

ARTICLE VII BUFFERYARDS/LANDSCAPING REQUIREMENTS

Section 27-62. Bufferyards; general.

- (a) Bufferyards are a combination of land and physical barriers such as fencing, plant material, and earthen berms which separate various land uses and street right-of-ways. Their purpose is to create a better quality of living for the community by encouraging the preservation of existing vegetation and stabilize the environment's ecological balance, to establish proper separation between land uses, to provide flexibility in developing appropriate separation between land uses, and to help reduce the negative impact of glare, noise, trash mitigation, odors, overcrowding, traffic, lack of privacy, and visual blight when incompatible land uses adjoin one another.
- (b) The provisions contained in the bufferyard requirements shall not apply to those uses located within the B1H zoning district.
- (c) To determine the bufferyard required by this Article, the following steps should be taken:
 - (1) Identify the classification of the proposed land use and any adjacent land use listed in Section 27-64, Bufferyard Use Classification List.
 - (2) Use Section 27-65, Bufferyard Chart, to determine the appropriate letter designation for each abutting yard.
 - (3) Match the letter designation obtained from Section 27-65, Bufferyard Chart, with the letter designation of Section 27-66, Bufferyard Illustrations, to determine the required bufferyard.

Section 27-63. Bufferyards - Site Plan Required, Approval, Timing of Permits.

- (a) Prior to issuance of a building permit, an applicant must propose and receive approval for a bufferyard plan in accordance with this Article. The applicant must submit a site plan drawn to scale in accordance with the requirements of Article XVIII, Site Plan Review.
- (b) Building permits and temporary certificates of occupancy may be issued only after a detailed site plan, including a detailed bufferyard plan, has been approved by the Department of Planning and Development. Recommendations on the proposed bufferyard may be obtained from the Department of Planning and Development.
- (c) In order for a final certificate of occupancy to be issued, all vegetation, fencing, and berms required by this Article shall be in place and written certification from the installer stating that the vegetation has been installed in accordance with proposed bufferyard plan must be submitted to the Department of Planning and Development. Written certification shall serve as a request for inspection.

Section 27-64. Bufferyard Use Classification List.

- (a) Below are the classifications of land uses which will be utilized in conjunction with Section 27-65, Bufferyard Chart, to determine the required bufferyards.
 - (1) Classification I: Single family dwellings, individual mobile homes, two family attached dwellings, family care homes, golf courses, nature areas, wildlife sanctuaries, and their accessory uses, including recreation.
 - (2) Classification II:
 - a. Multifamily dwellings, dormitories, mobile home parks, fraternities and sororities, rooming/boardng houses and their accessory uses, including recreation.

- b. Limited impact recreational uses, including, but not limited to: playgrounds, jogging trails, bicycling areas, boat launch ramps, picnic areas, swimming pools, and tennis courts.
- (3) Classification III:
- a. Institutional uses, including, but not limited to: day or youth camps, cemeteries, churches, day care centers, group care homes, libraries, museums, nursing homes, public or private schools, schools or homes for the physically or mentally handicapped, retirement homes, social or fraternal organizations, and hospitals.
 - b. Governmental buildings or uses, including, but not limited to: offices, fire stations, police stations, garages, public utilities, and public service uses. Specifically excluded are sanitary landfills, wastewater treatment facilities, extraction activities, and animal shelters.
 - c. Commercial and service uses, including, but not limited to: retail sales operations, hotels, laundry/dry cleaners, grocery stores not open between the hours of 11:00 P.M. and 6:00 A.M., alcoholic beverage stores, restaurants (conventional, not fast food), service or business stores (catering, bakery, duplicating, photography, shoe repair, tailoring, travel agency, etc.), taxi companies, shopping centers, funeral homes, and principal use parking lots.
 - d. Offices, including drive thru facilities.
 - e. Utility uses, including, but not limited to: telephone facilities, cable television companies, radio and television facilities, **telecommunication towers**.
 - f. Medium impact commercial recreation uses, including, but not limited to: amusement parks, fairgrounds, miniature golf, golf driving ranges not operated in conjunction with a golf course, sports arenas, stables, indoor recreation areas such as skating rinks, tennis, swimming, handball, and racquetball, athletic clubs, exercise and dance studios, and indoor theaters.
 - g. Plant nurseries or greenhouses that are not a part of a farm.
- (4) Classification IV:
- a. High impact recreational uses, including, but not limited to: outdoor theaters, shooting ranges (skeet, rifle, archery), go-cart racing, billiard parlors, and nightclubs.
 - b. Road service uses, including, but not limited to: gasoline sales, convenience stores, fast food restaurants, major and minor repair facilities, boat rental/sales or service, vehicle rental/sales or service, automobile wash, retail sales involving outside storage (vehicles, storage units, etc.), bus and truck terminals, and mobile home sales.
 - c. Veterinary offices, kennels, animal boarding, outside facilities, animal shelters.
 - d. Agricultural support uses including, but not limited to: farm equipment rental/sales and service and farm supply (feed, grain, and fertilizer).
 - e. Grocery stores open between the hours of 11:00 P.M. and 6:00 A.M.
 - f. Light industrial uses, including but not limited to: sewing operations, wood products, laboratories, warehouses, wholesaling businesses and storage, publishing plants and printing plants, mini-warehouses, contractor's office with equipment storage yards, furniture refinishing, fuel oil, ice, coal, wood sales, lumberyards, building materials sales and storage, trade shops (including cabinet, metal, carpentry, planing, plumbing, upholstery, refinishing, and paneling) tire recapping plants, and wastewater treatment plants.
- (5) Classification V:
- a. Heavy industrial uses, including, but not limited to: concrete or asphalt mixing plants, bulk material or machinery storage (unenclosed), fuel generation plants,

grain elevators, farm product processing (dairies, poultry, or meat), meat packaging plants or slaughterhouses, resource recovery activities, airports, heliports, and fertilizer manufacturing.

- b. Mining activities.
- c. Automobile graveyards, junkyards.

(Ord. No. 99-6, 6-14-99)Section 27-65. Bufferyard Chart.

Proposed Land Use Class	Adjacent Permitted Land Use Classification					Adjacent Vacant Zone or Zone with Non-Conforming Use		
	I	II	III	IV	V	Non-Residential	Non-Residential	Public/Private Streets
II	C - Note 1	B - Note 1	B - Note 1	B - Note 1	B - Note 1	C - Note 1	B - Note 1	A - Notes 1, 3, & 4
III	D - Note 2	D - Note 2	B - Note 2	B - Note 2	B - Note 2	D - Note 2	B - Note 2	A - Notes 1, 3, & 4
IV	E - Note 2	E - Note 2	B - Note 2	B - Note 2	B - Note 2	E - Note 2	B - Note 2	A - Notes 1, 3, & 4
V	F - Note 2	F - Note 2	B - Note 2	B - Note 2	B - Note 2	F - Note 2	B - Note 2	A - Notes 1, 3, & 4

NOTES

1. Building setbacks shall be in accordance with applicable regulations for the zoning district and use.
2. Unless otherwise provided, setbacks shall be determined in the following manner:
 - a. Structures thirty-five (35) feet in height and under - in accordance with prescribed bufferyards.
 - b. Structures over thirty-five (35) feet in height - in accordance with prescribed bufferyards or by using the following formula, whichever is greater: $D = 6 + 2(S) + L/10$ where D is the minimum setback distance, S is the number of stories and L is the length of the wall. Where the length of the wall is set back eight (8) feet or more, the length (L) of each segment or plane is measured separately in determining the required yard depth. (See story definition.)
 - c. Setbacks for parking, storage, dumpsters, etc. shall be in accordance with prescribed bufferyards.
3. Bufferyards for adjacent streets may only be encroached upon for driveway accesses and signage.

4. The vegetation requirements of this Section shall not apply to public alleys and private service easements which provide secondary access; however, structures must observe the bufferyard setback.

Section 27-66. Bufferyard Illustrations.

Bufferyard illustrations indicate the specifications of each bufferyard. Bufferyard requirements are stated in terms of the width of the bufferyard and the number of plant units required per each one hundred (100) linear feet of bufferyard.

(a) Bufferyard A

Lot Size	Bufferyard Width Required	Number of Plant Units per 100 linear Feet of Bufferyard
Less than 25,000 sq. ft.	4	12 shrubs
25,000 sq. ft. to 175,000 sq. ft.	6	20 shrubs
Over 175,000 sq. ft.	10	25 shrubs
1. One (1) small tree may be substituted for four (4) shrubs. If more than eight (8) feet is available, then one (1) large tree may be substituted for four (4) shrubs.		
2. Plant material may be reduced by fifty (50) percent when a berm at least two (2) feet on height is provided.		
3. Shrubs used to satisfy the requirements of this bufferyard are not limited to those listed in Section 27-69.		

(b) Bufferyard B

Lot Size	Bufferyard Width Required	Number of Plant Units per 100 linear Feet of Bufferyard
Less than 25,000 sq. ft.	4	3 small trees and 3 evergreen shrubs
25,000 sq. ft. to 175,000 sq. ft.	6	3 small trees and 3 evergreen shrubs
Over 175,000 sq. ft.	10	3 small trees and 3 evergreen shrubs
If more than eight (8) feet is available, then large trees may be substituted for small trees.		

(c) Bufferyard C

Lot Size	Bufferyard Width Required	Number of Plant Units per 100 linear Feet of Bufferyard
All sizes	10	3 small trees, 16 evergreen shrubs
1. When a fence is used, the bufferyard width may be reduced to eight (8) feet and vegetation may be reduced to two (2) large trees.		

(d) Bufferyard D

Lot Size	Bufferyard Width Required	Number of Plant Units per 100 linear Feet of Bufferyard
All sizes	20	3 large trees (minimum 70 percent evergreen), 5 small trees, 16 evergreen shrubs
1. Bufferyard vegetation may be reduced by fifty (50) percent if a fence or earth berm is provided.		
2. Bufferyard width may be reduced by fifty (50) percent if a fence is provided.		

(e) Bufferyard E

Lot Size	Bufferyard Width Required	Number of Plant Units per 100 linear Feet of Bufferyard
All sizes	30	5 large trees (minimum 70 percent evergreen), 7 small trees, 26 evergreen shrubs
1. Bufferyard vegetation may be reduced by fifty (50) percent if a fence or earth berm is provided.		
2. Bufferyard width may be reduced by fifty (50) percent if a fence is provided.		

(f) Bufferyard F

Lot Size	Bufferyard Width Required	Number of Plant Units per 100 linear Feet of Bufferyard
All sizes	50	6 large trees, 9 small trees, 45 evergreen shrubs
1. Bufferyard vegetation may be reduced by fifty (50) percent if a fence or earth berm is provided.		
2. Bufferyard width may be reduced by fifty (50) percent if a fence is provided.		

- (g) Fences. Must create a complete visual screen for at least six (6) feet in height. Acceptable materials are cedar, masonry, redwood, chain link with slats, and pressure treated lumber resistant to rot. Fence installation should be consistent with acceptable building practices.
- (h) Berms.

Minimum height	5 feet
Maximum slope	2 feet horizontal for each 1 foot vertical; 2:1
Minimum crown width	2 feet

Section 27-67. Bufferyard Standards.

- (a) Existing Fencing.

When there is an existing fence which creates a complete visual screen for at least five (5) feet in height on an adjoining property owner's yard, and that fence extends along a minimum of fifty (50) percent of the abutting yard in question as determined by the Director of Planning and Development, then the developer may elect to use one of the applicable alternative bufferyards.

 - (1) Bufferyard D - minimum width - ten (10) feet; required plant materials per one hundred (100) feet - two (2) large trees (minimum 70 percent evergreen); three (3) small trees; and twenty-five (25) evergreen shrubs; fence - not required.
 - (2) Bufferyard E - minimum width - fifteen (15) feet; required plant materials per one hundred (100) feet - three (3) large trees (minimum 70 percent evergreen); four (4) small trees; and twenty-five (25) evergreen shrubs; fence - not required.
 - (3) Bufferyard F - shall be in accordance with the bufferyard prescribed by this Section.
- (b) Exemption.

For all uses except public schools, bufferyards are not required along those areas where there are five hundred (500) feet or more separating adjoining property lines and street right-of-way lines from areas where any improvements are taking place and where land is being used for purposes including, but not limited to, storage, mining activities, and storm water detention areas.

In the case of public schools, bufferyards are not required along those areas where there are two hundred fifty (250) feet or more separating adjoining property lines and street right-of-way lines from areas where any improvements are taking place and where land is being used for purposes including, but not limited to, storage, storm water detention areas, and recreation facilities.
- (c) Minimum Plant Size.

Unless otherwise indicated elsewhere in this Section, all plant materials shall meet the following minimum size standards at the time of planting:

<u>Planting Material Type</u>	<u>Minimum Planting Size</u>
Large Tree	
Single-Stem	1 ½ inch caliper
Multi-Stem Clump	6 feet in height
Small Tree	4 feet in height
Evergreen Shrubs	1 foot in height

- (d) Spacing in Bufferyards C, D, E, and F.

Bufferyards C, D, E, and F are intended to create a complete visual screening year round. Therefore, proposed and existing vegetation should be spaced to accomplish this purpose. No more than two (2) continuous feet of horizontal plane, as measured and viewed

- perpendicular from the property line, may be void of vegetation at least six (6) feet in height within ten (10) years of planting.
- (e) Existing Material.
Any existing plant material which otherwise satisfies the requirements of this Section may be counted toward satisfying all such requirements. For Bufferyards B, C, D, E, and F, one (1) existing large or small tree may be substituted for two shrubs as required by this ordinance.
 - (f) Seeding.
All bufferyard areas that are not landscaped shall be seeded with lawn or prairies grass unless ground cover is already established.
 - (g) Encroachment.
Among other things, bufferyards may not be encroached upon by vehicular areas (except common access driveways and parking lots), buildings, service walkways, exterior storage, dumpsters, or mechanical equipment unless otherwise provided. Encroachment by storm water detention ponds may occur subject to the approval of the City of Washington. Any plant materials placed within storm water storage areas shall be of a variety that will survive periodic flooding. Exterior lighting may project three (3) feet into required bufferyards.
 - (h) Recreational Use of Bufferyard.
A bufferyard may be used for passive recreation; it may contain greenway, pedestrian, bicycle, or equestrian trails, provided that: no plant material is eliminated, the total width of the bufferyard is maintained, and all other regulations of the zoning ordinance are met. In no event, however, shall the following uses be permitted in bufferyards: playgrounds, ballfields, stables, swimming pools, tennis courts, or any other type of active recreational use.
 - (i) Easement.
No vegetative screening or barriers required by this Section shall be placed on property subject to utility or drainage easements without the written consent of the City and the easement holder.
 - (j) Solar Access.
If the development on the adjoining use is existing, and is designed for solar access, small trees shall be substituted for large trees where large trees would destroy solar access.
 - (k) Overlapping Bufferyards.
Whenever two (2) or more bufferyard requirements are applicable to the same use or combination of uses, then the more stringent of the bufferyard requirements shall apply.
 - (l) Drainage Ditch.
When a drainage ditch separates property line, all vegetation and fencing required by this Article shall be provided. However, in no case shall the required vegetation and fencing be located within five (5) feet of the outer edge of the drainage ditch. Placement of vegetation and fencing within easements shall be in accordance with subsection (l) above.
 - (m) Future Thoroughfare.
Required landscaping materials, fencing, and berms shall not encroach within future thoroughfare right-of-way.
 - (n) Shopping Centers, Condominium/Townhouse, Multifamily Group, and Planned Unit Developments
Bufferyards are required only along exterior property lines of the project, however, bufferyards are required along all property lines of outparcels that have direct access onto a public dedicated street.
 - (o) Solid Wall.
A building wall of solid construction (wood, masonry, etc.) that is without windows, access, protrusions, mechanical equipment, etc. may be used to satisfy the fencing requirements

of this Article along those areas where the building exists. There shall be no breaks or separations between fencing and building walls along property lines where a combination of fencing and building walls are used to satisfy the requirements of this Section.

(p) **Vegetation Location.**

Required vegetation shall be installed within the minimum bufferyard area except as provided herein. Where a drainage ditch or other natural feature prevents the installation of required vegetation within the minimum bufferyard area, such materials shall be installed within an area of equal width to the required bufferyard area. This "area of equal width" shall be located adjacent to and extend from the drainage ditch or other natural features. Building setbacks, parking areas, driveways, and all site improvements may encroach into the "area of equal width."

Section 27-68. Maintenance of Bufferyard Areas.

- (a) The property owner shall be responsible for maintaining all vegetation required by this Article in a healthy condition. Any dead, unhealthy, or missing vegetation shall be replaced upon written notice of noncompliance by the Department of Planning and Development to insure compliance with all bufferyard requirements. Replacement must occur upon notification by the Department of Planning and Development of any dead, unhealthy, or missing vegetation and shall be planted in accordance with the provisions of this Article. Replacement shall occur at the earliest suitable planting season.
- (b) To insure that landscape materials do not constitute a driving hazard, a sight distance as determined by the City of Washington and/or the North Carolina Department of Transportation shall be observed at all street intersections of driveways with streets. Within this sight triangle, no landscape material, fencing, or berms exceeding thirty (30) inches above the adjacent street intersection shall be permitted. In the case of private driveways, the sight distance shall be measured along an imaginary line five (5) feet outside and parallel to the outer edges of said driveway and along the intersecting street right-of-way. The required sight distance for private driveways shall be twenty-five (25) feet.
- (c) If at the time of the request for a certificate of occupancy, the required bufferyard vegetation is not in place due to the unavailability of plant material, then the developer/owner may obtain a temporary certificate of occupancy from the Department of Planning and Development. Such temporary certificate of occupancy shall be limited to thirty (30) days and may be renewed not more than three (3) times.
- (d) To insure that fencing will be maintained in a safe and aesthetic manner, the following maintenance requirements must be observed for all fencing required by this Article:
 - (1) No fence shall have more than twenty (20) percent of its surface area covered with disfigured, cracked, or missing materials, or peeling paint for a period of more than thirty (30) consecutive days.
 - (2) No fence shall be allowed to remain with bent or broken supports, or be allowed to stand more than fifteen (15) degrees away from the perpendicular for a period of more than thirty (30) consecutive days.

Section 27-69. Acceptable Vegetation.

- (a) Below is the list of vegetation which shall be used to satisfy the requirements of this Article:

SMALL TREES: 20 FEET AND BELOW

EVERGREEN

<u>Scientific Name</u>	<u>Common Name</u>
Eriobotrya Japonicus	Loquat
Magnolia Glauca	Sweet May Magnolia

DECIDUOUS

<u>Scientific Name</u>	<u>Common Name</u>
Acer Palmatum	Japanese Maple
Cornus Florida	Dogwood
Cornus Kousa	Chinese Dogwood
Cotinus Coggyria	Smoke Tree
Craetagus Phaenopyrum Cordata	Washington Hawthorn
Lagerstroemia Indica	Crepe Myrtle
Magnolia Stellata	Star Magnolia
Malus Hopa	Pink Crabapple
Prunus Serrulata "Kwansan"	Kwansan Cherry
Prunus Serruluta "Shirotae"	Mt. Fuji Cherry
Prunus Cerasifera	Purple Leaf Plum

LARGE TREES: 20 FEET AND ABOVE

EVERGREEN

<u>Scientific Name</u>	<u>Common Name</u>
Cryptomeria Japonica "Yoshino"	Japanese Cedar
Gordonia Lasianthus	Loblolly Bay
Magnolia Grandiflora	Southern Magnolia
Pinus Bungeana	Lace Bark Pine
Pinus Ellioti	Slash Pine
Pinus Strobus	White Pine
Pinus Taeda	Loblolly Pine
Pinus Thunbergii	Japanese Black Pine
Pinus Virginiana	Virginia Pine
Tsuga Canadensis	Canadian Hemlock
Cedrus Deodora	Deodor Cedar
Chaemecyparissus Lawsoniana "Leylandi"	Leyland Cypress
Ilex Fosteri II	Foster's Holly
Ilex Aquifolium	English Holly
Ilex Cassine	Dahoon Holly
Ilex Pernyi	Perny Holly
Juniperous Virginiana	Eastern Red Cedar
Photinia Serrulata	Chinese Photinia

LARGE TREES: 20 FEET AND ABOVE

DECIDUOUS

<u>Scientific Name</u>	<u>Common Name</u>
Acer Plantinoides	Norway Maple
Acer Rubrum	Red Maple
Acer Saccharum	Sugar Maple
Betula Nigra	River Birch
Betula Pendula	European White Birch
Ginkgo Biloba	Ginkgo
Gleditsia Triacanthus var. inermis	Thornless Honey
Locust	
Liquidambar Styracifula	Sweet Gum
Populus Nigra "Italica"	Lombardy Poplar
Pyrus Calleryana "Bradford"	Bradford Pear
Salix Babylonica	Weeping Willow
Tilia Cordata	Little Leaf Linden
Zelkova Serratta	Japanese Zelkova
Fagus Grandiflora	American Beech
Cercis Canadensis	Red Bud
Quercus Virginiana	Live Oak
Fraxinus Americana	White Ash
Quercus Phellos	Willow Oak
Quercus Rubra	Red Oak
Quercus Palustous	Pin Oak

EVERGREEN SHRUBS: 4 TO 6 FEET

* Various Varieties

<u>Scientific Name</u>	<u>Common Name</u>
Aucuba Japonica*	Japanese Aucuba
Azalea Hybrids*	Azaleas
Berberis Vulianae	Wintergreen Barberry
Gardenia Jasminoides	Cape Jasmine
Gardenia	
Ilex Crenata Convexa	Convexa Japanese
Holly	
Ilex Crenata "Hetzi"	Hetzi Japanese Holly
Ilex Crenata Compacta*	Compacta Holly
Ilex Crenata "Microphylla"	Little Leaf Japanese
Holly	
Ilex Crenata Rotundifolia	Roundleaf Japanese Holly
Juniperus Chinensis Pfitzeriana*	Pfitzer Juniper
Mahonia Bealei	Leatherleaf Mahonia
Myrica Pensylvanica	Northern Bayberry
Nandina Domestica*	Nandina
Pyracantha Coccinea*	Scarlet Firethorn
Raphiolepis Umbellata	Yeddo-Hawthorn
Rhododendron Ramapo	Ramapo Rhododendron
Rhododendron Hybrida*	Hybrid Rhododendron
Sisphonosmanthue Delavayi	Delavay Tea Olive

Osmanthus Delavayi

Delavay Tea Olive

EVERGREEN SHRUBS: 6 TO 12 FEET

* Various Varieties

<u>Scientific Name</u>	<u>Common Name</u>
Azalea Indica*	Indian Azalea
Bambusa Mulitplex	Clump or Hedge Bamboo
Camellia Japonica*	Camellia
Camellia Sasansqua	Sasanqua
Cleyera Japonica	Cleyera
Elaegnus Pungens	Thorny Elaeagnus
Ilex Aquifolium*	English Holly
Ilex Cornuta	Chinese Holly
Ilex Cornuta Burfordi*	Burford Holly
Ilex Crenata*	Japanese Holly
Ilex Glabra	Inkberry Holly
Ilex Latifolia	Lusterleaf Holly
Ilex Vomitoria	Yaupon Holly
Ilex Opaca Fosteri #2	Fosters Holly
Ilex Nellie R. Stevens	Nellie Stevens Holly
Ligustrum Japonicum*	Japanese Privet
Ligustrum Lucidum	Glossy Privet
Ligustrum Yicaryi	Yicary Golden Privet
Michelia Figo	Banana Shrub
Myrica Cerifera	Wax Myrtle
Osmanthus Fortunei	Fortune Tea Olive
Osmanthus Heterophyllus*	Holly Osmanthus (O. Illicifolius)
Photinia Fraseri	Fraser Photinia (Red Tip)
Photinia Glabra	Red Photinia
Pittosporum Tobira	Pittosporum
Podocarpus Macrophyllus Maki Yew)	Podocarpus (Japanese
Pyracantha Koidzumi*	Formosa Firethorn

Section 27-70. Nonconforming Bufferyards.

- (a) The provisions contained in this Section shall not apply to existing structures that do not conform with the bufferyard required by this Article. Structures that do not comply with the bufferyard required by this Article shall be subject to the Nonconforming provisions contained in subsection (c) below.
- (b) Subject to subsection (a) above, property that does not comply with the bufferyard requirements contained in this Article shall meet the provisions of this Section.
- (c) When there is noncompliance with the bufferyard required by this Section, and when an applicant files the necessary forms for a building permit, certificate of occupancy, or business license, one (1) of the following two (2) situations shall apply:
 - (1) Bufferyard regulations are not applicable. This provision applies when:

- a. There is a change of land use where the new land use is of the same or lower classification, as found in Section 27-64, as the previous land use; or
 - b. Expansions are proposed which singularly or collectively are five (5) percent or less of the existing floor area, existing improved parking areas, or other impervious areas of the existing use at the time the ordinance becomes applicable.
- (2) A portion of the prescribed bufferyard will be required in accordance with subsection (d) below when:
- a. There is a change of land use where the land use is of a higher classification as found in Section 2764, as the previous land use; or
 - b. Proposed expansions are singularly or collectively more than five (5) percent of the existing floor area, existing improved parking areas, or other existing impervious areas. The provisions of this Section shall in no way be deemed to require the removal of existing structures, buildings, improved parking areas, mechanical equipment, and lighting, provided, however, all other encroachments including but not limited to concrete islands and the like shall be removed. Such areas shall be planted in accordance with the applicable provisions of the bufferyard regulations.
- (d) When a portion of the prescribed bufferyard is required based on subsection (c)(2) above, the following shall suffice for compliance with this Section.
- (1) For purposes of this subsection when there is less than eight (8) feet of bufferyard width available, small trees may be substituted for large trees.
 - (2) Where seventy-five (75) percent or more of the required bufferyard width is available, all physical barriers and plant material shall be installed.
 - (3) Where less than seventy five (75) percent of the required bufferyard width is available, all physical barriers and a percentage of plant material equal to that of the land areas available shall be installed.
 - (4) Where less than one (1) foot of bufferyard width is available, ground cover may be substituted for the required vegetation.

ARTICLE VI I I. MOBILE HOME PARKS

Section 27-71. Conformance with regulations.

- (a) It shall be unlawful for any person to locate or allow to be located (1) or more mobile homes on a lot owned, possessed, or otherwise controlled by him after the effective date of this ordinance, unless such act conforms to one (1) of the following requirements or conditions:
 - (1) the mobile home is nonconforming as defined in Article III;
 - (2) the mobile home is within an approved mobile home park;
 - (3) the mobile home is used in connection with an allowable temporary use; and
 - (4) the mobile home is on an individual lot within the RMH district and complies with all applicable district standards.
- (b) The owner or operator of a mobile home park shall not permit a recreational vehicle or travel trailer (any trailer smaller than the minimum defined size for a mobile home in Article 2) to locate within the boundaries of such park for periods greater than one (1) week if the

- recreational vehicle or travel trailer is being used or intended to be used for use as a dwelling.
- (c) The storage of individual recreational vehicles and travel trailers shall be permitted provided that only one such unit is stored on a lot of record and that such unit is not used for purposes of living, sleeping, or cooking while in storage. Such recreational vehicles or travel trailers may not be connected with any City utility except for electricity. No such unit may occupy more than twenty (20) percent of the minimum required open space on an individual lot. Any recreational vehicle or travel trailer stored on a lot, pursuant to this subsection, must be owned by the owner of the property on which it is located.
 - (d) These regulations shall not prohibit the parking and/or storing of any mobile home for the purpose of sale by the owner or licensed dealer, or the use of such unit by said owner or licensed dealer as a sales office and/or demonstrator unit, upon any lot or tract on which the sale of mobile homes is permitted and/or approved under this ordinance.
 - (e) It shall be unlawful to store or park any unoccupied mobile home for longer than forty-eight (48) hours except in an emergency and then only after first obtaining an emergency storage permit from the building inspector. No emergency storing permits shall be issued for a period longer than seven (7) days in duration.
 - (f) It shall be unlawful for any person to sell on a commercial basis mobile homes or trailers within a mobile home park, except that an individual mobile home owner shall be exempt from this section in that he shall be allowed to sell the mobile home in which he maintains occupancy.

Section 27-72. Procedures; required review, contents.

- (a) Required review. No person shall construct or engage in the construction of any mobile home park or make any additions or alterations to a mobile home park until such construction, addition, or alteration has been approved and a building permit issued, subject to the following process:
 - (1) A sketch plan, following the requirements of subsection (b) below, is submitted to the Department of Planning and Development.
 - (2) A Technical Review Committee (TRC), made up of department heads or their designees from the Department of Planning and Development, the Electric Department, the Public Works Department, the Police Department, and the Fire and Rescue Department, reviews the plan. The TRC may take any of the following actions:
 - a. approve the plan as submitted;
 - b. require that the plan be resubmitted for evaluation where revision of the plan is necessary to meet with applicable City of Washington ordinances, policies, and standards;
 - c. disapprove the plan if it cannot be approved with reasonable conditions of compliance. The reasons for such disapproval shall be set forth by the TRC. Disapproval by the TRC may be appealed to the City Manager and ultimately to the City Council, after a recommendation is given by the Planning Board;
 - (3) The plan is submitted to the Planning Board for approval.
 - (4) The Planning Board shall forward a copy of the plan with its recommendations to the City Council for their review and approval.
 - (5) If the Council approves the plan, the Department of Planning and Development shall issue a permit for the construction, additions, or alterations as shown on the approved plan.
 - (6) The Department of Planning and Development shall make an examination of the construction at any reasonable time to determine whether the work is being done in

accordance with the approved plan and the specifications and requirements of this article. The owner of the mobile home park shall make available any records, test data, or other information essential to such determination.

- (7) Where any land in the mobile home park is to be dedicated for public use, the City of Washington subdivision regulations shall be followed.
- (b) Sketch plan requirements. Sketch plans submitted for approval must be drawn to a scale of not less than one (1) inch equals one hundred (100) feet by a registered engineer, land surveyor, or and shall show the following information on one (1) or more sheets:
- (1) a title, date, north arrow, engineer's scale, graphic scale, and the names and addresses of the developer and the person or firm preparing the plan;
 - (2) name of the mobile home park;
 - (3) a vicinity sketch with a scale no less than one (1) inch equals one thousand (1000) feet showing the site and its relationship to the surrounding area and the nearest intersection of two (2) public streets;
 - (4) minimum setback lines with approximate dimension of mobile home lots and spaces, mobile home stands, mobile home patios, and walkways from patios to parking areas;
 - (5) that the plan conforms with applicable development standards, including United States mail delivery and pickup stations;
 - (6) show existing and finished contours at intervals of two (2) feet (in parking or paved areas the finished grade elevation may be shown instead of contours);
 - (7) proposed street lighting for private drives and parking areas;
 - (8) location of recreational facilities and open space;
 - (9) names and locations of all proposed public or private drives, dedicated streets, and vehicular entrances and exits showing width, rights-of-way, street names, sight distance triangles at intersections, curb and gutter alignments, and location and dimensions of sidewalks, alleys, and pedestrian ways where required (curb, gutter, and storm drainage shall be installed per City of Washington specifications); all width dimensions and improvements shown;
 - (10) provide site data regarding total acres, total spaces, gross floor area of each building and/or addition (existing and proposed), proposed use of buildings, density ratio, total recreational acreage, and parking ratio per lot;
 - (11) indicate type of screening to be provided;
 - (12) show mobile home lots or spaces numbered and dimensioned;
 - (13) provide detail of a typical mobile home space drawn to a scale of not less than one (1) inch equals ten (10) feet showing water, sewer, storm drainage, electrical connections, parking spaces, driveways, and all other improvements;
 - (14) indicate location and extent of surface areas, lawns, and planted areas, giving sizes and number of plants and trees with common names, along with a schedule for planting;
 - (15) show locations and dimensions of property lines, public utility easements, and all buildings (existing and proposed);
 - (16) location of adjoining properties and buildings, with names and addresses of owners of record, and current zoning classifications;
 - (17) location of water taps, sewer taps, septic tank locations, septic tank drain fields, and fire hydrants, showing size of lines and meters;
 - (18) location and dimensions of proposed and existing water lines, sanitary sewer lines, and storm sewer lines;
 - (19) location of electrical service connections, meters, and poles;
 - (20) location and dimensions of bridges, culverts, railroads, and watercourses, including ditches;

- (21) drainage plans including locations and dimensions of pipes, yard drains, catch basins, and curb inlets;
- (22) location and dimension of gas lines;
- (23) locations and dimensions of any required refuse collection container spaces;
- (24) locations, dimensions, and materials of walls and fences;
- (25) where public water or public sewer is not available, a written statement from the Beaufort County Health Department shall be submitted indicating that the mobile home park has adequate land area and suitable topography to accommodate the proposed methods of water supply and sewage disposal.

Section 27-73. Permitted uses.

- (a) Mobile home parks, when constructed, altered, extended or used shall be arranged, intended and designed to be used exclusively for one (1) or more of the following uses according to the conditions specified in this ordinance:
 - (1) Mobile homes for use as single-family dwelling units.
 - (2) Caretaker's or manager's office.
 - (3) Services for use by residents of the mobile home park only, including management office, mail pick-up, restrooms, vending machines, washing and drying machines for domestic laundry, and recreation facilities accessory to the mobile home park, and other similar uses.
- (b) There shall be no more than one (1) mobile home and its accessory structure(s) located on any site or lot.

Section 27-74. Development standards.

- (a) Minimum area. The minimum area of any site to be developed for any mobile home park shall be five (5) acres, including right-of-way, utility easements, and recreation area.
- (b) Maximum density. The maximum density shall be eight (8) units per net acre.
- (c) Required number of spaces. There shall be no less than ten (10) mobile home spaces available at first occupancy.
- (d) Space and lot minimum dimensions; stakes.
 - (1) Rental spaces.
 - (a) Net area: five thousand (5,000) square feet.
 - (b) Width: fifty (50) feet.
 - (2) Subdivision; for sale of individual lots.
 - (a) Net area: Six thousand (6,000) square feet.
 - (b) Width: Sixty (60) feet.
 - (3) Stakes. The limits of each mobile home site shall be clearly marked on the ground by permanent flush stakes. Location of spaces on the ground shall be approximately the same as shown on the approved plans. Precise description of space limits is not required either on the plans or on the ground, except when a mobile home subdivision is proposed.
- (e) Setbacks for mobile homes; principal structures and accessory structures. Per RMH District requirements, Article VI, Dimensional Standards of Districts. Sliding extensions to mobile homes which are installed by the manufacturer may extend up to four (4) feet into any side yard.

- (f) Separation between mobile homes, mobile home stands, other structures.
 - (1) Mobile homes: twenty-eight feet (28) feet.
 - (2) Mobile home stands: twenty-eight feet (28) feet.
 - (3) Other structures: eleven (11) feet.
 - (4) Attached structures such as awnings, storage cabinets, carports, and porches which have a floor area exceeding twenty-five (25) square feet and are roofed shall for all purposes of the separation requirements be considered to be part of the mobile home.
- (g) Mobile home stand requirements.
 - (1) Each mobile home shall be located on a permanently established stand within the limits of the staked mobile home space or lot.
 - (2) The supports of all mobile homes shall rest upon adequate concrete footing.
 - (3) The mobile home space and lot shall be graded to provide adequate storm drainage away from the mobile home.
 - (4) Single wide stands shall consist of a rectangular plot of ground which at minimum measures fourteen (14) by eighty (80) feet.
 - (5) Double wide stands shall consist of a rectangular plot of ground which at minimum measures twenty-eight (28) by eighty (80) feet.
 - (6) The location of each mobile home stand shall be such that placement and removal of individual units can be achieved without disturbance to other mobile homes, mobile home spaces, patios, walkways, or accessory structures.
- (h) Patio requirements.
 - (1) For each mobile home, there shall be constructed a permanent patio, located adjacent to or attached to the mobile home stand. Such patio shall have the following characteristics:
 - a. Each patio shall be at least sixty-four (64) square feet in area.
 - b. Each patio shall have sufficient gradient to facilitate adequate drainage away from the mobile home stand.
 - c. Each patio shall have a compacted base, and shall be of concrete or masonry construction.
- (i) Walkway requirements. For each mobile home, there shall be constructed a permanent walkway which connects the parking area, patio, and mobile home stand. Such walkway shall be a minimum of three (3) feet wide, shall have a compacted base, and shall be of concrete or masonry construction.
- (j) Skirting requirements. All mobile homes shall have approved skirting, extending from the bottom of the unit to the ground, which skirting shall contain an access door measuring not less than eighteen (18) inches by twenty-four (24) inches.
- (k) Parking requirements.
 - (1) Number of spaces: two (2) per mobile home.
 - (2) All required spaces for each mobile home space shall be located on private driveways abutting the mobile home stand not less than forty (40) feet wide that are paved or covered with crushed stone.
 - (3) There shall be no on-street parking. All parking shall be provided in private driveways.
- (l) Recreation area requirements (private).
 - (1) Common area recreation areas shall be provided at a ratio of three hundred (300) square feet per mobile home space. No common area recreation area shall be less than three thousand (3,000) square feet.
 - (2) The recreation requirement for a mobile home park development shall not apply if the project is within one half (1/2) mile radius of a public recreation facility.
 - (3) No portion of an active recreation area shall be located within the peripheral boundary setback or less than twenty (20) feet from any mobile home stand.

- (4) Passive recreation area may be located in the peripheral boundary setback in accordance with the bufferyard regulations of Article VII.
- (5) At least eighty (80) percent of the required recreation space must be level, well-drained ground usable for common recreation activities. Land that is swampy, extremely low, or wooded will not be classified as usable recreation space.
- (m) Access to public streets.
 - (1) Mobile home stands may be located with direct vehicular access to terminal public streets which exclusively serve the mobile home park or on private streets located entirely within the mobile home park.
 - (2) No mobile home stand shall have direct vehicular access to public streets which do not exclusively serve the mobile home park.
 - (3) When the mobile home park has more than one (1) direct vehicular access to a public street, they shall not be less than three hundred (300) feet from a public street intersection unless, in the opinion of the Director of Planning and Development, topographical or site conditions demand otherwise.
- (n) Street requirements
 - (1) Streets within mobile home parks shall conform to the right-of-way width and pavement width requirements of the subdivision ordinance for marginal access streets. Concrete curb and guttering and storm drainage will be required to be installed along streets throughout the mobile home park development as per the City of Washington's specifications.
 - (2) Closed ends of dead end streets shall be provided with an adequately paved vehicular turning circle at least ninety (90) feet in diameter.
- (o) Addresses. A permanent street address shall be assigned to each mobile home stand in accordance with City of Washington and Beaufort County policy.
- (p) Bufferyard requirements. Bufferyard requirements shall be in accordance with Article VII.
- (q) Sign requirements. Sign requirements shall be in accordance with Article XVI.
- (r) Installation requirements. The following installation, connections, and construction shall comply with the specifications of the City of Washington:
 - (1) water distribution;
 - (2) sewer distribution;
 - (3) electrical distribution and connection;
 - (4) storm sewer including piped ditches;
 - (5) street construction;
 - (6) parking layout including driveways;
 - (7) refuse collection;
 - (8) fire protection; and
 - (9) street lighting.

All installations shall comply with the applicable codes of the Beaufort County Health Department, the State of North Carolina, and the North Carolina Utilities Commission.

Section 27-75. Garbage/Trash container pad locations.

- (a) No container pad required to service the mobile home development shall be located closer than twenty (20) feet to any mobile home stand.
- (b) Each container pad required to service the mobile home development shall be located within two hundred (200) feet of the mobile home stands they are intended to serve.
- (c) All container sites shall be visually screened with plant material, by fencing, and/or by site location to minimize their visual impact.

Section 27-76. Compliance with subdivision standards.

All development regulated in accordance with this article shall be subject to the requirements, conditions, and restrictions of the Subdivision Ordinance of the City of Washington whether or not the subject tract is actually divided for the purpose of transferring title.

ARTICLE IX. AIRPORT ZONING

Section 27-77. Definitions.

Airport means the Warren Airport.

Airport elevation means the established elevation of the highest point on the usable landing area.

Airport hazard means any structure or object of natural growth located on or in the vicinity of a public airport, or any use of land near such airport which obstructs the airspace required for the flight of aircraft in landing or takeoff at such airport or is otherwise hazardous to such landing and takeoff of aircraft.

Airport height map means the map entitled "Airport Property and Land Use Plan" map, labeled sheet number 9. The term "Airport Height Map" shall be used interchangeably with the term "Airport Property and Land Use Plan."

Airport Property and land use plan map is the map which governs height limits around the Airport area. Such term shall be used interchangeably with the term "Airport Height Map."

Airport reference point means the point established as the approximate geographic center of the airport landing area and so designated.

Approach, transitional horizontal and conical zones means the areas under the approach, transitional, horizontal and conical surface.

Height. For the purpose of determining the height limits in all zones set forth in this chapter and shown on the "Airport Property and Land Use Plan" map, otherwise known as the "Airport Height Map," labeled sheet number 9, the datum shall be mean sea level elevation unless otherwise specified.

Landing area means the area of the airport used for the landing, taking off, or taxiing of aircraft.

Nonconforming use means any preexisting structure, tree, natural growth, or use of land which is inconsistent with the provisions of this article or any amendment thereto.

Nonprecision instrument runway means a runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area type navigation equipment, for which a straight-in nonprecision instrument approach procedure has been approved or planned, and for which no precision approach facilities are planned or indicated on an FAA planning document or a military service military airport planning document.

Primary surface means a surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends two hundred (200) feet beyond each end of that runway; but when the runway has no specially prepared hard surface or planned hard surface, the primary surface ends at each end of that runway. The width of the primary surface of a runway will be that width prescribed in part 77 of the Federal Aviation Regulations (FAR) for the most precise approach existing or planned for either end of that runway. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.

Runway means a defined area on an airport prepared for landing and takeoff of aircraft along its length.

Structure means an object constructed or installed by humans, including, but without limitation, buildings, towers, smokestacks, earth formations, and overhead transmission lines.

Tree means any object of natural vegetative growth.

Utility runway means a runway that is constructed for and intended to be used by propeller driven aircraft of 12,500 pounds maximum gross weight and less.

Visual runway means a runway intended solely for the operation of aircraft using visual approach procedures with no straight-in instrument approach procedure and no instrument designation indicated on an FAA approved airport layout plan, a military service approved airport layout plan, or by any planning document submitted to the FAA by competent authority.

Section 27-78. Administration of article.

The Director of Planning and Development, or his designee, is hereby designated as the administrator of this article, with the duty of administering and enforcing the regulations prescribed herein. The duties of the administrator shall include that of hearing and deciding all permits required under Section 27-84 of this article, but he shall not have or exercise any of the powers or duties delegated in this article to the board of appeals. Applications for permits and variances shall be made to the Department of Planning and Development upon a form furnished li; departmental staff. Applications required by this article to be submitted to the administrator shall be promptly considered and either approved or denied. Applications for action by the board of appeals shall be transmitted to the administrator for review by the board of appeals.

Section 27-79. Establishment and designation of 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 within the approach zones, transitional zones, horizontal zones, and conical zones. Such areas and zones are shown on the Airport Airspace Drawing Sheet I. The various zones are hereby established and defined as follows:

- (1) Utility runway visual approach zone. The inner edge of this approach zone coincides with the width of the primary surface and is two hundred fifty (250) feet wide. The approach zone expands outward uniformly to a width of one thousand two hundred fifty (1,250) feet at a horizontal distance of 5,000 feet from the primary surface, its centerline being the continuation of the centerline of the runway.
- (2) Runway larger than utility visual approach zone. The inner edge of this approach zone coincides with the width of the primary surface and is five hundred (500) feet wide. The approach zone expands outward uniformly to a width of one thousand five hundred (1,500) feet at a horizontal distance of 5,000 feet from the primary surface, its centerline being the continuation of the centerline of the runway.
- (3) Runway larger than utility with a visibility minimum as low as three-quarter mile nonprecision instrument approach zone. The inner edge of this approach zone coincides with the width of the primary surface and is one thousand (1,000) feet wide. The approach zone expands outward uniformly to a width of 4,000 feet at a horizontal distance of 10,000 feet from the primary surface, its centerline being the continuation of the centerline of the runway.
- (4) Utility runway nonprecision instrument approach zone. The inner edge of this approach zone coincides with the width of the primary surface and is five hundred (500) feet wide. The approach zone expands outward uniformly to a width of 2,000 feet at a horizontal distance of 5,000 feet from the primary surface, its centerline being the continuation of the centerline of the runway.
- (5) Runway larger than utility with a visibility minimum greater than three-fourth mile nonprecision instrument approach zone. The inner edge of this approach zone coincides with the width of the primary surface and is five hundred (500) feet wide. The approach zone expands outward uniformly to a width of 3,500 feet at a horizontal distance of 10,000 feet

from the primary surface, its centerline being the continuation of the centerline of the runway.

- (6) Transitional zones. These zones are hereby established as the area beneath the transitional surfaces. These surfaces extend outward and upward at ninety-degree angles to the runway centerline and the runway centerline extended at a slope of seven (7) feet horizontally for each one (1) foot vertically from the sides of the primary and approach surfaces to where they intersect the horizontal and conical surfaces. Transitional zones for these portions of the precision approach zones which project through and beyond the limits of the conical surface, extend a distance of 5,000 feet measured horizontally from the edge of the approach zones and at ninety-degree angles to the extended runway centerline.
- (7) Horizontal zone. For the utility runway visual approach zone and the runway larger than utility visual approach zone, the horizontal is hereby established by swinging arcs of 5,000 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. For the runway larger than utility with a visibility minimum as low as three-quarter mile nonprecision instrument approach zone, the horizontal zone is hereby established by swinging arcs of 10,000 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.
- (8) Conical zone. The conical zone is hereby established as the area that commences at the periphery of the horizontal zone and extends outward therefrom a horizontal distance of 4,000 feet. The conical zone does include the precision instrument approach zones and the transitional zones.

Section 27-80. Height limitations.

- (a) Except as otherwise provided in this article, no structure or tree shall be erected, altered, allowed to grow, or maintained in any zone created by this article to a height in excess of the height limit herein established for such zone. Such height limitations are hereby established for each of the zones in questions as follows. Where stricter, the height limits established on the Airport Height Map shall prevail.
 - (1) Utility runway visual approach zone. Slopes upward twenty (20) feet horizontally for each one (1) foot vertically, beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 5,000 feet along the extended runway centerline.
 - (2) Runway larger than utility visual approach zone. Slopes upward twenty (20) feet horizontally for each one (1) foot vertically, beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 5,000 feet along the extended runway centerline.
 - (3) Runway larger than utility with a visibility minimum as low as three-quarter mile nonprecision instrument approach zone. Slopes upward thirty-four (34) feet horizontally for each one (1) foot vertically, beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 10,000 feet along the extended runway centerline.
 - (4) Conical zone. Slopes upward twenty (20) feet horizontally for each one (1) foot vertically, beginning at the periphery of the horizontal zone and at one hundred fifty (150) feet above the airport elevation and extending to a height of three hundred fifty (350) feet above the airport elevation.

- (5) Transition zones. One (1) foot in height for each seven (7) feet in horizontal distance beginning at any point two hundred twenty-five (225) feet normal to and at the elevation of the centerline of noninstrument runways, extending two hundred (200) feet beyond each end thereof, extending to a height of one hundred fifty (150) feet above the airport elevation, which is one hundred eighty-five (185) feet above mean sea level. In addition to the preceding, there are established height limits of one (1) foot vertical height for each seven (7) feet horizontal distance measured from the edges of all approach zones for the entire length of the approach zones and extending upward and outward to the points where they intersect the horizontal or conical surfaces.
- (6) Horizontal zone. One hundred fifty (150) feet above the airport elevation or a height of one hundred eighty-five (185) feet above mean sea level.
- (b) Where an area is covered by more than one (1) height limitation, the more restrictive limitation shall prevail.

Section 27-81. Use restrictions.

Notwithstanding any other provision of this article, no use may be made of land within any zone established by this article in such a manner as to create electrical interference with radio communication between the airport and aircraft, make it difficult for flyers to distinguish between airport lights and others, result in glare in the eyes of flyers using the airport, impair visibility in the vicinity of the airport, or otherwise endanger the landing, taking off, or maneuvering of aircraft.

Section 27-82. Nonconforming uses, structures, and trees.

- (a) The regulations prescribed by this article shall not be construed to require the removal, lowering, or other changes or alterations of any structure or tree not conforming to the regulations as of the effective date of the ordinance from which this article derives or otherwise interfere with the continuance for any nonconforming use. Nothing herein contained 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, except as set forth in subsection (b) of this section and Section 27-84 (b).
- (b) Notwithstanding the preceding provision of this section, the owner of any 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 Department of Planning and Development to indicate to the operators of aircraft in the vicinity of the airport the presence of such airport hazards. In no case, however, shall the owner of a nonconforming use be required to install, operate, or maintain such markers and lights at his own expense. Such markers and lights shall be installed, operated, and maintained at the expense of the Warren Field Airport Commission.

Section 27-83. Variances.

- (a) Any person desiring to erect or increase the height of any structure or permit the growth of any tree or otherwise use his property not in accordance with the regulations prescribed in this article may apply to the board of appeals for a variance from such regulations. Such variances shall be allowed where a literal application of enforcement of the regulations would result in practical difficulty or unnecessary hardship and the relief granted would not be

contrary to the public interest but do substantial justice and be in accordance with the spirit of this article.

- (b) Comments shall be received from the Federal Aviation Authority and the Warren Field Airport Commission before a variance is granted.

Section 27-84. Permits required for future and nonconforming uses.

- (a) Future uses. Except as specifically provided in subsections (a) and (b) of this section, no material change shall be made L, the use of land and no structure or tree shall be erected, altered, planted, or otherwise established in any zone hereby created unless a permit therefor shall have been applied for and granted. Each application for a permit shall indicate the purpose for which the permit is desired, with sufficient particularity to permit it to be determined whether the resulting use, structure, or tree would conform to the regulations herein prescribed. Is such determination is in the affirmative, the permit shall be granted. Nothing contained in any of the following exceptions shall be construed as permitting or intending to permit any construction, alteration, or growth of any structure or tree in excess of any of the height limits established by this article, except as set forth in Section 27-80.
 - (1) However, a permit for a tree or structure of less than seventy-five (75) feet of vertical height above the ground shall not be required in the horizontal and conical zones or in any approach and transitional zones beyond a horizontal distance of 4,200 feet from each end of the runway except when such tree or structure, because of terrain, land, contour, or topographic features, would extend above the height limit prescribed for the respective zone.
 - (2) Each application for a permit shall indicate the purpose for which the permit is desired with specific particulars to determine whether the resulting use, structure, or tree would conform to the regulations herein prescribed. Is such determination is in the affirmative, the permit shall be granted.
- (b) Nonconforming uses. Before any nonconforming structure or tree may be replaced, substantially altered or repaired, rebuilt, allowed to grow higher, or replanted within any zone created by this article, a permit must be secured from the Department of Planning and Development authorizing such replacement, change, or repair. No such permit shall be granted that would allow the structure or tree in question to be made higher or become a greater hazard to air navigation than it was on the effective date of the ordinance from which this article derives or whenever the Department of Planning and Development staff determines that a nonconforming structure has been abandoned for a continuous period of one hundred eighty (180) days or more than eighty (80) percent torn down, deteriorated, or decayed.
 - (1) No permit shall be granted that would allow such structure or tree to exceed the applicable height limit or otherwise deviate from the Zoning Ordinance.
 - (2) Whether application is made for a permit under this subsection or not, the City of Washington may, by appropriate action, compel the owner of the nonconforming structure or tree, at his own expense, to lower, remove, reconstruct, or equip such object as may be necessary to conform to the regulations, or is the owner of the nonconforming structure or tree shall neglect or refuse to comply with such order for ten (10) days after notice thereof, the City may proceed to have the object so lowered, removed, reconstructed, or equipped and assess the cost and expenses thereof upon the owner of the object or property in question. Except as otherwise prohibited in the Zoning Ordinance, all applications for permits for replacement, change, or repair of nonconforming uses shall be granted.

- (3) Any permit or variance granted may, if such action is deemed advisable to effectuate the purpose of this article and be reasonable in the circumstances, be so conditioned as to require the owner of the structure or tree in question to permit the installation, operation, and maintenance thereon of such markers and lights as may be necessary to indicate to flyers the presence of an airport hazard. In no case, however, shall the owner of a nonconforming use be required to install, operate, or maintain such markers and lights at his own expense.

Section 27-85. Board of appeals.

- (a) Establishment. The City Board of Adjustment shall ex officio constitute the board of appeals.
- (b) Proceedings. The proceedings of the board of appeals shall be the same as the proceedings for the Board of Adjustment as set forth in Article XIX of this chapter.
- (c) Powers and duties. The board of appeals shall have and exercise the following powers:
 - (1) To hear and decide appeals from any order, requirement, decision, or determination made by the Department of Planning and Development staff in the enforcement of this article.
 - (2) To hear and decide upon requests for variances from the provisions of this article.

Section 27-86. Appeal from decision of board of appeals.

Any person aggrieved or any taxpayer affected by any decision of the board of appeals may appeal to the County Superior Court as provided in G.S. 63-34.

Section 27-87. Penalty for violation.

Each violation of this article or any regulation, order, or ruling promulgated or made pursuant to this article shall be enforced and subject to the penalties set forth in Article XXI, Administration, Enforcement, Penalties, of the Zoning Ordinance. Each day a violation continues to exist shall constitute a separate offense.

Sections 27-88.--27-101. Reserved.

ARTICLE X. FLOOD ZONING

Section 27-102. Statutory Authorization, Findings of Fact, Purpose, and Objectives.

- (a) Statutory Authorization.

The Legislature of the State of North Carolina has in Part 6, Article 21 of Chapter 143; Parts 3, 5, and 8 Article 19 of Chapter 160A; and Article 8 of Chapter 160A of the North Carolina General Statutes, delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the City Council of the City of Washington, North Carolina does ordain as follows:
- (b) Findings of Fact.
 - (1) The flood hazard areas of the City of Washington are subject to periodic inundation which results in loss of life, property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures of flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.

- (2) These flood losses are caused by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities, and by the occupancy in flood hazard areas by uses vulnerable to floods or hazardous to other lands which are inadequately elevated, flood proofed, or otherwise unprotected from flood damages.
- (c) **Statement of Purpose.**
 It is the purpose of this ordinance to promote the public health, safety, and general welfare and to minimize public losses due to flood conditions in specific areas by provisions designed to:
- (1) restrict and prohibit uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
 - (2) require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
 - (3) control the alternation of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of flood waters;
 - (4) control filling, grading, dredging, and other development which may increase erosion or flood damage; and,
 - (5) prevent or regulate the construction of flood barriers which will unnaturally divert flood waters of which may increase flood hazards to other lands.
- (d) **Objectives.**
 The objectives of this ordinance are:
- (1) to protect human life and health;
 - (2) to minimize expenditure of public money for costly flood control projects;
 - (3) to minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
 - (4) to minimize prolonged business interruptions;
 - (5) to minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets, and bridges located in floodplains;
 - (6) to help maintain a stable tax base by providing for the sound use and development of flood prone areas in such a manner as to minimize flood blight areas; and,
 - (7) to insure that potential home buyers are notified that property is in a flood area.

Section 27-103. Definitions.

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance its most reasonable application.

Accessory Building. See definition in Article II, Definitions.

Addition (to an existing building) means an extension or increase in the floor area or height of a building or structure. Additions to existing buildings shall comply with the requirements for new construction, unless the addition, renovation or reconstruction to any building, that was constructed prior to the initial Flood Insurance Study for that area, and the addition, renovation or reconstruction does not equal fifty (50) percent of the present market value of the structure.

Where a fire wall is provided between the addition and the existing building, the addition(s) shall be considered a separate building and must comply with the standards for new construction.

Appeal means a request from a review of the Director of Planning and Development's interpretation of any provision of this ordinance.

Area of shallow flooding means a designated AO or VO Zone on a community's Flood Insurance Rate Map (FIRM) with base flood depths from one to three feet where a clearly defined channel does

not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.

Area of special flood hazard is the land in the floodplain within a community subject to a one (1) percent or greater chance of being equaled or exceeded in any given year.

Base flood means the flood having a one (1) percent chance of being equaled or exceeded in any given year.

Basement. See definition in Article II, Definitions.

Breakaway wall means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or the supporting foundation system. A breakaway wall shall have a design safe loading resistance of not less than ten (10) and no more than twenty (20) pounds per square foot. A wall with loading resistance of more than twenty (20) pounds per square foot requires a professional engineer or architect's certificate.

Building. See definition in Article II, Definitions.

Development. See definition in Article II, Definitions.

Elevated building means a non-basement building (a) built, in the case of a building in Zones A1-A30, AE, A, A99, AO, AH, B, C, or X to have the top of the elevated floor, above the ground by means of pilings, columns (posts and piers), shear walls parallel to the flow of water and, (b) adequately anchored so as not to impair the structural integrity of the building during a flood up to the magnitude of the base flood. In the case of Zones A1-A30, AE, A, A99, AO, AH, B, C, and X, "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls with opening sufficient to facilitate the unimpeded movement of flood waters.

Existing manufactured or mobile home park or manufactured or mobile home subdivision means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of this ordinance.

Expansion to an existing manufactured or mobile home park or subdivision means the preparation of the additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete slabs.)

Flood or flooding means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) the overflow of inland or tidal waters; and
- (2) the unusual and rapid accumulation of runoff of surface waters from any source.

Flood Hazard Boundary Map (FHBM) means an official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of the areas of special flood hazard have been defined as Zone A.

Flood Insurance Rate Map (FIRM) means an official map of a community, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the community. Copies of these maps are available for public inspection at the office of the Department of Planning and Development.

Flood Insurance Study is the official report provided by the Federal Emergency Management Agency. The report contains flood profiles, as well as the Flood Boundary Floodway Map and the water surface elevation of the base flood.

Floodway means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

Floor means the top surface of an enclosed area in a building (including basement), i.e., top of slab in concrete slab construction or top of wood flooring in wood frame construction. The term does not include the floor of a garage used solely for parking vehicles.

Functionally dependent facility means a facility which cannot be used for its intended purpose unless it is located or carried out in close proximity to water, such as a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, ship repair, or seafood processing facilities. The term does not include long-term storage, manufacture, sales, or service facilities.

Highest Adjacent Grade means the highest natural elevation of the ground surface, prior to construction, next to the proposed walls of the structure.

Historic Structure means any structure that is: (a) listed individually in the National Register of Historic Places (a listing maintained by the US Department of Interior) or preliminarily determined by the Secretary of Interior as meeting the requirements for individual listing on the National Register; (b) certified or preliminarily determined by the Secretary of Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; (c) individually listed on a State inventory of historic places; (d) individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified (1) by an approved state program as determined by the Secretary of Interior, or (2) directly by the Secretary of Interior in states without approved programs.

Levee means a man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding.

Lowest Floor means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking or vehicles, building access, or storage in an area other than a basement area is not considered a building's lowest floor provided that such an enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance.

Mean Sea Level means the average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the floodplain. For purposes of this ordinance, the term is synonymous with the National Geodetic Vertical Datum (NGVD).

Mobile Home. See definition in Article II, Definitions.

Mobile Home Park. See Article VIII, Mobile Home Parks.

National Geodetic Vertical Datum (NGVD) as corrected in 1929 is a vertical control used as a reference for establishing varying elevations within the floodplain.

New construction means structures for which the "start of construction" commenced on or as a reference for establishing varying elevations within the floodplain.

Nonconformity. See definition in Article II, Definitions.

Recreational Vehicle. See definition in Article II, Definitions.

Remedy a violation means to bring the structure or other development into compliance with State or local floodplain management regulations, or, if this is not possible, to reduce the impacts of its noncompliance. Ways that impacts may be reduced include protecting the structure or other affected development from flood damages, implementing the enforcement provisions of the ordinance or otherwise deterring future similar violations, or reducing Federal financial exposure with regard to the structure or other development.

Start of construction (for other than new construction or substantial improvements under the Coastal Barrier Resources Act (P.L. 97-348), include substantial improvement, and means the date the building permit was issued, provided the actual start of the construction, repair, reconstruction, rehabilitation, addition, or improvement was within 180 days of the permit date. The actual start means the first placement of permanent construction of a structure (including a manufactured home) on a site, such as the pouring of slabs or footings, installation of piles, construction of columns, or any work

beyond the stage of excavation or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations, or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of the building, whether or not that alteration affects the external dimensions of the building.

Structure. See definition in Article II, Definitions.

Substantial damage means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty (50) percent of the market value of the structure before the damage occurred. See definition of "substantial improvement."

Substantial improvement means any repair, reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either: (1) any project of improvement of a structure to correct existing violations of State or local health, sanitary, or safety code specification which have been identified by the local code enforcement official and which are the minimum necessary to assure living conditions; or, (2) any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure.

Substantially improved existing manufactured home park or subdivision means where the repair, reconstruction, rehabilitation or improvement of the streets, utilities and pads equals or exceeds fifty (50) percent of the value of the streets, utilities and pads before the repair, reconstruction, or improvement commenced.

Variance. See definition in Article II, Definitions.

Violation means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in Section 27-105 and 27-106 is presumed to be in violation until such time as that documentation is provided.

Zone of imminent collapse means an area subject to erosion adjacent to the shoreline of an ocean, bay or lake and within a distance equal to ten (10) feet plus five (5) times the average annual long-term erosion rate for the site, measured from the reference feature.

Section 27-104. General Provisions.

- (a) **Lands to Which This Ordinance Applies.**
This ordinance shall apply to all areas of special flood hazard within the jurisdiction of the City of Washington.
- (b) **Basis for Establishing the Areas of Special Flood Hazard.**
The areas of special flood hazard identified by the Federal Emergency Management Agency in its Flood Insurance Rate Map, dated February 4, 1987, with accompanying maps and other supporting data, and any revision thereto are adopted by reference and declared to be a part of this ordinance.
- (c) **Establishment of Development Permit.**
A Development Permit shall be required in conformance with the provisions of this ordinance prior to the commencement of any development activities. Such permit shall be issued by the Department of Planning and Development.
- (d) **Compliance.**

No structure or land shall hereafter be located, extended, converted, or structurally altered without full compliance with the terms of this ordinance and other applicable regulations.

(e) Abrogation and Greater Restrictions.

This ordinance is not intended to repeal, abrogate, or impair any existing easements or deed restrictions. However, where this ordinance and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

(f) Interpretation.

In the interpretation and application of this ordinance all provisions shall be: (1) considered as minimum requirements; (2) liberally construed in favor of the City; and, (3) deemed neither to limit nor repeal any other powers granted under state statutes.

(g) Warning and Disclaimer of 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 on rare occasions. Flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of the City of Washington 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.

(h) Penalties for Violation.

Violation of the provisions of this ordinance or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance or special exceptions, shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall be punished in accordance with Article XXI of this Chapter. Nothing herein contained shall prevent the City of Washington from taking such other lawful action as is necessary to prevent or remedy any violation.

Section 27-105. Administration.

(a) Designation of Local Administrator.

The Director of Planning and Development, or his designee, is hereby appointed to administer and implement the provisions of this ordinance.

(b) Development Permit and Certification Requirements.

Application for a Development Permit shall be made to the Director of Planning and Development on forms furnished by him or her prior to any development activities. The Development Permit may include, but not be limited to, plans in duplicate drawn to scale showing: the nature, location, dimensions, and elevations of the area in question; existing or proposed structures; and the location of fill materials, storage areas, and drainage facilities. Specifically, the following information is required:

(1) A plot plan that shows the 100 year floodplain contour or a statement that the entire lot is within or appears to be within the floodplain as mapped by the Federal Emergency management Agency or the floodplain identified pursuant to either Section 27-105 (c)(10) or Section 27-106 (c) and (d). The plot plan must be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by same.

(2) The plot plan required by Section 27-105 (b)(1) must show the floodway, if any, as identified by the Federal Emergency Management Agency or the floodway identified pursuant to either Section 27-105 (c)(10) or Section 27-106 (c).

- (3) Where base flood elevation data is provided in accordance with Section 27-104 (b) or Section 27-105 (c)(10), the application for a Development Permit within the Zone A on the Flood Insurance Rate Map shall show:
 - a. the elevation (in relation to mean sea level) of the lowest floor (including basement) of all new and substantially improved structures, and
 - b. if the structure has been flood proofed in accordance with Section 27-106 (b)(2), the elevation (in relation to the mean sea level) to which the structure was flood proofed.
 - (4) Where the base flood elevation data is not provided, the application for a development permit must show construction of the lowest floor at least two (2) feet above the highest adjacent grade.
 - (5) Where any watercourse will be altered or relocated as a result of proposed development, the application for a development permit shall include: a description of the extent of watercourse alteration or relocation; 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 showing the location of the proposed watercourse alteration or relocation.
 - (6) When a structure is flood proofed, the applicant shall provide a certificate from a registered professional engineer or architect that the non-residential flood proofed structure meets the flood proofing criteria in Section 27-106 (b)(2).
 - (7) A flood elevation or flood proofing certification is required after the lowest floor is completed. Within twenty-one (21) calendar days of establishment of the lowest floor elevation, or flood proofing by whatever means, whichever is applicable, it shall be the duty of the permit holder to submit to the Director of Planning and Development a certification of the elevation of the lowest floor, or flood proofed elevation, whichever is applicable, as built, in relation to mean sea level. Said certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same. Any work done within the twenty-one (21) day calendar period and prior to submission of the certification shall be at the permit holder's risk. The Director of Planning and Development shall review the floor elevation survey data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further progressive work being permitted to proceed. Failure to submit the survey or failure to make said corrections required hereby shall be cause to issue a stop-work order for the project.
- (c) Duties and Responsibilities of the Director of Planning and Development.
- Duties of the Director of Planning and Development shall include, but not be limited to:
- (1) Review all development permits to assure that the requirements of this ordinance have been satisfied.
 - (2) Advise permittee that additional Federal or state permits may be required, and if specific Federal or State permits are known, require that copies of such permits be provided and maintained on file with the development permit.
 - (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.
 - (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 within flood ways unless the certification and flood hazard reduction provisions of Section 27-106 are met.

- (6) Obtain actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, in accordance with Section 27-105 (b)(7).
 - (7) Obtain the actual elevation (in relation to mean sea level) to which the new or substantially improved structures have been flood proofed, in accordance with Section 27-105 (b)(7).
 - (8) When flood proofing is utilized for a particular structure, obtain certifications from a registered professional engineer or architect in accordance with Section 27-106 (b)(2).
 - (9) Where interpretation is needed as to the exact location of boundaries of the area of special flood hazard (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.
 - (10) When base flood elevation data or floodway data has not been provided in accordance with Section 27-104 (b), obtain, review, and reasonably utilize any flood elevation data and floodway data available from a Federal, State, or other source, including data developed pursuant to Section 27-106 (d)(4), in order to administer the provisions of this ordinance.
 - (11) When the exact location of boundaries of the areas special flood hazards conflict with the current, natural topography information at the site the property owner may apply and be approved for a letter of Map Amendment (LOMA) by FEMA. A copy of the Letter of Map Amendment issued from FEMA will be maintained by the local administrator in the permit file.
 - (12) Make on-site inspections of projects in accordance with Section 27-105 (d)*
 - (13) Serve notices of violations, issue stop-work orders, revoke permits and take corrective actions in accordance with Section 27-105 (d).
 - (14) Maintain all records pertaining to the administration of this ordinance and make these records available for public inspection.
 - (15) Annexation. Provide the North Carolina Department of Crime Control and Public Safety, Division of Emergency Management, State Coordinator for the National Flood Insurance Program with two (2) copies of the maps delineating new corporate limits within six (6) months from date of annexation or change in corporate boundaries.
- (d) Administrative Procedures.
- (1) Inspections of Work in Progress. As the work pursuant to a permit progresses, the Director of Planning and Development 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 Director of Planning and Development has a right, upon presentation of proper credentials, to enter on any premises within the territorial jurisdiction at any reasonable hour for the purpose of inspection or other enforcement action.
 - (2) Stop-Work Orders. Whenever a building or part thereof is being constructed, reconstructed, altered, or repaired in violation of this ordinance, the Director of Planning and Development 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 shall state the specific work to be stopped, the specific reasons for the stoppage, and the conditions under which the work may be resumed. Violation of a stop-work order constitutes a misdemeanor.
 - (3) Revocation of Permits. The Director of Planning and Development may revoke and require the return of the development permit by notifying the permit holder in writing stating the reason 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 permit mistakenly issued in violation of an applicable State or local law may also be revoked.
- (4) Periodic Inspections. The Director of Planning and Development and each member of his 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.
 - (5) Violations to be Corrected. When the Director of Planning and Development finds violations of applicable State and local laws, it shall be his 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 in the property he owns.
 - (6) 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 Director of Planning and Development shall give him written notice, by certified or registered mail to his last known address or by personal service,
 - a. that the building or property is in violation of the Flood Zoning Ordinance;
 - b. that a hearing will be held before the Director of Planning and Development 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,
 - c. that following the hearing, the Director of Planning and Development may issue such order to alter, vacate, or demolish the building, or to remove fill as appears appropriate.
 - (7) Order to Take Corrective Action. If, upon a hearing held pursuant to the notice prescribed above, the Director of Planning and Development shall find that the building or development is in violation of the Flood Zoning Ordinance, he shall make an order in writing to the owner, requiring the owner to remedy the violation within such period, not less than sixty (60) days, as the Director of Planning and Development may prescribe; provided that where the Director of Planning and Development finds that there is imminent danger to life or other property, he may order that corrective action be taken in such lesser period as may be feasible.
 - (8) Appeal. Any owner who has received an order to take corrective action may appeal from the order to the Board of Adjustment by giving notice of appeal in writing to the Director of Planning and Development within ten (10) days following issuance of the final order. In the absence of an appeal, the order of the Director of Planning and Development shall be final. The Board of Adjustment shall hear an appeal within a reasonable time and may affirm, modify and affirm, or revoke the order.
 - (9) Failure to Comply with Order. If the owner of a building or property fails to comply with an order to take corrective action from which no appeal has been taken, or fails to comply with an order of the Board of Adjustment following an appeal, he shall be guilty of a misdemeanor and shall be punished in the discretion of the court.
- (e) Variance Procedures.
- (1) The Board of Adjustment as established by the City of Washington shall hear and decide requests for variances from the requirements of this ordinance.
 - (2) Any person aggrieved by the decision of the Board of Adjustment or any taxpayer may appeal such decision to Superior Court, as provided in Chapter 7A of the North Carolina General Statutes.
 - (3) Variances may be issued for 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 the variance is the minimum necessary to preserve the historic character and design of the structure.
- (4) In passing upon such applications, the Board of Adjustment shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this ordinance, and:
 - a. the danger that materials may be swept onto other lands to the injury of others;
 - b. the danger to life and property due to flooding or erosion damage;
 - c. the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - d. the importance of the services provided by the proposed facility to the community;
 - e. the necessity to the facility of a waterfront location, where applicable;
 - f. the availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
 - g. the compatibility of the proposed use with existing and anticipated development;
 - h. the relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
 - i. the safety of access to the property in times of flood for ordinary and emergency vehicles;
 - j. the expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and,
 - k. 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 street and bridges.
 - (5) The findings listed above shall be submitted to the Board of Adjustment, in writing, and included in the application for a variance.
 - (6) Upon consideration of the factors listed above and the purposes of this ordinance, the Board of Adjustment may attach such conditions to the granting of variances as it deems necessary to further the purposes of this ordinance.
 - (7) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
 - (8) Conditions for Variances:
 - a. Variances may not be issued when the variance will make the structure in violation of other Federal, State, or local laws, regulations, or ordinances.
 - b. variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
 - c. Variances shall only be issued upon (i) a showing of good and sufficient cause; (ii) a determination that failure to grant the variance would result in exceptional hardship; and, (iii) a determination that the granting of a variance will not result in increase flood heights, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
 - d. Any applicant to whom a variance is granted shall be given written notice specifying the difference between the base flood elevation and the elevation to which the structure is to be built and a written statement that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation. Such notification shall be maintained with a record of all variance actions.
 - e. The Director of Planning and Development shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency upon request.

Section 27-106. Provisions for Flood Hazard Reduction.

(a) General Standards.

In all areas of special flood hazard the following provisions are required:

- (1) All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure;
- (2) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damages;
- (3) All new construction or 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;
- (5) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
- (6) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters 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; and,
- (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) Non-Conforming Buildings or Uses. Non-conforming buildings or uses may not be enlarged, replaced, or rebuilt unless such enlargement or reconstruction is accomplished in conformance with the provisions of this ordinance. Provided, however, 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 Zone, provided that the bulk of the building or structure below base flood elevation in the Floodway Zone is not increased and provided that such repair, reconstruction, or replacement meets all of the other requirements of this ordinance.

(b) Specific Standards.

In all areas of special flood hazard where base flood elevation data has been provided, as set forth in Section 27-104 (b), or Section 27-105 (c)(10), the following provisions are required:

- (1) Residential Construction. New construction or substantial improvement of any residential structure (including manufactured homes) shall have the lowest floor, including basement, elevated not lower than at or above base flood elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of flood waters shall be provided.
- (2) Non-Residential Construction. New construction or substantial improvement of any commercial, industrial, or non-residential structure (including manufactured homes) shall have the lowest floor, including basement, elevated not lower than at or above base flood elevation. Structures located in A-zones may be flood proofed in lieu of elevation provided that all areas of the structure below the required 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. A registered professional engineer or architect shall certify that

- the standards of this subsection are satisfied. Such certification shall be provided to the official as set forth in Section 27-105 (b)(7).
- (3) Manufactured Homes.
 - a. Manufactured homes that are placed or substantially improved on sites (i) outside a manufactured home park or subdivision; (ii) in a new manufactured home park or subdivision; (iii) in an expansion to an existing manufactured home park or subdivision; or, (iv) in an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as the result of a flood, must be elevated on a permanent foundation such that the lowest floor of the manufactured home is the lowest floor, including basement, elevated not lower than at or above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.
 - b. Manufactured homes that are to be placed or substantially improved on sites in an existing manufactured home park or subdivision that are not subject to the provisions of Section 27-106 (b)(3a) of this ordinance must be elevated so that the lowest floor of the manufactured home is the lowest floor including basement, elevated not lower than at or above the base flood elevation, and be securely anchored to an adequately anchored foundation to resist flotation, collapse, and lateral movement.
 - c. Manufactured homes shall be anchored to prevent floatation, collapse, or lateral movement. For the purpose of this requirement, manufactured homes must be anchored to resist floatation, collapse, or lateral movement in accordance with the Regulations for Mobile Homes and Modular Housing 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 at least thirty-six (36) inches or less above the grade at the sight, the chassis shall be supported by reinforced piers or other foundation elements of at least equivalent strength. When the elevation of the chassis is above thirty-six (36) inches in height an engineering certification is required.
 - d. An evacuation plan must be developed for evacuation of all residents of all new, substantially damaged manufactured home parks or subdivisions located within flood prone areas. This plan shall be filed with an approved by the local administrator and the local Emergency Management Coordinator.
 - (4) Recreational Vehicles. A recreational vehicle is ready for highway use if it is on wheels or jacking system, is attached to the site only by quick-disconnect type utilities and security devices, and has no permanently attached additions. Recreation vehicles placed on sites shall either:
 - a. be on site for fewer than 180 consecutive days;
 - b. be fully licensed and ready for highway use; or
 - c. meet the requirements of Section 27-105 (b) and Section 27-106 (a) and (b)(3).
 - (5) Elevated Buildings. New construction or substantial improvements of elevated buildings that include fully enclosed areas that are usable solely for the parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to preclude finished living space and be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of flood waters.
 - a. Designs for complying with this requirement must either be certified by a professional engineer or architect or meet the following minimum criteria:
 1. Provide a minimum of two openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding;

2. The bottom of all openings shall be no higher than one (1) foot above grade; and,
 3. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided they permit the automatic flow of flood waters in both directions.
- b. Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the living area (stairway or elevator.)
 - c. The interior portion of such enclosure area shall not be partitioned or finished into separate rooms, except to enclose storage areas.
- (6) Temporary Structures. Prior to the issuance of a development permit, for a temporary structure, the following requirements must be met:
- a. All applicants must submit to the Director of Planning and Development prior to the issuance of the development permit a plan for the removal of such structure(s) in the event of a hurricane or flash flood warning notification. The plan must include the following information:
 1. a special time period for which the temporary use will be permitted;
 2. the name, address and phone number of the individual responsible for the removal of the temporary structure;
 3. 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);
 4. a copy of the contract or other suitable instrument with a trucking company to insure the availability of removal equipment when needed; and
 5. designation, accompanied by documentation, of a location outside the floodplain to which the temporary structure will be moved.
 - b. The above information shall be submitted in writing to the Director of Planning and Development for review and written approval.
- (7) Accessory Structures. When accessory structures (sheds, detached garages, etc.) with a value of \$3,000 or less, are to be placed in the floodplain the following criteria shall be met:
- a. Accessory structures shall not be used for human habitation (including work, sleeping, living, cooking or restroom)
 - b. Accessory structures shall be designed to have low flood damage potential;
 - c. Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of flood waters;
 - d. Accessory structures shall be firmly anchored in accordance with Section 27-106 (a)(1);
 - e. Service facilities such as electrical and heating equipment shall be elevated in accordance with Section 27-106 (a)(4); and
 - f. Openings to relieve hydrostatic pressure during a flood shall be provided below base flood elevation in conformance with Section 27-106 (b)(5).
- (8) Flood ways. Located within areas of special flood hazard established in Section 27-104 (b), are areas designated as flood ways. The floodway is an extremely hazardous area due to the velocity of flood waters which carry debris and potential projectiles and has erosion potential. The following provisions shall apply within such areas:
- a. No encroachments, including fill, new construction, substantial improvements and other developments shall be permitted unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard

engineering practice that the proposed encroachment would not result in any increase in the flood levels during the occurrence of the base flood. Such certification and technical data shall be presented to the Director of Planning and Development.

- b. If Section 27-106 (b)(8a) is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Section 27-106.
 - c. No manufactured homes shall be permitted, except in an existing manufactured home park or subdivision. A replacement manufactured home may be placed on a lot in an existing manufactured home park or subdivision provided the anchoring and the elevation standards of Section 27-106 (b)(3) are met.
- (c) Standard for Streams Without Established Base Flood Elevations and/or Flood ways. Located within the areas of special flood hazard established in Section 27104 (b), are small streams where no base flood data has been provided or where no flood ways have been identified. The following provisions apply within such areas:
- (1) No encroachments, including fill, new construction, substantial improvements per new development shall be permitted within a distance of the stream bank equal to the setback established by the Coastal Area Management Act (CAMA) regulations. Where no setback is established by CAMA regulations the area of no encroachment shall be twenty (20) feet each side from top of bank, 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) If Section 27-106 (c)(1) is satisfied and base flood elevation data is available from other sources, all new construction and substantial improvements within such areas shall comply with all applicable flood hazard ordinance provisions of Section 27-106 and shall be elevated or flood proofed in accordance with elevations established in accordance with Section 27-105 (c)(10). When base flood elevation data is not available from a Federal, State, or other source, the lowest floor, including basement, shall be elevated at least two (2) feet above highest adjacent grade.
- (d) Standards for Subdivision Proposals.
- (1) All subdivision proposals shall be consistent with the need to minimize flood damage;
 - (2) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;
 - (3) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood-hazards; and,
 - (4) Base flood elevation data shall be provided for subdivision proposals and other proposed development which is greater than the lesser of fifty (50) lots or five (5) acres.
- (e) Standards for Areas of Shallow Flooding (A0 Zones). Located within the areas of special flood hazard established in Section 27104 (b), are areas designated as shallow flooding. 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. The following provisions shall apply within such areas:
- (1) All new construction and substantial improvements of residential structures shall have the lowest floor, including basement, elevated to the depth number specified on the Flood Insurance Rate Map, in feet, above the highest adjacent grade. If no depth number is specified, the lowest floor, including basement, shall be elevated at least two (2) feet above the highest grade.
 - (2) All new construction and substantial improvements of nonresidential structures shall:

- a. have the lowest floor, including basement, elevated to the depth number specified on the Flood Insurance Rate Map, in feet, above the highest adjacent grade. If no depth number is specified, the lowest floor, including basement, shall be elevated at least two (2) feet above the highest adjacent
- b. be completely flood proofed together with attendant utility and sanitary facilities to or above that level so that any space below that level is 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.

(Ord. No. 97-11; 7-14-97)

Section 27-107. Legal Status Provisions.

- (a) Effect on Rights and Liabilities Under the Existing Flood Damage Prevention Ordinance. This Ordinance in part carries forward by re-enactment of some of the provisions of the existing flood damage prevention ordinance, and it is not the intention to repeal but rather to re-enact and continue to enforce without interruption of such existing provisions, so that all rights and liabilities that have accrued thereunder are reserved and may be enforced. The enactment of this ordinance shall not affect any action, suit or proceeding instituted or pending. All provisions of the Flood Zoning Ordinance which are not reenacted herein are repealed.
- (b) Effect upon Outstanding Building Permits. Nothing herein contained shall require any change in the plans, construction, size or designated use of any building, structure or part thereof for which a building permit has been granted by the Department of Planning and Development before the time of passage of this ordinance; provided, however, that when construction is not begun under such outstanding permit within a period of sixty (60) days subsequent to passage of this ordinance, construction or use shall be in conformity with the provisions of this ordinance.
- (c) Effective Date. This ordinance shall become effective upon adoption.

ARTICLE XI. MULTI-FAMILY DEVELOPMENT

Section 27-108. Applicability.

The standards established in Section 27-108 through 27-118 shall apply to new construction and conversions of all multi-family development in residential zoning districts. Multi-family development in the B-1H zoning district shall be subject to the standards are established in Sections 27-119 through 27-122.

Section 27-109. Procedures; Required Review, Contents.

- (a) Required Review. The developer shall submit a development plan to the Department of Planning and Development for review and approval prior to the issuance of any construction or building permits in accordance with the following:
 - (1) Site Plan Approval. For one (1) structure containing three (3) or more attached dwelling units and/or two (2) or more dwelling structures located on a common lot.

- (2) Preliminary and Final Subdivision Plat Approval. Shall be required in accordance with the Subdivision Ordinance of the City of Washington.
- (b) Contents. Shall be as necessary to determine and insure compliance with the standards, conditions, and restrictions of the Zoning and Subdivision Ordinances and related laws. Specific site design elements, submission requirements, and procedures shall be in accordance with Article XVIII, Site Plan Review.

Section 27-110. Density.

The minimum lot area requirement per dwelling unit is as follows:

- (a) One (1) bedroom unit: 2,300 square feet (net) per unit.
- (b) Two (2) bedroom unit or greater: 2,900 square feet (net) per unit.
- (c) For purposes of this section, the area within any public street right-of-way shall not be used to determine the net area.

Section 27-111. Open Space.

- (a) Thirty (30) percent of the net area shall be reserved as common and/or private open space.
- (b) Public and/or private streets, driveways, off-street parking area, and principal and accessory structures shall not be used in calculating or meeting the open space requirement.
- (c) Recreation areas may be counted as open space provided impervious surfaces constitute no more than fifty (50) percent of such recreation area.
- (d) Detached accessory structures shall not cover more than twenty (20) percent of any individually designated, reserved, or common area.

Section 27-112. Development Standards.

- (a) Lot Dimensions.
 - (1) Net area: 15,000 square feet.
 - (2) Primary width: Seventy-five (75) feet at the minimum building line, for the first dwelling.
 - (3) A secondary width of fifteen (15) feet shall be provided for each additional dwelling unit.
- (b) Setbacks for Principal Structures.
 - (1) Front Yard/Public street right-of-way: Twenty-five (25) feet.
 - (2) Private street easement: Ten (10) feet.
 - (3) Group development peripheral boundary: Twenty (20) feet.
 - (4) Single structure peripheral boundary:
 - a. Side - Ten (10) feet
 - b. Rear - Twenty (20) feet
- (c) Setbacks for Accessory Structures.
 - (1) Public street right-of-way: Twenty-five (25) feet.
 - (2) Private street easement: Ten (10) feet.
 - (3) Peripheral boundary: In accordance with Article VII, Bufferyards/Landscaping Requirements.
 - (4) No accessory structure to any multifamily structure or dwelling unit shall be located in any front yard.
 - (5) Specific accessory structures such as satellite dish antennae and swimming pools shall comply with the applicable provisions of Article VI, Dimensional Standards of Districts, Modifications, and Special Standards.
- (d) Setbacks for Recreation Areas.

- (1) Active. No portion of an active recreation area shall be located within the peripheral boundary setback or less than twenty (20) feet from any dwelling unit.
- (2) Passive. May be located within the peripheral boundary setback in accordance with the bufferyard regulations, as shown in Section 27-114 below.
- (e) Building Separation within Group Developments Containing Two (2) or More Principal Structures on One (1) Lot of Record.
 - (1) No portion of a principal structure front or rear building wall elevation shall be located less than forty (40) feet from an adjacent principal structure front or rear building wall elevation as measured at ninety (90) degrees, except as provided herein.
 - (2) No portion of a principal structure side building wall elevation shall be located less than twenty (20) feet from an adjacent principal structure as measured at ninety (90) degrees, except as provided herein.
 - (3) Single family and two family attached group developments shall be exempt from subsections (1) and (2) above provided such structures meet all other requirements of this section.
 - (4) No portion of any principal structure shall be located less than sixteen (16) feet from any other principal structure as measured to the closest point.
 - (5) No two (2) units or structures shall be considered attached unless such units or structures share a minimum five (5) foot common party wall.
 - (6) Architectural extensions including but not limited to bay windows, chimneys, open porches and decks, roof overhangs, and balconies shall not be considered in calculating building separation provided such encroachments are not more than three (3) feet.
- (f) Building Height.
 - (1) No structure shall exceed thirty-five (35) feet in height above the property grade unless the required setbacks and building separations are increased one (1) foot for each one (1) foot or fraction thereof of building height in excess of thirty-five (35) feet.
- (g) Building Length.
 - (1) No continuous unit or series of attached units shall exceed a combined length of two hundred sixty (260) feet.

Section 27-113. Recreation Area Requirement (private).

- (a) Shall not apply to developments that:
 - (1) contain less than two (2) net acres; and
 - (2) are located within a one-half (1/2) mile radius of a public recreation area.
- (b) Common recreation area shall be provided at a ratio of one hundred (100) square feet per dwelling unit.

Section 27-114. Bufferyard Requirements.

- (a) Bufferyard requirements shall be in accordance with Article VII, Bufferyards/Landscaping Requirements. Bufferyard vegetation improvements may be phased to coincide with the construction of buildings, provided such phasing is set forth on the approved site plan of the development.

Section 27-115. Parking Requirements.

- (a) Number of spaces:
 - (1) One (1) bedroom unit: One and one-half spaces

- (2) Two or more (2) bedroom unit: Two (2) spaces
- (b) All off-street parking areas designed for three (3) or more spaces shall be in accordance with Article XVII, Parking.

Section 27-40.38. Garbage/Trash Container Pad Locations.

- (a) No common garbage/trash container pad shall be located closer than twenty (20) feet to any dwelling structure.
- (b) Each common garbage/trash container pad required to service the development shall be located within two hundred (200) feet of the dwelling units such container is intended to serve.

Section 27-116. Private Streets.

Private streets may be allowed pursuant to the standards of the Subdivision Ordinance.

Section 27-117. Compliance with Subdivision Standards.

All development regulated in accordance with this section shall be subject to the requirements, conditions, and restrictions of the Subdivision Ordinance whether or not the subject tract is actually divided for the purpose of transferring title.

Section 27-118. Applicability.

The standards established in Sections 27-119 through 27-122 shall apply only in the B1H zoning district.

Section 27-119. Development Standards in B1H Zoning District.

- (a) Minimum Lot Area. 1,000 square feet per unit.
- (b) Minimum Lot Width. N/A.
- (c) Minimum Front, Side, and Rear Yard Setbacks. Zero (0).
- (d) Minimum Parking. One-half (0.5) spaces per bedroom.
- (e) Parking Location Requirements. All required parking and parking for which bonuses are obtained must be within eight hundred (800) feet of the building they are to serve. Leased parking shall be in accordance with the applicable provisions of Article XVII, Parking.
- (f) All off-street parking areas designed for three (3) or more spaces shall be in accordance with Article XVII, Parking.
- (g) Street Frontage Use Requirements. All ground floor street frontage shall be developed for nonresidential uses, as permitted in the applicable zone.
- (h) Preservation Design. All applicable Historic District Guidelines shall be met and appropriate review shall be made by the Historic Preservation Commission, in accordance with Article XV, Special Districts.
- (i) Signage. All signs shall be erected in accordance with Article 16, Signs, of this chapter, but in no event shall be mounted over existing windows, doors, or other significant architectural features.

Section 27-120. Residential Density Bonus Provisions in B1H Zoning District.

A project shall be eligible for a residential density bonus (by way of a lot area per unit reduction) if space is provided within the project for the uses, improvements, or facilities set forth below:

- (a) Off Street Parking, Nonresidential. The minimum ratio shall be one space per 1000 square feet of gross nonresidential area.
- (b) Cultural/Entertainment Facilities. Such facilities shall be open to the public on a regular basis, and shall be limited to:
 - (1) Visual Arts Space. Facilities that provide space for the viewing of performing arts, including but not limited to exhibition halls, galleries, concert halls, or theaters. Such space shall occupy not less than fifteen (15) percent of the total floor area of the portion of the building used for residential purposes.
 - (2) Motion Picture Theaters. Facilities that provide indoor space for the showing of motion pictures.
- (c) Pedestrian Circulation Improvements. Improvements to which the public is assured access on a regular basis, or an area that is dedicated to and accepted by the City for public access purposes. Such improvements shall be directly accessible to existing pedestrian circulation areas, and limited to:
 - (1) Businesses allowing pedestrian access through at least two (2) entrances opening to different streets, sidewalks, open spaces, and/or parking lots.
 - (2) Arcades. A continuous but not necessarily enclosed space which extends along the facade of a building and has at least two (2) entrances opening directly to a street, open space, or sidewalk or which runs through a building and connects a street, open space, or sidewalk to another street, open space, or parking lot.
 - (3) Plaza. A continuous area which is open to the sky for its entire width and length, which fronts on a street, sidewalk, widening, or parking lot, and which is directly accessible to the public at all times for passive recreational purposes. The ground level of the plaza shall be constructed mainly of hard-surfaced materials, and shall be landscaped and lighted. An existing open space for which no such improvements are planned shall not qualify.
- (d) Child or Adult Day Care Facility.
- (e) Historic Structure/Rehabilitation. This bonus is applicable to those projects qualifying for the Historic Rehabilitation Tax Credit, as approved by the North Carolina Division of Archives and History and the United States Department of Interior.

Section 27-121. Schedules of Residential Bonuses for B1H Zoning District.

For each amenity provided above, the project will be eligible to reduce the required lot area by the number of square feet indicated below. The maximum lot reduction allowed shall be two hundred fifty (250) square feet per unit.

PROJECT AMENITY	AMOUNT OF LOT AREA REDUCTION PER UNIT
Parking, Commercial	125 square feet
Cultural/ Entertainment	250 square feet
Pedestrian Circulation	
-Front and Rear Access	125 square feet
-Arcade	250 square feet
-Plaza	250 square feet
Day Care	250 square feet
Historic Structure/Rehabilitation	250 square feet

Section 27-122. Conversion of Single Family Dwellings Units in the Residential Historic District.

No existing single family dwelling unit located in the Residential Historic District (RHD) shall be altered so as to accommodate a two-family or multi-family dwelling unit. All new construction of two-family or multi-family units in the Residential Historic District (RHD) shall meet standards set forth in Section 27 Article XI Multi-Family Development.