

Article VI. Zoning Districts

6.1 Zoning Districts Established.

(A) *Types of zoning districts.* All areas within the zoning jurisdiction of the Town of North Wilkesboro are hereby divided into zoning districts within which the use of land and water areas; the location, height, bulk, appearance and use of structures; the provision of parking and loading areas; and the provision of buffers and screening areas are regulated as herein provided. Zoning districts within the Town of North Wilkesboro shall fall within one of the following three categories.

(1) *General use zoning districts.* Each general use district category serves a different purpose and imposes its own set of requirements and restrictions on the use of land in addition to the general requirements and restrictions imposed on all land or uses within the zoning jurisdiction. A general use district may be replaced by a conditional district or layered with an overlay district, which is a special type of general use district.

(2) *Conditional zoning districts.*

a) Most conditional districts are established as parallel or counterpart districts to a general use district. In such cases, references in the zoning ordinance to the general use district shall be construed to also include the counterpart conditional district. In addition, there are several districts which exist only as conditional districts and do not have counterpart general use districts.

b) Each conditional district with a counterpart general use district is intended to accomplish the purposes of the counterpart district through the development of identified uses at a specific location in accordance with this article. All regulations and uses which apply to a general use district also apply to the counterpart conditional district, and no use shall be allowed in the conditional district that is not allowed in its counterpart general use district.

c) Additional conditions which may be placed upon the development by the petitioner as part of the rezoning process shall be binding upon property within a conditional district in perpetuity or until the property is re-zoned by the Town Board. Such conditions may include increased buffers, architectural features, access, parking, hours of operation, or any other feature of the development that is integral to meeting the spirit and intent of this ordinance or that serves to mitigate the impacts of the development on adjacent property or the community at large. Such conditions must be enforceable by the town, presented by the petitioner during the public hearing as part of the rezoning petition, and agreed to by the Town Board during the rezoning process.

d) This is a voluntary procedure which is intended for firm development proposals. It is not intended or suited for securing early zoning for tentative or speculative proposals

(3) *Overlay districts.* Overlay districts are established to provide for certain additional requirements, to permit uses not otherwise permitted in the underlying district, to prohibit uses allowed in the underlying district, or to establish special development requirements for uses permitted. Thus, where overlay districts exist and there is a conflict between the requirements and/or uses specified between the overlay and the underlying district, the standards of the overlay district shall prevail. Otherwise, the standards of the underlying district shall also be in effect for any area additionally zoned for an overlay district. A zoning map change either establishing or changing any overlay district shall be subject to the same procedures and requirements as any other zoning map change. In certain areas, two or more overlay districts may apply.

6.2 Districts Named.

DISTRICT ABBREVIATION	DISTRICT NAME	CLASSIFICATION
R20	Rural Residential	Residential
R10 & R10-CD	Low Density Residential	Residential
R6 & R6-CD	High Density Residential	Residential
OI & OI-CD	Office and Institutional District	Commercial
NB & NB-CD	Neighborhood Business District	Commercial
CBD	Central Business District	Mixed Use
GB & GB-CD	General Business District	Commercial
HB & HB-CD	Highway Business District	Commercial
LI & LI-CD	Light Industrial District	Industrial
GI & GI-CD	General Industrial District	Industrial
MF-CD	Multi-Family Conditional District	Residential
PD-CD	Planned Development Conditional District	Mixed Use
AO	Airport Overlay District	Industrial
WSO	Watershed Overlay District	Environmental
FPO	Floodplain Overlay District	Environmental
COD	Corridor Overlay District	Appearance

6.3 Zoning District Boundary Interpretation.

(1) Where district boundaries are shown within a street or alley right-of way, railroad or utility line right-of-way, recorded easement, or navigable or non-navigable waterway, such boundaries shall be construed to be in the center of the right-of-way, easement, or waterway.

(2) Where district boundaries are so indicated that they approximately follow lot lines, or town, city, or county borders, such lines shall be construed to be said district boundaries, unless otherwise indicated.

(3) Where district boundaries are so indicated that they are approximately parallel to the centerlines of streets, highways, or railroads, or rights-of-way of same, such district boundaries shall be construed as being parallel thereto and at such distance therefrom as indicated on the zoning map. If no distance is shown, such distance shall be determined by use of the scale shown on the official zoning maps.

(4) Where a district boundary line divides a single lot, each part of the lot shall be used in conformity with the standards established by these regulations for the district in which that part is located.

(5) If, because of error or omission in the maps, any property within the jurisdiction of this ordinance is not shown as being in a zoning district, such property will be classified as "OPEN" until changed by amendment.

(6) When a zoning case file contains detailed, verifiable information regarding the boundary, that information will be used as the correct boundary location.

(7) In instances where none of the above methods are sufficient to resolve the boundary location, the Board of Adjustment shall establish the boundary location.

6.4 General and Conditional Districts.

(A) Rural Residential District (R20).

(1) Intent. This district provides a location for low density and light commercial uses in a suburban or rural setting in areas that are not yet urbanized and do not have all urban-type utilities. This district will usually be composed of more rural, open land outside the town corporate limits.

(2) Permitted uses. Uses permitted by right, uses with conditions, and uses permitted upon the issuance of a conditional or special use permit are listed in the table of uses in Section 6.7.

(3) Dimensional requirements and design standards.

a) All lots shall meet the minimum dimensional and design requirements shown in Section 6.6.

(B) Low Density Residential District (R10 and R10-CD).

(1) Intent. This district is a moderate-density neighborhood consisting of single-family residences along with limited private and public community uses.

(2) Permitted uses. Uses permitted by right, uses with conditions, and uses permitted upon the issuance of a conditional or special use permit are listed in the table of uses in Section 6.7.

(3) Dimensional requirements and design standards.

a) All lots shall meet the minimum dimensional and design requirements shown in Section 6.6.

(C) High Density Residential District (R6 and R6-CD)

- (1) Intent. This district is a high-density neighborhood including single-family houses, duplexes and limited private and public community uses.
- (2) Permitted uses. Uses permitted by right, uses with conditions, and uses permitted upon the issuance of a conditional or special use permit are listed in the table of uses in Section 6.7.
- (3) Dimensional requirements and design standards.
 - a) All lots shall meet the minimum dimensional and design requirements shown in Section 6.6.

(D) Office and Institutional District (OI and OI-CD).

- (1) Intent. This district is established as a relatively high-density area intended primarily for offices, institutions and commercial activities not involving the sale of merchandise at retail, and public and private community uses.
- (2) Permitted uses. Uses permitted by right, uses with conditions, and uses permitted upon the issuance of a conditional or special use permit are listed in the table of uses in Section 6.7.
- (3) Dimensional requirements and design standards.
 - a) All lots shall meet the minimum dimensional and design requirements shown in Section 6.6.

(E) Neighborhood Business District (NB and NB-CD).

- (1) Intent. This district is intended for the use of those businesses and other uses which are properly and necessarily located in and near residential areas and which cater to the everyday needs of a limited residential area.
- (2) Permitted uses. Uses permitted by right, uses with conditions, and uses permitted upon the issuance of a conditional or special use permit are listed in the table of uses in Section 6.7.
- (3) Dimensional requirements and design standards.
 - a) All lots shall meet the minimum dimensional and design requirements shown in Section 6.6.

(F) Central Business District (CBD).

- (1) Intent. This district is the central core of the town and is established for those uses which normally require a central location and which provide merchandise and services to be used by the entire town and its environs. It is intended that this district shall develop and be maintained as a tight-knit core of commercial and cultural activity.

(2) Permitted uses. Uses permitted by right, uses with conditions, and uses permitted upon the issuance of a conditional or special use permit are listed in the table of uses in Section 6.7.

(3) Dimensional requirements and design standards.

a) All lots shall meet the minimum dimensional and design requirements shown in Section 6.6.

(G) General Business District (GB and GB-CD).

(1) Intent. This district provides a location for those businesses and services which do not necessarily require a central location but which are more properly located out from the central core of commercial activity.

(2) Permitted uses. Uses permitted by right, uses with conditions, and uses permitted upon the issuance of a conditional or special use permit are listed in the table of uses in Section 6.7.

(3) Dimensional requirements and design standards.

a) All lots shall meet the minimum dimensional and design requirements shown in Section 6.6.

(H) Highway Business District (HB and HB-CD).

(1) Intent. These districts are designed primarily to serve the town as compact and efficient retail shopping, consumer services and wholesaling areas along designated highways and thoroughfares within town and surrounding ETJ. They also provided space for indoor and outdoor recreational uses which require large lots.

(2) Permitted uses. Uses permitted by right, uses with conditions, and uses permitted upon the issuance of conditional or special use permit are listed in the table of uses in Section 6.7.

(3) Dimensional requirements and design standards.

a) All lots shall meet the minimum dimensional and design requirements shown in Section 6.6.

(I) Light Industrial District (LI and LI-CD).

(1) Intent. These districts are established to allow light manufacturing, wholesale sales, research centers, limited retail sales, and accessory land uses incidental to and in support of heavier industrial uses.

(2) Permitted uses. Uses permitted by right, uses with conditions, and uses permitted upon the issuance of conditional or special use permit are listed in the table of uses in Section 6.7.

- (3) Dimensional requirements and design standards.
 - a) All lots shall meet the minimum dimensional and design requirements shown in Section 6.6.

(I) General Industrial District (GI and GI-CD).

- (1) Intent. This district is designed primarily industrial land uses, including, but not limited to, manufacturing, processing and assembling of parts and products, distribution of products at wholesale, transportation terminals and a broad variety of specialized commercial and industrial operations.
- (2) Permitted uses. Uses permitted by right, uses with conditions, and uses permitted upon the issuance of conditional or special use permit are listed in the table of uses in Section 6.7.
- (3) Dimensional requirements and design standards.
 - a) All lots shall meet the minimum dimensional and design requirements shown in Section 6.6.

(K) Multi-Family Conditional District (MF-CD).

- (1) Intent. The multi-family conditional district is established to accommodate multi-family projects which due to their design and/or scale may not be compatible with existing single family residential neighborhoods. This district is intended to accommodate duplex, triplex, patio homes, apartments, condominiums, and townhouse developments which may not as a whole integrate well into existing neighborhoods due to intensity of use, will require MF-CD district zoning.
- (2) Permitted uses. Uses permitted by right and uses with conditions as listed in the table of uses in Section 6.7.
- (3) Dimensional requirements and supplemental standards.
 - a) All lots shall meet the minimum dimensional and design requirements shown in Section 6.6 and the specific conditions in Article XI.
 - b) Maximum residential density shall be 10 dwelling units per acre, unless otherwise granted by the Town Board during the conditional district rezoning process.
 - c) Multifamily developments with thirty (30) or more units shall have an on-site resident manager. This manager shall have on-site office hours of twenty (20) hours per week. These office hours must be posted on or near the door to the manager's office, and these hours must be between the hours of 8:00 a.m. and 6:00 p.m. Management shall post on or near the door to the manager's office an emergency contact number that enables residents to speak to a live person (not a recording) whenever the on-site manager does not have office hours.

d) Multifamily developments that contain four (4) or more dwelling units and that are located immediately adjacent to existing single-family residential districts shall have an opaque vegetative buffer at least thirty (30) feet in width between the proposed development and any adjacent property zoned for single-family residential use. No buildings or parking shall be located within the buffer required by this subsection.

(L) Planned Development Conditional District (PD-CD).

(1) Intent. The planned development (PD) conditional district is established to permit flexibility in site design and land use codes for specialized projects and uses that are to be planned, developed and managed on a unified basis. Planned development proposals should be able to be supported by the existing, surrounding transportation systems and should be harmonious with surrounding development. Developers must conduct a pre-application meeting with town staff before submission of any application materials. Staff shall discuss details of the project, town policies, the town's vision for the property, and address concerns.

(2) Permitted uses. Proposed uses shall be submitted by developer as part of the application process.

(3) Dimensional requirements and supplemental standards.

a) Lot sizes shall be determined on a case-by-case basis and will depend on the design of the development and the types of uses proposed. However, developments may be subject to all overlay district requirements.

b) PD projects shall be a maximum of two hundred acres in size. All proposals shall conform to this size requirement except that proposals for tracts of less than thirty-five acres adjoining existing planned developments or the CBD district may be considered as long as they demonstrate that they are, in function and design, an extension of the existing CBD district.

c) The area of the PD shall be divided into blocks, streets, lots, and open space.

d) There shall be a substantial mix of housing types in exclusively residential PD projects; however, no more than sixty-five percent of dwelling units shall be multi-family housing.

e) Similar land uses shall front across each street. Dissimilar categories shall abut at rear lot lines when possible.

f) All uses shall be conducted completely within enclosed buildings, except that sidewalk sales, cafes, and open-air markets shall be permitted.

g) All streets and alleys shall terminate at other streets or alleys (e.g., cul-de-sacs and dead end streets shall be minimized).

h) Every PD that contains more than 20 dwelling units shall provide at least one square, or park or other form of open space no smaller than one acre. No portion of such neighborhood shall be more than six hundred feet from a square, park or open space.

i) The overall PD development must conform to the Town's adopted Comprehensive Plan.

6.5 Overlay Districts.

(A) Airport Overlay District (AO)

(1) Intent. It is the intent of the requirements under this article to restrain influences which are adverse to the property and safe conduct of aircraft operations in the vicinity of the Wilkes County airport, to prevent creation of conditions hazardous to aircraft operation, to prevent conflict with land development which may result in loss of life and property, and to encourage development which is compatible with airport use characteristics within the intent and purpose of zoning.

(2) Permitted uses. Uses permitted by right, uses with conditions, and uses permitted upon the issuance of a "conditional use" permit are listed in the table of uses in Section 6.7.

(3) Dimensional requirements and supplemental standards.

(A) Airport height limitation zones. In order to carry out the provisions of this article, there are hereby created and established certain zones which include all of the land lying beneath the approach surfaces, transitional surfaces, horizontal surfaces, and conical surfaces as they apply to the airport. Such zones are shown on the official zoning map described in Section 6.5(A)(3)D of this article. An area located in more than one of the following zones is considered to be only in the zone with the more restrictive height limitation. The various zones are hereby established as sub-classifications of the airport overlay district and are defined as follows:

1. Precision Instrument Runway Approach Zone (AO-A1). The inner edge of this approach zone coincides with the width of the primary surface and is one thousand feet wide. The approach zone expands outward uniformly to a width of sixteen thousand feet at a horizontal distance of fifty thousand feet from the primary surface. Its center-line is the continuation of the centerline of the runway.

2. Runway Larger Than Utility Visual Approach Surface (AO-A2). The inner edge of this surface begins at and corresponds with the width of the primary surface and is one thousand feet wide. This surface rises uniformly at a 20:1 slope to a width of one thousand five hundred feet at a horizontal distance of five thousand feet from the primary surface along the extended runway centerline.

3. Runway Larger Than Utility With a Visibility Minimum as Low as Three-Fourths-Mile Non-precision Instrument Approach Zone (AO-A3). The inner edge of this approach zone coincides with the width of the primary surface and is one thousand feet wide. The approach zone expands outward uniformly to a width of four thousand feet at a horizontal distance often a thousand feet from the primary surface. Its centerline is the continuation of the centerline of the runway.

4. Transitional zones (AO-T). The transitional zones are the areas beneath the transitional surfaces.

5. Horizontal zone (AO-H). The horizontal zone is established by swinging arcs of ten thousand feet radii from the center of each end of the primary surface of each runway and connecting the adjacent arcs by drawing lines tangent to those arcs. The horizontal zone does not include the approach and transitional zones.

6. Conical zone (AO-C). The conical zone is established as the area that commences at the periphery of the horizontal zone and extends outward there from a horizontal distance of four thousand feet.

(B) Airport environs height limitations. Except as otherwise provided in this article, no structure shall be erected, altered, or maintained, and no tree shall be allowed to grow in any zone created under this article to a height in excess of the applicable height herein established for such zone. Such applicable height limitations are hereby established for each of the zones in question as follows:

1. Precision Instrument Runway Approach $\frac{1}{2}$ (AO-A1). Slopes fifty feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of ten thousand feet along the extended runway centerline; thence slopes upward forty feet horizontally for each foot vertically to an additional horizontal distance of forty thousand feet along the extended runway centerline.

2. Runway Larger Than Utility Visual Approach $\frac{1}{2}$ (AO-A2). The inner edge of this surface begins at and corresponds with the width of the primary surface and is one thousand feet wide. This surface rises uniformly at a 20:1 slope to a width of one thousand five hundred feet at a horizontal distance of five thousand feet from the primary surface along the extended runway centerline.

3. Runway Larger Than Utility With a Visibility Minimum as Low as Three-Fourths-Mile Nonprecision Instrument Approach $\frac{1}{2}$ (AO-A2). Slopes thirty-four feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of ten thousand feet along the extended runway centerline.

4. Transitional zone (AO-T). Slopes seven feet outward for each foot upward beginning at the sides of and at the same elevation as the primary surface and the approach surface, and extending to a height of one

hundred fifty feet above the airport elevation which is one thousand three hundred and one feet above mean sea level. In addition to the foregoing, there are established height limits sloping seven feet outward for each foot upward beginning at the sides of and the same elevation as the approach surface, and extending to where they intersect the conical surface. Where the precision instrument runway approach zone projects beyond the conical zone, there are established height limits sloping seven feet outward for each foot upward beginning at the sides of and the same elevation as the approach surface and extending a horizontal distance of five thousand feet measured at ninety-degree angles to the extended runway centerline from the edge of the approach surface.

5. Horizontal zone (AO-H). Established at a height of one hundred fifty feet above the airport elevation or an elevation of one thousand four hundred fifty-one feet above mean sea level.

6. Conical zone (AO-C). Slopes twenty feet outward for each foot upward beginning at the periphery of the horizontal zone and at one hundred fifty feet above the airport elevation and extending to a height of three hundred fifty feet above the airport elevation, or an elevation of one thousand six hundred fifty-one feet above mean sea level.

7. Excepted Height Limitations. Nothing in this article shall be construed as prohibiting the erection, alteration, or maintenance of any structure or growth of any free at or to a height which is below the limitations set forth herein.

(C) Airport zoning related to sanitary landfill location.

Due to the increased attraction of birds in the vicinity of sanitary landfills and the potential hazards which birds create to aircraft operations (see FAA Order S0 5200.5), the following provisions shall apply:

1. No sanitary landfill shall be located within ten thousand feet from a runway of any airport.

2. Sanitary landfills which are proposed to be located further than ten thousand feet from a runway of any airport but within the conical surface will be reviewed on a case by case basis by the Board of Adjustment, which may in turn consult with the FAA. If, in the opinion of the board of adjustment or the FAA, the proposed landfill poses a threat to safe aircraft operations, then the landfill shall not be allowed in the proposed location.

(D) Protective area map.

The protective surfaces and zones herein established are shown on the drawings entitled "Official Zoning Map —Airport Overlay" which are a separate but integral part of this section.

(E) Use Restriction.

Notwithstanding any other provision of this article, no use may be made of land or water within any zone established hereunder in such a manner as to create electrical interference with navigational signals or radio communication between the **6-10**

airport and aircraft, make it difficult for pilots to distinguish between airport lights and others, result in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport, create bird strike hazards, or otherwise in any way endanger or interfere with the landing, takeoff, or maneuvering of aircraft intending to use the airport.

(F) Nonconforming uses.

1. Regulations Not Retroactive. The regulations prescribed in this article shall not be construed to require the removal, lowering, or other change or alteration of any structure or tree not conforming to the regulations as of the effective date of this article, or otherwise interfere with the continuance of a nonconforming use. Nothing contained herein shall require any change in the construction, alteration, or intended use of any structure, the construction or alteration of which was begun prior to the effective date of this article and is diligently prosecuted to completion thereafter. The foregoing provisions, however, are subject to Section 2.3.

2. Marking and Lighting. Notwithstanding the preceding provision of this article, the owner of any existing nonconforming structure or tree is hereby required to permit the installation, operation, and maintenance thereon of such markers and lights as shall be deemed necessary by the Wilkes County airport board to indicate to the operators of aircraft in the vicinity of the airport the presence of such airport obstruction, provided that Wilkes County agrees to bear all cost and expense for such installation, operation and maintenance.

(G) Permits and variances.

A. Issuance of Permit. No certification of zoning compliance, or zoning compliance permit, shall be issued by the Zoning Administrator under Section 3.1 of this ordinance with respect to any use within an "A0" zone unless said use complies with all of the requirements of this article; provided, however, that:

1. In the area lying within the limits of the horizontal zone and conical zone, no permit shall be required for any use or structure except in cases where, because of terrain, land contour, or topographic features, such use or structure would extend above the height limits prescribed for such zones.

2. In areas lying within the limits of the approach zones, no permit shall be required for any use or structure except in cases where such use or structure would extend above the height limit prescribed for such approach zones.

3. In the areas lying within the limits of the transition zones beyond the perimeter of the horizontal zone, no permit shall be required for any use or structure except when such use or structure, because of terrain, land contour, or topographic features, would extend above the height limit prescribed for such transition zones.

Nothing contained in any of the foregoing exceptions shall be construed as permitting or intending to permit any construction, or alteration of any structure, or growth of any tree, in excess of any of the height limits established in Section 6.5A(3)(B).

B. Applications. In addition to the requirements of Section 3.3 of this ordinance, applications for building or zoning compliance (zoning compliance permits) shall contain such further information as may reasonably be required by the Zoning Administrator in order to determine whether the proposed use complies with the requirements of this article.

C. Nonconforming Uses. No permit shall be granted that would allow the establishment or creation of an obstruction or permit a nonconforming use, structure, or tree to become a greater hazard to air navigation than it was on the effective date of this article or any amendments thereto, or than it is when the application for a permit is made. Except as indicated, all applications for such a permit shall be granted.

D. Nonconforming Uses Abandoned or Destroyed. Whenever the Zoning Administrator determines that a nonconforming tree or structure has been abandoned or more than sixty percent torn down, physically deteriorated, or decayed, no permit shall be granted that would allow such structure or tree to exceed the applicable height limit or otherwise deviate from the requirements of this article.

E. Variances. Any person desiring to erect or increase the height of any structure, or permit the growth of any tree, or use property, not in accordance with the regulations prescribed in this article may apply to the Board of Adjustment for a variance from such regulation in accordance with the procedures of Section 3.6 of this ordinance. The application for a variance shall be accompanied by a written determination from the Federal Aviation Administration as to the effect of the proposal on the operation of air navigation facilities and the safe, efficient use of navigable airspace and the airport. Such variances shall be allowed where it is duly found that a literal application or enforcement of the regulations will result in unnecessary hardship and relief granted will not be contrary to the public interest, will not create a hazard to air navigation, will do substantial justice, and will be in accordance with the spirit of this article. Additionally, no application for variance to the requirements of this article may be considered by the Board of Adjustment unless a copy of the application has been furnished to the airport manager and the Wilkes County airport board for advice as to the aeronautical effects of the

variance. If the airport manager and/or the airport board does not respond to the application within thirty days after receipt, the Board of Adjustment may act on its own to grant or deny said application.

F. Obstruction Marking and Lighting. Subject to the provisions of Section 6.5(A) 3(F), any permit or variance granted, if such action is deemed advisable to effectuate the purpose of this article and is reasonable under the circumstances, may be so conditioned as to require the owner of the structure or tree in question to install, operate, and maintain, at the owner's expense, such markings and lights as may be necessary. If deemed proper by the Board of Adjustment, this condition may be modified to require the owner to permit Wilkes County, at its own expense, to install, operate, and maintain the necessary markings and lights.

(B) Watershed Overlay District (WSO).

(1) Intent. It is the purpose of this section to protect the quality of drinking water for the Town of North Wilkesboro by setting standards for the development that occurs within designated public water supply watershed areas. It is further intended that the establishment of watershed regulations reflect the protection of critical environmental areas in accordance with the State of North Carolina's Water Supply Watershed Protection Rules.

(2) Permitted uses. Uses permitted by right, uses with conditions, and uses permitted upon the issuance of a "conditional use" permit are listed in the table of uses in Section 6.7

(3) Dimensional requirements and supplemental standards.

(A) Adoption date and effective date. The provisions of this article were adopted on September 9th, 1993 and shall become effective on September 30, 1993.

(B) Authority and enactment. The Legislature of the State of North Carolina has, in Chapter 160A, Article 8, Section 174, General Ordinance Authority; and in Chapter 143, Article 21, Watershed Protection Rules, delegated the responsibility or directed local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. The Governing Board of North Wilkesboro does hereby ordain and enact into law the following articles as the Watershed Protection Ordinance of North Wilkesboro.

(C) Jurisdiction. The provisions of this article shall apply within the areas designated as a public water supply watershed by the N.C. Environmental Management Commission and shall be defined and established on the map entitled, "Watershed Protection Map of North Wilkesboro, North Carolina" ("the Watershed Map"), which is adopted simultaneously herewith. The watershed map and all explanatory matter contained thereon accompanies and is hereby made a part of this article.

(D) Exceptions to applicability.

1. Nothing contained herein shall repeal, modify, or amend any federal or state law or regulation, or any ordinance or regulation pertaining thereto except any ordinance which these regulations specifically replace; nor shall any provision of this article amend, modify, or restrict any provisions of the Code of Ordinances of the town of North Wilkesboro; however, the adoption of this article shall and does amend any and all ordinances, resolutions, and regulations in effect in the town of North Wilkesboro at the time of the adoption of this article that may be construed to impair or reduce the effectiveness of this article or to conflict with any of its provisions.

2. It is not intended that these regulations interfere with any easement, covenants or other agreements between parties. However, if the provisions of these regulations impose greater restrictions or higher standards for the use of a building or land, then the provisions of these regulations shall control.

3. Existing development, as defined in this article, is not subject to the requirements of this article. Expansions to structures classified as existing development must meet the requirements of this article, however, the built-upon area of the existing development is not required to be included in the density calculations.

4. A pre-existing lot owned by an individual prior to the effective date of the ordinance codified in this article, regardless of whether or not a vested right has been established, may be developed for single-family residential purposes without being subject to the restrictions of this article.

(E) Establishment of watershed review board. The North Wilkesboro Planning Board shall act as the watershed review board on all subdivision regulation and zoning ordinance matters.

(F) Establishment of watershed areas. The purpose of this section is to list and describe the watershed areas herein adopted. For the purposes of this article the Town of North Wilkesboro and its extraterritorial jurisdiction are hereby divided into the following areas, as appropriate:

WS-II-CA (Critical Area);
WS-II-BW (Balance of Watershed);
WS-IH-CA (Critical Area);
WS-IH-BW (Balance of Watershed).

(G) Watershed area uses permitted.

1. WS-II Watershed Areas—Critical Area (WS-II-CA). In order to maintain a predominately undeveloped land use intensity pattern, single-family dwellings shall be allowed at a maximum of one dwelling unit per two acres. All other residential and nonresidential development shall be

allowed at a maximum six percent built-upon area. New sludge application sites and landfills are specifically prohibited.

i. Allowed Uses.

(a) Agriculture subject to the provisions of the Food Security Act of 1985 and the Food, Agriculture, Conservation and Trade Act of 1990. Agricultural activities conducted after January 1, 1993 shall maintain a minimum ten foot vegetative buffer, or equivalent control as determined by the Soil and Water Conservation Commission, along all perennial waters indicated on the most recent versions of U.S.G.S. 1:24,000 (7.5 minute) scale topographic maps or as determined by local government studies. Animal operations greater than one hundred animal units shall employ Best Management Practices by July 1, 1994 recommended by the Soil and Water Conservation Commission;

(b) Silviculture, subject to the provisions of Forest Practices Guidelines Related to Water Quality (15 NCAC 11.6101 -.0209);

(c) Residential development, including both single-family and all other residential;

(d) Nonresidential development, excluding: (i) the storage of toxic and hazardous materials unless a spill containment plan is implemented; (ii) landfills; and (iii) sites for land application of sludge/residuals or petroleum contaminated soils. New industrial development is required to incorporate adequately designed, constructed and maintained spill containment structures if hazardous materials are either used, stored or manufactured on the premises.

ii. Density and Built-upon Limits.

(a) Single-Family Residential. Development shall not exceed one dwelling unit per two acres on a project by project basis. No residential lot shall be less than two acres, except within an approved cluster development.

(b) All Other Residential and Nonresidential. Development shall not exceed six percent built-upon area on a project by project basis. For the purpose of calculating built-upon area, total project area shall include total acreage in the tract on which the project is to be developed.

2. WS-II Watershed Areas, Balance of Watershed (WS-II-BW). In order to maintain a predominately undeveloped land use intensity pattern, single-family residential uses shall be allowed at a maximum of one

dwelling unit per acre. All other residential and nonresidential development shall be allowed at a maximum twelve percent built-upon area. New discharging landfills are specifically prohibited.

i. Allowed Uses.

(a) Agriculture subject to the provisions of the Food Security Act of 1985 and the Food, Agriculture, Conservation and Trade Act of 1990;

(b) Silviculture, subject to the provisions of the Forest Practices Guidelines Related to Water Quality (15 NCAC 11.6101 -.0209);

(c) Residential development, including both single-family and all other residential;

(d) Nonresidential development, excluding: (i) the storage of toxic and hazardous materials unless a spill containment plan is implemented, and (ii) no new discharging landfills. New industrial development is required to incorporate adequately designed, constructed and maintained spill containment structures if hazardous materials are either used, stored or manufactured on the premises.

ii. Density and Built-Upon Limits.

(a) Single-Family Residential. Development shall not exceed one dwelling unit per acre on a project by project basis. No residential lot shall be less than one acre, except with an approved cluster development.

(b) All Other Residential and Nonresidential. Development shall not exceed twelve percent built-upon area on a project by project basis. For the purpose of calculating built-upon area, total project area shall include total acreage in the tract on which the project is to be developed.

(c) In addition to the development allowed under subsections (a) and (b) of this section, new development and expansions to existing development may occupy up to ten percent of the protected area with up to seventy percent built-upon area on a project-by-project basis, when approved as a special density allocation (SDA). The watershed review board is authorized to approve SDA's consistent with the provisions of this article. Projects must, to the maximum extent practical, incorporate best management practices to minimize water quality impacts. For the purpose of calculating built-upon area, total project area shall

include total acreage in the tract(s) on which the project is to be developed.

3. WS-W Watershed Areas—Critical Area (WS-W-CA). Only new development activities that require an erosion/sedimentation control plan under state law or approved local programs are required to meet the provisions of this article when located in the WS-W watershed. In order to address a moderate to high land use intensity pattern, single-family residential uses are allowed at a maximum of two dwelling units per acre. All other residential and nonresidential development shall be allowed twenty-four percent built-upon area. New sludge application sites and landfills are specifically prohibited.

i. Allowed Uses.

(a) Agriculture subject to the provisions of the Food Security Act of 1985 and the Food, Agricultural, Conservation and Trade Act of 1990. Agricultural activities conducted after January 1, 1993 shall maintain a minimum ten foot vegetative buffer, or equivalent control as determined by the Soil and Water Conservation Commission, along all perennial waters indicated on the most recent versions of U.S.G.S. 1:24,000 (7.5 minute) scale topographic maps or as determined by local government studies. Animal operations greater than one hundred animal units shall employ Best Management Practices July 1, 1994 recommended by the Soil and Water Conservation Commission.

(b) Silviculture, subject to the provisions of the Forest Practices Guidelines Related to Water Quality (15 NCAC 11.6101-.0209).

(c) Residential, including both single-family and all other residential.

(d) Nonresidential development, except, the storage of toxic and hazardous materials unless a spill containment plan is implemented; landfills; and sites for land application of sludge/residuals or petroleum contaminated soils.

ii. Density and Built-Upon Limits:

(a) Single-family residential development shall not exceed two dwelling units per acre on a project-by-project basis. No residential lot shall be less than one-half acre, except within an approved cluster development.

(b) All other residential and nonresidential development shall not exceed twenty-four percent built-upon area on a project-by-project basis. For the purpose of calculating the built-upon area, total

project area shall include total acreage in the tract(s) on which the project is to be developed.

(c) In addition to the development allowed under subsections (a) and (b) of this section, new development and expansions to existing development may occupy up to ten percent of the protected area with up to seventy percent built-upon area on a project-by-project basis, when approved as a special density allocation (SDA). The watershed review board is authorized to approve SDA's consistent with the provisions of this article. Projects must, to the maximum extent practical, incorporate best management practices to minimize water quality impacts. For the purpose of calculating built-upon area, total project area shall include total acreage in the tract(s) on which the project is to be developed.

4. WS-IV Watershed Areas—Balance of Watershed (WS-IV-BW). Only new development activities that require an erosion/sedimentation control plan under state law or approved local government program are required to meet the provisions of this article when located in a WS-IV watershed. In order to address or accommodate a moderate to high land use intensity pattern, single-family residential uses shall develop at a maximum of two dwelling units per acre. All other residential and nonresidential development shall be allowed at a maximum of twenty-four percent built-upon area.

i. Allowed Uses.

(a) Agriculture, subject to the provisions of the Food Security Act of 1985 and the Food, Agricultural, Conservation and Trade Act of 1990.

(b) Silviculture, subject to the provisions of the Forest Practices Guidelines Related to Water Quality (15 NCAC 11.6101-.0209).

(c) Residential development, including single-family and all other residential.

(d) Nonresidential development, excluding the storage of toxic and hazardous materials unless a spill containment plan is implemented.

ii. Density and Built-Upon Limits:

(a) Single-family residential development shall not exceed two dwelling units per acre on a project-by-project basis. No residential lot shall be less than one-half acre, except within an approved cluster development.

(b) All other residential and nonresidential development shall not exceed twenty-four percent built-upon area on a project-by-project basis. For the purpose of calculating built-upon area, total project area shall include acreage in the tract(s) on which the project is to be developed.

(c) In addition to the development allowed under subsections (a) and (b) of this section, new development and expansions to existing development may occupy up to ten percent of the protected area with up to seventy percent built-upon area on a project-by-project basis, when approved as a special density allocation (SDA). The watershed review board is authorized to approve SDA's consistent with the provisions of this article. Projects must, to the maximum extent practical, incorporate best management practices to minimize water quality impacts. For the purpose of calculating built-upon area, total project area shall include total acreage in the tract(s) on which the project is to be developed.

(II) Cluster development. Clustering of development is allowed in all watershed areas (except WS-I) under the following conditions:

1. Built-upon area or stormwater control requirements of the project shall not exceed that allowed for the critical area or balance of watershed, whichever applies;
2. All built-upon area shall be designed and located to minimize stormwater runoff impact to the receiving waters and minimize concentrated stormwater flow. Stormwater detention is required and must be designed by an engineer licensed in the state of North Carolina;
3. The remainder of the tract shall remain in a vegetated or natural state. Where the development has an incorporated property owners association, the title of the open space area shall be conveyed to the association for management. Where a property association is not incorporated, a maintenance agreement shall be filed with the property deeds.
4. In order to meet the built-upon area requirements, multiple tracts of land may be included in a cluster development and are not required to be contiguous, but must be in the same watershed.
5. In the case of subsection D of this section, the balance of the tract(s) shall be left in its natural state and remain undeveloped by the applicant and recorded in the register of deeds.

6. To further satisfy this requirement, the remainder of the property may be deeded to the town for future green-ways, parks, conservation areas, or other uses.

(I) Buffer areas required.

1. A minimum thirty-five foot vegetative buffer for the development activities is required along all perennial waters indicated on the most recent versions of U.S.G.S. 1:24,000 (7.5 minute) scale topographic maps or as determined by local government studies. Desirable artificial stream bank or shoreline stabilization is permitted.

2. No new development is allowed in the buffer except for water dependent structures and public projects such as road crossings and greenways where no practical alternative exists. These activities should minimize built-upon surface area, direct runoff away from the surface waters and maximize the utilization of stormwater best management practices.

(J) Rules governing the interpretation of watershed area boundaries. Where uncertainty exists as to the boundaries of the watershed areas, as shown on the watershed map, the following rules shall apply:

1. Where area boundaries are indicated as approximately following either street, alley, railroad or highway lines or centerlines thereof, such lines shall be construed to be said boundaries;

2. Where area boundaries are indicated as approximately following lot lines, such lot lines shall be construed to be said boundaries. However, a surveyed plat prepared by a registered land surveyor may be submitted to the town of North Wilkesboro as evidence that one or more properties along these boundaries do not lie within the watershed area;

3. Where the watershed area boundaries lie at a scaled distance more than twenty-five feet from any parallel lot line, the location of watershed area boundaries shall be determined by use of the scale appearing on the watershed map;

4. Where the watershed area boundaries lie at a scaled distance of twenty-five feet or less from any parallel lot line, the location of watershed area boundaries shall be construed to be the lot line;

5. Where other uncertainty exists, the Zoning Administrator shall interpret the watershed map as to location of such boundaries. This decision may be appealed to the board of adjustment.

(K) Existing development. Any existing development as defined in this article, may be continued and maintained subject to the provisions provided herein. Expansions to structures classified as existing development must meet the

requirements of this article, however, the built-upon area of the existing development is not required to be included in the density calculations.

(L) Watershed protection permit.

1. Except where a single-family residence is constructed on a lot deeded prior to the effective date of the ordinance codified in this article, no building or built-upon area shall be erected, moved, enlarged or structurally altered, nor shall any zoning or building permit be issued nor shall any change in the use of any building or land be made until a watershed protection permit has been issued by the Zoning Administrator. No watershed protection permit shall be issued except in conformity with the provisions of this article.

2. Watershed protection permit applications shall be filed with the Zoning Administrator. The application shall include a completed application form and supporting documentation deemed necessary by the Zoning Administrator.

3. Prior to issuance of a watershed protection permit, the Zoning Administrator may consult with qualified personnel for assistance to determine if the application meets the requirements of this article.

4. A watershed protection permit shall expire if a zoning or building permit for such use is not obtained by the applicant within twelve months from the date of issuance.

(M) Watershed occupancy permit.

1. The Zoning Administrator shall issue a watershed protection occupancy permit certifying that all requirements of this article have been met prior to the occupancy or use of a building hereafter erected, altered or moved and/or prior to the change of use of any building or land.

2. A watershed protection occupancy permit, either for the whole or part of a building, shall be applied for coincident with the application for a watershed protection permit and shall be issued or denied within ten days after the erection or structural alterations of the building.

3. When only a change in use of land or existing building occurs, the Zoning Administrator shall issue a watershed protection occupancy permit certifying that all requirements of this article have been met coincident with the watershed protection permit.

4. If the watershed protection occupancy permit is denied, the Zoning Administrator shall notify the applicant in writing stating the reasons for denial.

5. No building or structure which has been erected, moved, or structurally altered may be occupied until the Zoning Administrator has approved and issued a watershed protection occupancy permit.

(N) Public health, in general. No activity, situation, structure or land use shall be allowed within the watershed which poses a threat to water quality and the public health, safety and welfare.

(O) Abatement.

1. The Zoning Administrator shall monitor land use activities within the watershed areas to identify situations that may pose a threat to water quality.

2. The Zoning Administrator shall report all findings to the watershed review board. The Zoning Administrator may consult with any public agency or official and request recommendations.

3. Where the watershed review board finds a threat to water quality and the public health, safety and welfare, the board shall institute any appropriate action or proceeding to restrain, correct or abate the condition and/or violation.

(P) Additional requirements for variances within water supply watersheds.

1. The Zoning Administrator shall notify in writing each local government having jurisdiction in the watershed and any entity using the water supply for consumption. Such notice shall include a description of the variance being requested. Local governments receiving notice of the variance request may submit comments to the watershed administrator prior to a decision by the watershed review board. Such comments shall become a part of the record of proceedings of the watershed review board.

2. If the application calls for the granting of a major variance, and if the watershed review board decides in favor of granting the variance, the board shall prepare a preliminary record of the hearing with all deliberate speed. The preliminary record of the hearing shall include:

- i. The variance application;
- ii. The hearing notices;
- iii. The evidence presented;
- iv. Motions, offers of proof, objections to evidence, and ruling on them;
- v. Proposed findings and exceptions;

vi. The proposed decision, including all conditions proposed to be added to the permit.

The preliminary record shall be sent to the environmental management commission for its review as follows:

i. If the commission concludes from the preliminary record that the variance qualifies as a major variance and that (i) the property owner can secure no reasonable return from, nor make any practical use of the property unless the proposed variance is granted, and (ii) the variance, if granted, will not result in a serious threat to the water supply, then the commission shall approve the variance as proposed or approve the proposed variance with conditions and stipulations. The commission shall prepare a commission decision and send it to the watershed review board. If the commission approves the variance as proposed, the board shall prepare a final decision granting the proposed variance. If the commission approves the variance with conditions and stipulations, the board shall prepare a final decision, including such conditions and stipulations, granting the proposed variance.

ii. If the commission concludes from the preliminary record that the variance qualifies as a major variance and that (i) the property owner can secure a reasonable return from or make a practical use of the property without the variance or (ii) the variance, if granted, will result in a serious threat to the water supply, then the commission shall deny approval of the variance as proposed. The commission shall prepare a commission decision and send it to the watershed review board. The board shall prepare a final decision denying the variance as proposed.

(Q) Special density allocations.

1. The watershed review board may grant special density allocations (SDAs) to project sites in the WS-II-BW and WS-IH-BW watershed areas. The SDAs may permit up to seventy percent built-upon area on a project-by-project basis without requiring installation of stormwater control devices. No more than ten percent of the WS-II-BW and WS-IH-BW watershed areas may be developed under SDAs. At no time may the built-upon area of a SDA project site exceed seventy percent of the total SDA project site

2. SDA requests must be submitted to the watershed administrator, who shall preview the request and submit it to the watershed review board. The watershed review board will review the SDA request, and either approve or deny the request. If the request is denied, the applicant may redesign the project and resubmit the request.

3. If the request is approved by the watershed review board, the watershed administrator shall issue a SDA permit. The permit shall be null and void if construction has not begun for one year from date of issuance. A record of all SDA permits shall be kept on file in the office of the watershed administrator.

4. The following review criteria will be used by the watershed review board to evaluate SDA requests. The review criteria will be used to encourage applicants to maximize development in the SDA project areas, as well as incorporate measures to improve the water quality and aesthetics of the project area. Projects must meet five out of the ten criteria in order to qualify. Review Criteria for Evaluating SDA Requests include:

- i. 5 or more full-time employees added;
- ii. \$200,000 or more tax base added;
- iii. <2 acres used for project;
- iv. +50 ft. stream buffer;
- v. Landscaping plan submitted;
- vi. Multiple story building;
- vii. Subdividing unneeded acreage;
- viii. Use of grass swales.
- ix. Use of following water quality devices such as:
 - Sand filters;
 - Water quality ponds;
 - Artificial wetlands;
 - Pervious pavement;
 - Level spreader;
- x. Reservation of land for public use as approved by Planning Board.

(C) Floodplain Overlay District (FPO).

(1) Intent. The Legislature of the State of North Carolina has in Part 6, Article 21 of Chapter 143; Parts 3, 5, and 8 of Article 19 of Chapter 160A; and Article 8 of Chapter 160A of the North Carolina General Statutes, delegated to local government units the responsibility to adopt regulations designed to promote the public health, safety, and general welfare. It is the intent of this ordinance to promote public health, safety, and

general welfare and to minimize public and private losses due to flood conditions within flood prone areas as identified under the Cooperating Technical State (CTS) agreement between the State of North Carolina and FEMA in its Flood Insurance Study (FIS) and its accompanying Flood Insurance Rate Maps (FIRM) for Wilkes County dated March 2, 2009 which are adopted by reference and declared to be a part of this ordinance.

(2) Permitted uses. Uses permitted by right, uses with conditions, and uses permitted upon the issuance of a "conditional use" permit are listed in the table of uses in Section 6.7

(3) Dimensional requirements and supplemental standards.

(A) Designation of Floodplain Administrator. The Planning Director or his/her designee, hereinafter referred to as the "Floodplain Administrator", is hereby appointed to administer and implement the provisions of this ordinance.

(B) Duties and Responsibilities of the Floodplain Administrator. The Floodplain Administrator shall perform, but not be limited to, the following duties:

1. Review all floodplain development applications and issue permits for all proposed development within Special Flood Hazard Areas to assure that the requirements of this ordinance have been satisfied.
2. Review all proposed development within the Special Flood Hazard Areas to assure that all necessary Local, State and Federal permits have been received.
3. Notify adjacent communities and the North Carolina Department of Crime Control and Public Safety, Division of Emergency Management, State Coordinator for the National Flood Insurance Program prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency (FEMA).
4. Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished.
5. Prevent encroachments into floodways and non-encroachment areas unless the certification and flood hazard reduction provisions of Section 6.5 (C)(3)(L), are met.
6. Obtain actual elevation (in relation to mean sea level) of the reference level (including basement) and all attendant utilities of all new and substantially improved structures, in accordance with the provisions of Section 6.5 (C)(3)(G).

7. Obtain actual elevation (in relation to mean sea level) to which all new and substantially improved structures and utilities have been floodproofed, in accordance with the provisions of Section 6.5 (C)(3)(G).
8. Obtain actual elevation (in relation to mean sea level) of all public utilities in accordance with the provisions of Section 6.5 (C)(3)(G).
9. When floodproofing is utilized for a particular structure, obtain certifications from a registered professional engineer or architect in accordance with Section 6.5 (C)(3)(G) and Section 6.5 (C)(3)(I)2.
10. Where interpretation is needed as to the exact location of boundaries of the Special Flood Hazard Areas (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), make the necessary interpretation. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this article.
11. When Base Flood Elevation (BFE) data has not been provided in accordance with Section 6.5 (C)(1), obtain, review, and reasonably utilize any Base Flood Elevation (BFE) data, along with floodway data or non-encroachment area data available from a Federal, State, or other source, including data developed pursuant to Section 6.5 (C)(3)(J)2 in order to administer the provisions of this ordinance.
12. When Base Flood Elevation (BFE) data is provided but no floodway nor non-encroachment area data has been provided in accordance with Section 6.5 (C)(1), obtain, review, and reasonably utilize any floodway data or non-encroachment area data available from a Federal, State, or other source in order to administer the provisions of this ordinance.
13. When the lowest floor and the lowest adjacent grade of a structure or the lowest ground elevation of a parcel in a Special Flood Hazard Area is above the Base Flood Elevation (BFE), advise the property owner of the option to apply for a Letter of Map Amendment (LOMA) from FEMA. Maintain a copy of the LOMA issued by FEMA in the floodplain development permit file.
14. Permanently maintain all records that pertain to the administration of this ordinance and make these records available for public inspection, recognizing that such information may be subject to the Privacy Act of 1974, as amended.
15. Make on-site inspections of work in progress. As the work pursuant to a floodplain development permit progresses, the floodplain administrator shall make as many inspections of the work as may be necessary to ensure

that the work is being done according to the provisions of the local ordinance and the terms of the permit. In exercising this power, the floodplain administrator has a right, upon presentation of proper credentials, to enter on any premises within the jurisdiction of the community at any reasonable hour for the purposes of inspection or other enforcement action.

16. Issue stop-work orders as required. Whenever a building or part thereof is being constructed, reconstructed, altered, or repaired in violation of this ordinance, the floodplain administrator may order the work to be immediately stopped. The stop-work order shall be in writing and directed to the person doing the work. The stop-work order shall state the specific work to be stopped, the specific reason(s) for the stoppage, and the condition(s) under which the work may be resumed. Violation of a stop-work order constitutes a misdemeanor.

17. Revoke floodplain development permits as required. The floodplain administrator may revoke and require the return of the floodplain development permit by notifying the permit holder in writing stating the reason(s) for the revocation. Permits shall be revoked for any substantial departure from the approved application, plans, or specifications; for refusal or failure to comply with the requirements of State or local laws; or for false statements or misrepresentations made in securing the permit. Any floodplain development permit mistakenly issued in violation of an applicable State or local law may also be revoked.

18. Make periodic inspections throughout all special flood hazard areas within the jurisdiction of the community. The floodplain administrator and each member of his or her inspections department shall have a right, upon presentation of proper credentials, to enter on any premises within the territorial jurisdiction of the department at any reasonable hour for the purposes of inspection or other enforcement action.

19. Follow through with corrective procedures of 6.5 (C)(3)(N).

20. Review, provide input, and make recommendations for variance requests.

21. Maintain a current map repository to include, but not limited to, the FIS Report, FIRM and other official flood maps and studies adopted in accordance with Section 6.5 (C)(1) of this ordinance, including any revisions thereto including Letters of Map Change, issued by FEMA. Notify State and FEMA of mapping needs.

22. Coordinate revisions to FIS reports and FIRMs, including Letters of Map Revision Based on Fill (LOMR-F) and Letters of Map Revision (LOMR).

(C) Variance Procedures.

1. The Zoning Board of Adjustment as established by the Town of North Wilkesboro, hereinafter referred to as the "appeal board", shall hear and decide requests for variances from the requirements of this ordinance.

2. Any person aggrieved by the decision of the appeal board may appeal such decision to the Court, as provided in Chapter 7A of the North Carolina General Statutes.

3. Variances may be issued for:

i. the repair or rehabilitation of historic structures upon the determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and that the variance is the minimum necessary to preserve the historic character and design of the structure.

ii. functionally dependent facilities if determined to meet the definition as stated in Article V of this ordinance, provided provisions of Section 6.5 (C)(3)(C) 9. **ii.**, **iii.**, and **v.** have been satisfied, and such facilities are protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

iii. any other type of development, provided it meets the requirements stated in this section.

4. In passing upon variances, the appeal board shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this ordinance, and:

i. the danger that materials may be swept onto other lands to the injury of others;

ii. the danger to life and property due to flooding or erosion damage;

iii. the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

iv. the importance of the services provided by the proposed facility to the community;

- v. the necessity to the facility of a waterfront location as defined under Article V of this ordinance as a functionally dependent facility, where applicable;
- vi. the availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
- vii. the compatibility of the proposed use with existing and anticipated development;
- viii. the relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
- ix. the safety of access to the property in times of flood for ordinary and emergency vehicles;
- x. the expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and
- xi. the costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges.

5. A written report addressing each of the above factors shall be submitted with the application for a variance.

6. Upon consideration of the factors listed above and the purposes of this ordinance, the appeal board may attach such conditions to the granting of variances as it deems necessary to further the purposes of this ordinance.

7. Any applicant to whom a variance is granted shall be given written notice specifying the difference between the Base Flood Elevation (BFE) and the elevation to which the structure is to be built and that such construction below the Base Flood Elevation increases risks to life and property, and that the issuance of a variance to construct a structure below the Base Flood Elevation will result in increased premium rates for flood insurance up to \$25 per \$100 of insurance coverage. Such notification shall be maintained with a record of all variance actions, including justification for their issuance.

8. The floodplain administrator shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency and the State of North Carolina upon request.

9. Conditions for Variances:

- i. Variances shall not be issued when the variance will make the structure in violation of other Federal, State, or local laws, regulations, or ordinances.
- ii. Variances shall not be issued within any designated floodway or non-encroachment area if the variance would result in any increase in flood levels during the base flood discharge.
- iii. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- iv. Variances shall only be issued prior to development permit approval.
- v. Variances shall only be issued upon:
 - a showing of good and sufficient cause;
 - a determination that failure to grant the variance would result in exceptional hardship; and
 - a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

10. A variance may be issued for solid waste disposal facilities, hazardous waste management facilities, salvage yards, and chemical storage facilities that are located in Special Flood Hazard Areas provided that all of the following conditions are met.

- i. The use serves a critical need in the community.
- ii. No feasible location exists for the use outside the Special Flood Hazard Area.
- iii. The reference level of any structure is elevated or floodproofed to at least the regulatory flood protection elevation.
- iv. The use complies with all other applicable Federal, State and local laws.
- v. The Town of North Wilkesboro has notified the Secretary of the North Carolina Department of Crime Control and Public Safety of its intention to grant a variance at least thirty (30) calendar days prior to granting the variance.

(D) Warning and Disclaimer Liability. The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering consideration. Larger floods can and will occur. Actual flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the Special Flood Hazard Areas or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of North Wilkesboro or by any officer or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder.

(E) Floodplain Development Application, Permit and Certification Requirements. Application Requirements. Application for a Floodplain Development Permit shall be made to the floodplain administrator prior to any development activities located within Special Flood Hazard Areas. The following items shall be presented to the floodplain administrator to apply for a floodplain development permit:

1. A plot plan drawn to scale which shall include, but shall not be limited to, the following specific details of the proposed floodplain development:
 - i. the nature, location, dimensions, and elevations of the area of development or disturbance; existing and proposed structures, utility systems, grading or pavement areas, fill materials, storage areas, drainage facilities, and other development;
 - ii. the boundary of the Special Flood Hazard Area as delineated on the FIRM or other flood map as determined in Section 6.5 (C)(1), or a statement that the entire lot is within the Special Flood Hazard Area;
 - iii. flood zone(s) designation of the proposed development area as determined on the FIRM or other flood map as determined in Section 6.5 (C)(1);
 - iv. the boundary of the floodway(s) or non-encroachment area(s) as determined in Section 6.5 (C)(1);
 - v. the Base Flood Elevation (BFE) where provided as set forth in Section 6.5 (C)(1); Section 6.5 (C)(3)(B)(11 & 12); or Section 6.5 (C)(3)(J);
 - vi. the old and new location of any watercourse that will be altered or relocated as a result of proposed development;
2. Proposed elevation, and method thereof, of all development within a Special Flood Hazard Area including but not limited to:
 - i. Elevation in relation to mean sea level of the proposed reference level (including basement) of all structures;

ii. Elevation in relation to mean sea level to which any non-residential structure in %one AE, A or A0 will be flood-proofed; and

iii. Elevation in relation to mean sea level to which any proposed utility systems will be elevated or floodproofed;

3. If floodproofing, a Floodproofing Certificate (FEMA Form 81-65) with supporting data, an operational plan, and an inspection and maintenance plan that include, but are not limited to, installation, exercise, and maintenance of floodproofing measures.

4. A Foundation Plan, drawn to scale, which shall include details of the proposed foundation system to ensure all provisions of this ordinance are met. These details include but are not limited to:

i. The proposed method of elevation, if applicable (i.e., fill, solid foundation perimeter wall, solid backfilled foundation, open foundation on columns|posts|piers|piles|shear walls);

ii. Openings to facilitate equalization of hydrostatic flood forces on walls in accordance with Section 6.5 (C)(3)(I) 4. **iii.**, when solid foundation perimeter walls are used in %ones A, A0, AE, and A1-30;

5. Usage details of any enclosed areas below the **regulatory flood protection elevation**.

6. Plans and/or details for the protection of public utilities and facilities such as sewer, gas, electrical, and water systems to be located and constructed to minimize flood damage;

7. Copies of all other Local, State and Federal permits required prior to floodplain development permit issuance (Wetlands, Endangered Species, Erosion and Sedimentation Control, Riparian Buffers, Mining, etc.)

8. Documentation for placement of Recreational Vehicles and/or Temporary Structures, when applicable, to ensure Section 6.5 (C)(3)(I) 6 & 7 of this ordinance are met.

9. A description of proposed watercourse alteration or relocation, when applicable, including an engineering report on the effects of the proposed project on the flood-carrying capacity of the watercourse and the effects to properties located both upstream and downstream; and a map (if not shown on plot plan) showing the location of the proposed watercourse alteration or relocation.

(F) Permit Requirements. The Floodplain Development Permit shall include, but not be limited to:

1. A description of the development to be permitted under the floodplain development permit.
2. The Special Flood Hazard Area determination for the proposed development per available data specified in Section 6.5 (C)(1).
3. The regulatory flood protection elevation required for the reference level and all attendant utilities.
4. The regulatory flood protection elevation required for the protection of all public utilities.
5. All certification submittal requirements with timelines.
6. A statement that no fill material or other development shall encroach into the floodway or non-encroachment area of any watercourse, as applicable.
7. The flood openings requirements, if in zones A, A0, AE or A1-30.

(G) Certification Requirements.

1. Elevation Certificates.

i. Prior to the actual start of any new construction, the applicant shall produce a statement from a registered surveyor, architect, or engineer indicating the base flood elevation. It shall be the duty of the permit holder to submit to the floodplain administrator a stamped certification or letter of the elevation of the base flood elevation level, in relation to mean sea level. Any work done prior to submission of the certification shall be at the permit holder's risk. The floodplain administrator shall review the data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further work being permitted to proceed. Failure to submit the base flood elevation reference or failure to make required corrections shall be cause to issue a stop-work order for the project.

ii. A final as-built Elevation Certificate (FEMA Form 81-31) is required after construction is completed and prior to Certificate of Compliance/occupancy issuance. It shall be the duty of the permit holder to submit to the floodplain administrator a certification of final as-built construction of the elevation of the reference level and all attendant utilities. The floodplain administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and

prior to Certificate of Compliance10occupancy issuance. In some instances, another certification may be required to certify corrected as-built construction. Failure to submit the certification or failure to make required corrections shall be cause to withhold the issuance of a Certificate of Compliance10occupancy.

2. Floodproofing Certificate If non-residential floodproofing is used to meet the regulatory flood protection elevation requirements, a Floodproofing Certificate (FEMA Form 81-65), with supporting data and an operational plan, and inspection and maintenance plan are is required prior to the actual start of any new construction. It shall be the duty of the permit holder to submit to the floodplain administrator a certification of the floodproofed design elevation of the reference level and all attendant utilities, in relation to mean sea level. Floodproofing certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same. The floodplain administrator shall review the certificate data and plan, operational plan, and inspection and maintenance plan. Deficiencies detected by such review shall be corrected by the applicant prior to permit approval. Failure to submit the certification or failure to make required corrections shall be cause to deny a floodplain development permit. Failure to construct in accordance with the certified design shall be cause to withhold the issuance of a Certificate of Compliance10occupancy.

3. If a manufactured home is placed within Zone A, A0, AE, or A1-30 and the elevation of the chassis is more than 36 inches in height above grade, an engineered foundation certification is required per Section 6.5 (C)(3)(I)3ii.

4. If a watercourse is to be altered or relocated, a description of the extent of watercourse alteration or relocation; a professional engineer's certified report on the effects of the proposed project on the flood-carrying capacity of the watercourse and the effects to properties located both upstream and downstream; and a map showing the location of the proposed watercourse alteration or relocation shall all be submitted by the permit applicant prior to issuance of a floodplain development permit.

5. Certification Exemptions. The following structures, if located within Zone A, A0, AE or A1-30, are exempt from the elevation1 floodproofing certification requirements specified in items (1) and (2) of this subsection:

i. Recreational Vehicles meeting requirements of Section 6.5 (C)(3)(I)6;

ii. Temporary Structures meeting requirements of Section 6.5 (C)(3)(I)7; and

iii. Accessory Structures less than 150 square feet meeting requirements of Section 6.5 (C)(3)(I)8.

(H) General Standards. In all Special Flood Hazard Areas the following provisions are required:

1. All new construction and substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse, and lateral movement of the structure.
2. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
3. All new construction and substantial improvements shall be constructed by methods and practices that minimize flood damages.
4. Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding to the Regulatory Flood Protection Elevation. These include, but are not limited to, HVAC equipment, water softener units, bath/kitchen fixtures, ductwork, electric/gas meter panels/boxes, utility/cable boxes, appliances (washers, dryers, refrigerators, freezers, etc.), hot water heaters, and electric outlets/switches.
5. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.
6. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into flood waters.
7. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.
8. Any alteration, repair, reconstruction, or improvements to a structure, which is in compliance with the provisions of this ordinance, shall meet the requirements of "new construction" as contained in this ordinance.
9. Nothing in this ordinance shall prevent the repair, reconstruction, or replacement of a building or structure existing on the effective date of this ordinance and located totally or partially within the floodway, non-encroachment area, or stream setback, provided there is no additional encroachment below the regulatory flood protection elevation in the floodway, non-encroachment area, or stream setback, and provided that

such repair, reconstruction, or replacement meets all of the other requirements of this ordinance.

10. Solid waste disposal facilities and sites, hazardous waste management facilities, salvage yards, and chemical storage facilities shall not be permitted, except by variance as specified in Section 6.5 (C)(3)(C)10. A structure or tank for chemical or fuel storage incidental to an allowed use or to the operation of a water treatment plant or wastewater treatment facility may be located in a Special Flood Hazard Area only if the structure or tank is either elevated or floodproofed to at least the regulatory flood protection elevation and certified according to Section 6.5 (C)(3)(G) of this ordinance.

11. All subdivision proposals and other development proposals shall be consistent with the need to minimize flood damage.

12. All subdivision proposals and other development proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.

13. All subdivision proposals and other development proposals shall have adequate drainage provided to reduce exposure to flood hazards.

14. All subdivision proposals and other development proposals shall have received all necessary permits from those governmental agencies for which approval is required by Federal or State law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.

15. When a structure is partially located in a Special Flood Hazard Area, the entire structure shall meet the requirements for new construction and substantial improvements.

16. When a structure is located in multiple flood hazard zones or in a flood hazard risk zone with multiple base flood elevations, the provision for the more restrictive flood hazard risk zone and the highest Base Flood Elevation (BFE) shall apply.

(I) Specific Standards. In all Special Flood Hazard Areas where Base Flood Elevation (BFE) data has been provided, as set forth in Section 6.5 (C)(1), or Section 6.5 (C)(3)(J) the following provisions, in addition to Section 6.5 (C)(3)(H), are required:

1. Residential Construction. New construction and substantial improvement of any residential structure (including manufactured homes)

shall have the reference level, including basement, elevated no lower than the Regulatory Flood Protection Elevation, as defined in Article V of this ordinance.

2. Non-Residential Construction. New construction and substantial improvement of any commercial, industrial, or other non-residential structure shall have the reference level, including basement, elevated no lower than the Regulatory Flood Protection Elevation, as defined in Article V of this ordinance. Structures located in A, AE and A1-30 Zones may be floodproofed to the regulatory flood protection elevation in lieu of elevation provided that all areas of the structure, together with attendant utility and sanitary facilities, below the regulatory flood protection elevation are watertight with walls substantially impermeable to the passage of water, using structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. For A0 Zones, the floodproofing elevation shall be in accordance with Section 6.5 (C)(3)(M). A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification shall be provided to the Floodplain Administrator as set forth in Section 6.5 (C)(3)(G)2, along with the operational plan and the inspection and maintenance plans.

3. Manufactured Homes.

i. New or replacement manufactured homes shall be elevated so that the reference level of the manufactured home is no lower than the Regulatory Flood Protection Elevation, as defined in Article V of this ordinance.

ii. Manufactured homes shall be securely anchored to an adequately anchored foundation to resist flotation, collapse, and lateral movement, either by engineer certification, or in accordance with the most current edition of the State of North Carolina Regulations for Manufactured Homes adopted by the Commissioner of Insurance pursuant to NCGS 143-143.15. Additionally, when the elevation would be met by an elevation of the chassis thirty-six (36) inches or less above the grade at the site, the chassis shall be supported by reinforced piers or engineered foundation. When the elevation of the chassis is above thirty-six (36) inches in height, an engineering certification is required.

iii. All enclosures or skirting below the lowest floor shall meet the requirements of Section 6.5 (C)(3)(I)4.

iv. An evacuation plan must be developed for evacuation of all residents of all new, substantially improved or substantially damaged manufactured home parks or subdivisions located within

flood prone areas. This plan shall be filed with and approved by the floodplain administrator and the local Emergency Management coordinator.

4. Elevated Buildings. Fully enclosed area, of new construction and substantially improved structures, which is below the lowest floor:

i. shall not be designed or used for human habitation, but shall only be used for parking of vehicles, building access, or limited storage of maintenance equipment used in connection with the premises. Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment (standard exterior door), or entry to the living area (stairway or elevator). The interior portion of such enclosed area shall not be finished or partitioned into separate rooms, except to enclose storage areas;

ii. shall be constructed entirely of flood resistant materials below the regulatory flood protection elevation;

iii. shall include, in Zones A, A0, AE, and A1-30, flood openings to automatically equalize hydrostatic flood forces on walls by allowing for the entry and exit of floodwaters. To meet this requirement, the openings must either be certified by a professional engineer or architect or meet or exceed the following minimum design criteria;

(a) A minimum of two flood openings on different sides of each enclosed area subject to flooding;

(b) The total net area of all flood openings must be at least one (1) square inch for each square foot of enclosed area subject to flooding;

(c) If a building has more than one enclosed area, each enclosed area must have flood openings to allow floodwaters to automatically enter and exit;

(d) The bottom of all required flood openings shall be no higher than one (1) foot above the adjacent grade;

(e) Flood openings may be equipped with screens, louvers, or other coverings or devices, provided they permit the automatic flow of floodwaters in both directions; and

(f) Enclosures made of flexible skirting are not considered enclosures for regulatory purposes, and, therefore, do not require flood openings. Masonry or wood underpinning, regardless of structural status, is considered an enclosure and requires flood openings as outlined above.

5. Additions/Improvements.

i. Additions and/or improvements to pre-FIRM structures when the addition and/or improvements in combination with any interior modifications to the existing structure are:

(a) not a substantial improvement, the addition and/or improvements must be designed to minimize flood damages and must not be any more non-conforming than the existing structure.

(b) a substantial improvement, both the existing structure and the addition and/or improvements must comply with the standards for new construction.

ii. Additions to post-FIRM structures with no modifications to the existing structure other than a standard door in the common wall shall require only the addition to comply with the standards for new construction.

iii. Additions and/or improvements to post-FIRM structures when the addition and/or improvements in combination with any interior modifications to the existing structure are:

(a) not a substantial improvement, the addition and/or improvements only must comply with the standards for new construction.

(b) a substantial improvement, both the existing structure and the addition and/or improvements must comply with the standards for new construction.

6. Recreational Vehicles. Recreational vehicles shall either:

i. be on site for fewer than 180 consecutive days and be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities, and has no permanently attached additions); or

ii. meet all the requirements for new construction.

7. Temporary Non-Residential Structures. Prior to the issuance of a floodplain development permit for a temporary structure, the applicant must submit to the floodplain administrator a plan for the removal of such structure(s) in the event of a hurricane, flash flood or other type of flood warning notification. The following information shall be submitted in writing to the floodplain administrator for review and written approval;

i. a specified time period for which the temporary use will be permitted. Time specified may not exceed three months, renewable up to one year;

- ii. the name, address, and phone number of the individual responsible for the removal of the temporary structure;
- iii. the time frame prior to the event at which a structure will be removed (i.e., minimum of 72 hours before landfall of a hurricane or immediately upon flood warning notification);
- iv. a copy of the contract or other suitable instrument with the entity responsible for physical removal of the structure; and
- v. designation, accompanied by documentation, of a location outside the Special Flood Hazard Area, to which the temporary structure will be moved.

8. Accessory Structures. When accessory structures (sheds, detached garages, etc.) are to be placed within a Special Flood Hazard Area, the following criteria shall be met:

- i. Accessory structures shall not be used for human habitation (including working, sleeping, living, cooking or restroom areas);
- ii. Accessory structures shall not be temperature-controlled;
- iii. Accessory structures shall be designed to have low flood damage potential;
- iv. Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters;
- v. Accessory structures shall be firmly anchored in accordance with Section 6.5 (C)(3)(H)1;
- vi. All service facilities such as electrical shall be installed in accordance with Section 6.5 (C)(3)(H)4; and
- vii. Flood openings to facilitate automatic equalization of hydrostatic flood forces shall be provided below regulatory flood protection elevation in conformance with 6.5 (C)(3)(I)(4)iii.

An accessory structure with a footprint less than 150 square feet that satisfies the criteria outlined above does not require an elevation or floodproofing certificate. Elevation or floodproofing certifications are required for all other accessory structures in accordance with 6.5 (C)(3)(G).

(J) Standards for Floodplains Without Established Base Flood Elevations. Within the Special Flood Hazard Areas designated as Approximate Zone A and established in 6.5 (C)(1), where no Base Flood Elevation (BFE) data has been provided by FEMA, the following provisions, in addition to 6.5 (C)(3)(H) and (I), shall apply:

1. No encroachments, including fill, new construction, substantial improvements or new development shall be permitted within a distance of twenty (20) feet each side from top of bank or five times the width of the stream, whichever is greater, unless certification with supporting technical data by a registered professional engineer is provided demonstrating that such encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.

2. The BFE used in determining the regulatory flood protection elevation shall be determined based on one of the following criteria set in priority order:

i. If Base Flood Elevation (BFE) data is available from other sources, all new construction and substantial improvements within such areas shall also comply with all applicable provisions of this ordinance and shall be elevated or floodproofed in accordance with standards in 6.5 (C)(3)(H and I).

ii. When floodway or non-encroachment data is available from a Federal, State, or other source, all new construction and substantial improvements within floodway and non-encroachment areas shall also comply with the requirements of 6.5 (C)(3)(I and L).

iii. All subdivision, manufactured home park and other development proposals shall provide Base Flood Elevation (BFE) data if development is greater than five (5) acres or has more than fifty (50) lots/manufactured home sites. Such Base Flood Elevation (BFE) data shall be adopted by reference per 6.5 (C)(1) to be utilized in implementing this ordinance.

iv. When Base Flood Elevation (BFE) data is not available from a Federal, State, or other source as outlined above, the reference level shall be elevated or floodproofed (nonresidential) to or above the Regulatory Flood Protection Elevation, as defined in Article V of the Zoning Ordinance. All other applicable provisions of 6.5 (C)(3)(I) shall also apply.

(K) Standards for Riverine Floodplains with BFE but without Established Floodways or Non-Encroachment Areas. Along rivers and streams where BFE data is provided but neither floodway nor non-encroachment areas are identified

for a Special Flood Hazard Area on the FIRM or in the FIS report, the following requirements shall apply to all development within such areas:

1. Standards outlined in 6.5 (C)(3)(H and I); and
2. Until a regulatory floodway or non-encroachment area is designated, no encroachments, including fill, new construction, substantial improvements, or other development, shall be permitted unless certification with supporting technical data by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.

(L) Floodways and Non-Encroachment Areas. Areas designated as floodways or non-encroachment areas are located within the Special Flood Hazard Areas established in 6.5 (C)(1). The floodways and non-encroachment areas are extremely hazardous areas due to the velocity of floodwaters that have erosion potential and carry debris and potential projectiles. The following provisions, in addition to standards outlined in 6.5 (C)(3)(H and I), shall apply to all development within such areas:

1. No encroachments, including fill, new construction, substantial improvements and other developments shall be permitted unless it has been demonstrated that:
 - i. the proposed encroachment would not result in any increase in the flood levels during the occurrence of the base flood, based on hydrologic and hydraulic analyses performed in accordance with standard engineering practice and presented to the floodplain administrator prior to issuance of floodplain development permit, or
 - ii. a Conditional Letter of Map Revision (CLOMR) has been approved by FEMA. A Letter of Map Revision (LOMR) must also be obtained upon completion of the proposed encroachment.
2. If 6.5 (C)(3)(L)1 is satisfied, all development shall comply with all applicable flood hazard reduction provisions of this ordinance.
3. No manufactured homes shall be permitted, except replacement manufactured homes in an existing manufactured home park or subdivision, provided the following provisions are met:
 - i. the anchoring and the elevation standards of 6.5 (C)(3)(I)3.; and
 - ii. the no encroachment standard of 6.5 (C)(3)(L)1.

(M) Standards for Areas of Shallow Flooding (A0). Located within the Special Flood Hazard Areas established in 6.5 (C)(1), are areas designated as shallow flooding areas. These areas have special flood hazards associated with base flood depths of one (1) to three (3) feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate. In addition to 6.5 (C)(3)(H and I), all new construction and substantial improvements shall meet the following requirements:

1. The reference level shall be elevated at least as high as the depth number specified on the Flood Insurance Rate Map (FIRM), in feet, plus a freeboard of one (1) foot, above the highest adjacent grade; or three (3) feet above highest adjacent grade if no depth number is specified.
2. Non-residential structures may, in lieu of elevation, be floodproofed to the same level as required in 6.5 (C)(3)(M)1. so that the structure, together with attendant utility and sanitary facilities, below that level shall be watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. Certification is required as per 6.5 (C)(3)(G) and 6.5 (C)(3)(I)2.
3. Adequate drainage paths shall be provided around structures on slopes, to guide floodwaters around and away from proposed structures.

(N) Corrective Procedures.

1. Violations to be Corrected: When the floodplain administrator finds violations of applicable State and local laws, it shall be his or her duty to notify the owner or occupant of the building of the violation. The owner or occupant shall immediately remedy each of the violations of law cited in such notification.
2. Actions in Event of Failure to Take Corrective Action: If the owner of a building or property shall fail to take prompt corrective action, the floodplain administrator shall give the owner written notice, by certified or registered mail to the owner's last known address or by personal service, stating:
 - i. that the building or property is in violation of the Flood Damage Prevention Ordinance;

ii. that a hearing will be held before the floodplain administrator at a designated place and time, not later than ten (10) days after the date of the notice, at which time the owner shall be entitled to be heard in person or by counsel and to present arguments and evidence pertaining to the matter; and,

iii. that following the hearing, the floodplain administrator may issue an order to alter, vacate, or demolish the building; or to remove fill as appears appropriate.

3. Order to Take Corrective Action: If, upon a hearing held pursuant to the notice prescribed above, the floodplain administrator shall find that the building or development is in violation of the Flood Damage Prevention Ordinance, they shall issue an order in writing to the owner, requiring the owner to remedy the violation within a specified time period, not less than sixty (60) calendar days, nor more than 180 calendar days. Where the floodplain administrator finds that there is imminent danger to life or other property, they may order that corrective action be taken in such lesser period as may be feasible.

4. Appeal: Any owner who has received an order to take corrective action may appeal the order to the local elected governing body by giving notice of appeal in writing to the floodplain administrator and the clerk within ten (10) days following issuance of the final order. In the absence of an appeal, the order of the floodplain administrator shall be final. The local governing body shall hear an appeal within a reasonable time and may affirm, modify and affirm, or revoke the order.

5. Failure to Comply with Order: If the owner of a building or property fails to comply with an order to take corrective action for which no appeal has been made or fails to comply with an order of the governing body following an appeal, the owner shall be guilty of a misdemeanor and shall be punished at the discretion of the court.

(O) Severability. If any section, clause, sentence, or phrase of the Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way effect the validity of the remaining portions of this Ordinance.

(D) Corridor Overlay Districts (CO)

(1) Intent. It is the intent to encourage development practices that maintain and/or enhance the natural beauty and scenic quality of an identified highway corridor for the benefit of the motoring public and to protect the health, safety, and welfare of the motoring public by reducing impediments such as light glare, distractions, and visual clutter/obstructions.

(2) Permitted uses. Uses permitted by right, uses with conditions, and uses permitted upon the issuance of a “conditional use” permit are listed in the table of uses in Section 6.7.

(3) Dimensional requirements and supplemental standards.

(A) In order to carry out the provisions of this article, there are hereby created and established certain zones which include all of the land adjoining highways 18, 268, 115, and 421 business. Such areas are determined by a 500 foot corridor (250 feet from the centerline on each side of the highway) running parallel with the aforementioned highways. Such zones are shown on the official zoning map described in Section 6.5(D)(3)J. The requirements of the COD shall be applied in addition to any other applicable land use controls. In the event that COD standards conflict with other existing development requirements, the more restrictive regulations apply and shall be applied to the following:

1. The development of vacant land;
2. Redevelopment or expansion of existing site ground coverage, which includes buildings, accessory uses or structures, parking and outdoor storage areas; and
3. Any change in use that increases development intensity and results in increased traffic, water or air pollution. Examples of changes in use that may increase development intensity include, but are not limited to: alteration from a residential use to a commercial use or from a commercial use to an industrial use.

(B) Structure Height. Structures within the COD shall be limited in height to a maximum of forty (40) feet as measured from the finished ground floor elevation to the highest point of the roof or structure. Chimneys, cupolas, and steeples are not included in measuring a structure's height.

(C) Right-of-way Setback. Structures within the COD shall be set back no less than fifty (50) feet from the right-of-way or no closer than one-hundred (100) feet of centerline of the specific highway (18, 268, 115, 421 business).

(D) Buffer yard. A buffer yard of twenty-five (25) feet shall be provided and maintained immediately adjacent to and along each side of the right-of-way.

1. Composition. To the greatest extent possible, existing planting material within the buffer yard shall be retained – particularly mature trees and rare specimens. Where adequate plant material is absent or to be removed, a landscaped buffer consisting of two (2) canopy trees and two (2) understory trees per one-hundred (100) linear feet of property frontage shall be installed. In addition, one upright shrub per eight (8) linear feet of property frontage shall also be installed.
2. Permitted Structures. The following structures may be built within the required buffer yard:
 - i. Pedestrian or bicycle paths;
 - ii. Planters, retaining walls, fences, park tables and seating, hedges, and other landscaping structures; and

- iii. Utility lines (above or below ground), their support structures, and minor structures accessory to utility lines, provided that they generally cross rather than run along the length of the buffer yard.

(E) Maximum Impervious Surface. The maximum permitted coverage by impervious surfaces shall be 80 percent of the total lot area, unless regulated by the watershed overlay district. The more stringent will apply in this case.

(F) Parking and Loading.

1. Parking.

- i. Location Requirements. No vehicular or equipment parking except automobile parking shall be permitted in the yard area adjacent to the highway. When more than twenty (20) off street parking spaces are provided, no more than seventy-five (75) percent of the off-street parking spaces may be located in the yard directly facing the highway.
- ii. Right-of-way Setbacks. All automobile parking shall be set back at least twenty-five (25) feet from the right-of-way of the highway.

2. Loading. All loading shall be from the side or rear of the principal structure as viewed from the highway. If loading is performed on the side of the building, as viewed from the highway, screening meeting the following standards shall be provided:

- i. The screen shall be composed of view obscuring evergreen vegetation (used individually, or in combination with), a wall, semi opaque fence, or berm designed to obscure views from the ground, except for mechanical equipment which shall be screened to the height of the equipment plus six (6) inches.
- ii. One upright shrub shall be installed per four (4) linear feet of any screen wall or fence that faces off-site. These plantings shall be placed such that they obscure the screen wall or fence.
- iii. Plants must be at least two (2) feet tall at the time of installation and reach the desired height within three (3) to five (5) years of planting. Berms, when provided, must be covered with plant materials within three (3) to five (5) years.

(G) Outdoor Storage.

- 1. Locational Requirements. Outdoor storage areas shall not be placed in front yard or in a yard adjacent to, or facing, the highway.
- 2. Screening. Outdoor storage areas must be fully screened from view from the highway. Screening meeting the standards above for loading areas shall be installed.

(H) Exterior Lighting. All exterior lighting shall be constructed or located so that the light source is not directly visible from a vehicle traveling the highway and does not project glare onto the highway or access roads. The use of full cutoff lighting fixtures is required.

(I) Signs.

1. Maximum Height. Twelve (12) feet.
2. Type. Ground-mounted monument signs only are permitted.
3. Landscaping. Appropriate landscaping shall be required at the base of all signs within the COD.
4. Maximum Area. Thirty-two (32) square feet in size.
5. Shielding of Illuminated Signs. All illuminated signs must be shielded in such a manner that no direct glare from the light source can be seen from the highway or thoroughfare or from above.
6. Prohibited signs.
 - i. Animated signs
 - ii. Flashing signs
 - iii. Roof signs
 - iv. Off-premise outdoor advertising signs

(J) Overlay area map.

The zones herein established are shown on the drawings entitled “Official Zoning Map—Corridor Overlay” which are a separate but integral part of this section.

(K) Nonconforming uses. Nothing contained herein shall require any change in the construction, alteration, or intended use of any structure, the construction or alteration of which was begun prior to the effective date of this article and is diligently prosecuted to completion thereafter.

6.6 Dimensional Requirements.

Table 1. General Requirements

District	Minimum Residential Lot Size (Sq. Ft.) ¹	Minimum Non-Residential Lot size (Sq. Ft.) ¹	Minimum Lot Width (feet) ²	Minimum Public Street Frontage (feet)	Maximum Building Height (feet)
R20	20,000	40,000	100	40	35
R10	10,000	20,000	75	40	35
R6	6,000	20,000	50	40	35
OI	6,000	10,000	60	40	50⁴
NB	0	0	0	40	35
CBD	0	0	0	0	80
GB	0	0	50	40	50
HB	0	0	100	40	50
LI	0	0	50	40	80⁴
GI	0	0	50	40	80⁴
MF-CD	2 acres³	Same as Underlying District	100	50	Same as Underlying District
PD-CD	Varies: See Section 6.4(L)	Varies: See Section 6.4(L)	Varies: See Section 6.4(L)	Varies: See Section 6.4(L)	Varies: See Section 6.4(L)
WSO	Varies: See Section 5.5(B)	Same as Underlying District	Same as Underlying District	Same as Underlying District	Same as Underlying District
AO	Same as Underlying District	Same as Underlying District	Same as Underlying District	Same as Underlying District	Varies: See Section 5.5 (A)
FPO	Same as Underlying District	Same as Underlying District	Same as Underlying District	Same as Underlying District	Same as Underlying District

¹ Lot area requirements may be larger depending on location within WS-II or WS-IV watershed area.

² Lot width to be measured at minimum required setback.

³ Maximum residential density shall be 10 units per acre.

⁴ Height may be increased 1 foot for every additional 1 foot of setback provided for the building or portion of the building exceeding the height limit.

Table 2. Setback Requirements

District	Principal Residential Structure Minimum Setbacks in Feet			Principal Non-Residential Structure Minimum Setbacks in Feet		
	Front ¹	Side ³	Rear	Front	Side	Rear
R20	40	12	35	40	20	35
R10	35	10	30	40	15	30
R6	30	8	25	30	12	30
OI	25	8	25	25	8	25
NB	10	5	15	10	5	15
CBD	None	None	None	None	None	None
GB	10	None/25²	20	10	None/25²	20
HB	20	None/25²	10	20	None/25²	10
LI	30	None/30²	None/30²	30	None/30²	None/30²
GI	40	None/30²	None/30²	40	None/30²	None/30²
MF-CD	50	50	50	50	50	50
PD-CD	Varies: See Section 6.4(L)	Varies: See Section 6.4(L)	Varies: See Section 6.4(L)	Varies: See Section 6.4(L)	Varies: See Section 6.4(L)	Varies: See Section 6.4(L)
WS0	same as the underlying district			same as the underlying district		
AO	same as the underlying district			same as the underlying district		
FPO	same as the underlying district			same as the underlying district		

¹ Front setbacks may be waived in accordance with Section 2.3(C)(7)

² Setbacks must be met when abutting a residential district.

³ Side setbacks for corner lots shall be increased by 10 feet.

6.7 Table of Uses.

The following table lists uses permitted in each zoning district by a) issuance of a zoning permit from the Zoning Administrator with or without conditions, or b) issuance of a conditional use permit (abbreviated C.U.P. in the legend included at the top of the table) from the Board of Adjustment, or c) issuance of a special use permit (abbreviated S.U.P. in the legend included at the top of the table) from the Town Board. The table also denotes districts in which certain uses are not permitted and where the uses permitted within an overlay district are determined by the uses permitted in the underlying district. The uses are as follows:

P = Permit from Planning Department C = C.U.P. from Board of Adjustment P/C = Permit from Planning Department; use must meet additional conditions S = S.U.P. from Town Board "- " = Not permitted U = uses determined by underlying district	DISTRICTS														
	RESIDENTIAL				COMMERCIAL					INDUSTRIAL			ENV.		
USE															
Agricultural Uses	R20	R10	R6	MF-OD	OI	NB	CBD	CB	HB	LI	GI	AO	WSO	FPO	CONDITIONS
Agricultural industry	P/C	-	-	-	-	-	-	P	P	P	P	U	U	U	11.1-1
Agriculture, bona-fide farms, including processing or sale of products grown on the same zoning lot, excluding agricultural industry	P/C	-	-	-	-	-	-	-	-	-	-	U	U	U	See Article 5.3 Definitions
Agriculture implement sale, repair, rental or storage	P/C	-	-	-	-	-	-	P	P	P	-	U	U	U	11.1-2
Livestock sales and auctions	-	-	-	-	-	-	-	P/C	P	P	-	U	U	U	11.1-3
Commercial Uses	R20	R10	R6	MF-OD	OI	NB	CBD	CB	HB	LI	GI	AO	WSO	FPO	CONDITIONS
Adult establishments	-	-	-	-	-	-	-	-	P/C	-	-	U	U	U	11.2-1
Amusements, commercial, indoor	-	-	-	-	-	-	-	P	P	-	-	U	U	U	
Amusements, commercial, outdoor	-	-	-	-	-	-	-	P/C	P/C	-	-	U	U	U	11.2-2
Arts and crafts studio	-	-	-	-	-	P	P	P	P	P	-	U	U	U	
Automatic teller machine	-	-	-	-	P	P	P	P	P	P	P	U	U	U	
Banking and financial services	-	-	-	-	P	P	P	P	P	P	-	U	U	U	
Bar	-	-	-	-	-	-	P	P	P	-	-	U	U	U	
Bed and breakfast establishment	C	C	C	-	C	C	C	C	C	C	C	U	U	U	11.2-3
Brewpub	-	-	-	-	-	-	P	P	P	P	-	U	U	U	
Broadcast studios (radio and television)	-	-	-	-	P	-	-	P	P	P	-	U	U	U	
Building materials supply	-	-	-	-	-	-	-	P	P	P	P	U	U	U	
Car wash, automatic	-	-	-	-	-	-	-	P/C	P/C	P/C	-	U	U	U	11.2-4
Car wash, full service	-	-	-	-	-	-	-	P	P	-	-	U	U	U	
Car wash, industrial	-	-	-	-	-	-	-	-	P/C	P/C	P/C	U	U	U	11.2-5
Car wash, self-service	-	-	-	-	-	-	-	P/C	P/C	-	-	U	U	U	11.2-6
Club, Private	-	-	-	-	-	P/C	P/C	P	P	-	-	U	U	U	11.2-7

Construction vehicle sales, repair, leasing, maintenance, or storage	-	-	-	-	-	-	-	-	P	P	P	P	U	U	U	
Convenience store	-	-	-	-	-	P/C	P	P	P	P	-	-	U	U	U	11.2-8
Drycleaning and laundry services	-	-	-	-	-	P	P	P	P	P	-	-	U	U	U	
Farmers market	-	-	-	-	-	-	P	P	P	P	-	-	U	U	U	
Feed and seed stores	-	-	-	-	-	-	P	P	P	P	-	-	U	U	U	
Flea markets	-	-	-	-	-	-	-	P/C	P/C	P/C	-	-	U	U	U	11.2-9
Food and beverage store	-	-	-	-	-	P	P	P	P	P	-	-	U	U	U	
Food Truck	-	-	-	-	P/C	-	P/C	P/C	P/C	P/C	P/C	U	U	U	U	11.2-10
Fuel dealer	-	-	-	-	-	-	-	P/C	P/C	P/C	P/C	U	U	U	U	11.2-11
Gasoline station, large	-	-	-	-	-	-	-	P	P	P	-	-	U	U	U	
Gasoline station, neighborhood	-	-	-	-	-	P/C	P/C	P	P	P	-	-	U	U	U	11.2-12
General retail	-	-	-	-	-	-	P	P	P	P	-	-	U	U	U	
Heavy machinery sales, repair, leasing, maintenance or storage	-	-	-	-	-	-	-	P	P	P	P	U	U	U	U	
Home occupations	P/C	P/C	P/C	-	P/C	P/C	P/C	P/C	P/C	P/C	P/C	U	U	U	U	11.2-13
Hotel	-	-	-	-	-	-	P	P	P	P	-	-	U	U	U	
Junk yard	-	-	-	-	-	-	-	-	-	-	-	P/C	-	-	-	11.2-14
Kennel	P/C	-	-	-	-	P/C	-	P	P	P	-	-	U	U	U	11.2-15
Laundry and linen supply service	-	-	-	-	-	-	P	P	P	P	P	U	U	U	U	
Motel	-	-	-	-	-	-	-	P	P	P	-	-	U	U	U	
Motor vehicle paint or body shop	-	-	-	-	-	-	-	P	P	P	-	-	U	U	U	
Motor vehicle sales, rental and leasing (Franchised)	-	-	-	-	-	-	-	P/C	P/C	P/C	-	-	U	U	U	11.2-16
Motor vehicle sales, rental and leasing (Non-Franchised)	-	-	-	-	-	-	-	C	C	C	-	-	U	U	U	11.2-16
Motor vehicle repair and maintenance	-	-	-	-	-	-	-	P	P	P	P	-	U	U	U	
Motor vehicle storage yard	-	-	-	-	-	-	-	P/C	P/C	P/C	P/C	U	U	U	U	11.2-17
Nightclub	-	-	-	-	-	-	C	C	C	C	-	-	U	U	U	11.2-18
Nursery, lawn and garden supply store, retail	-	-	-	-	-	C	-	P/C	P/C	P/C	P/C	U	U	U	U	11.2-19
Outdoor display and sales of merchandise	-	-	-	-	-	-	-	P/C	P/C	P/C	P/C	-	U	U	U	11.2-20
Outdoor storage	-	-	-	-	P/C	-	-	-	-	-	P/C	P/C	U	U	U	11.2-21
Parking lot or deck	P/C	P/C	P/C	P/C	P/C	P/C	P	P	P	P	P	U	U	U	U	11.2-22
Pawn shop	-	-	-	-	-	-	-	P	P	P	-	-	U	U	U	
Raceways and drag strips	-	-	-	-	-	-	-	-	-	-	-	C	U	U	U	11.2-23
Restaurant, with drive-through service	-	-	-	-	-	-	-	P	P	P	P	-	U	U	U	
Restaurant, without drive-through service	-	-	-	-	-	P	P	P	P	P	P	-	U	U	U	
Retail, non-store	-	-	-	-	P/C	P/C	P	P	P	P	P	-	U	U	U	11.2-24
Retail store, large	-	-	-	-	-	-	-	P	P	P	-	-	U	U	U	
Retail store, medium	-	-	-	-	-	-	-	P	P	P	-	-	U	U	U	
Retail store, small	-	-	-	-	-	P	P	P	P	P	-	-	U	U	U	
Riding stables	P/C	-	-	-	-	-	-	P/C	-	-	-	-	U	U	U	11.2-25

Shopping center, large	-	-	-	-	-	-	-	-	P	-	-	U	U	U	
Shopping center, medium	-	-	-	-	-	-	-	P	P	-	-	U	U	U	
Shopping center, small	-	-	-	-	-	P	P	P	P	-	-	U	U	U	
Shooting range (indoor)	-	-	-	-	-	-	-	P	P	-	-	U	U	U	
Shooting range, outdoor	C	-	-	-	-	-	-	-	-	-	-	U	U	U	11.2-26
Studios (art, dance, music, or photographic)	-	-	-	-	P	P	P	P	P	-	-	U	U	U	
Theater, indoor	-	-	-	-	-	-	P	P	P	-	-	U	U	U	
Theater, drive-in	-	-	-	-	-	-	-	P	P	-	-	U	U	U	
Veterinary services	-	-	-	-	P	P	P	P	P	-	-	U	U	U	
Industrial Uses	R20	R10	R6	ME-OD	O1	NB	OB-D	GB	HB	I1	G1	AO	WSO	FPO	CONDITIONS
Abattoirs	-	-	-	-	-	-	-	P/C	-	P	P	U	U	U	11.3-1
Asphalt and concrete plant and contractors	-	-	-	-	-	-	-	-	-	-	P	U	U	-	
Auto/Motor Vehicle dismantling & wrecking yards, building material salvage yards, general salvage yards, scrap metal processing yards	-	-	-	-	-	-	-	-	-	-	P/C	U	U	-	11.3-2
Brewery	-	-	-	-	-	-	P	P	P	P	P	U	U	U	
Building contractors, general	-	-	-	-	P	-	P	P	P	P	P	U	U	U	
Building contractors, heavy	-	-	-	-	-	-	-	P/C	P/C	P	P	U	U	U	11.3-3
Bulk storage of petroleum products	-	-	-	-	-	-	-	-	-	P	P	U	U	U	
Data Centers	-	-	-	-	-	-	-	-	P	P	P	U	U	U	
Distilleries	-	-	-	-	-	-	P	P	P	P	P	U	U	U	
Dry cleaning and laundry plants	-	-	-	-	-	-	-	-	-	P	P	U	U	U	
Feed and flour mills	-	-	-	-	-	-	-	-	-	P	P	U	U	U	
Laboratory (analytical, experimental testing, research and development)	-	-	-	-	-	-	-	-	-	P	P	U	U	U	
Laboratory, medical or dental	-	-	-	-	P	-	-	P	P	P	-	U	U	U	
Landfill, land clearing and inert debris	P/C	-	-	-	-	-	-	-	-	P/C	P/C	U	U	U	11.3-4
Landfill, construction and demolition	-	-	-	-	-	-	-	-	-	-	-	U	U	U	
Landfill, sanitary	-	-	-	-	-	-	-	-	-	-	-	U	U	U	
Manufacturing A	-	-	-	-	-	-	-	-	P	P	P	U	U	U	
Manufacturing B	-	-	-	-	-	-	-	-	-	-	P	U	U	U	
Manufacturing C	-	-	-	-	-	-	-	-	-	-	P	U	U	U	
Meat packing plant	-	-	-	-	-	-	-	-	-	P	P	U	U	U	
Microbrewery	-	-	-	-	-	-	P	P	P	P	P	U	U	U	
Printing or binding	-	-	-	-	P	P	P	P	P	P	-	U	U	U	

Quarries or other extractive industries	-	-	-	-	-	-	-	-	-	-	C	U	U	U	11.3-5
Saw mills	-	-	-	-	-	-	-	-	-	-	P	U	U	U	
Solar Farms										P/C	P/C	U	U	U	11.3-6
Storage and salvage yard	-	-	-	-	-	-	-	-	-	-	P/C	U	U	-	11.3-6
Terminal, freight	-	-	-	-	-	-	-	-	P/C	P/C	P/C	U	U	U	11.3-7
Tire recapping shops	-	-	-	-	-	-	-	P/C	-	P/C	P/C	U	U	U	11.3-8
Warehousing (excluding self-storage)	-	-	-	-	-	-	-	P/C	P/C	P	P	U	U	U	11.3-9
Warehousing, self storage	-	-	-	-	-	C	-	P/C	P/C	P/C	P/C	U	U	U	11.3-10
Waste incineration	-	-	-	-	-	-	-	-	-	-	P	U	U	U	
Waste transfer station	-	-	-	-	-	-	-	-	-	-	C	U	U	U	11.3-11
Wholesale trade A	-	-	-	-	-	-	-	P	P	P	P	U	U	U	
Wholesale trade B	-	-	-	-	-	-	-	-	P	P	P	U	U	U	
Wineries	-	-	-	-	-	-	P	P	P	P	P	U	U	U	
Governmental And Institutional Uses	R20	R10	R6	MF-OD	OI	NB	CBD	GB	HB	LI	GI	AO	WSO	FPO	CONDITIONS
Child care institution	P/C	-	-	-	P	P/C	-	P	P	-	-	U	U	U	11.4-1
Church or religious institution, neighborhood scale	P	-	-	-	P	P	-	P	P	-	-	U	U	U	
Church or religious institution, community scale	P/C	-	-	-	P	-	-	P	P	-	-	U	U	U	11.4-2
Civic, fraternal, cultural, and community facilities not otherwise listed	P/C	-	-	-	P	P	P	P	P	-	-	U	U	U	11.4-3
Club or lodge, private non-profit	P/C	-	-	-	P	P	P	P	P	-	-	U	U	U	11.4-3
College or university	P/C	-	-	-	P	-	P/C	P	P	P/C	-	U	U	U	11.4-4
Community center	P/C	-	-	-	P	P	-	P	P	-	-	U	U	U	11.4-5
Congregate care facility	P/C	-	-	-	P	-	-	P	P	-	-	U	U	U	11.4-11
Correctional institution	-	-	-	-	-	-	-	-	-	C	C	U	U	U	11.4-6
Daycare center	P/C	-	-	-	P/C	P/C	P/C	P/C	P/C	P/C	-	U	U	U	11.4-7
Daycare, large home	P/C	P/C	P/C	-	P/C	P/C	P/C	P/C	P/C	-	-	U	U	U	11.4-8
Daycare, small home	P/C	P/C	P/C	-	P/C	P/C	P/C	P/C	P/C	-	-	U	U	U	11.4-8
Emergency shelters		PPP		-	P	P	P	P	P	P	P	U	U	U	
Funeral home	-	-	-	-	P	-	-	P	P	-	-	U	U	U	
Government offices, courthouses, and similar governmental facilities not otherwise listed	P	P	P	P	P	P	P	P	P	P	P	U	U	U	
Group care facility	P/C	-	-	-	P/C	-	-	P/C	P/C	-	-	U	U	U	11.4-9
Group home A	P/C	P/C	P/C	-	-	-	-	-	-	-	-	U	U	U	11.4-10
Group home B	P/C	-	-	-	-	-	-	-	-	-	-	U	U	U	11.4-10
Habilitation facility - A	-	-	-	-	P	P	P	P	P	-	-	U	U	U	
Habilitation facility - B	-	-	-	-	P	-	-	P	P	-	-	U	U	U	
Homeless Shelter	-	-	-	-	-	-	-	-	C	-	-	U	U	U	11.4-11
Institutional uses, not otherwise listed	-	-	-	-	P	-	-	P	P	-	-	U	U	U	
Library, public	P	-	-	-	P	P	P	P	P	-	-	U	U	U	

Museum or art gallery	P	-	-	-	P	P	P	P	P	-	-	U	U	U	
Nursing care institution	P/C	-	-	-	P	-	-	P	P	-	-	U	U	U	11.4-11
Post office	P	-	-	-	P	P	P	P	P	-	-	U	U	U	
Postal facility, neighborhood	P	-	-	-	P	P	P	P	P	-	-	U	U	U	
Progressive care community	P/C	-	-	-	P	-	-	P	P	-	-	U	U	U	11.4-12
Public safety stations including police, fire, and rescue services	P	-	-	-	P	P	P	P	P	P	P	U	U	U	
Public works facility	P	-	-	-	P	-	P	P	P	P	P	U	U	U	
Schools, elementary and secondary, including school stadiums (public)	P/C	-	-	-	P/C	-	P/C	P/C	P/C	-	-	U	U	U	11.4-13
Schools, vocational, private, or professional	P/C	-	-	-	P/C	-	P/C	P/C	P/C	P/C	-	U	U	U	11.4-14
Wireless Telecommunication Facilities	C	C	C	-	C	C	C	C	C	C	C	U	U	U	NW Cell Ordinance
Utilities, above ground	P/C	P/C	P/C	-	P/C	P/C	P/C	P/C	P/C	P/C	P/C	U	U	U	11.4-15
Utilities, below ground	P	P	P	-	P	P	P	P	P	P	P	U	U	U	
Commercial yard waste composting	-	-	-	-	-	-	-	-	-	-	P	U	U	U	
Professional Office And Medical Uses	R20	R10	R6	MF-CD	OI	NB	OB-D	GB	HB	LI	GI	AO	WSO	FPO	CONDITIONS
Clinics	-	-	-	-	P	P	P	P	P	P	-	U	U	U	
Health services, miscellaneous	-	-	-	-	P	-	P	P	P	P	-	U	U	U	
Hospital	-	-	-	-	P	-	-	P	P	P	-	U	U	U	
Medical and surgical offices	-	-	-	-	P	P	P	P	P	P	-	U	U	U	
Offices, professional	-	-	-	-	P	P	P	P	P	P	P	U	U	U	
Optical services	-	-	-	-	P	P	P	P	P	-	-	U	U	U	
Orthopedic supply houses	-	-	-	-	P	P	P	P	P	P	-	U	U	U	
Pharmacy	-	-	-	-	-	P	P	P	P	-	-	U	U	U	
Recreational Uses	R20	R10	R6	MF-CD	OI	NB	OB-D	GB	HB	LI	GI	AO	WSO	FPO	CONDITIONS
Arenas	C	-	-	-	-	-	-	P	P	P	P	U	U	U	11.6-1
Assembly halls, coliseums, armories, ballrooms, reception halls and exhibition buildings	-	-	-	-	P	-	-	P	P	-	-	U	U	U	
Golf course and driving range	P/C	P/C	P/C	-	-	-	-	P/C	P/C	-	-	U	U	U	11.6-2
Park and open space areas	P	P	P	-	P	P	P	P	P	P	P	U	U	U	
Recreation services, indoor	C	-	-	-	P	P	-	P	P	P	-	U	U	U	11.6-3
Recreation services, outdoor	P/C	P/C	P/C	-	P/C	P/C	P/C	P/C	P/C	P/C	P/C	U	U	U	11.6-3
Recreational vehicle park	C	-	-	-	-	-	-	-	-	-	-	U	U	U	11.6-4
Swimming Pool (Private)	P/C	P/C	P/C	-	-	-	-	-	-	-	-	U	U	U	11.6-5

Swimming Pool (Public)	P/C	P/C	P/C	-	P/C	P/C	P/C	P/C	P/C	P/C	P/C	U	U	U	11.6-6
Residential Uses	R20	R10	R6	MF-OD	OI	NB	 CBD	GB	HB	LI	GI	AO	WSO	FPO	CONDITIONS
Accessory dwelling unit-attached	P/C	P/C	P/C	-	-	P/C	P/C	-	-	-	-	U	U	U	11.7-1
Accessory dwelling unit-detached	P/C	P/C	-	-	-	-	-	-	-	-	-	U	U	U	11.7.1
Boarding or rooming house for up to 2 boarders	P/C	P/C	P/C	-	-	-	-	-	-	-	-	U	U	U	11.7-2
Cluster subdivisions	C	C	C	-	-	-	-	-	-	-	-	U	U	U	11.7-3
Dormitory	C	-	-	P	C	-	C	-	-	-	-	U	U	U	11.7-4
Manufactured home, Class A or Class B	P/C	-	-	-	-	-	-	-	-	-	-	U	U	U	11.7-5
Manufactured home, temporary	C	C	-	-	-	-	-	-	-	-	-	U	U	U	11.7-6
Manufactured home park	P/C	-	-	-	-	-	-	-	-	-	-	U	U	U	11.7-7
Manufactured home subdivision	P/C	-	-	-	-	-	-	-	-	-	-	U	U	U	11.7-8
Residential building, duplex	P/C	-	P/C	P	-	-	-	-	-	-	-	U	U	U	11.7-9
Residential building, multi-family	P/C	-	-	P	-	-	-	-	-	-	-	U	U	U	11.7-10
Residential building, single family	P	P	P	-	-	-	-	-	P/C	-	-	U	U	U	11.7-11
Residential building, townhouse	P/C	-	P/C	P	-	-	-	-	-	-	-	U	U	U	11.7-10
Upper-Story Residential	-	-	-	-	-	-	P	P	-	-	-	U	U	U	
Ground-Floor Residential	-	-	-	-	-	-	S	-	-	-	-	U	U	U	11.7-12
Service Uses	R20	R10	R6	MF-OD	OI	NB	 CBD	GB	HB	LI	GI	AO	WSO	FPO	CONDITIONS
Cemetery	P/C	-	-	-	P/C	P/C	-	P/C	P/C	-	-	U	U	U	11.8-1
Columbarium	P/C	-	-	-	P/C	P/C	-	P/C	P/C	-	-	U	U	U	11.8-2
Personal services	-	-	-	-	P	P	P	P	P	-	-	U	U	U	
Services A, business	-	-	-	-	P	-	-	P	P	P	-	U	U	U	
Services B, business	-	-	-	-	P	-	-	P	P	P	P	U	U	U	
Terminal, bus or taxi	-	-	-	-	-	-	P	P	P	-	-	U	U	U	
Miscellaneous Uses	R20	R10	R6	MF-OD	OI	NB	 CBD	GB	HB	LI	GI	AO	WSO	FPO	CONDITIONS
Airports	S	-	-	-	-	-	-	-	-	S	S	U	U	U	
Fairgrounds	-	-	-	-	-	-	-	-	P/C	-	-	U	U	U	11.9-1
Hazardous waste management facility	-	-	-	-	-	-	-	-	-	-	-	U	U	U	
Heliport	-	-	-	-	P/C	-	-	-	-	P/C	P/C	U	U	U	11.9-2
POD's or temporary storage units	P/C	P/C	P/C	-	-	-	-	P/C	P/C	P/C	P/C	U	U	U	11.9-3
Recycling center	-	-	-	-	-	-	-	-	-	P	P	U	U	-	
Alternative Landscaping	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	U	U	U	11.9-4