

CHAPTER 5 GENERAL PROVISIONS

Section 5.1 Application

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

Section 5.2 Reduction of Lot and Yard Areas Prohibited

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

Section 5.3 Relationship of Building to Lot

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

Section 5.4 Screening and Landscaping

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

Screening and buffering shall be required under the following situations.

5.4.1 Screening and Buffering Requirements Between Certain Zoning Districts or Telecommunications Towers, or Adult Establishments, Adult Hotel/Motels, or Adult Video Stores, or Conditional Use Permits in Industrial Zones.

Screening and buffering is required in the following circumstances. The standards for these Screen/Buffers are found in Section 5.4.6.

(i) when a lot in an Industrial District (M-1 or M-2) abuts a lot in a Residential (R-A, R-20, R-10) District, screening must be provided on the Industrial lot in the form of a Grade 6 Screen/Buffer, as illustrated in Figure 6 meeting the requirements of Section 5.4.6, 5.4.7, 5.4.9 and 5.4.10; or

(ii) when a lot in a Business (C-B, G-B) District abuts a lot in a Residential District (R-A, R-20, R-10), screening must be provided on the Business lot in the form of a Grade 5 Screen/Buffer as illustrated in Figure 5, meeting the requirements of Section 5.4.6, 5.4.7, 5.4.9 and 5.4.10; or

(iii) when a lot in an Residential District (R-A, R-20, R-10) abuts another lot which contains a multi-family development, screening must be provided on the lot containing said multi-family development in the form of a Grade 4 Screen/Buffer as illustrated in Figure 4 meeting the requirements of Section 5.4.6, 5.4.7 and 5.4.9 and 5.4.10; or

(iv) when a lot in a Residential District (R-A, R-20, R-10) abuts another lot which contains a planned unit development where the dwelling units are attached and there are more than six (6) units in a building, screening must be provided on the lot containing said planned unit development in the form of a Grade 4 Screen/Buffer, as illustrated in Figure 4 and meeting the requirements of Section 5.4.6, 5, 4.7, 5.4.9 and 5.4.10; or

(v) when a lot containing a use subject to the issuance of a conditional use permit in an Industrial District (M-1 or M-2) abuts a lot in a Business District (C-B, G-B), or the Town Council may stipulate in the conditional use permit that a version of a Grade 1, 2, or 3 Screen/Buffer must be provided on the Industrial lot meeting the requirements of Section 5.4.2, 5.4.6, 5.4.7, 5.4.9 and 5.4.10 must be provided on the Industrial (M-1 or M-2) lot. These buffers are illustrated in Figures 1, 2, 3, respectively; or

(vi) when a telecommunications tower and facility is sited, landscaping shall be added around the outside of the tower fence which encloses the area for tower(s) and equipment shelter(s) in the form of a minimum twenty (20) foot screen/buffer in Grade 6, meeting the requirements of Section 5.4.2, 5.4.6, 5.4.7 and 5.4.9. The fence shall be on the interior side of the tower, with the landscaping on the outside of the fence area, facing other properties; or

(vii) when a lot containing an adult establishment, adult video store or adult hotel or motel subject to the issuance of a conditional use permit abuts a lot in a Residential (R-A, R-20, R-10) or Business (C-B, G-B) zoning district, screening must be provided on the lot containing said adult use in the form of a minimum twenty (20) foot screen/buffer in Grade 6, meeting the requirements of Section 5.4.2, 5.4.6, 5.4.7 and 5.4.9.

5.4.2 Reserved

5.4.3 Screening Requirements on Industrial Property Located Across from Residential Property

When the front yard of a lot developed in an Industrial (M-1 or M-2) District is located directly across a public street from a Residential (R-A, R-20, R-10) District; screening, at a minimum, must be provided on the Industrial (M-1, M-2) lot at a minimum in the form of a Grade 2 Screen/Buffer, as illustrated in Figure 2. Standards for Screen/Buffers are found in Section 5.4.6. Screening shall be in the front yard of the lot in the Industrial District (M-1, M-2) immediately behind the street right-of-way and shall also meet the design standards of Section 5.4.1. In lieu of said screen, all principal and accessory structures and off-street parking facilities must be set back in the front yard at least one hundred (100) feet from the edge of the road right-of-way.

5.4.4 Screening Requirements for Open Storage and Unenclosed Structures

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

Figure 1

Figure 2

Figure 3

Figure 4

Figure 5

Figure 6

Figure 7

Table 3

APPROVED SPECIES LIST
BADIN TREE PLANTING REQUIREMENTS

Table 4

APPROVED SPECIES LIST
BADIN TREE PLANTING REQUIREMENTS

the storage from view from any adjacent lot or street right-of-way. Standards for screening are found in Section 5.4.6.

5.4.5 Screening Requirements for All Zoning Districts

- A. The following uses must be screened from abutting property and from public view from a public street. The landscaping shall be positioned so that shrubs form a continuous, tight screen at mature growth:
 - 1. Dumpsters or trash handling areas (not including recycling facilities).
 - 2. Service entrances or utility structures.
 - 3. Loading docks or spaces.
 - 4. Parking lots with over 10 parking spaces (excluding new and used automobile sales lots and parking areas for detached, duplex, triplex, or quadruplex dwellings on a single lot (Grade 2 Screen/Buffer, minimum)
- B. Except as provided in Section 5.4.1, screening shall not be required between any two lots which contain principal residential uses.
- C. Standards for Screen/Buffers are found in Section 5.4.6

5.4.6 Screen and Buffer Strip Standards

- A. Unless an exception is granted pursuant to Section 5.4.8 of this Ordinance, the required screening and buffer strip shall, at a minimum, conform to the standards prescribed by either one of the alternatives listed for the grade of screen and buffer required in Section 5.4.1, 5.4.3, 5.4.4 and 5.4.5 of this Ordinance. The alternatives for a Grade 1 Buffer are listed and illustrated in Figure 1 of this section. The alternatives for a Grade 2 Buffer are listed and illustrated in Figure 2 of this section. The alternatives for a Grade 3 Buffer are listed and illustrated in Figure 3 of this section. The alternatives for a Grade 4 Buffer are listed and illustrated in Figure 4 of this section. The alternatives for a Grade 5 Buffer are listed and illustrated in Figure 5 of this section. The alternatives for a Grade 6 Buffer are listed and illustrated in Figure 6 of this section.
- B. To the extent that existing natural vegetation located on the same parcel of land as the proposed development can meet the required screening levels of this Section, the use of such materials is encouraged. In such case, the owner shall designate the land on which such materials are rooted, which shall contain at least the minimum width required for the alternative chosen, as the designated buffer area (See Section 5.4.12) Additional plantings shall be added, if the buffer is deficient in any way.
- C. To determine the total number of plants required, the length of each side of the property requiring a screen/buffer, minus the area covered by a sight distance triangle as required in Section 5.4.10 shall be divided by 100 and multiplied by the number of plants listed for the required screen/buffer. When units of measurement determining the number of required trees shrubs result in a fractional tree or shrub, any fraction of one-half (1/2) or more shall require one (1) tree or shrub.

For example, an industrial property 180 feet wide in the rear, which abuts a R-20 district, requires a twenty (20) foot buffer. The calculations for the minimum required number of trees and shrubs is as follows:

180 , 100 = 1.80
1.80 x 12 trees = 21.6 trees or 22 required
1.80 x 20 shrubs = 36 shrubs required

- D. For required Screen/Buffers, more than one alternative is shown. The owner of the lot which is required to provide screening and buffering may choose among these options. Unless an alternative prescribes a wall, fence, or berm, such measures shall not be substituted for the required amount of plant materials nor shall such measures be substituted for any required buffer width, except as provided for in Section 5.4.8. Provided, however this requirement shall not prevent the owner from installing such measures as added screening above the minimum so long as all required plant materials are installed on the side of any wall or fence opposite the new development (See Figure 7).
- E. Except as provided in Section 5.4.1 and 5.4.3, and 5.4.4, a screen/buffer shall be required along rear and/or side lot lines only. No required buffer shall extend nearer to a street than the street right-of way line.
- F. No structure other than a wall, fence, sidewalk, mailbox, sign or driveway shall be permitted within a required screen area. No off-street parking may take place in any required screen area. Where plant materials are required, the required amount of plant materials shall be installed on the side of any wall or fence opposite the new development (See Figure 7) unless a waiver of such requirement is granted pursuant to Section 5.4.8.
- G. The height of any screen material required by this Ordinance in the vicinity of a point of ingress and egress may not exceed three (3) feet in height within the sight triangle depicted in Figure 8.

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

5.4.7A Plant Standards and Plant Installation Standards

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

- A. Trees to be planted shall be selected from the approved species listed in Tables 3 and 4. The Zoning Administrator may approve alternative large or small maturing trees, excluding sweet gum, catalpa, wild cherry, wild elm, princess, hackberry, and tree-of-heaven.
- B. Minimum tree caliper measured 6 inches above ground on all trees shall be 2-1/2" and the minimum height shall be 8 feet. No trees identified as large maturing trees shall be planted within 20' of an electrical distribution line. This does not include low-voltage insulated or covered lines of 240 volts or less or telephone or cable television lines.
- C. Shrubs used in any screening or landscaping must be at least 2 feet tall when planted and shall be of a variety and adequately maintained so that an average height of 5 to 6 feet could be expected as normal growth within 3 years of planting. Shrubs shall be selected from an approved species list shown in Table 5.

<p>TABLE 5 APPROVED SPECIES LIST FOR SHRUBS</p> <p>Nelly R. Stevens Holly Burford Holly Wax Myrtle East Palatka Holly Savannah Holly Tea Olives Eleagnus Ligustrums Japanese Black Pines Junipers Any other variety of shrub, approved by the Zoning Administrator, which has the capacity to provide an equivalent amount of growth and opacity.</p>

- D. All plant material installed shall be free from disease.
- E. Plant materials shall be planted in accordance with generally accepted and recommended planting and growing practices.
- F. All plant material shall be installed in a fashion that ensures the availability of sufficient soil and water to sustain health growth.
- G. All plant material shall be planted in a manner which is not intrusive to utilities or pavement.

5.4.7B Walls, Fences and Berm Standards

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

- A. Any wall shall be constructed in a durable fashion of brick, stone, or other

masonry materials with no greater than twenty-five (25) percent of the wall surface left open. All walls, except those constructed of stone, shall be of a consistent pattern. Gates constructed to the standards for fence materials as set forth in Section 5.4.7A and 5.4.7B (B), immediately below, may be included in the wall to allow passage to maintain the plant materials included in the Screen/Buffer.

- B. Any fence shall be constructed in a durable fashion of wood posts and/or planks with a minimum diameter or width of three (3) inches and with no greater than twenty-five (25) percent of the fence surface left open between posts and/or planks. Wooden gates meeting such standards of opacity may also be included.
- C. No wall or fence used as part of a screen shall be less than six (6) feet nor more than eight (8) feet in height above grade.
- D. All berms shall be grassed and/or planted with other plant materials sufficient to prevent soil erosion. If grassed alone, any berm installed to meet the requirements of this Section shall be no less than four (4) feet nor greater than nine (9) feet in height. No slope of a berm shall exceed a slope greater than one (1) foot of rise for every three (3) feet in plane. No part of the berm shall be left as bare soil. Any required plant materials accompanying a berm may be planted on the berm and/or along either side of the berm. It is recommended that, where feasible, at least seventy-five percent (75%) of any required shrubs be planted on the slope of the berm opposite the new development.
- E. Where a fence or wall is used as part of a required screen area, any required plantings accompanying the fence or wall shall be located on the side of such fence or wall opposite the new development.

5.4.8 Relief to Screening and Buffer Requirements

In the event unusual topography or elevation of a development site or the location or size of the parcel would make strict adherence to the requirements of this section serve no meaningful purpose or would make it physically impossible to install and maintain the required screen and buffer, the Town Council may alter the requirements of Section 5.4.1 and 5.4.3 provided the spirit and intent of Section 5.4 are maintained. Such alteration may occur only at the request of the developer, who shall submit a plan to the Town Council showing existing site features that would screen the proposed use and any additional screening materials the developer may propose to have installed. The Town Council shall have no authority to alter the screening and buffer requirements unless the developer demonstrates that existing site features and any additional screening materials will screen the proposed use as effectively as the required screen.

The vacancy or non-use of an adjoining parcel shall not constitute grounds for providing relief to the screening and buffering requirements contained in this Ordinance. Neither shall the desire of the owner to make more intensive use or greater economic use of the property be grounds for reducing the screening/buffering requirements of Section 5.4. where the effect of the screening and buffer requirements of Section 5.4 is to deny the owner reasonable use of the entire tract (or tracts) of property, relief pursuant to this Section may be granted to the extent that reasonable use of such tract or tracts is available. In decided whether to approve such a plan, the Zoning Administrator may, at his discretion, seek an advisory opinion from the Planning Board.

5.4.9 Screen and Buffer Maintenance

The plantings, fences, walls or berms that constitute a required screen shall be properly

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

5.4.10 Visibility at Intersections

Except as herein provided, on a corner lot in any district, no hedge, shrubbery, tree, natural growth, sign, fence, wall, or other obstruction to vision which obstructs cross-visibility at a level between two (2) feet and nine (9) feet above the level of the center of the street (where the projection of the sight triangles intersect the centerline of the street) shall be placed or maintained within the triangular areas formed by the intersection of front or rear lot lines and the side lot line and a straight line connecting points on said lot lines, which are located fifteen (15) and seventy-five (75) feet from the point of intersection, as shown in Figure 9 and 10. In instances where NCDOT site triangle provisions are applicable, such regulations shall prevail.

5.4.11 Implementation of Screening Required Prior to Occupancy

Fences, walls, berms and landscaping materials required in Section 5.4 for screening and buffering shall be installed prior to occupancy.

A. Improvement Guarantees

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

FIGURE 9
CLEAR SIGHT TRIANGLE AT INTERSECTIONS

1. Surety Performance Bond(s)

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

2. Cash or Equivalent Security

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

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

- a. That said escrow account shall be held in trust until released by the Badin and may not be used or pledged by the subdivider/developer in any matter during the term of the escrow; and
- b. That in the case of a failure on the part of the subdivider/developer to complete said improvement, the financial institution shall, upon notification by the Town of Badin and submission by the Town of Badin to the financial institution of a landscape architect's estimate of the amount needed to complete the improvements, immediately either pay to the Town the funds estimated to complete the improvements, up to the full balance of the escrow account, or deliver to the Town any other instruments fully endorsed or otherwise made payable in full to the Town.

B. Default

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

C. Release of Guarantee Security

The Badin may authorize the Town Clerk to release a portion of any security posted as

the improvements are completed and approved by the Town. Such funds shall then be released within ten (10) days after the corresponding improvements have been so approved.

5.4.12 Existing Screened Areas

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

Section 5.5 Fences or Walls Permitted

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

5.5.1 In Residential (R-A, R-20, R-10) Districts:

- A. Fences or walls consisting of either masonry, rock, wire or wooden material and hedges may be installed on the boundaries of any residential lot, except that the height of such fencing or screening shall be limited to a maximum height of four (4) feet between the street right-of-way line and the normal building line for that section adjacent to the street. Fencing and hedges on all other boundaries of residential property shall be limited to a maximum of eight (8) feet in height, except as otherwise specifically stipulated herein.
- B. No electrical fences, concertina, or barbed-wire fences shall be permitted, except for "invisible" pet fences.

5.5.2 In All Other Districts:

- A. Maximum height shall be twelve (12) feet except that no maximum shall apply to jails or prisons where said walls or fence is installed behind any required setbacks.
- B. No electrical fences, concertina, or barbed-wire fences shall be permitted, except for "invisible" pet fences, or fences/walls associated with jails/prisons.

5.5.3 Correctional Facility, Public Utility Structure

There shall be no maximum height for any fence located within the required setback of any correctional facility or public utility structure.

Section 5.6 Lot to Abut a Dedicated Street

No lots may be created after the effective date of this Ordinance which do not have at least thirty-five (35) feet of dedicated street right-of-way frontage except as follows:

- A. A lot not having thirty-five (35) feet of dedicated street right-of-way frontage may be created if located entirely within a planned shopping center or office park.
- B. A lot fronting onto a cul-de-sac shall have at least thirty-five (35) feet of dedicated street frontage.

- C. A single-family residence (including a manufactured home or modular home) may be constructed or located on a lot which was recorded on or before the effective date of this Ordinance which does not abut a dedicated street right-of-way provided the lot has access to a dedicated street by an easement at least twenty (20) feet in width for the use of the dwelling established on such lot and further provided that such easement is maintained in a condition passable for automobiles and service and emergency vehicles. This easement may not be extended to provide access to any other lots or to any other residence not having frontage on a dedicated street.

Section 5.7 One Principal Building

- 5.7.1 No more than one principal structure devoted to a residential use shall be permitted on a lot, except as (i) part of a multi-family development or (ii) as a private residential quarters, or (iii) as a temporary manufactured home as provided in **Section 5.9.4** of this Ordinance, or (iv) on any lot having an area of greater than twenty (20) acres, a second residential structure may be developed, provided such dwelling is not designed for year-round occupancy, or (v) as a manufactured home second dwelling occupied by an immediate family member (father, mother, son, daughter, father-in-law, mother-in-law, daughter-in-law, son-in-law, step son, step daughter, brother, sister, grandchildren, nieces and nephews) in accordance with **Section 5.21** of this Ordinance.
- 5.7.2 More than one principal structure devoted to a non-residential use may be located on a lot provided that access is available from a public street or a twenty (20) foot easement is maintained from a public street to each building for use by service or emergency vehicles.
- 5.7.3 In the C-B Zoning District only, a lot may contain both residential and business uses in one or more principal structures.
- 5.7.4 Only one principal non-residential use per lot shall be allowed except as part of a planned shopping center, office building, or similar planned multi-tenant development as permitted in this Ordinance.

Section 5.8 Temporary Structures and Uses

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

- 5.8.1 Construction trailers used in conjunction with construction projects provided that the following conditions are met:
 - A. Such construction trailers may be located at a building site where there is a valid building permit for the construction project, or, in the case of a residential subdivision, a valid building permit for at least one of the residential units being constructed.
 - B. All construction trailers shall be located at least ten (10) feet off any street right-of-way and not be placed in any required rear or side yard setback.

In addition to construction trailers, at any construction site for a construction project valued at one million dollars or more, one or more security guard houses may be installed. Use of such structures may include overnight stay provided adequate sanitary facilities are provided and the same conditions for construction trailers (A and B above) are met.

5.8.2 Certain uses of a temporary nature [i.e., less than 45 days in duration and held no more than three (3) times per year at any particular location] which would not otherwise be permitted in a particular zoning district are permitted for the following temporary uses without a permit.

- A. Christmas Trees Sales
- B. Revivals
- C. Shows for Civic and Youth Organizations (i.e., 4-H Shows)

The permit shall be valid for a specified period only, not to exceed forty-five (45) days in duration.

All other such temporary uses not otherwise listed may only be granted a temporary zoning permit only after the Badin has made the following determinations:

- A. The proposed use will not materially endanger the public, health, welfare and safety; and
- B. The proposed use will not have a substantial negative effect on adjoining properties.

In approving such a temporary permit, the Badin Town Council may authorize conditions regarding duration of the use, hours of operation, signage, lighting, etc. and such conditions shall be made part of the permit issued. Violations of such conditions shall be considered a violation of this Ordinance. The Badin Town Council, may prior to issuing said permit, conduct a public hearing. Notice of this public hearing shall be as provided in **Section 9.3**.

5.8.3 Structures, whether temporary or permanent, located in a subdivision containing twenty-five (25) or more lots, and used as sales offices for the subdivision development are permitted.

Any temporary structure used as a sales office shall be located on a lot which is in compliance with the regulations of this Ordinance and shall meet all yard requirements for the applicable zoning district. At least five (5) off-street parking spaces shall be provided on the lot to accommodate persons using the sales office.

A manufactured home may be used as a temporary sales office, provided that the following conditions are met:

- A. The manufactured home shall be provided with underpinning, from the bottom of the walls to the ground, made of vinyl, pre-painted aluminum material, or other material specifically manufactured for mobile homes.
- B. Landscaping shall be provided to create an aesthetically pleasing appearance.
- C. At the completion of the sales in a tract, or two (2) years from the date the temporary sales office began operation, whichever is sooner, said sales office shall cease operation unless the Zoning Administrator determines that substantial progress is being made in the selling and/or marketing of the lots and/or homes in the subdivision. In such case, one or more extensions (each not to exceed one year in duration) may be so authorized by the Zoning Administrator. If a temporary structure is used as the sales office, it shall be removed after its use as a sales office is terminated. Immediately after the structure is removed, the lot shall be returned to a natural state. Any paved or

graveled driveway and/or parking area associated with the sales office shall also be removed. All bare soil areas on the lot shall be returned to a natural vegetative state (reseeded or sodded) immediately after removal of the sales office and driveway/parking area.

If a permanent residential structure is used as the sales office, future use of said structure shall be for residential purposes.

5.8.4 Manufactured homes may be allowed on a temporary basis in a zoning district in which such use is not listed as a permitted use, if a disaster occurs which results in an occupied, single-family dwelling being destroyed (i.e., it receives damage greater than sixty (60) percent of its tax value as indicated on the most current tax listings). In this instance a manufactured home may be placed on the lot containing the dwelling unit which was destroyed. The purpose of allowing such manufactured home on said lot is to give the occupants of the destroyed dwelling unit a place to live while a new dwelling unit is being constructed or damage to the original dwelling unit is being repaired. If a manufactured home is used for such an occurrence, it is subject to the following conditions:

- A. Such manufactured home shall be located in the rear yard, if possible. If the manufactured home cannot be located in the rear yard, it may be placed in the front yard. The manufactured home shall be located no closer than fifteen (15) feet to another principal residential structure on another lot and no closer than ten (10) feet to any lot line.
- B. The Zoning Administrator shall be given the authority to issue a zoning permit for such temporary use on a one-time basis only for a period of up to nine (9) months. Such permit may be renewed on a one-time only basis [for a period of no greater than nine (9) months] by the Town Council if it is determined that:
 - 1. Construction of a new dwelling unit is proceeding in a diligent manner; and,
 - 2. The granting of such permit will not materially endanger the public health, welfare or safety; and,
 - 3. The location of the manufactured home on the site does not have a negative effect on abutting properties.
 - 4. The manufactured home must be removed from the site within thirty (30) days of the date a Certificate of Occupancy is issued for the newly constructed dwelling unit.

Notification of the Town Council public hearing shall be as provided in **Section 12.11**.

5.8.5 Manufactured homes may be allowed on a temporary basis in connection with construction of a permanent structure upon the same property for business, educational, religious and similar uses in districts where such businesses, schools, religious institutions, etc. are allowed as a permitted use in the district, but will be subject to review by the Town Council. The purpose of allowing a manufactured home on said lot is to give the owners of the property a place to conduct business while a new structure or building is being constructed.

If a manufactured home is used on such a temporary basis, it is subject to the following conditions:

- A. Such manufactured home shall not be placed in the front yard and shall be located no closer than fifteen (15) feet to another principal structure on another lot and no closer than ten (10) feet to any lot line.
- B. The manufactured home will only be used for the purpose requested and for which the permit is issued.
- C. The Zoning Administrator shall issue a zoning permit for such temporary use for a period of one (1) year. Such permit may be renewed for one (1) year periods by the Town Council, if it is determined that:
 - a. Construction of the permanent building or structure is proceeding in a diligent manner; and
 - b. The granting of such permit will not materially endanger the public health, safety, or welfare; and
 - c. The location of the manufactured home on the site does not have a negative effect on abutting properties.

Notification of the Board of Adjustment public hearing shall be as provided in **Section 12.11.**

Section 5.9 Telecommunications Towers and Facilities

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

Accordingly, the Town Council finds that regulations related to telecommunications towers are warranted and necessary:

- A. To direct the location of communication towers in the Town of Badin;
- B. To protect residential areas and land uses from potential adverse impacts of telecommunications towers;
- C. To minimize adverse visual impacts of telecommunications towers through careful design, siting, landscape screening, and innovative camouflaging techniques;
- D. To accommodate the growing need for telecommunication towers to residents and businesses in the Town;
- E. To promote and encourage shared use/co-location of existing and new communication towers as a primary option rather than construction of additional single-use towers;
- F. To consider the public health and safety of telecommunication towers; and to avoid potential damage to adjacent properties from tower failure through structural standards and setbacks.

G. To avoid potential damage to adjacent properties from tower failure through engineering and careful siting of telecommunication towers.

5.9.2 Telecommunications Towers and Facilities are allowed as a conditional use in the R-A, R-20, R-10, C-B, G-B, and M-1 zoning districts provided that the supplemental regulations of Section 4.2.38, 4.2.39, 4.2.40, and 5.4 are met, and that the Town Council has issued a Conditional Use Permit or amendment to a Conditional Use Permit, as per **Chapter 9**.

Telecommunications Towers and Facilities are allowed by right in the M-2 Industrial zoning district, provided that the supplemental regulations of Section 4.2.38, 4.2.39, 4.2.40, and 5.4 are met.

5.9.3 Telecommunication towers can be denied on the basis of negative influence on property values or on aesthetic concerns provided that there is evidence to prove the impact on adjacent property owners will be significant. As per the Telecommunications Act of 1996, the Town Council must clearly state the reasoning and available evidence of the impact on adjacent property values if the request is denied on this basis.

The following factors may be used to evaluate a tower for aesthetic reasons:

1. To protect the view in scenic areas, unique natural features, scenic roadways, etc.
2. To prevent the concentration of towers in one specific area.
3. The height, design, placement, and other characteristics of the tower can be modified to have a less intrusive visual impact on the Town.

Section 5.10 Accessory Structures and Uses

Accessory structures, except as otherwise permitted in this section, shall be subject to the following regulations:

5.10.1 Where the accessory structure is structurally attached to a main building, it shall be subject to, and must conform to, all regulations of this section applicable to the principal structure.

5.10.2 Accessory structures (excluding, mailboxes, newspaper boxes, walls, fences, birdhouses, flag poles, pump covers, and doghouses under fifteen (15) square feet or less in gross floor area), shall not be erected in any front yard. Private garages are subject to the requirements listed in Section 5.10.4. Where a rear lot line measures seventy-five (75) feet or less detached accessory buildings may be located in the required rear or side yard, except no such structure shall be located closer than zero (0) feet from any side yard line or ten (10) feet from any rear yard line. Where a rear lot measures more than seventy-five (75) feet, detached accessory buildings may be located in the required rear or side yard, except no such structure shall be located closer than ten (10) feet from any rear or side yard line, but in the case of corner lots, such buildings or structures shall be set back at least twenty-five (25) feet from any side street right-of-way. Such structures shall also be at least five (5) feet from any other building on the same lot. In no instance shall an accessory structure be located within a dedicated easement or right-of-way. Where existing legal nonconforming accessory structures are located within 100 linear feet from the rear lot line, new or replacement accessory buildings may be erected no closer to the alley right of way line than the average setback but no closer than 10 feet.

5.10.3 Mailboxes, newspaper boxes, birdhouses, flagpoles and pump covers may be placed in any front, side, or rear yard. No zoning permit is needed for these structures.

- 5.10.4** Private garages, designed primarily to store an automobile, may be placed in any non-required front, side or rear yard. Where a rear lot line measures seventy-five (75) feet or less, no such structure shall be located closer than zero (0) feet from any side yard line or ten (10) feet from the rear yard line. Where a rear lot line measures more than seventy-five (75) feet such structure shall not be located closer than ten (10) feet from any rear or side yard line, and at least five (5) feet from any building on the same lot.
- 5.10.5** Fences, walls, and hedges must meet the requirements of Section 5.5.
- 5.10.6** Doghouses and /or fenced pens are permitted in the rear yard. Such structure shall meet the side and rear yard lot requirements of the applicable Zoning District. No zoning permit is required if the doghouse is fifteen (15) square feet or less in gross floor area, and/or the pen is not larger than 10' X 10'.
- 5.10.7** On any lot containing a principal residential use, no accessory structure shall be permitted that involves or requires any external construction features which are not primarily residential in nature or character.
- 5.10.8** An accessory building may not exceed the height of the principal structure.
- 5.10.9** On any lot containing a principal residential use, the maximum size of any accessory structures (excluding outdoor swimming pools or tennis courts) shall not exceed one-half (1/2) the heated ground floor area of the principal structure or seven hundred-fifty (750) square feet, whichever is greater.

On a lot containing an area of one (1) or greater, the maximum permitted area of accessory structures (excluding outdoor swimming pools, or tennis courts) shall not exceed one-half (1/2) the heated ground floor area of the principal building.

- 5.10.10** Satellite dish antennas shall be considered on accessory structure and shall be regulated as follows:
- A. Satellite dishes that are one meter or less in size, are preempted from all local zoning, building and similar regulations. No permit is needed for their installation.
 - B. Satellite dishes that are over one meter in size, and no larger than eight (8) feet in diameter are allowed unless the applicant can demonstrate the need for a larger size. See also 5.10.10.E, F, and G below.
 - C. Satellite dishes shall not exceed a height of fifteen (15) feet.
 - D. All satellite dishes must be installed and grounded properly.
 - E. Satellite dish antennas over one meter in size and located in a Residential (R-A, R-20, R-10) zoning districts District, shall be located in the rear yard only and shall maintain a ten (10) foot setback from all side and rear lot lines. The Board of Adjustment may grant a special exception to allow the dish antenna to be located within the side or front yard if it determines that:
 - 1. The satellite dish cannot feasibly be located and be operated efficiently if located in the rear yard; and
 - 2. The proposed site would have the least impact on adjacent properties;

If the Board of Adjustment does allow the placement of a satellite dish in a front or rear yard, landscaping will be required along the antenna's nonreception window axes. Such treatments along the nonreception window axes shall consist of evergreen plantings designed to create an opaque screen within four (4) years. Other screening may be required along the reception axis.

- F. Satellite dishes over one meter in size whose reflective surface is solid shall be painted a subdued or natural color.
- G. Satellite dishes over one meter in size shall not be located on a roof, unless the satellite dish is an accessory structure associated with a business or industrial use located in the C-B, G-B, M-1, or M-2 zoning districts.

5.10.11 Under no circumstances may a vehicle (automobile, truck, SUV, motor home) or trailer (RV, Camper) designed to be transported by a vehicle be used as an accessory structure in a Residential (R-A, R-20, R-10) zoning district.

5.10.12 Ham radio facilities and two-way communication facilities for governmental and business (for use in their business only) communications shall be deemed accessory uses, provided not transmitter or antenna structure exceeds one hundred (100) feet in height. Any such tower shall meet the applicable setback requirements for the underlying zoning district, unless such tower is located in a Residential district. In Residential zoning districts (R-A, R-20, R-10) the setback in all directions for such towers shall be a distance equal to the height of the tower.

5.10.13 In cases where the rear lot line of a lot containing a principal nonresidential use abuts a lot in a Residential (R-A, R-20, R-10) zoning district, a minimum of twenty (20) foot rear setback shall be required for the accessory structure/use.

Section 5.11 Use of Manufactured Homes and Similar Structures

A structure constructed as a manufactured home may only be used as a residential structure, except when serving as a manufactured home sales office for a subdivision development or as a construction trailer as per Section 5.8.3. In addition, manufactured homes may be permitted on a temporary basis for business, educational, religious and similar uses as per Section 5.8.5. In no instance may a manufactured home be used for any other nonresidential purposes.

Section 5.12 Height Limitations and Exceptions

For purposes of this Ordinance, the height of a structure shall be the vertical distance measured from the mean elevation of the finished grade at the front of the structure to the highest point of the structure.

The maximum heights as indicated in the various districts may be exceeded for the following uses:

Roof equipment not intended for human occupancy and which is accessory to the structure upon which it is placed, such as skylights, transmissions or television towers, housing for elevators, stairways, water tanks, ventilating fans, air conditional equipment or similar equipment, steeples, spires, belfries, cupolas or chimneys; radio and television antennae.

Section 5.13 Construction Begun Prior to Adoption of Ordinance

Nothing in this Ordinance shall be deemed to require any change in the plans, construction or designed use of any building or structure upon which a building permit was secured prior to the adoption of this Ordinance, so long as said building permit remains valid.

Section 5.14 Uses Not Expressly Permitted or Conditional

No building or structure, sign or land shall hereafter be used, erected or occupied and no building or structure shall be erected, expanded or moved except in conformity with the regulations of this Ordinance. This Ordinance specifies uses which are allowed in each zone.

Uses designated as "permitted uses" are allowed in a zone as a matter of right. Uses designated as "conditional uses" are allowed only after approval by the Town Council pursuant to **Chapter 9** of this Ordinance.

Certain uses pre-existing the adoption of this Ordinance are allowed to remain as non-conforming uses in accordance with **Chapter 6** of this Ordinance. Temporary uses are allowed in accordance with Section 5.8 of this Ordinance. Unless a use is allowed as a "permitted", "conditional", "nonconforming use" or "temporary use", then such use is expressly prohibited in that zone by this Ordinance.

It is recognized that new types of land use will develop and forms of land use not anticipated may seek to locate in Badin. In order to provide for such changes and contingencies, a determination as to the appropriate classification of any new or unlisted form of land use shall be made as follows:

1. The Zoning Administrator shall make a determination when a use can reasonably be interpreted to fit into a use category where like or similar uses are described. Interpretations made by the Zoning Administrator may be ratified by the Planning Board at a regularly scheduled meeting.
2. When a use cannot be reasonably fitted into a use category where like or similar uses are described, the Planning Board shall review and recommend a use district to the Town Council for consideration, without a formal amendment to this Zoning Ordinance, provided that the proposed use is similar to and compatible with those uses permitted in the district in question, and which is consistent with the purposes of this Ordinance. The Town Council shall make such determination at a regularly scheduled public meeting, and a record shall be kept, by the Zoning Administrator, of each additional use(s) allowed and shall be kept for public inspection.

Section 5.15 Location of Required Yards and Setbacks on Irregular Lots, Corner Lots, and Through Lots

The location of required front, side and rear yards on irregularly shaped lots shall be determined by the Zoning Administrator. The determination will be based on the spirit and intent of this Ordinance to achieve an appropriate spacing and location of buildings and structures on individual lots. (See definition of front yard in Section 2.2 of this Ordinance).

5.15.1 Front Yards and Rear Yards on Corner Lots

On corner lots, the front yard shall be measured perpendicular from the street lot line having the shortest linear footage. If both street lot lines have equal linear footage and no principal structure is located on the lot, the property owner shall determine the location of the front yard. On lots having equal frontage and where a principal structure is already located on such lot, the front yard shall be based on the architectural orientation of the house. Once the front yard is determined, the rear yard shall be the yard opposite the front yard. A graphic example of this is as follows:

5.15.2 Front Yards and Rear Yards and Setbacks On Through Lots Which Abut Two Streets

On through lots, the required front and rear yards shall each equal or exceed the greater of either the required front or rear yard setback which would normally be applied in that zoning district. For example, if a through lot were located in a zoning district which normally required a fifty (50) foot front setback and a forty (40) foot rear setback, both front and rear setbacks would have to equal or exceed thirty (50) feet. For the purpose of placing accessory structures, however, the rear yard shall be deemed to be the yard opposite the street-side yard which the architectural front of the building faces. For the purpose of placing a principal residence, the Zoning Enforcement Office shall require the architectural front of the building to be oriented similar to residences on either side. A graphic example of this is as follows:

EXAMPLE: Regulations for a single family dwelling in the R-A Zoning District:

Front Setback: 50'

Rear Setback: 40'

As this lot abuts both Main Street and Top Court, fifty (50) foot setbacks in each yard are required.

5.15.3 Front, Rear, and Side Yards and Setbacks on Lots Which Abut Three Streets

If a lot is abutted by streets on three sides, the front setback requirement for the zoning district shall be applied only on the two opposing street fronts. The required setback on the third street front must be the side yard requirement plus 10' since it is a corner lot. The yard opposite the third street front must be at least the minimum side yard requirement for the zoning district.

EXAMPLE: Regulations for a single family dwelling in the R-A Zoning District:

Front Setback: 50'

Rear Setback: 40'

Side Yard: 15'

Section 5.16 Vibration

No established use in any district shall be operated so as to generate inherent or recurring ground vibrations detectable at the property line which create a nuisance to any person of ordinary sensitivities on another property.

Section 5.17 Noise

Every use of land shall be operated in such a way that regularly recurring noises are not disturbing or unreasonably loud and do not cause injury, detriment, or nuisance to any person of ordinary sensitivities. Every nonresidential use in a Business (C-B, G-B), or Industrial (M-1, M-2) District which adjoins a Residential (R-A, R-20, R-10) District must be operated in such a way that any noise which may be detected by the human senses without instruments at the district boundary line is no louder than the noise which could be expected from uses permitted in those Districts.

Section 5.18 Odor

Every use of land shall be operated in such a way that regularly recurring odors are not disturbing and do not cause injury, detriment or nuisance to any person of ordinary sensitivities on another property.

Section 5.19 Parking of Commercial and Recreational Vehicles

5.19.1 Recreational Vehicles

For purposes of this Ordinance, a recreational vehicle shall not be deemed a dwelling unit and the usage of a recreation vehicle for living, sleeping or housekeeping purposes and the connection of such vehicle to utility services (other than for periodic maintenance and/or repair purposes) shall be prohibited unless the vehicle is located in a camping and recreational vehicle park so designed to accommodate recreation vehicles. These vehicles must be parked or stored in the rear yard meeting all setback requirements in the District in which the property is located.

5.19.2 Commercial Vehicles

On any lot of less than one (1) acre in size which is located in a residential subdivision of more than ten (10) lots, commercial vehicles which may be parked on an overnight basis shall be limited to school buses, vans and pick-up trucks (if no greater than 5,000 pounds). This requirement shall not be interpreted to prohibit vehicles from loading and unloading household goods in any Residential (R-A, R-20, R-10) District for a period of up to twenty-four (24) hours nor shall this restrict the overnight parking of freight truck tractors without trailers on any such lot.

Except for occasional vehicles loading or unloading household goods in a residential subdivision, (U-Haul, moving van), all vehicles must be parked off the street right-of-way.

No residentially-developed lot may be used as the base of operation for any freight hauling truck.

Section 5.20 Yard and Garage Sales

Yard, garage, tag, patio and apartment sales are permitted without a permit, as an accessory use on any residentially, institutionally or commercially developed lot in any district. Such sales on residentially developed lots shall be limited to no more than three (3) days per calendar month on the same lot. Institutional and commercial yard sales are permitted only with the land owner's permission. Additional regulations can be found in **Section 8.7(P)**.

Section 5.21 Manufactured Home Standards

All manufactured homes shall bear a valid seal indicating conformance with the 1976 National Manufactured Housing Construction and Safety Standards Act. These homes shall meet the following standards:

- a. The structure shall have all wheels, axles, transporting lights, and towing apparatus removed, or if any of these items cannot be removed, they shall be screened from view with landscaping or fencing if it is still visible after the unit is underpinned.
- b. The structure must be a minimum of 1200 square feet in size (24' X 50' or 28' x 43').
- c. The structure shall not be occupied until the following has been installed according to State Building Code:
 1. Continuously dug and poured concrete footing around the perimeter;
 2. Block piers on concrete footing (piers must have mortar between blocks);
 3. Continuous brick foundation from top of frame to ground, unpierced except for required ventilation and an access door(s) on concrete footing.
 4. Porches, decks, ramps, or steps shall be wood and/or masonry with required guardrails, handrails, and pickets.
- d. All tie downs must be set in concrete.
- e. The roof of the home shall have shingle roofing materials with a minimum pitch of 3/12 and have a twelve inch (12") or more (excluding gutters) overhang.
- f. A final inspection or Certificate of Occupancy from Stanly County must be given to the Zoning Administrator prior to occupancy and electric connection.
- g. The Board of Adjustment shall not grant any variance or special exception of any of the requirements for manufactured homes in this section.

- h. All manufactured homes shall be oriented on a lot with the longer side of the structure facing the street-of-way, thus resulting in the front of the manufactured home facing the street. The setbacks shall be observed, as with conventional housing.

Section 5.22 Adult Establishments, Adult Video Stores, and Adult Hotels and Motels

- 5.22.1 The intent of this section shall be to set forth the appropriate locations in which adult establishments or sexually oriented businesses may be established within the Town of Badin's zoning jurisdiction and to provide for certain development standards. Adult establishments, because of their very nature, are recognized as having serious objectionable operational characteristics, particularly when they are located near a residential zoning district or certain other districts which permit residential, eleemosynary, educational, or recreational uses. Studies have shown that lower property values and increased crime rates tend to accompany, and are brought about by the concentration of adult establishments. The Town Council finds that regulation of these uses is necessary to ensure that these adverse effects do not contribute to the blighting of surrounding neighborhoods and to protect the integrity of the Town's schools, churches, child care centers, and public parks and playgrounds which are typical areas in which juveniles congregate.
- 5.22.2 This Section shall apply to all "Adult Establishments" as outlined in N.C.G.S. 14.202.10 and shall also apply to adult video stores and adult hotels and motels as defined in Chapter 2.
- 5.22.3 Adult establishments shall be permitted with a conditional use permit subject to the requirements found in Section 4.2.44.
- 5.22.4 The Board of Adjustment shall have no authority to modify or grant variances from the separation distance requirements imposed by this section.
- 5.22.5 After the effective date, the establishment of a residential zone or protected use subsequent to the lawful commencement of an adult establishment will not render the adult establishment non-conforming.
- 5.22.6 Should any provision of this Ordinance be declared invalid or unconstitutional by any court of competent jurisdiction, such declaration shall not affect the validity of the ordinance as a whole or any part thereof which is not specifically declared to be invalid or unconstitutional.
- 5.22.7 Section 5.22 of the Badin Zoning Ordinance shall take effect and be in force from and after the date of its adoption.

Section 5.23 Zero Lot Line (Side Yards) Development(s), Zero Side Setbacks

- 5.23.1 Zero side setback development may be used in any Residential (R-A, R-20, R-10) zoning district which permits single family uses if the development contains at least two dwelling units.
- 5.23.2 Side yard setbacks of zero (0) are permitted only where the lots on both side of the affected lot line are part of a zero side setback development.
- 5.23.3 The minimum separation distance between residential buildings located on any one lot shall be ten (10) feet.

5.23.4 The end units of zero lot line developments shall observe the side yard setback for the Zoning District.

5.23.5 Additions and expansions to existing zero lot line developments, quadruplexes, triplexes, etc. are allowed as long as the addition does not reduce the front yard setback which currently exists. Thus, the front facade line of an existing development would be the furthestmost forward point to which any front addition could expand. Expansions into side yards are permitted as long as the unit can meet existing setback requirements for the district in which it is located. Rear additions or expansions which are beyond the furthestmost rear projection of the existing development shall be permitted only as long as the unit can meet existing rear setback requirements.

Section 5.24 Front Yard Setbacks for Dwellings

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

Section 5.25 Outdoor Lighting and Reflectivity

Outdoor lighting shall be located so as to not endanger motorists traveling on any street. The reflectivity of any structure constructed after the effective date of this Ordinance shall in no way hamper or cause endangerment to motorists traveling on any street.

Section 5.26 Planned Residential Development

5.26.1 A unified and planned group residential development (i.e. a cluster subdivision, row housing, condominiums, apartments) for a site in single ownership may be permitted without the customary division of land into standards sized individual lots.

5.26.2 Individual uses and structures in a group housing development need not comply with the specific building location, height, or size, lot size, or open space requirements of the District in which it is located provided the basic spirit and intent of such district regulations are complied with.

5.26.3 The procedure for approval of group development plans shall consist of the submission of a scaled design plan showing the proposed layout, including the location of buildings, driveways, off-street parking spaces and recreational areas. Furthermore, an approved project must be started within one (1) year and be completed within a reasonable period of time after its approval.

5.26.4 A proposed project must be designed by competent professional persons so as to create an attractive residential environment, guarantee permanent retention of open space, and ensure maintenance.

5.26.5 Off-street parking and loading requirements listed in Chapter 7 must be met.

Section 5.27 Awnings and canopies

- 5.27.1** No awning or canopy shall be erected, suspended or maintained over or across any street or public sidewalk by any person until a permit therefore has been duly issued by the zoning administrator.
- 5.27.2** A person desiring a permit as required in this section shall file an application with the zoning administrator. Such application shall be accompanied by drawings and specifications indicating the location, place of erection, suspension or maintenance, method of fastening and full dimensions.
- 5.27.3** A permit for the erection, suspension or maintenance of an awning or canopy issued pursuant to an application filed as provided in this section shall indicate the location, place of erection, suspension or maintenance, method of fastening and full dimension and shall include such other terms and conditions as the zoning administrator may deem proper.
- 5.27.4** It shall be unlawful for any person to erect, suspend or maintain over or across any sidewalk or Public Street, or any part of either, any awning or canopy unless such awning or canopy is securely fastened to a building and firmly supported by adequate metal braces and brackets.
- 5.27.5** No part of any awning or canopy shall be lower than seven (7) feet from the surface of the sidewalk or street nor shall any part of an awning or canopy extend more than seven (7) feet from the front of the building to which it is fastened.