



TOWN OF MOUNT GILEAD PLANNING BOARD AGENDA

110 West Allenton Street, Mount Gilead, North Carolina, 27306
April 25, 2024

The Mount Gilead Planning Board will meet Thursday, April 25, 2024 at 5:30 p.m. at Mount Gilead Library, 119 West Allenton Street, Mount Gilead, North Carolina.

CALL TO ORDER

- ITEM I. ADOPTION OF AGENDA
- ITEM II. APPROVAL OF MINUTES
 - A. March 28, 2024 Meeting Minutes (Pages 2-3)
- ITEM III. PUBLIC COMMENT
 - Reading of the Rules for Public Comment (Page 4) (Town Manager Dylan Haman)
- ITEM IV. PLANNING BOARD TRAINING
 - A. Zoning (Page 5)
- ITEM V. OLD BUSINESS
 - A. Nonconforming Amendment (Pages 6-10) (Action)
 - B. Short Term Rental (Pages 11-26) (Discussion)
 - C. Proposed Payment in Lieu of Parking Fee Schedule (Page 27) (Discussion)
- ITEM VI. NEW BUSINESS - None
- ITEM VII. ADJOURNMENT



TOWN OF MOUNT GILEAD PLANNING BOARD MEETING MINUTES

110 West Allenton Street, Mount Gilead, North Carolina, 27306
March 28, 2024

The Mount Gilead Planning Board met Thursday, March 28, 2024 at 5:30 p.m. at the Mount Gilead Library, 119 West Allenton Street, Mount Gilead, North Carolina. Present were Devon Little, Mitchell Lucas, Sam Everhart, Jim Sharpe, Lynn Smith, Jessica Ingram, Town Manager Dylan Haman, and Planning Board Secretary Mollie Lee. Absent were Edwina Martin.

Devon Little called the meeting to order at 5:35pm.

ITEM I. ADOPTION OF AGENDA

Mitchell Lucas made a motion to adopt the agenda with a second from Lynn Smith. Motion carried unanimously.

ITEM II. APPROVAL OF MINUTES

A. January 25, 2024 Meeting Minutes

Jim Sharpe made a motion to approve the January 25, 2024 meeting minutes with a second from Lynn Smith. Motion carried unanimously.

ITEM III. PUBLIC COMMENT- No one present for public comment.

ITEM IV. PLANNING BOARD TRAINING

A. Roberts Rules of Order

Town Manager Dylan Haman provided a refresher on the Roberts Rules of Order to ensure everyone was clear on how to conduct the meeting. A cheat sheet for the rules was also included in the agenda packet. Town Manager Dylan Haman informed the board that each meeting would focus on a different topic.

ITEM V. OLD BUSINESS

A. Old Zoning Ordinance/ Nonconforming Ordinance

The Planning Board requested to see the previous Zoning Ordinance and its regulations for Manufactured Homes. According to the old Zoning Ordinance which was in effect until 2004, all manufactured homes were considered conforming. However, under the current ordinance, if something happens to the existing manufactured home, it cannot be replaced with another manufactured home. To address this, a text amendment has been proposed which will allow the manufactured homes that were allowed under the old Zoning Ordinance to be replaced by another manufactured home, excluding RV or Travel Trailers. Property owners will have to provide documents to show when the home was placed on the property. The Planning Board discussed the amendment and requested Town Manager Dylan Haman to proceed with the necessary procedures, such as advertising and public hearings, to allow the text amendment to be voted on.

ITEM VI. NEW BUSINESS.

- A. Proposed Text Amendment
- B. Short Term Rental Proposal

Town Manager Dylan Haman has stated that the two topics in the New Business go along together. Dark Horse & Associates, Inc. has submitted a text amendment application for The Vintage, which is located at 100 S Main Street, Mount Gilead, NC 27306. They plan to create an upstairs hotel/motel and a restaurant downstairs. However, there are certain regulations in the Zoning Ordinance that need to be changed before this can happen. One issue is that there is no space for off-street parking. According to the zoning district and type of use, businesses are required to provide a certain number of parking spaces. However, many downtown businesses fail to comply with this requirement because there is no room for parking lots. Dark Horse & Associates, Inc. has requested that the Historic District be exempt from the parking requirements. Instead of completely exempting the downtown from parking, an alternative solution could be to establish a payment in lieu of structure. This means that business owners can pay a fee to the town, and the town will ensure that there is parking in the downtown area, specifically in a centralized parking area. The money from the fee will be used by the town to purchase property for a parking area and to pave the parking lot. This fee is only payable once.

Town Manager Dylan Haman informed the board that the definition of a hotel is a place with 10 or more rooms. Since Dark Horse and Associates, Inc. plan to have only 9 rooms, they won't be considered a hotel. To address this issue, the staff has proposed a new definition for short term rentals instead of separating them into hotels or bed and breakfasts. The new definition will include three categories: small host-occupied, large host-occupied, and non-host occupied short term rentals. This will allow Airbnb's, hotels, and motels in commercial areas but not in residential areas. However, the current ordinance doesn't cover Airbnb's and without proper regulations, it would be difficult to manage them if they were to appear. If someone wishes to run an Airbnb in a residential area, they would need to apply for a special use permit, and the permit would be reviewed by the Planning Board. Town Manager Dylan Haman wanted to bring this before the Planning Board now so they would have time to review the changes to the ordinance and ask questions before voting on the text amendment.

ITEM VII. ADJOURNMENT

With no further business Lynn Smith made a motion to adjourn the meeting with a second from Devon Little. Motion carried unanimously. Meeting adjourned at 6:26pm.

Devon Little, Chairman

Mollie Lee, Planning Board Secretary

TOWN OF MOUNT GILEAD

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Mount Gilead, North Carolina 27306
Incorporated 1899

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Mayor
Sheldon Morley

Mayor Pro Tem
Tim McAuley

Commissioners
Vera Richardson
Paula Covington
Mary Lucas

Town Manager
Dylan Haman

Town Clerk
Lessie Jackson

Rules for Public Comment

Meeting of the Town Board of Mount Gilead always include a Public Comment period. The purpose of this time is for members of the community and the general public to make their views known directly to the Town Board. To ensure a fair proceeding for all who wish to speak, please be aware of the following rules that were unanimously adopted in December 2016, that will be observed during all public meetings:

1. All persons wishing to speak shall do so from the podium to ensure an accurate record of testimony. Each person requesting to speak shall do so by signing their name, phone number on the Public Comment sign up sheet and must provide a phone number, address, and/or email address in order. No one is permitted to speak from the audience or interact and/or question the person speaking. This is a public comment session and not a public debate. Open Meetings laws for the State of North Carolina, section 197, pg. 87., and section 239, pg. 105, agree that a Mayor nor the Board of Commissioners are allowed to respond to public comment or debate with a citizen during this time. If a response is necessary, a separate meeting can be called to discuss the issue at hand or if the answer is readily available it will be answered during Department Reports by the Town Manager.
2. Each person who has signed up to speak shall have one opportunity to speak for a period not to exceed 3 minutes in duration. The speaker will not be permitted to speak again once they leave the podium, or their 3 minutes expire.
3. The Board requests that a group be represented by a spokesperson in order to keep repetitive testimony at a minimum. If this spokesperson is representing a group of more than 5 citizens, he/she is afforded the opportunity to speak for a period not to exceed 5 minutes.
4. Town staff will note all comments and provide answers directly to citizens or make information available town-wide during department reports or at the next meeting.
5. Inflammatory or immaterial testimony will not be allowed.
6. In addition to the comment period during the public meeting, individuals can provide written comments to the Town Board of Commissioners by submitting them in writing to the Town Clerk. This can be addressed by email to clerk@mtgileadnc.com or via USPS at PO Box 325, Mt. Gilead, NC 27306.



TOWN OF MOUNT GILEAD

110 West Allenton Street, Mount Gilead, North Carolina, 27306

MEMORANDUM

DATE: April 16, 2024
TO: Planning Board
FROM: Dylan Haman, Town Manager
RE: Zoning Training

1. **Basic Elements:** A *Zoning Ordinance* Consists of a text and a map (or series of maps). The text includes the substantive standards applicable to each district on the map and the procedures that govern proposals for changes in both the text and the Map. The zoning ordinance divides the land within a Town's Jurisdiction in a number of zoning districts. The land in each district is governed by several types of regulations: 1) use regulations; 2) dimensional requirements, including setback and density standards; and 3) other miscellaneous requirements dealing with matters such as off-street parking, landscaping and screening, property access, required public improvements, and signage.
2. **Uses Permitted by Right:** If a use is permitted by right, the zoning standards for that use are typically spelled out in specific terms, and the zoning administrator grants routine permission to proceed. In some cases an applicant for a permit must hire a professional to create a site plan. As a general rule, if the site plan are submitted according to local standards, the permit must be approved.
3. **Conditional use Permits:** Some uses merit closer review because of their scale and effect or potential for creating nuisance problems. These conditional uses may be permissible in a particular district, but only at particular locations or conditions. Conditional use permits may be issued by the board of commissioners, the board of adjustments, or the planning board. Regardless of who approves the permit, the decision must be based purely on evidence in a quasi-judicial hearing.
4. **Legislative Role:** The Town Commissioners act in a legislative role when they adopt or amend the zoning ordinance. When it makes the law, such the town board has substantial discretion to make decisions as it sees fit. The governing board must hold a public hearing before it adopts or amends the ordinance. It need not explain its decision or make written findings of fact, but it must adopt a statement indicating that a proposed zoning amendment is consistent with any adopted plan and also in the public interest.
5. **Quasi-Judicial Role:** Public hearings are also required when three other important zoning actions are taken 1) issuance of variances 2) issuance of conditional use permits 3) appeal of decisions of a zoning administrator. Each of these proceedings must occur in a quasi-judicial hearing. The decision must be based on the criteria in the ordinance, witnesses must be sworn and offer testimony according to certain rules of evidence, board members may not discuss the case with any of the parties outside the hearing, and the board must formally justify its decision based on the facts of the case. Quasi-judicial hearings are significantly more formal than legislative hearings and more demanding on those who participate in them. The types of zoning actions just identified are often heard by the board of adjustment (town board), but if they are heard by the planning board, then the planning board must also follow the procedure. Boards must prepare and adopt a written decision in each case it hears and deliver it to the parties and anyone who requests a copy of it before it is filed. The new amendments also elaborate the manner in which the board may issue subpoenas to secure witnesses and documents.

ARTICLE 3 NONCONFORMITIES.

3.1 PURPOSE AND APPLICABILITY. The purpose of this article is to regulate and limit the continued existence of uses and structures that were established prior to the effective date of these regulations and that do not conform to these regulations. Any nonconformity created by a change in the text of these regulations or by the reclassification of property shall be regulated by the provisions of this chapter. The “effective date” referenced below shall be the date the text of these regulations or the zoning map is amended to render a particular use, structure, or lot nonconforming. Many nonconformities may continue, but the provisions of this article are designed to curtail substantial investment in nonconformities, and to bring about their eventual improvement or elimination.

3.2 NONCONFORMING USES.

- (A) Nonconforming uses of land or structures may continue only in accordance with the provisions of this section.
- (B) A nonconforming use shall not be expanded.
- (C) A nonconforming use shall not be changed to any other use unless the new use conforms to the standards of the zoning district in which it is located. Once a nonconforming use is changed to a conforming use, a nonconforming use shall not be re-established.
- (D) Where a nonconforming use is abandoned for a period of 180 days, then the use shall not be reestablished or resumed and any subsequent use of the land or structure shall conform to the requirements of these regulations.
- (E) No structural changes shall be made in any structure occupied by a nonconforming use except as follows:
 - (1) Those structural changes ordered by an authorized official ~~in order~~ to insure the safety of the structure shall be permitted.
 - (2) Maintenance and repairs to keep a structure in sound condition shall be permitted.
 - (3) Structural changes necessary to convert the nonconforming use to a conforming use shall be permitted.
 - (4) An existing nonconforming residential structure may be enlarged or altered provided that no additional dwelling units result therefrom. Any such enlargement or alterations shall be in compliance with all yard requirements of the district and/or use.
 - (5) The structure and its accompanying use may be moved to another location on the lot so long as the structure meets all applicable requirements of the district.

3.3 NONCONFORMING STRUCTURES.

- (A) A nonconforming structure, devoted to a use permitted in the zoning district in which it is located, may continue only in accordance with the provisions of this section.
- (B) Normal repair and maintenance may be performed to allow the continuation of a nonconforming structure.
- (C) Any nonconforming structure may be enlarged if the expansion does not increase the nonconformity.
- (D) A nonconforming structure shall not be moved unless it thereafter conforms to the standards of the zoning district in which it is located.
- (E) A nonconforming structure, destroyed or damaged so that more than 25% of the value of such structure remains, may be repaired or restored if a building permit for the repair or restoration is issued within six (6) months of the date of the damage. A nonconforming structure destroyed or damaged so that no more than 25% of its value remains, may be repaired or restored only if the structure conforms to the standards of these regulations for the zoning district in which it is located. The extent of damage or destruction shall be determined by comparing the estimated cost of repair or restoration with the current assessed tax value.
- ~~(F)~~ A nonconforming structure shall not be replaced with another nonconforming structure regardless of the degree of nonconformity.
- ~~(F)~~(G) Signs: A nonconforming sign may not be expanded or enlarged resulting in an increase in the degree of nonconformity of the sign structure. A sign shall not be moved unless such relocated is intended to address a dimensional nonconformity. Nonconforming signs discontinued for more than 180 days shall be required to be brought into compliance with the applicable provisions of this Ordinance.

3.4 NONCONFORMING VACANT LOTS.

- ~~(A)~~ Lots subdivided in accordance with applicable regulations and recorded within the Montgomery County Registrar of Deeds prior to the adoption of these regulations or created prior to modification of dimensional standards and made nonconforming as a result, shall be considered a legal lot of record and subject to the provisions contained herein.
- ~~(A)~~(B) Except as provided in section ~~(C)~~(B) below, a nonconforming vacant lot may be used for any of the uses permitted by these regulations in the zoning district in which it is located, provided that the use meets all yard, parking, and landscape requirements of this ordinance for the zoning district in which it is located.
- ~~(B)~~(C) If two (2) or more adjacent, nonconforming, unimproved lots are held in single ownership, such lots shall be considered to be a single building lot for the purposes of this article. If the combination results in the creation of a building lot

that is more than one and one-half (1-1/2) times the width and area required in the zoning district, then the two (2) lots may be legally re-subdivided into two (2) lots of equal width and area, both of which may be developed under the authority of section (A) above.

3.5 ADDITIONAL REQUIREMENTS FOR NONCONFORMING ACCESSORY USES AND STRUCTURES.

No nonconforming accessory use or accessory structure shall continue after the principal use or structure is terminated by abandonment, damage or destruction unless such accessory use or accessory structure thereafter is made to conform to the standards for the zoning district in which it is located.

3.6 NONCONFORMITIES ASSOCIATED WITH MANUFACTURED HOME ~~S-PARKS~~.

- (A) **Manufactured Home Park:** Nonconforming manufactured home parks may not be expanded or increased in size. Expansion shall include adding additional manufactured home spaces, additional manufactured housing units, additional land area, or additional support structures/amenities. Expansion shall not include any modification or expansion to utility systems to address public health or safety issues including notices of violation or correction issued by appropriate State agencies.

Expansion shall only be permitted with the park being brought into compliance with applicable standards, and issuance of all required permits required under, this Ordinance.

- (B) **Replacement of One Manufactured Home with Another Manufactured Home in an Established Manufactured Housing Park.** Such replacement shall be permitted provided that:

- (1) New dimensional nonconformities are not created in accordance with Section 9.50 of this Ordinance,
- (2) The replacement manufactured home is constructed to the United States Department of Housing and Urban Development (HUD) standards,
- (3) The replacement home is placed in the same location as the original home, and
- (4) Such replacement occurs within 365 days of the removal of the original manufactured home. In all other situations, replacement shall be prohibited.

- (C) **Replacement of One Manufactured Home with Another Manufactured Home in Areas Other Than a Lawfully Established Manufactured Housing Park.** Such replacement shall be permitted provided that:

(1) Only manufactured homes legally permitted and placed on a parcel of property consistent with applicable land use regulations at the time of their original placement may be replaced consistent with the provisions of this section,

~~(1)~~(2) New dimensional nonconformities are not created with the replaced manufactured home,

~~(2)~~(3) The replacement manufactured home meets all applicable~~is constructed to the United States~~ Department of Housing and Urban Development (HUD) standards,

~~(3)~~(4) The replacement home is placed in the same general location as the original home,

~~(4)~~(5) The replacement home conforms to the development standards listed in Section 9.48 of this Ordinance, and

(6) Such replacement occurs within 365 days of the last day of occupancy of the original manufactured home. In instances where a replacement home exceeds the external dimensions of the original home, the external dimensions of the replacement home shall not be considered a non-conformity provided the home does not encroach into any required minimum yard other than such area of encroachment existing under the original home. In all other situations, replacement shall be prohibited.

~~(5) It is the policy of the Town of Mount Gilead that manufactured housing units located inconsistent with applicable land use regulations and in violation of local land use permitting standards shall not be replaced except with a structure conforming to the provisions of this Ordinance.~~

(D) **Temporary Use of Manufactured Housing.** Nothing within this section shall be construed as regulating or restricting the temporary use of manufactured housing as defined within this Ordinance or regulated in accordance with the provisions of Section 9.49 of the Ordinance.

3.7 CHANGES OF TENANCY AND/OR OWNERSHIP. There may be a change in tenancy or ownership of an existing nonconforming use or structure, provided there is no change in the nature or character of such nonconforming use or structure except as provided herein and all other applicable requirements of this article are met (e.g., parking, screening, landscaping, etc.).

3.73.8 Maintenance and Repair. In the interest of the public safety and health, structural alterations or remodeling of nonconforming structures or conforming structures on nonconforming lots that are required by any public law, and so ordered by a public officer in authority, shall be permitted. Routine maintenance shall also be permitted for nonconforming situations so long as no expansion of the nonconformity in conflict with the provisions of this Article occurs as a result of the maintenance.

Uses												
X = Permit from Zoning Administrator S = SUP from Board of Commissioners X/C = Permit from Zoning Administrator; use must meet additional conditions “-“ = not permitted U = Uses determined by underlying zoning district	R-A	R-15	R-15M	R-8	R-6	O-I	CB	GB	NB	I	LD-CD	Additional Conditions
Agricultural Uses												
Agricultural Industry	X	-	-	-	-	-	-	-	-	X	-	
Agriculture, bona-fide farms, including processing or sale of products grown on the same zoning lot, excluding agricultural industry	X	X	X	-	-	-	-	-	-	X	-	9.96
Agriculture implement sale, repair, rental or storage	X	-	-	-	-	-	-	X	-	X	-	
Animal Feeder/Breeder Operations	S	-	-	-	-	-	-	-	-	S	-	9.8
Forestry Nursery	X	-	-	-	-	-	-	-	-	X	-	
Forestry Operations	X	X	X	X	X	X	-	-	-	X	-	
Plant Nurseries & Greenhouses	X	X/C	X/C	-	-	-	-	X	-	X	-	9.64
Commercial Uses												
Adult Establishments	-	-	-	-	-	-	-	X/C	-	-	-	9.4
Amusements, Commercial, Indoor	-	-	-	-	-	-	-	X	S	-	-	9.6
Amusements, Commercial, Outdoor	S	-	-	-	-	-	-	-	-	S	-	9.7
Automatic Teller Machine	-	-	-	-	-	X	X	X	X	X	X	
Banking and Financial Services	-	-	-	-	-	X	X	X	X	X	-	
Bed and Breakfast Establishments ¹	S	S	S	S	S	X/C	X/C	X/C	X/C	X/C	X	9.13
Boat Sales, Service, and Leasing	-	-	-	-	-	-	-	-	-	-	X	
Boat Storage Facilities, Indoors	-	-	-	-	-	-	-	X	-	-	X	
Boat Storage Facilities, Outdoors	-	-	-	-	-	-	-	-	-	-	X	
Broadcast Studios (radio and television)	-	-	-	-	-	-	-	X	-	X	-	
Building Materials Supply	-	-	-	-	-	-	-	X	-	X	-	
Car Wash, automatic	-	-	-	-	-	-	-	X	-	X	-	
Car Wash, full service	-	-	-	-	-	-	-	X	-	X	-	
Car Wash, industrial	-	-	-	-	-	-	-	-	-	X	-	
Car Wash, self-service	-	-	-	-	-	-	-	X	-	X	-	
Club, Private	-	-	-	-	-	-	X/C	X/C	-	-	-	9.22
Construction Vehicle Sales, Repair, Leasing, Maintenance, or Storage	-	-	-	-	-	-	-	-	-	X	-	

¹ This is now classified as a ‘Short-term Rental Small - Host Occupied’ land use activity as part of this amendment package defined as follows: A dwelling occupied by a host, which provides up to three guestrooms for up to one week of rental or lease. There will be 2 categories of such establishments (small and large) coinciding with current regulations.

Uses												
X = Permit from Zoning Administrator S = SUP from Board of Commissioners X/C = Permit from Zoning Administrator; use must meet additional conditions “-“ = not permitted U = Uses determined by underlying zoning district	R-A	R-15	R-15M	R-8	R-6	O-I	CB	GB	NB	I	LD-CD	Additional Conditions
Convenience Store	-	-	-	-	-	-	-	X	X	-	X	
Dry Cleaning and Laundry Services	-	-	-	-	-	-	X	X	X	-	-	
Farmers Market	X	-	-	-	-	-	X	X	X	X	-	
Feed and Seed Stores	X	-	-	-	-	-	X	X	-	X	-	
Flea Markets, Indoor	-	-	-	-	-	-	X	X	-	X	-	
Flea Markets, Outdoor	S	-	-	-	-	-	-	-	-	-	-	9.32
Gasoline Station, large	-	-	-	-	-	-	-	X	-	X	-	
Gasoline Station, neighborhood	-	-	-	-	-	-	-	X	X	X	X	
General Retail	-	-	-	-	-	-	X	X	X	X	-	
Heavy Machinery Sales, Repair, Leasing, Maintenance or Storage	-	-	-	-	-	-	-	X	-	X	-	
Home Occupations	X/C	X/C	X/C	X/C	X/C	X	X	X	X	X	-	9.40
Hotel ²	-	-	-	-	-	-	X	X	-	X	X	
Junkyard	-	-	-	-	-	-	-	-	-	S	-	9.42
Kennel	S	-	-	-	-	-	-	X/C	-	X/C	-	9.43
Motel	-	-	-	-	-	-	X	X	-	X	X	
Motor Vehicle Paint or Body Shop	-	-	-	-	-	-	-	S	-	X/C	-	9.55
Motor Vehicle Repair and Maintenance	-	-	-	-	-	-	-	X/C	-	X/C	-	9.56
Motor Vehicle Sales, Rental and Leasing	-	-	-	-	-	-	-	X/C	-	X/C	-	9.57
Motor Vehicle Storage Yard	X/C	-	-	-	-	-	-	-	-	-	-	9.58
Nursery, Lawn and Garden Supply Store, Retail	-	-	-	-	-	-	X/C	X/C	-	-	-	9.60
Outdoor Display and Sales of Merchandise	-	-	-	-	-	-	-	-	-	S	-	9.61
Outdoor Storage	-	-	-	-	-	-	-	-	-	S	-	9.62
Parking Lot as the Principal Use	-	-	-	-	-	-	X	X	-	X	X	
Pawn Shop	-	-	-	-	-	-	X	X	X	-	-	
Raceways and Drag Strips	-	-	-	-	-	-	-	-	-	-	-	
Restaurant, with Drive-through Service	-	-	-	-	-	-	-	X	S	-	-	9.75
Restaurant, without Drive-through Service	-	-	-	-	-	-	X	X	S	X	X	9.76
Retail, Nonstore	-	-	-	-	-	-	X	X	X	X	-	
Retail Store, Large	-	-	-	-	-	-	-	S	-	-	-	9.77
Retail Store, Small and Medium	-	-	-	-	-	-	X	X	X	X	X	
Riding Stables	X/C	-	-	-	-	-	-	-	-	-	-	9.78
Shooting Range (Indoor)	X/C	-	-	-	-	-	-	X/C	-	-	-	9.80
Shooting Range (Outdoor)	S	-	-	-	-	-	-	-	-	-	-	9.81
Shopping Center, Large (>15,000 s.f.)	-	-	-	-	-	-	-	S	-	-	-	9.82
Shopping Center, Small (<15,000 s.f.)	-	-	-	-	-	-	-	S	-	-	-	9.83

² Hotel and Motel land uses are now categorized as ‘Short-term Rental Non-Host Occupied’ land uses.

<u>Short Term Rental</u> ³	<u>Small – Host Occupied</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	⁴	<u>X/C</u>	<u>X/C</u>	<u>X/C</u>		<u>X/C</u>	<u>9.13</u>
	<u>Large – Host Occupied</u>	<u>S</u>						<u>X/C</u>		<u>X/C</u>			<u>9.13</u>
	<u>Non-Host Occupied</u> ⁵							<u>X/C</u>	<u>X/C</u>	<u>X/C</u>			<u>9.13</u>
Studios (art, dance, music, or photographic)	X/C	-	-	-	-	-	X	X	X	-	X	-	9.86
Theater, Indoor	-	-	-	-	-	-	-	-	X	-	X	-	
Veterinary Services	X/C	-	-	-	-	-	-	-	X/C	-	X/C	-	9.92
Industrial Uses													
Abattoirs	-	-	-	-	-	-	-	-	-	-	S	-	9.1
Asphalt and Concrete Plant and Contractors	-	-	-	-	-	-	-	-	-	-	S	-	9.10

Uses													
X = Permit from Zoning Administrator S = SUP from Board of Commissioners X/C = Permit from Zoning Administrator; use must meet additional conditions “-“ = not permitted U = Uses determined by underlying zoning district	R-A	R-15	R-15M	R-8	R-6	O-I	CB	GB	NB	I	LD-CD	Additional Conditions	
Auto Wrecking Yards, Building Material Salvage Yards and Scrap Metal Processing yards	-	-	-	-	-	-	-	-	-	S	-	9.12	
Building Contractors, General	-	-	-	-	-	-	-	-	-	S	-	9.15	
Building Contractors, Heavy	-	-	-	-	-	-	-	-	-	S	-	9.16	
Bulk Storage of Petroleum Products	-	-	-	-	-	-	-	-	-	S	-	9.17	
Dry Cleaning and Laundry Plants	-	-	-	-	-	-	-	-	-	S	-	9.29	
Feed and Flour Mills	-	-	-	-	-	-	-	-	-	S	-	9.31	
Fuel Dealer										S		9.33	
Laboratory, Medical or Dental	-	-	-	-	-	-	-	S	-	-	-	9.44	
Landfill, Construction and Demolition	S	-	-	-	-	-	-	-	-	-	-	9.45	
Landfill, Land Clearing and Inert Debris	S	-	-	-	-	-	-	-	-	-	-	9.46	
Landfill, Sanitary	S	-	-	-	-	-	-	-	-	-	-	9.47	
Manufacturing or Processing A: Manufacture of foodstuffs, apparel, beverages, textiles, electrical components or tobacco products; fabrication of wood, leather, paper, water or plastic products	-	-	-	-	-	-	S	S	-	X/C	-	9.51	
Manufacturing or Processing B: Fabrication or assembly of products from pre-structured materials or components.	-	-	-	-	-	-	-	S	-	X/C	-	9.52	

³ Staff will need to review where the Board may wish to limit large Short-term Rental Host Occupied Large (i.e. over 3 bedroom) land uses. Right now, they are allowed in every general use zoning district. As proposed, staff is recommending only in the AG district (rural tourist attraction) and in the commercial districts.

⁴ AS housing is not necessarily the primary focus of the OI general use district, it does not make sense to allow this use. Same goes for the Industrial district.

⁵ Non-host occupied are your typical hotel/motel operations.

Manufacturing or Processing C: Processing, fabrication, or manufacture of products or material (including, but not limited to, animal or vegetable matter, chemicals or chemical compounds, glass, metals, minerals, or other products converted from raw materials, and including those processes with significant air or water discharge).	-	-	-	-	-	-	-	-	-	-	S	-	9.53
Meat Packing Plant	-	-	-	-	-	-	-	-	-	-	S	-	9.54
Printing or Binding	-	-	-	-	-	-	-	-	-	-	S	-	9.65
Quarries or Other Extractive Industries	S	-	-	-	-	-	-	-	-	-	S	-	9.67
Sawmills	-	-	-	-	-	-	-	-	-	-	S	-	9.79
Solar Farm	X/C										X/C		9.84
Storage and Salvage Yard	-	-	-	-	-	-	-	-	-	-	S	-	9.85
Terminal, Freight	-	-	-	-	-	-	-	-	-	-	X	-	
Tire Recapping Shops	-	-	-	-	-	-	-	-	-	-	S	-	9.90
Warehousing (Excluding Self-Storage)	-	-	-	-	-	-	-	-	-	-	X	-	
Warehousing, Self-Storage	-	-	-	-	-	-	-	-	S	-	S	-	9.93
Waste Incineration	-	-	-	-	-	-	-	-	-	-	-	-	
Waste Transfer Station	-	-	-	-	-	-	-	-	-	-	-	-	
Wholesale Trade A	-	-	-	-	-	-	-	-	-	-	X	-	
Wholesale Trade B	-	-	-	-	-	-	-	-	-	-	X/C	-	9.94
Governmental and Institutional Uses													
Child Care Institution	X/C	-	-	-	-	-	-	-	-	-	-	-	9.19
Church or Religious Institution	X	X	X	X	X	X	X	X	X	X	X	X	

Uses													
X = Permit from Zoning Administrator S = SUP from Board of Commissioners X/C = Permit from Zoning Administrator; use must meet additional conditions “-“ = not permitted U = Uses determined by underlying zoning district	R-A	R-15	R-15M	R-8	R-6	O-I	CB	GB	NB	I	LD-CD	Additional Conditions	
Civic, Fraternal, Cultural, and Community Facilities not otherwise listed	S	-	-	-	-	-	X	X	-	X	-	9.20	
Club or Lodge, private non-profit	S	-	-	-	-	-	X	X	-	X	-	9.22	
College or University	X	-	-	-	-	-	-	-	-	-	-		
Community Center	X/C	-	-	-	-	X	X	X	-	X	-	9.24	
Congregate Care Facility	S	S	S	S	S	S	-	-	-	-	-	9.25	
Correctional Institution	S	-	-	-	-	-	-	-	-	X	-	9.26	
Daycare, Center	S	S	S	-	-	S	-	-	-	-	-	9.27	
Daycare, Large Home	S	S	S	-	-	S	-	-	-	-	-	9.28	
Daycare, Small Home	S	S	S	S	S	-	-	-	-	-	-	9.28	
Emergency Shelters	-	-	-	-	-	-	-	-	-	-	-		
Funeral Home	S	-	-	-	-	X	X	X	-	X	-	9.34	
Government Offices, Courthouses, and Similar Governmental Facilities not otherwise listed	X	X	X	X	X	X	X	X	X	X	X		
Group Care Facility	S	-	-	-	-	S	-	-	-	-	-	9.35	
Group Home A	X/C	X/C	X/C	X/C	X/C	X/C	-	-	-	-	-	9.36	
Group Home B	X/C	X/C	X/C	-	-	-	-	-	-	-	-	9.36	
Habilitation Facility – A	-	-	-	-	-	X	-	X	-	-	-	9.37	
Habilitation Facility – B	-	-	-	-	-	X	-	X	-	-	-	9.37	

Library, Public	-	-	-	-	-	X	X	X	-	-	-	
Museum or Art Gallery	S	S	S	-	-	X	X	X	-	-	-	9.59
Nursing Care Institution	S	S	S	-	-	S	-	-	-	-	-	9.25
Post Office	-	-	-	-	-	X	X	X	-	X	-	
Progressive Care Facility	S	S	S	-	-	S	-	-	-	-	-	9.66
Public Safety Stations including police, fire, and rescue services	X	X	X	X	X	X	X	X	X	X	X	
Public Works Facility	-	-	-	-	-	-	-	X	-	X	-	
Schools, Elementary and Secondary, including school stadiums	X	X	X	X	X	X	X	X	X	X	X	
Schools, Vocational or Professional	-	-	-	-	-	-	X	X	-	X	-	
Telecommunication Towers	S	-	-	-	-	-	-	-	-	-	-	9.88
Utilities, Above Ground (includes Utility Substations)	S	S	S	S	S	X	X	X	X	X	X	9.91
Utilities Service Area	-	X	X	X	X	X	-	-	-	-	-	
Utilities Substation	-	-	-	-	-	-	-	X	-	X	-	
Yard Waste Composting	S	-	-	-	-	-	-	-	-	-	-	9.95
Professional Office and Medical Uses												
Clinics	-	-	-	-	-	X	X	X	-	-	-	9.21
Health Services, Miscellaneous	-	-	-	-	-	-	-	S	-	-	-	9.38
Hospital	-	-	-	-	-	S	-	-	-	-	-	9.41
Medical and Surgical Offices	-	-	-	-	-	X	X	X	-	-	-	
Offices, Professional	-	-	-	-	-	X	X	X	X	-	-	
Optical Services	-	-	-	-	-	X	X	X	X	-	-	
Orthopedic Supply Houses	-	-	-	-	-	-	-	X	-	-	-	

Uses												
X = Permit from Zoning Administrator S = SUP from Board of Commissioners X/C = Permit from Zoning Administrator; use must meet additional conditions “-“ = not permitted U = Uses determined by underlying zoning district	R-A	R-15	R-15M	R-8	R-6	O-I	CB	GB	NB	I	LD-CD	Additional Conditions
Pharmacy	-	-	-	-	-	X	X	X	X	-	-	
Recreational Uses												
Arenas	-	-	-	-	-	-	-	S	-	-	-	9.9
Assembly Halls, coliseums, armories, ballrooms, reception halls and exhibition buildings	-	-	-	-	-	-	-	S	-	-	-	9.11
Park and Open Space Areas including Athletic Fields	X	X	X	X	X	X	X	X	-	-	X	
Planned Recreational Resort	S	-	-	-	-	-	-	-	-	-	X	9.63
Recreational Facilities, Public	X	X	X	X	X	X	X	X	-	-	X	
Recreation Services, Indoor	X	X	X	X	X	X	-	X	-	-	-	
Recreation Services, Outdoor	S	S	S	-	-	-	-	-	-	-	X	9.68
Recreational Vehicle Park and Campground	S	-	-	-	-	-	-	-	-	-	X	9.69
Residential Uses												
Accessory Dwelling Unit, Attached	-	X	X	X	X	-	-	-	-	-	-	
Accessory Dwelling Unit, Detached	X/C	X/C	X/C	S	S	-	-	-	-	-	-	9.3

Boarding or Rooming House for up to 3-boarders ⁶	X/C	X/C	X/C	-	-	-	-	X/C	-	-	-	9.14
Boarding or Rooming House for 4 to 6-boarders ⁸	X/C	X/C	X/C	-	-	-	-	X/C	-	-	-	9.14
Cluster Subdivisions	X/C	X/C	X/C	-	-	-	-	-	-	-	-	9.23
Manufactured Home, Class A	X/C	-	X/C	-	X/C	-	-	-	-	-	-	9.48
Manufactured Home, Temporary	X/C	X/C	X/C	X/C	X/C	-	-	-	-	-	-	9.49
Manufactured Home Park	-	-	S	-	-	-	-	-	-	-	-	9.50
Manufactured Home Subdivision	-	-	-	-	-	-	-	-	-	-	-	
Residential Building, Condominium	S	S	S	S	S	-	-	-	-	-	X	9.71
Residential Building, Duplex	-	-	-	-	S	-	-	-	-	-	-	9.72
Residential Building, Multi-family	-	-	-	-	S	-	S	-	-	-	-	9.73
Residential Building, Single-family	X	X	X	X	X	X	-	-	-	-	X	
Residential Building, Townhouse	S	S	S	S	S	-	S	-	-	-	X	9.74
Service Uses												
Cemetery	S	-	-	-	-	-	-	-	-	-	-	9.18
Mausoleum	S	-	-	-	-	-	-	-	-	-	-	9.18
Personal Services	-	-	-	-	-	-	X	X	X	X	X	
Services A, Business	-	-	-	-	-	-	X	X	-	X	X	
Services B, Business	-	-	-	-	-	-	-	X	-	X	-	
Taxi Cab Stand	-	-	-	-	-	-	X/C	X/C	-	-	-	9.87
Miscellaneous Uses												
Accessory Communication Antennae	X/C	X/C	X/C	X/C	X/C	X/C	X/C	X/C	X/C	X/C	X/C	9.2
Airports	S	-	-	-	-	-	-	-	-	-	-	9.5

Uses												
X = Permit from Zoning Administrator S = SUP from Board of Commissioners X/C = Permit from Zoning Administrator; use must meet additional conditions “-“ = not permitted U = Uses determined by underlying zoning district	R-A	R-15	R-15M	R-8	R-6	O-I	CB	GB	NB	I	LD-CD	Additional Conditions
Docks, Commercial	-	-	-	-	-	-	-	-	-	-	X	
Docks, Semi-Commercial and Private	-	-	-	-	-	-	-	-	-	-	X	
Fairgrounds	S	-	-	-	-	-	-	-	-	-	-	9.30
Hazardous Waste Management Facility	-	-	-	-	-	-	-	-	-	-	-	
Heliport	X/C	-	-	-	-	-	-	-	-	X/C	-	9.39
Outdoor Advertising Signs	-	-	-	-	-	-	-	-	-	-	-	
Recycling Center	-	-	-	-	-	-	-	-	-	-	-	
Recycling, Drop-Off Site	S	-	-	-	-	-	S	S	-	-	-	9.70

⁶ There is no practical difference, from a land use perspective, from a Boarding or a Rooming house. The amendment seeks to combine the land use categories and eliminate unnecessary repetition in the Ordinance.

⁷ AS you do not allow residential dwelling units in the General Business (GB) general use zoning district, it does not make sense you would allow a ‘Rooming House’. A rooming house is, effectively, someone renting out rooms in their primary residence. This type of activity in a commercial district is a ‘Hotel/Motel’ land use or ‘Short-term’ rental as staff is proposing as part of this revision.

⁸ The number limit is best handed as a development restriction in Section 9.14. Further, there is no distinction between the 2 categories other than the number of borders. Staff is seeking guidance from the Board if the number of boarders if still considered acceptable.

D. Paving (cont.)		DISTRICTS									
		R-A	R-15/R15M	R-8	R-6	O-I	CB	GB	NB	I	LD-CD
“X” means the standard is required. “-” means the standard is not required. “U” means that standards in the underlying district prevail.											
(3)	Any non-paved surface used for parking or driveways on industrial sites shall be maintained with crushed rock, stone, gravel, or similar material.	-	-	-	-	-	-	-	-	X	-

E. Aisles.		DISTRICTS									
		R-A	R-15/R15M	R-8	R-6	O-I	CB	GB	NB	I	LD-CD
“X” means the standard is required. “-” means the standard is not required. “U” means that standards in the underlying district prevail.											
(1)	Aisles shall be a minimum of 24 feet in width if serving two-way traffic and a minimum of 12 feet in width if serving one-way traffic.	X	X	X	X	X	X	X	X	X	X
(2)	No parking aisle serving the general public that contains more than ten (10) parking spaces shall deadend. Any parking aisle that deadends shall provide a suitable turnaround.	X	X	X	X	X	X	X	X	X	X

F. Spaces and loading/unloading areas.		DISTRICTS									
		R-A	R-15/R15M	R-8	R-6	O-I	CB	GB	NB	I	LD-CD
“X” means the standard is required. “-” means the standard is not required. “U” means that standards in the underlying district prevail.											
(1)	Parking spaces shall be clearly marked on the ground for all uses except single-family detached residential.	X	X	X	X	X	X	X	X	X	X
(2)	Wheel stops, curbs, or other devices shall be provided in such locations as to prevent any vehicle from encroaching either on a public right-of-way, required planting yard, or an adjacent property. No parking space shall measure less than nine (9) feet in width and 18 feet in length.	X	X	X	X	X	X	X	X	X	X

<p>(3) Parking shall be provided at the rate of one (1) space per 500 square feet of gross floor area except for the following:</p> <p>(a) Office uses shall have at least one (1) space per 300 square feet of building area.</p> <p>(b) Warehouse uses shall have at least one (1) space per each employee on the shift with highest employment plus one (1) space per each vehicle in business use.</p> <p>(c) Schools shall have at least one (1) space per employee, one (1) space per five (5) students, and one (1) space per each school bus kept on site.</p> <p>(d) Shopping Centers shall have at least three (3) spaces per 1,000 square feet of gross floor area.</p> <p>(e) Industrial uses shall have at least one (1) space per 1,000 square feet of gross floor area.</p> <p>(f) Single-family and duplex units shall have at least two (2) spaces per unit.</p> <p>(g) Multi-family residential units shall have at least one and one-half (1½) spaces per unit.</p> <p>(h) Civic, social and fraternal organizations shall have at least one (1) space per 250 square feet of gross floor area.</p> <p>(i) Auditoriums and places of public assembly shall have at least one (1) space per six (6) seats or one (1) space per 50 square feet of gross floor area if no seats are provided.</p>											
	X	X	X	X	X	X	X	X	X	X	X

Exception for parcels in Historic Overlay District: Parcels located within the Historic Overlay District, which may not be able to comply with on-site parking standards and comply with applicable historic district regulations may petition the Town to seek relief from the parking requirements and contribute to a payment-in-lieu fund for public parking improvements in the downtown area managed by the Town of Mount Gilead. Required fees shall be based on the number of required spaces for the project consistent with subsection (F) of the Ordinance and based on the payment-in-lieu fee schedule adopted by the Town. Such fees shall only be used to support and fund downtown parking improvements.⁹

<p>“X” means the standard is required. “-” means the standard is not required. “U” means that standards in the underlying district prevail.</p>		R-A	R-1S/R1SM	R-8	R-6	O-I	CB	GB	NB	I	LD-CD
(4)	<p>In addition to required parking spaces, drive-thru facilities shall provide a minimum of five (5) stacking spaces per drive-thru facility, window, or bay, except for the following:</p> <p>(a) Fast food restaurants shall have an additional five (5) stacking spaces. A minimum of five (5) of the total stacking spaces shall be located at or prior to the ordering station.</p> <p>(b) Non-automated car washes shall only be required to have a minimum of two (2) stacking spaces per bay, one (1) of which is located for use as a dry down area.</p> <p>(c) Automated car washes shall be required to have an additional two (2) stacking spaces per bay.</p>	-	-	-	-	-	-	X	X	X	-

⁹ Parking is an issue in the downtown area. Owners of historic properties face an issue with a lack of available property area in providing the necessary parking so support new or expanding land uses. As a compromise to eliminating parking requirements altogether, which is not prudent, staff is recommending the Town consider establishment a payment-in-lieu system to fund public parking improvements to address downtown parking development needs as a partnership with local businesses.

(5)	Stacking spaces shall be located entirely outside of a required driveway or parking aisle needed to access required parking spaces.	-	-	-	-	-	-	X	X	X	-
(6)	Adequate onsite turnaround area shall be provided for all parking spaces.	X	X	X	X	X	X	X	X	X	X
(7)	Adequate onsite turnaround area shall be provided for all loading and unloading areas.	X	X	X	X	X	X	X	X	X	X

(8)	<p>Off-street loading shall be provided and maintained as specified in the following schedule:</p> <p>(a) For uses containing a gross floor area of less than 20,000 sq. ft., each off-street loading space shall have minimum dimensions of 15 feet in width and 30 feet in length.</p> <p>(b) For uses containing a gross floor area of 20,000 sq. ft. or more, each off-street loading space shall be 15 feet in width and 45 feet in length as a minimum.</p> <p>(c) Uses which normally handle large quantities of goods, including but not limited to industrial plants, wholesale establishments, storage warehouses, freight terminals, hospitals and retail establishments shall provide off-street loading facilities in the following amounts:</p> <table border="0"> <tr> <td><u>Gross Floor Area</u></td> <td><u>Minimum # of Spaces</u></td> </tr> <tr> <td>5,000 – 20,000 s.f.</td> <td>- 1 loading space</td> </tr> <tr> <td>20,001 – 50,000 s.f.</td> <td>- 2 loading spaces</td> </tr> <tr> <td>50,001 – 80,000 s.f.</td> <td>- 3 loading spaces</td> </tr> <tr> <td>80,001 – 125,000 s.f.</td> <td>- 4 loading spaces</td> </tr> <tr> <td>For each additional 45,000 s.f.</td> <td>- 1 additional loading space</td> </tr> </table> <p>(d) Uses which do not handle large quantities of goods, including but not limited to office buildings, restaurants, funeral homes, hotels, <u>motels</u>, <u>Short-term Rental Non-host occupancy</u>, apartment buildings and places of public assembly, shall provide off-street loading facilities in the following amounts:</p> <table border="0"> <tr> <td><u>Gross Floor Area</u></td> <td><u>Minimum # of Spaces</u></td> </tr> <tr> <td>5,000 - 80,000 s.f.</td> <td>- 1 loading space</td> </tr> <tr> <td>80,001 – 200,000 s.f.</td> <td>- 2 loading spaces</td> </tr> <tr> <td>200,001 – 320,000 s.f.</td> <td>- 3 loading spaces</td> </tr> <tr> <td>320,001 – 500,000 s.f.</td> <td>- 4 loading spaces</td> </tr> <tr> <td>For each additional 180,000 s.f.</td> <td>- 1 additional loading space</td> </tr> </table>	<u>Gross Floor Area</u>	<u>Minimum # of Spaces</u>	5,000 – 20,000 s.f.	- 1 loading space	20,001 – 50,000 s.f.	- 2 loading spaces	50,001 – 80,000 s.f.	- 3 loading spaces	80,001 – 125,000 s.f.	- 4 loading spaces	For each additional 45,000 s.f.	- 1 additional loading space	<u>Gross Floor Area</u>	<u>Minimum # of Spaces</u>	5,000 - 80,000 s.f.	- 1 loading space	80,001 – 200,000 s.f.	- 2 loading spaces	200,001 – 320,000 s.f.	- 3 loading spaces	320,001 – 500,000 s.f.	- 4 loading spaces	For each additional 180,000 s.f.	- 1 additional loading space	-	-	-	-	X	X	X	X	X	-
		<u>Gross Floor Area</u>	<u>Minimum # of Spaces</u>																																
5,000 – 20,000 s.f.	- 1 loading space																																		
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For each additional 180,000 s.f.	- 1 additional loading space																																		

6.5 DESIGN STANDARDS FOR SERVICES AND UTILITIES.

In order to subordinate the appearance of services and utilities on individual sites and throughout the town’s jurisdiction, the following standards shall apply to all services and utilities in all districts unless otherwise noted.

A. Utility Lines and Equipment.

<p>“X” means the standard is required. “-” means the standard is not required. “U” means that standards in the underlying district prevail.</p>	DISTRICTS									
	R-A	R-15/R15M	R-8	R-6	O-I	CB	GB	NB	I	LD-CD

(1)	All utility equipment (including meters, boxes, valves, etc. but does not include overhead power lines, light poles, and similar equipment) shall be designed and located to be as inconspicuous as possible and shall not be located on the street-side of a principal structure, except industrial buildings located in the I district.	X	X	X	X	X	X	X	X	-	X
(2)	All utility lines serving new development or subdivisions shall be placed underground whenever practicable.	X	X	X	X	X	X	X	X	X	X

B. Trash, Garbage, and Recycling.

		DISTRICTS									
“X” means the standard is required. “-“ means the standard is not required. “U” means that standards in the underlying district prevail.		R-A	R-15/RI5M	R-8	R-6	O-I	CB	GB	NB	I	LD-CD
(1)	All trash, recycling receptacles and storage areas (except single-family residences) shall be located away from public streets and screened from public view.	X	X	X	X	X	X	X	X	X	X
(2)	All non-vegetative screening used to block public view of trash and recycling receptacles and storage areas shall be made of materials compatible in color and type to the principle structure(s) on the property.	X	X	X	X	X	X	X	X	X	X

C. Drive-thru Windows and Similar Accessories.

		DISTRICTS									
“X” means the standard is required. “-“ means the standard is not required. “U” means that standards in the underlying district prevail.		R-A	R-15/RI5M	R-8	R-6	O-I	CB	GB	NB	I	LD-CD
(1)	Drive-thru windows, freestanding ATM’s, fuel pumps and similar devices shall only be placed in areas that will not interfere with the safe movement of pedestrians and vehicles in parking and driveway areas.	-	-	-	-	X	X	X	X	X	X

6.6 DESIGN STANDARDS FOR NATURAL RESOURCE AREAS.

In order to protect our natural resources while continuing to support healthy economic growth, the following standards shall apply to all natural resource areas and features in all zoning districts unless otherwise noted.

		DISTRICTS									
“X” means the standard is required. “-“ means the standard is not required. “U” means that standards in the underlying district prevail.		R-A	R-15/RI5M	R-8	R-6	O-I	CB	GB	NB	I	LD-CD
(1)	Piping or channeling creeks and streams shall be avoided whenever practicable.	X	X	X	X	X	X	X	X	X	X
(2)	Natural landscapes and areas of mature trees, especially near creeks, streams, and lakes shall be protected during development.	X	X	X	X	X	X	X	X	X	X
(3)	Naturalized stream banks shall be maintained whenever practicable. Rip-rap and similar devices shall be avoided.	X	X	X	X	X	X	X	X	X	X

- (D) Any gasoline, oil, or other materials spilled or collected on the site shall be contained and disposed of in accordance with state and federal laws.

9.13 ~~Bed and Breakfast Establishments~~ Short-Term Rentals.

(A) Short Term Rental Host Occupied – In General:

- (1) Shall be the permanent residence of the property owner/operator of the facility.
- (2) Restaurant or food preparation facilities in Residential districts general use zoning districts shall not be open to the public. Food services shall only be available for guests.
 - a. In Non-residential districts where restaurant/food preparation facilities are open to the public for service, the application package shall demonstrate compliance with applicable standards for a 'Restaurant' land use as detailed within this Ordinance.
- (3) Facility shall be served directly by a State or Town maintained road or legal access to a public road by way of a recorded easement.
- (4) Parking:
 - a. Residential Districts: Parking shall be provided at the rate of 1 space per individual guest room and shall be located on the side or rear of the structure. Parking areas shall be screened by a minimum 10 foot buffer from adjoining residentially zoned property.
 - b. Non-residential Districts: Parking shall be provided in accordance with the provisions of this Ordinance.
- (5) Utilities: Facilities served by individual well and septic systems shall provide the Town with copies of permits from Montgomery County Health Department indicating authorization to operate the proposed facility from the property prior to final approval or as part of the Special Use Permitting process.
- (6) Compliance with State Building and Fire Code: Applicants shall demonstrate the structures are compliance with applicable State and Fire Codes to operate a Short-term Rental from their residence prior to final approval or as part of the Special Use Permitting process.
- (7) Room Rental: Rooms shall not be rented for less than 8 hours in duration during a 24-hour period.

(B) Short-Term Rental Small:

- ~~(1) The establishment shall be the permanent residence of the owner or designated property manager of the establishment.~~
- (1) Limited to three (3) guestrooms. No independent cooking facilities shall be provided within the guestrooms.
- (2) Employment shall not exceed two (2) full time employees in addition to the owner(s).

~~(3) In any residential zoning district, no more than four (4) off street parking spaces shall be provided in the front yard.~~

(C) Short-Term Rental Large:

~~(4) The establishment shall be the permanent residence of the owner.~~

(1) Guestrooms:

a. Within a Residential general use zoning district, no more than six (6) guestrooms;

b. Within a Non-residential general use zoning district, no more than nine (9) guestrooms.

~~(5) No independent cooking facilities shall be provided within the guestrooms.~~

~~(2) Employment shall not exceed two (2) full time employees in addition to the owner(s).~~

~~(6)(3)~~

(D) Short Term Rental Non-Host Occupied:

(1) Rooms shall not be rented for less than 8 hours in duration during a 24-hour period.

(2) Customary accessory land uses include: restaurant, conference/meeting facilities, lounge areas. In the event such amenities are provided, parking shall be provided in accordance with the provisions of the Ordinance.

~~(B)(3) In any residential zoning district, no more than four (4) off street parking spaces shall be provided in the front yard.~~

~~(C) Off street parking in the side and rear yards shall be screened in accordance with parking lot landscaping and screening requirements. Parking shall be placed on the lot in a manner designed to have the least physical impact on adjoining residential uses.~~

9.14 ~~Boarding or~~ Rooming House.

(A) The house shall be the permanent residence of the owner of the establishment.

(B) Lodging shall be provided to no more than six (6) paying guests on a weekly or longer basis and the rooms rented neither individually nor collectively shall constitute separate dwelling units.¹⁰

(C) In any residential zoning district, no more than two (2) off-street parking spaces shall be provided in the front yard.

(D) Off-street parking in the side and rear yards shall be screened in accordance with parking lot landscaping and screening requirements. Parking shall be placed on the lot in a manner designed to have the least physical impact on adjoining residential uses.

9.15 Building Contractors, General.

¹⁰ As previously asked, is the Town still comfortable with this number?

ARTS AND CRAFTS STUDIO. The creation of objects in a studio, made one at a time, by hand. Such creations include, but are not limited to woodworking, tinsmithing, silver smithing, pottery, glass blowing, painting, weaving, caning, metal working and sculpture.

ASPHALT AND CONCRETE PLANT AND CONTRACTORS. A facility preparing asphalt and/or concrete mixtures for street and driveway paving, including contractors engaged in asphalt and/or cement work.

AUTOMATIC TELLER MACHINE. A type of banking and financial services with automated or self-service banking features with no staff or personnel provided.

AUTOMOTIVE REPAIR. See *MOTOR VEHICLE REPAIR AND MAINTENANCE*.

AWNING. A structure made of cloth, metal, or other material affixed to a building in such a manner that the structure may be raised or retracted from a building to a flat position against the building, but not a canopy.

BANKING AND FINANCIAL SERVICES. A facility engaged in deposit banking or extending credit in the form of loans.

BED AND BREAKFAST ESTABLISHMENT. An owner-occupied residential building providing rooms for temporary overnight lodging and breakfast for more than three (3) but not more than eight (8) guests on a paying basis.

BERM. An earthen mound designed to provide visual interest, screen undesirable views, and/or decrease noise.

~~**BOARDING OR ROOMING HOUSE.** An owner-occupied dwelling, or part thereof, in which lodging is provided to more than three (3) but not more than eight (8) paying guests on a weekly or longer basis and where the rooms rented neither individually nor collectively constitute separate dwelling units.~~

BONA FIDE FARM. A property that is located in the Town's extraterritorial jurisdiction that is used for bona fide farm purposes in accordance with G.S. 160D-903(a) and is exempt from zoning regulation to the same extent bona fide farming activities are exempt from county zoning pursuant to G.S. 160D-903.

BROADCAST STUDIO. An establishment primarily engaged in providing two-way radio/telephone communication services, telephone voice and data communications, telegraph services, radio and television broadcasting, or cable and other pay television services, but excluding those uses classified as utilities.

BUFFER. A combination of open space, landscape areas, fences, walls and berms used to physically separate or screen one (1) use of property from another so as to visually shield or block noise, lights, or other nuisances. Buffers typically represent horizontal distances between uses, which provide functional separation.

BUILDING. A temporary or permanent structure having a roof supported by columns or walls and which can be used for the shelter, housing, or enclosure of persons, animals, or goods.

HELICOPTER LANDING PAD. The designated takeoff and landing area from which helicopter departures and approaches are intended to originate or terminate.

HELIPORT. A helicopter terminal facility for general public transportation with support facilities. The word *heliport* shall mean an area on the ground used by helicopters, which may include, in addition to the landing pad, passenger and cargo facilities, maintenance, overhaul, fueling, service and storage facilities, tie-down areas, hangars, parking and other necessary buildings and open spaces. The term *heliport* includes the terms *heliports* and *public-use heliport* as contained in federal aviation administration publications.

HELISTOP. A limited use helicopter terminal facility that is clearly subordinate to a related business, institution, or other operation. The word *helistop* shall mean an area, either on the ground or on a building, and shall include the landing pad used by helicopters for the purpose of picking up or discharging passengers or cargo, routine maintenance facilities, parking area, fuel pumping facilities (only if such activity is approved by the appropriate agencies), and storage or hangar facilities, but no other accessory facilities. The term *helistop* includes the terms *private-use heliport* and *personal-use heliport* as contained in federal aviation administration publications, except for the limitations on the facility as noted in this definition.

HOLIDAY DECORATION. Holiday displays, decorations and greetings, which relate to any federally designated holiday, legal holiday or religious holiday.

HOME OCCUPATION. A business, profession, occupation, or trade that is conducted within a residential building or accessory structure for the economic gain or support of a resident of the dwelling, and which is incidental and secondary to the residential use of the building.

~~**HOTEL, MOTEL, MOTOR LODGE, MOTOR INN, INN, TOURIST COURT.** A building or group of attached buildings containing in combination ten (10) or more lodging units, or ten (10) or more dwelling units intended primarily for rental or lease to transients by the day or week, as distinguished from multi-family dwellings, rooming houses and residential hotels in which rentals and leases are for weekly or longer periods and occupancy is generally by residents rather than transients.~~

IMPERVIOUS SURFACE COVER. Any structure or material that significantly reduces or prevents natural absorption of stormwater into the soil. Impervious surface cover includes any built upon area including, but not limited to, buildings or other structures with roofs, sidewalks, driveways, parking lots, streets, and any concrete, stone, brick, asphalt, or gravel surface. For purposes of calculating impervious surface coverage requirements pursuant to the zoning ordinance, wooden slatted decks and the water area of a swimming pool are considered pervious.

IMPROVEMENT. Any structure or constructed feature not included under the definition of structure.

INDEPENDENT LIVING FACILITY. An unlicensed facility providing living arrangements for the elderly and their spouses in single family, duplex, or multi-family units designed to allow a predominately independent lifestyle within the framework of a larger, unified, health maintenance environment.

RETAIL STORE, MEDIUM. A single retail or wholesale use which occupies between 5,000 and 20,000 square feet of gross floor area, typically requires moderate parking to building area ratios, and has a local sales market.

RETAIL STORE, SMALL. A single retail or wholesale use which occupies less than 5,000 square feet of gross floor area, typically requires low parking to building area ratios, and has a local or neighborhood sales market.

RIDING STABLES. An establishment where horses are boarded and cared for, where instruction in riding, jumping, and showing is offered, or where horses may be hired for riding.

RIGHT-OF-WAY. The legal right of public passage, especially vehicular, over land.

ROOF LINE. The highest point of a flat roof or mansard roof, and the lowest point of a pitched roof, excluding any minor projections or ornamentation.

ROOF PITCH. A comparison of the vertical rise to the horizontal run of a roof structure above a building.

ROOMING HOUSE. ~~A building or group of attached buildings containing in combination from three (3) to nine (9) lodging units for occupancy for weekly or longer periods, with or without board, as distinguished from hotels and tourist homes in which rentals are generally for daily or weekly periods and occupancy is by transients. A host occupied dwelling unit where individual rooms are rented out for occupancy for weekly or longer periods. Individual rooms do not contain kitchen or cooking facilities for occupant use.~~

SANITARY SEWAGE SYSTEM. An approved sanitary sewage system means a complete system of sewage collection, treatment and disposal and includes:

- (A) Connection to a public, community, or municipal sewage treatment and disposal system.
- (B) Connection to a private or individual septic tank and ground absorption sewage treatment and disposal system with its collection and treatment components.
- (C) Proper and specific approval, including permits, operation, and maintenance, from the governing bodies and agencies having jurisdiction.

SATELLITE DISH. A type of receive-only antenna that is dish-shaped and is used to receive satellite signals, primarily television transmissions.

SAWMILL. A facility where logs are sawn, split, shaved, stripped, chipped, or otherwise processed to produce wood products, not including the processing of timber for use on the same lot by the owner or resident of that lot.

SCHOOL, ELEMENTARY AND SECONDARY. A public or private school providing instruction to students in kindergarten through grade twelve.

SCHOOL, PRIVATE. A structure used primarily by and for any two (2) or more age or grade levels not operated by the public school system, but registered with the North Carolina Department of Public Instruction. Any school for children age six (6) or under not meeting these requirements shall be considered a day care facility for purposes of this ordinance.

SHOOTINGRANGE, INDOOR. The use of a completely enclosed structure for archery and/or the discharging of firearms for the purposes of target practice or temporary competitions.

SHOOTINGRANGE, OUTDOOR. The use of land for archery and/or the discharging of firearms for the purposes of target practice or temporary competitions.

SHOPPING CENTER. A building or group of buildings with two (2) or more uses, either connected or freestanding, which is designed with common parking, pedestrian movement, ingress and egress, and used for the sale of merchandise or services to the public. Shopping centers shall be construed to include all outparcels, whether or not developed, and shall allow any permitted uses within the zoning district in which it is located except for those uses that require outdoor storage.

Short Term Rental Large – Host Occupied . A dwelling occupied by a host which provides more than three guestrooms for up to one week of rental or lease.

Short Term Rental – Non-host Occupied. A building or group of buildings which provides guestrooms for rental or lease but is not occupied by a Host.

Short Term Rental Small – Host Occupied. A dwelling occupied by a host, which provides up to three guestrooms for up to one week of rental or lease.

SHRUB. A woody plant, smaller than a tree, consisting of several small stems from the ground or small branches near the ground; may be deciduous or evergreen.

SIGHT DISTANCE TRIANGLE. The triangular area formed by the point of intersection of two (2) street right-of-way lines and a point located along each right-of-way line at a distance of 35feet from the point of intersection.

SIGN. Any device, fixture, placard, or structure that uses any color, form, graphic, illumination, symbol, or writing to advertise, announce the purpose of, or identify the purpose of a person or entity, or to communicate information of any kind to the public.

SIGN AREA. The area of a sign face.

SIGN FACE. That part of the sign that is or can be used to identify, advertise, or communicate information that is used to attract the attention of the public for any purpose. This definition includes any frame, structural member, or other part of the sign when such is designed or used, including the use of color or lighting, to attract the attention of the public.

SIGN HEIGHT. The distance from the base of the sign at normal grade to the top of the highest attached component of the sign.

SIGN STRUCTURE. The frame supporting a freestanding sign, wall sign, projecting sign, suspended sign, portable sign, marquee sign, or roof sign and poles or supports used to elevate or support the frame.

SIGN, ANIMATED. Any sign that uses movement or change of lighting to depict action or create a special effect or scene.

SIGN, BANNER. A sign intended to be hung either with or without a frame, possessing

PROPOSED PAYMENT IN LIEU OF PARKING FEE SCHEDULE¹

COST TO TOWN PER SPACE	
LAND	25,000 per acre / 150 = 166.67 PER SPACE
PAVING @ \$5/sq ft	43,560 sq ft * \$ = 130,680 / 150 = 871.20 per space
TOTAL COST PER SPACE	1,037.87

RECOMMENDED PAYMENT IN LIEU FEE : \$250.00 PER REQUIRED SPACE

¹ ASSUMING MAXIMUM OF 150 SPACES PER ACRE