or the petitioners may propose. These conditions may include sign controls but may not include architectural review or controls. The petitioner will have a reasonable opportunity to consider and respond to any such additional requirements prior to approval or denial by the Town Council.

The Town Council may only issue a Special Use Permit after having evaluated an application and having determined that:

a. The use will not materially endanger the public health or safety if located where proposed and developed according to plan.

b. The use meets all required conditions and specifications.

c. The use will not substantially injure the value of adjoining or abutting property or the use is a public necessity.

d. The location and character of the use, if developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be located.

Section 11.4 Variances

The authorization of a Special Use Permit by the Town Council for a proposed development shall preclude any requirement for obtaining a variance from the Board of Adjustment.

Section 11.5 Perpetuity of Special Use Permit

Any Special Use Permit so authorized shall be perpetually binding to the property included in such Permit unless subsequently changed or amended by the Town Council. However, minor changes in the detail of the approved plan which will not alter the basic relationship of the proposed development to adjacent property, will not alter the uses permitted or increase the density or intensity of development, will not decrease the off-street parking ratio or reduce the yards provided at the boundary of the site may be made with the approval of the Administrator. Any applicant may appeal the decision of the Administrator to the Board of Adjustment for a decision as to whether an amendment to the Special Use Permit shall be required.

Major changes to the approved plan shall necessitate the issuance of a new Special use permit as herein outlined.

No certificate of occupancy shall be issued for any building or land use on a piece of property which had received a Special Use Permit unless the building or structure is constructed or used, or the land is developed or used, in conformity with the final plans approved by the Town Council. In the event that only a segment of a proposed development has been approved, the certificate of occupancy shall be issued only for that portion of the development as approved.

The Town Council may change or amend any Special Use Permit, only having held a public hearing. In addition, the request to change the Special Use Permit shall have been reviewed by the Planning Board prior to the public hearing and shall be subject to the same considerations as provided for in this section for the original issuance of a Special Use Permit.

ARTICLE 12

ZONING ADMINISTRATION

Section 12.1 Administrator and Zoning Permits

12.1.1 The provisions of this ordinance shall be administered by the Administrator and any other municipal official designated by the Town Council.

12.1.2 Zoning Inspection: Duties Specified

If the Zoning Administrator shall find that any of the provisions of the Ordinance are being violated, they shall first notify the Town Council of such violations. They shall then submit a letter to the party(ies) responsible for such violations, shall deliver to permittee and landowner if different, indicating the nature of the violation and order that necessary actions be taken to correct the deficiency. If inspecting, must enter the premises during reasonable hours and upon presenting credentials; must have consent of the premises owner or an administrative search warrant to inspect areas not open to the public.

They shall order discontinuances of illegal uses of land, buildings, or structures, removal of illegal buildings or structures, or of illegal additions, alterations or structural changes, discontinuance of any illegal work being done and shall take any other actions authorized in this Ordinance to ensure its compliance.

12.1.3 Zoning Permit:

No building, sign or other structure shall be erected, moved, extended or enlarged or structurally altered; nor shall any building, sign of other structure be repaired, nor shall any excavation or filling of any lot for the construction of any building be commenced until the Administrator has issued a zoning permit for such work, in accordance with a fee schedule established by the Town Council. A Zoning Permit shall only be valid for 6 months from issuance.

a. Records

The Administrator shall maintain a record of all zoning permits on file at his office, and copies shall be made available on request to interested parties.

b. Conditions

Zoning permits issued on the basis of dimensional plans approved by the Administrator authorize only the use, arrangement, and construction set forth in such approved plans and applications. Use, arrangement, or construction that differs from that authorized shall be deemed a violation and shall be punishable in accordance with Section 12.6 of this Ordinance.

c. Per NCGS 160D 807A , no zoning permit shall be issued for any illegally subdivided lot.

Section 12.2 Certificate of Occupancy

No building hereafter erected, moved, structurally altered or changed in use shall be used or occupied until a Certificate of Occupancy has been issued by Anson County.

Section 12.3 Right of Appeal

If a request for a zoning permit is disapproved or if a ruling of the Zoning Administrator is questioned, the aggrieved party may appeal this ruling to the Board of Adjustment. Such appeal shall be taken in accordance with Section 13.2 of this Ordinance pursuant to NCGS 160D-405.

Section 12.4 Remedies

In case any 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, the Town Council, in addition to other remedies, may institute appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use, to restrain, correct or abate such violation, to prevent the occupancy of such building, structure or land, or prevent any illegal act, business or use in or about such premises.

Section 12.5 Complaints Regarding Violations

Whenever a violation of this ordinance occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint stating fully the course and basis thereof shall be filed with the Administrator. The Zoning Administrator shall properly record such complaints, immediately investigate, and take action as provided by this Ordinance.

Section 12.6 Penalties

Any person, firm or corporation who violates the provisions of this ordinance shall upon conviction, be guilty of a misdemeanor and shall be fined an amount not to exceed fifty dollars ($50) and/or imprisoned for a period not to exceed thirty (30) days. Each day of violation shall be considered a separate offense, provided that the violation of this ordinance is not corrected within thirty (30) days after the notice of said violation is given.

ARTICLE 13

BOARD OF ZONING ADJUSTMENT

Section 13.1 Powers, Duties, and Procedures

The Zoning Board of Adjustment (ZBA) shall have all the powers and duties as authorized by the General Statutes of North Carolina, and in the manner provided for in this ordinance. Generally, such powers and duties shall include, but not be restricted to, the following:

13.1.1 Hearing and deciding all appeals from decisions made by the Administrator.

13.1.2 Hearing and deciding appeals that require interpretation of this Land Development Ordinance including setting sign and/or parking regulations for uses whose requirements are not specifically listed in this ordinance.

13.1.3 Hearing and granting variances from the provisions of this Ordinance.

13.1.4 Establishment of Zoning Board of Adjustment.

The Zoning Board of Adjustment shall consist of five (5) regular members; three (3) members shall be appointed by the Town Council and two (2) by the Board of County Commissioners for overlapping terms of three (3) years. In addition, two (2) alternate members shall serve on the Board of Adjustment. One alternate member shall each be appointed by the Town Council and one by the Anson County Board of Commissioners. Any vacancy in the membership shall be filled for the unexpired term in the same manner as the initial appointment. At any time the town does not exercise it right for ETJ (Extra Territorial Jurisdiction), then the Board of Adjustment shall only consist of 5 regular members and 2 alternates all appointed, by the town, staggered overlapping terms.

13.1.5 Jurisdiction

The members appointed to the Zoning Board of Adjustment by the Anson County Board of Commissioners as representatives of the ETJ area outside the Town of Peachland shall be residents of such area and citizens of Anson County. Such members shall have equal rights, privileges, and duties with other members of the Board in all matters under the purview of the Zoning Board of Adjustment.

13.1.6 Appeals Board

In cases where the town council has designated themselves as the ZBA, the town council, pursuant to NCGS 160D-302(a) & (b), will appoint a board to hear appeals of the zoning administrator.

13.1.7 Conflict of Interest Procedure

A Board member, who determines there exists a conflict of interest, shall declare the existence and nature of such conflict. The remaining voting members of the Board

present, by majority vote, may then excuse said member from participating in the deliberations on said matter, said member shall then remove himself from the remaining Planning Board members but may sit in the audience area and shall be granted full privileges conferred upon other citizens in voicing opinions or concerns. At this time an alternate member present may be appointed as a regular member, by the Chairman, for the issues at hand.

A challenge of the existence of a conflict of interest or a challenge of an undisclosed conflict of interest may be filed by any interested party with the Planning Board. Such a challenge may be an appeal for a review of the findings of the Board or may be for the purpose of alleging an undeclared conflict of interest. Any challenge made to the Board shall be supported by competent evidence and shall be submitted at a properly convened meeting of the Board. The Board shall hear all evidence and shall, by majority vote of the remaining members, decide the issue.

Section 13.2 Interpretation

The Zoning Board of Adjustment shall hear and decide appeals from and review any order, requirement, decision or determination made by the Zoning Administrator pertaining to this Ordinance.

13.2.1 An appeal may be taken by any person who has first appealed to and received a ruling from the Zoning Administrator. An appeal to the Zoning Board of Adjustment shall be made within forty-five (45) days of the decision made by the Zoning Administrator.

13.2.2 An application for an appeal, specifying the grounds thereof, shall be filed with the Zoning Administrator who shall immediately transmit all papers with reference to the case to the Zoning Board of Adjustment.

13.2.3 The Zoning Board of Adjustment may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from.

13.2.4 The Zoning Board of Adjustment shall have all the powers of the Zoning Administrator in making an order, requirement, interpretation decision or determination with reference to the appeal.

Section 13.3 Variances

When practical difficulties or unnecessary hardships would result from carrying out the strict letter of this Ordinance, the Zoning Board of Adjustment shall have the power to vary or modify any of the regulations or provisions of this ordinance, relating to the use, construction or alteration of buildings or structures or the use of land, so the spirit of the ordinance shall be observed, public safety and welfare secured, and substantial justice done.

13.3.1 The Zoning Board of Adjustment, in considering an application for a variance shall give due consideration to the following:

a. No nonconforming use of land or structures in the same district, and no permitted use of land or structures in other districts, shall be considered grounds for the granting of a variance.

b. The request for a variance for a use expressly, or by inference, prohibited in the district involved, shall not be granted.

13.3.2 The Zoning Board of Adjustment, before granting a variance, shall make the following findings:

a. There are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of the ordinance as evidenced:

1. If the property owner complies with the provisions of the ordinance, the property owner can secure no reasonable return from, or make no reasonable use of, his property, and

2. The hardship results from the application of the ordinance, and

3. The hardship is suffered by the applicant's property, and

4. The hardship is not the result of the applicant's own actions, and

5. The hardship is peculiar to the applicant's property.

b. That the variance is in harmony with the general purpose and intent of the ordinance and preserves its spirit; and

c. That in the granting of the variance, the public safety and welfare have been assured and substantial justice has been done, and

d. That the reasons set forth in the application justify the granting of a variance, and that the variance is a minimum one that will make possible the reasonable use of land or structures.

13.3.3 The Zoning Board of Adjustment, in granting a variance, may prescribe appropriate conditions and safeguards in conformity with this ordinance.

a. Violation of such conditions and safeguards, when made a part of the terms under which a variance is granted, shall be deemed a violation of this ordinance and punishable as prescribed in Section 12.6 of this ordinance.

13.3.4 Any order of the Zoning Board of Adjustment in granting a variance shall expire, if a building permit, or certificate of occupancy (if a building permit is not required), has not been obtained within one (1) year from the date of the decision.

Section 13.4 Application Procedure

The following regulations shall apply to all applications submitted to the Zoning Board of Adjustment.

13.4.1 Before a petition to the Zoning Board of Adjustment shall be considered, a completed application on a form provided by the Town of Peachland shall be accompanied by a fee schedule (as determined by the Town Council). The application shall be accompanied by a map clearly showing the subject property and all contiguous property on either side and to the rear, and all property across any street or public right-of-way from the subject property. In addition, a list of names and addresses of the owners of said properties, from the most recent official records, shall be provided.

13.4.2 The filing of any application stays all proceedings unless the Zoning Administrator certifies that a stay in his opinion will cause imminent peril to life or property, or, that because the violation charged is transitory in nature a stay would seriously interfere with enforcement of the Ordinance. In that event, proceedings shall not be stayed except by a restraining order, which may be granted by the Zoning Board of Adjustment, Town Council or by a court of record.

13.4.3 The Zoning Board of Adjustment shall hold a public hearing on all applications no later than thirty-one (31) days after having been filed with the Zoning Administrator. The administrator shall give notice of the public hearing by publishing a notice in a newspaper having general circulation in the Peachland area at least ten (10) days prior to the date established for the hearing. In addition, the applicant and all abutting property owners shall be sent a notice of the public hearing at least ten (10) days prior to the public hearing. Notification of abutting property owners shall not be required for any interpretations of this Land Development Ordinance or any appeals of decisions made by the Zoning Administrator.

13.4.4 The concurrent vote of four-fifths (4/5) of the allowable remaining (following consideration for vacancy, absenteeism and reclusion)voting members of the Zoning Board of Adjustment shall be necessary to reverse any order, requirement, decision or determination of the Zoning Administrator or to approve any application for a variance.

13.4.5 All decisions of the Zoning Board of Adjustment shall be filed with the Administrator and a written copy thereof shall be delivered to the applicant.

13.4.6 An application for a rehearing shall be made in the same manner as provided for in the original hearing within a period of fifteen (15) days after the date of denial of the original application. In addition, specific information to enable the Zoning Board of Adjustment to determine whether or not there has been a substantial change in facts, evidence, or conditions in the case, shall be presented in writing, or graphically. A petition for a rehearing shall be denied by the Zoning Board of Adjustment, if, in its judgement, such change in facts, evidence or conditions has not been proven. In the event that the Zoning Board of Adjustment finds that a rehearing is warranted, it shall thereupon proceed in the same manner as for the original hearing.

13.4.7 Any order of the Zoning Board of Adjustment authorizing the issuance of a variance or a change in a non-conforming use or structure shall expire if a building permit, or certificate of occupancy is not required, has not been obtained within one (1) year of the Zoning Board of Adjustment's decision.

Section 13.5 Appeals from the Board of Adjustment

Any person or persons, jointly or severally, aggrieved by a decision of the Board of Zoning Adjustment, or any taxpayer or officer of the Town of Peachland or of the area of its extraterritorial jurisdiction may, within thirty (30) days after filing of the decision of the Zoning Board of Adjustment, but not thereafter, present to a court of competent jurisdiction a petition duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of illegality, whereupon such decision of said Board shall be subject to review by certiorari as provided by law.

ARTICLE 14

AMENDMENTS

Section 14.1 Amendments to Text and Map

Zoning regulations and restrictions, zoning district boundaries, or zoning map may from time to time be amended, supplemented, changed, modified or repealed, in the following manner:

14.1.1 The Planning Board or the Town Council may, on their own motion, institute an application for a change in the text or a change in the zoning map. In addition, any interested person may submit an application for a change in the text or map of this Land Development Ordinance.

14.1.2 Every zoning text amendment and amendment to the zoning map shall be referred to the Planning Board for review and recommendation. When recommending approval to the Town Council an amendment to the zoning ordinance, a brief statement of reasonableness is required, or when amending the zoning map, a statement of consistency or inconsistency is required. When a zoning map amendment is approved by the Town Council that is not consistent with the map, the future land use map is deemed amended when an inconsistent rezoning is approved. Moreover, every proposed amendment, supplement, change, modification or repeal referred to the Planning Board for its recommendation is per(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).

Section 14.2 Application for Amendments

The application for a rezoning shall be made in duplicate on a form provided by the Zoning Administrator.

14.2.1 Each non-contiguous parcel of land for which a rezoning is requested shall be considered as a separate application, and a fee schedule as determined by the Town Council, shall accompany each application. There shall be no fee for applications instituted by any Town of Peachland governmental agency. For the purpose of this paragraph, land traversed and separated by road, stream, right-of-way, or any similar natural or man-made configuration, shall be considered as contiguous. In Accordance to NCGS 160D-601, third-party down-zonings are prohibited.

14.2.2 The application for a change in the zoning map shall be accompanied by a map, drawn to scale, which shows the following:

a. If not in a subdivision of record, the subject property plus such additional property as to show the location of the subject property with reference to the nearest street intersection, railroad, stream or other feature easily identifiable on the ground.

b. If the property is in a subdivision of a record, a map of such portion of the subdivision drawn to scale, that would relate the subject property to the closest street intersection, and, in addition, the name of the subdivision and the plat book and page number on which the plat is recorded.

c. If in a subdivision, the lot and block number and dimensions of the subject property. If not in a subdivision, a map which shows the dimensions and location of each property line which abuts the subject property.

14.2.3 The application for a change in the text shall be made in duplicate, on a form provided by the Zoning Administrator by a fee in compliance with a fee schedule adopted by the Town Council. The application shall contain a reference to the specific section or subsection proposed to be changed, as well as the wording of the proposed change, and the reasons therefore.

Section 14.3 Planning Board and Town Council Review

Once a completed application has been received by the Zoning Administrator, they shall present the application to the Planning Board at a meeting occurring at least five (5) days after the application has been filed. The Planning Board shall have thirty (30) days from the date at which it met to review the application and to submit its recommendation to the Town Council. If a recommendation is not forwarded to the Town Council during this period, the application will be forwarded to the Town Council without a recommendation.

14.3.1. If a petition for rezoning is proposed (pertain to general and conditional rezonings), the Planning Board shall consider the matter. If a recommendation is made to the Town Council, it shall be as follows:

a. Grant the rezoning as requested, or

b. Grant the rezoning with a reduction of the area requested, or

c. Grant the rezoning to a more restrictive district or districts, or

d. Grant the rezoning with a combination of Sections 14.3.1.(a), (b) and (c)

e. Deny the application

f. For purposes of this section, the following is a list of all zoning districts in descending order of restrictiveness:

Most Restrictive	R-20 Single-Family Residential District
	RA-3 Residential-Agricultural District
	RA-1 Residential-Agricultural District
	R-10 Single-Family Residential District
	R-8 One, Two and Multi-Family Residential District
	N-B Neighborhood Business District
	C-B Central Business District
	H-B Highway Business District
Least Restrictive	I-1 General Industrial District

g. Or, If property proposed to be rezoned to a conditional zoning (CD)district it should have the appropriate district designated per requested on the map amendment application designated as for example CD-R-20, etc. to signify the rezoning request as a conditional district along with a site-specific site plan including uses or uses requested.

14.3.2 If a petition to amend the text of this Ordinance is proposed, the Planning Board shall consider the matter. If a recommendation is made to the Town Council, it shall be as follows:

A. Adoption of the amendment as written, or

B. Adoption of the amendment as revised by the Planning Board, or

C. Rejection of the amendment.

14.3.3 Recommendation to Town Council

Pursuant to NCGS 160D-605 the Planning Board shall include, with all recommendations for change, a statement whether any proposed change is consistent with any adopted comprehensive plan or other applicable officially adopted plan in accordance with section 14.1.2. above. Planning Board recommendation shall not be subject to judicial review.

Section 14.4 Public Hearing

The Planning Board Chairman shall transmit the decision of the Planning Board to the Town Council. Once a recommendation has been made, the Town Council shall consider holding a public hearing. Notification of the public hearing shall be made in the following manner:

14.4.1 If a public hearing is called by the Town Council, the Town may elect to place a sign in a conspicuous location on the property proposed for rezoning. Said sign shall give the public notice of the time, date, location and nature of the public hearing. The sign should be posted at least ten (10) days prior to the public hearing and should remain standing until the public hearing has been completed. If the sign is posted by the Town, it shall make a reasonable effort to ensure that it remain posted until the public hearing has been completed. If, however, the sign is removed and not replaced or if the sign was never originally put up by the Town, said action shall not invalidate any action taken by the Town after the public hearing.

14.4.2 A public notice shall be published in a newspaper having general circulation in the Peachland area once a week for at least two (2) consecutive weeks. The first notice shall be published not less than ten (10) days nor more than twenty-five (25) days prior to the public hearing date.

14.4.3. A notice of the public hearing indicating the nature of the business to be conducted shall be sent by first class mail to the applicant and to all owners of abutting properties at least ten (10) days prior to the public hearing.

Section 14.5. Protest Petitions

A written petition of protest may be filed with reference to any proposed change in the zoning regulations or in the zoning district boundaries. In a case of protest against such change, signed by the owners of twenty percent (20%) or more either of the area of the lots included in a proposed change, or 5% of the owners of those immediately adjacent within a 100 foot buffer, or of those directly opposite there to extending one hundred (100) feet from the street frontage of the opposite lots, as measured from the opposite ROW if the ROW is more than 101 feet in width, an amendment shall not become effective except by favorable vote of three fourths (3/4) of all the members of the Town Council. The foregoing provisions concerning protests shall not be applicable to any amendment which initially zones property added to the territorial coverage of the ordinance as a result of annexation of otherwise.

14.5.1 No protest against any proposed change shall be valid or effective unless it is in the form of a written petition actually bearing the signatures of the requisite number of property owners and stating that the signers do protest the proposed change or amendment, and unless it shall have been received by the Zoning Administrator in sufficient time to allow the Town at least two (2) normal work days, excluding Saturdays, Sundays and legal holidays, before the date established for a public hearing on the proposed change or amendment to determine the sufficiency and accuracy of the petition. The Town Council may, by ordinance, require that all protest petitions be on a form prescribed and furnished by the Town, and such form may prescribe any reasonable information deemed necessary to permit the Town to determine the sufficiency and accuracy of the petition.

Section 14.6 Town Council Decision

Once the public hearing has been conducted and officially closed, the Town Council shall render a decision concerning the proposal. Said decision shall be limited to the alternatives listed in Section 14.3.1. and 14.3.2. When adopting an amendment to the zoning ordinance or zoning map, a brief statement of consistency for the zoning map and statement of reasonableness for text shall be adopted describing whether the action is consistent or inconsistent with the approved plans pursuant to NCGS 160D-605A. When a zoning map amendment is approved that is not consistent with the map, the future land use map is deemed amended when an inconsistent rezoning is approved.

ARTICLE 15 Planning Board

Section 15.1 Intent

A. The Peachland Town Commissioners, under the authority of Chapter 160D of the General Statutes of North Carolina, as amended, for the purposes and advantages described herein, intends to create a Planning Board and embark on a continuing planning program, including, but not limited to, the preparation and maintenance of a Comprehensive Plan for the town, in protection of the public health, safety, and general welfare of present and future residents, landowners, and visitors.

B. In establishing the Planning Board and its program, the Town Commissioners intends that the Planning Board be guided by the following principles: The Comprehensive Plan and any ordinances or other measures to effectuate it shall be made with the general purpose of guiding and accomplishing a coordinated, and harmonious development of the County that will, in accordance with present and future needs, best promote the health, safety and the general welfare, as well as efficiency in the process of development; including, among other things, adequate provisions for traffic, the promotion of safety from fire and other dangers, adequate provision for light and air, the promotion of the healthful and convenient distribution of populations, the promotion of good civic design, wise and efficient expenditure of public funds, and adequate provision of public utilities, services, and other public requirements, and conservation of significant natural and man-made resources within the Town.

Section 15.2 Establishment

A. The Town of Peachland Planning Board, having been created by the Town Commissioners, shall be hereafter referred to as the “Planning Board”.

B. The Planning Board shall be considered a “public body” and is subject to all rules and regulations for public bodies as contained in North Carolina’s Open Meeting regulations.

Section 15.3 Duties and Powers

The primary objective of the Planning Board is to make advisory decisions, sponsor planning studies, advise and recommend to governing boards, recommend initial ordinances, and to provide for the future growth of the Town of Peachland through responsible land use planning and development.

Section 15.4 Appointment and Terms

A. The Planning Board shall consist of five (5) regular members and two (2) alternates, all of whom are residents of the Town of Peachland or in the case of the town exercising its ETJ, residents of the County of Anson within the ETJ and who have been duly appointed by the Town Commissioners for one (1) term, with each term being for three (3) years. At least 3 regular members and one alternate shall be a resident of the town. One regular or alternate member shall reside in the ETJ of the town. For appointments in the ETJ, updated ETJ population estimate will be used to ensure proportional representation.

B. If a vacancy on the Planning Board occurs by reason of death, resignation, change of residence, or removal, or any other cause, the seat shall be filled by one (1) of three (3) alternates appointed by a majority of the vote by the remaining Planning Board members and alternates.

Notice of said vacancy and reappointment shall then be sent to the Town Commissioners in order that a replacement member can be appointed.

C. Pursuit to 160D-307, Each Board member shall take an oath of office before starting their duties.

Section 15.5 Election Of Officers

A. A Chairman and Vice-Chairman shall be elected by the attending Board membership (i.e., regular and alternate members). Each officer shall serve for a one (1) year term but may be elected by the Board membership for successive terms to the same office.

B. Annually, at the regular meeting held in the month of January, a Chairman and Vice-Chairman shall be elected. Each officer shall serve for the duration of his or her one (1) year term or otherwise relieved of his or her duties as herein provided. Regular and alternate Board members shall rotate annually from within the Board membership. This rotation of alternates and regular members allows all Board appointments to serve as regular Board members during their terms.

C. The Chairman shall decide upon all points of order and procedure, subject to these rules, unless directed otherwise by a majority of the Planning Board in session at the time. The Chairman shall appoint any committees found necessary to investigate all matters before the Planning Board. The Vice-Chairman shall serve as acting Chairman in the absence of the Chairman, and at such times he/she shall have the same powers and duties as the Chairman.

D. The Clerk shall be elected from within the Board or appointed by the Board. Said person (hereafter referred to as the "Clerk"), subject to the direction of the Chairman, shall take minutes and keep all records. The Clerk shall conduct all correspondence of the Board, arrange for all public notices required to be given, notify members of pending meetings and their agenda, notify parties to cases before the Board and its decision on such cases, and generally supervise the clerical work of the Board. The Clerk shall keep in a permanent volume the minutes of every meeting of the Board. The minutes shall show the record of all important facts pertaining to each meeting and hearing, and every resolution acted upon. All Planning Board minutes and records shall be kept on file in the Town Hall.

Section 15.6 Rules Of Conduct For Members

A. Members of the Planning Board may be removed for cause, including violation of the rules stated herein.

B. In order for the Planning Board to carry out its duties and responsibilities, it is necessary for all members to attend the meetings. If any regular member is absent for two (2) consecutive regular meetings, the Chairman may direct the Clerk to notify such member in writing of his/her absence. If such member fails to attend the next regular scheduled meeting, the Planning Board may by a majority vote of the remaining regular and alternate members, appoint a new regular member to the Board. When any regular or alternate Board member fails to attend or carry out their duties and responsibilities so that a hardship is created on the remaining Board, than a request for a re-appointment from the Board shall be sent to the Town Commissioners.

C. No member of the Board shall seek to influence a decision, participate in any action or cast a vote involving any matter that is before the Planning Board that may result in a private benefit to

themselves, their immediate relatives or their business interest. A member may be excused from voting on a particular issue under the following circumstances:

If the matter at hand involves the member's own official conduct; or

If the member has such close personal ties to the applicant that he/she cannot reasonably be expected to exercise sound and impartial judgment on behalf of the public interest.

D. In applying the above rule the following procedure shall govern:

A Board member, who determines there exists a conflict of interest, shall declare the existence and nature of such conflict. The remaining voting members of the Board present, by majority vote, may then excuse said member from participating in the deliberations on said matter, said member shall then remove himself from the remaining Planning Board members but may sit in the audience area and shall be granted full privileges conferred upon other citizens in voicing opinions or concerns. At this time an alternate member present may be appointed as a regular member, by the Chairman, for the issues at hand.

A challenge of the existence of a conflict of interest or a challenge of an undisclosed conflict of interest may be filed by any interested party with the Planning Board. Such a challenge may be an appeal for a review of the findings of the Board or may be for the purpose of alleging an undeclared conflict of interest. Any challenge made to the Board shall be supported by competent evidence and shall be submitted at a properly convened meeting of the Board. The Board shall hear all evidence and shall, by majority vote of the remaining members, decide the issue.

Section 15.7 Meetings

A. Regular meetings of the Planning Board shall be held on the set time as stated for the board as posted at town hall. Meets shall be located at town hall unless otherwise posted. Each member, including alternates, shall be notified of each meeting by the Clerk.

B. Special meetings of the Board may be called for by the Chairman provided that at least forty-eight (48) hours notice is given by the Clerk.

C. A quorum of the Planning Board shall be required to open all but quasi-judicial, hearings/meetings, and to conduct business. A quorum shall consist of three (3) Planning Board members.

Section 15.8 Voting

A. Only regular or appointed regular (i.e., alternate members who are serving in the place of a regular member) of the Planning Board members, at a duly convened meeting, shall be eligible to vote at that meeting.

B. A vote may be taken on a matter once a motion has been made and seconded.

C. The Chairman shall not be able to make or second a motion but may otherwise vote on all other issues.

D. Voting, at the discretion of the Chairman, shall be by voice or show of hands. All matters to be voted on by the Planning Board shall be by duly made motion and second.

E. It is the duty of all Planning Board members present at a meeting to vote on all issues coming before the Planning Board unless such member has been specifically excused from voting on an issue.

F. State statutes impose a special voting requirement for most quasi-judicial decisions. A four-fifths (4/5) vote rather than a simple majority is required. Other decisions or recommendations by the Planning Board shall require an affirmative vote of the majority of the Board or appointed regular members present.

G. When no decision can be reached by the Board, but a recommendation is required for the Board of Commissioners, then the vote for and against shall be forwarded to the Board of Commissioners.

Section 15.9 Conduct of Meetings

A. All meetings shall be open to the public. The order of business at meetings shall generally be as follows:

Open Meeting

Determination of Quorum

Roll Call of Members

Order of Business

Unfinished Business

New Business

Other Business

Adjournment

B. The Chairman shall have the authority to amend the order of business at any meeting.

Section 15.10 Adoption and Amendments

The by-laws of the Planning Board shall at all times be consistent with all regulations and ordinances of the Town of Peachland, and the State of North Carolina. These rules, within the limits allowed by law, may be amended by an affirmative vote of a majority of the Planning Board membership (regular and alternate members) with a recommendation to Town Commissioners. Any such amendment shall be presented in writing to the Board of Commissioners at a meeting for their approval.

ARTICLE 16

LEGAL STATUS PROVISIONS

Section 16.1 Conflict with Other Ordinances

Whenever the regulations of this Ordinance shall require more restrictive standards than are required in or under any other statutes or agreements, the regulations and requirements of this ordinance shall govern.

Section 16.2 Validity

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

Section 16.3 Re-Enactment and Repeal of Existing Zoning Ordinance

This ordinance in part carried forward by re-enactment some of the provisions of the Zoning Ordinance of the Town of Peachland (adopted by the Town Council in December 3, 2001, as amended) and it is not the intention to repeal but rather to re-enact and continue in force such existing provisions so that all rights and liabilities that have accrued hereunder are preserved and may be enforced. All provisions of the Zoning Ordinance of the Town of Peachland enacted in 2001, as amended, which are not re-enacted herein are hereby repealed. All suits at law or in equity and/or all prosecutions resulting from the violation of any zoning ordinance heretofore in effect, which are now pending in any of the courts of this state or of the United States, shall not be abated or abandoned by reason of the adoption of this ordinance but shall be prosecuted to their finality, the same as if this ordinance had not been adopted, and any and all violations of the existing zoning ordinance, prosecutions for which have not yet been instituted, may be here after filed and prosecuted; and nothing in this ordinance shall be construed as to abandon, abate or dismiss any litigation or prosecution now pending, and/or which may theretofore have been instituted or prosecuted.

Section 16.4 Effective Date

This Ordinance shall take effect and be enforced from and after its adoption and passage by the Town Council on this 1st day of March, 2006.

_____

Mayor, Town of Peachland

_____

Town Clerk

- (SEAL)

ver 10-2008

Town of Peachland
Fee Schedule

$250 for the following:	Rezoning (General and Conditional District)
	Special Use Permit
	Voluntary Annexation
	Variance
	Temporary Use

A Zoning Permit will be required for work valued of $1000 or more

ARTICLE 17

YARD, BULK, HEIGHT

ARTICLE
YARD REGULATIONS

	MINIMUM LOT SIZE (SQUARE FEET)	MINIMUM LOT WIDTH (FEET)	MINIMUM YARD REQUIREMENT (FEET) FRONT	SIDE	REAR	MAX YARD REQ. (h)	MAXIMUM HEIGHT (FEET)
RA-3 District							
-Single Family Residences	130680	100 (a)	50	15 (b)	40	0	35
-Two Family Residences	196020	100 (a)	50	15 (b)	40	0	35
-Other Principal Uses	130680	100 (a)	50	15 (b)	40	0	35
RA-1 District							
-Single Family Residences	43560	100 (a)	50	15 (b)	40	0	35
-Two Family Residences	65340	100 (a)	50	15 (b)	40	0	35
-Other Principal Uses	43560	100 (a)	50	15 (b)	40	0	35
R-20 DISTRICT							
-Single Family Residences	20,000 (c)	100 (a)	50	15 (b)	40	0	35
-Two Family Residences	30,000 (d)	100 (a)	50	15 (b)	40	0	35
-Other Principal Uses	20,000	100 (a)	50	15 (b)	40	0	35
R-10 DISTRICT							
-Single Family Residences	10,000	80 (a)	40	12 (b)	30	0	35
-Two Family Residences	15,000	80 (a)	40	12 (b)	30	0	35
-Other Principal Uses	10,000	80 (a)	40	12 (b)	30	0	35
R-8 DISTRICT							
-Single Family Residences	8,000	70 (a)	30	10 (b)	25	0	35
-Two Family Residences	12,000	80 (a)	30	10 (b)	25	0	35
Multi-Family	8,000	80 (a)	30	10 (b)	25	0	35
N-B DISTRICT							
-All Uses	NONE	NONE	30 (c)	10 (e) (g) (l)	20 (e) (g)	0	35
H-B DISTRICT							
-All Uses	NONE	NONE	40 (e)	20 (e) (g)	20 (e) (g)	0	35
C-B District							
-All Uses	NONE	NONE	0	0 (l)	0 (l)	10	50
I-1 DISTRICT							
-All Uses	NONE	NONE	50 (f)	0 (g)(l)	0 (g)(l)	0	50

NOTES:

(a) As measured at the required yard setback. In no case shall the lot be less than thirty-five (35) feet in width when measured at the street right-of-way line.
(b) All side yards shall be increased by ten (10) feet on corner lots.
(c) Fifteen thousand (15,000) square feet shall be required on lots where both public water or sewer is available.
(d) Twenty thousand (20,000) square feet shall be required on lots where both public water or sewer is available.
(e) Vehicular parking may be allowed in any portion of the required yard.
(f) Vehicular parking in the required front yard in not permitted. This area shall be landscaped, as a minimum, in accordance with Section 7.2.
(g) Screening shall also be provided where required, in accordance with Section 7.2.
(h) Maximum setback or build to line is measured from the right of way to from yard line of the building.
(I) A 20 foot setback required when abutting a residential district.