



TOWN OF MOUNT GILEAD PLANNING BOARD AGENDA

110 West Allenton Street, Mount Gilead, North Carolina, 27306
September 28, 2023

The Mount Gilead Planning Board met Thursday, September 28, 2023 at 5:30 p.m. at Mount Gilead Town Hall, 110 West Allenton Street, Mount Gilead, North Carolina. Present were members Mitchell Lucas, Lynn Smith, Jessica Ingram, Jim Sharpe, Sam Everhart, Town Manager Dylan Haman, and Planning Board Secretary Mollie Lee. Others present were Stephanie Welland.

Vice Chairman Mitchell Lucas called the meeting to order at 5:35pm followed with everyone introducing themselves to our new member Sam Everhart.

ITEM I. ADOPTION OF AGENDA

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

ITEM II. APPROVAL OF MINUTES

A. July 27, 2023 Meeting Minutes- Lynn Smith made a motion to approve the meeting minutes as amended with a second by Jessica Ingram. Motion carried unanimously.

ITEM III. PUBLIC COMMENT

Stephanie Welland- 126 N Main Street- Stephanie Welland told the planning board that she was coming to explain the troubles they have faced with renting out spaces in the Antique Mall. The Town Manager at the time by the name is Hiram Marziano told Stephanie Welland when they asked if they needed a permit to do so he told them that their prior zoning application already allowed for them to do so. For the past 3 years there has been many ads posted toward people renting out their spaces. They never tried to hide the fact that they rented out spaces. Everything was fine up until their neighbor brought one of the ads to the Town Manager Dylan Haman's attention. This ended up getting turned over to code enforcement. Stephanie Welland states that the neighbor was using this to be weaponized against them. Stephanie Welland on behalf of their business Antique Mall is requesting for the Planning Board to correct their records that were previously approved by the prior Town Manager Hiram Marziano. Stephanie Welland also asked the Planning Board to let them know if there is anything they can do to help this from happening again.

ITEM IV. OLD BUSINESS

A. Washington Park Rezoning to R15-M- Town Manager Dylan Haman goes to explain that Interim Town Manager Ray Allen at the time and himself road all the way down Washington Park Road. Town Manager Dylan Haman and Interim Town Manager Ray Allen thought this would be a good potential spot for the R-15M due to there being so many manufactured homes already out there. Town Manager Dylan Haman states this is a similar situation that we have had with Forest Hill Village Road. A lady has moved in a manufactured home on Washington Park Road which was not

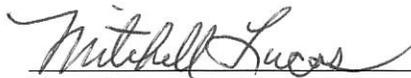
zoned for manufactured homes. Town Manager Dylan Haman stated that on the Zoning Permit they applied for under the Interim Town Manager Bill Zell; they didn't put that they were going to move in a manufactured home. The permit clearly stated they just needed electricity and water for their application. Town Manager Dylan Haman told the Planning Board that they told him in the prior meeting they would like to see the proposed area of Washington Park Road that will be changed to R-15M if decided by the Planning Board. With a lot of discussion about the area, Mitchel Lucas made a motion to have Town Manager Dylan Haman look into making Washington Park Road zoned R-15M with a second from Lynn Smith. Motion carried unanimously. Jim Sharpe made a comment stating that he would like the Town Board to enforce the Zoning Ordinance.

ITEM V. NEW BUSINESS.

A. Mixed Use in Central Business District- Town Manager Dylan Haman explains that in the packet Michal Harvey (N-Focus) put together some language to allow a live work unit (2/3 for business and the other for a living area) and allow upstairs to be used as a residence if brought up to code. In section 9.71 (f) it states that you will have to get a permit from the Zoning Administrator and they must agree to bring the building into compliance with the Building Code. If they do not bring the building into compliance they will then be in violation of the permit that they received. Mitchel Lucas asked the question how do we handle the situation of the ones already living in their buildings prior to the ordinance being approved. Town Manager Dylan Haman answered and stated that they are covered under out non-conforming part of the ordinance. Lynn Smith made a motion to direct the Town Manager Dylan Haman to being the advertising process for the Legislative Hearing with a second from Sam Everhart. Motion Carried unanimously.

ITEM VI. ADJOURNMENT

Jim Sharpe made a comment saying that we should have a meeting on one of our off days where we do not have any business and go over the Zoning Ordinance. Without any other business Lynn Smith made a motion to adjourn the meeting with a second from Jim Sharpe. Motion carried unanimously, meeting ended at 6:30pm.


Vice Chairman, Mitchell Lucas




Planning Board secretary, Mollie Lee



TOWN OF MOUNT GILEAD PLANNING BOARD AGENDA

110 West Allenton Street, Mount Gilead, North Carolina, 27306
September 28, 2023

The Mount Gilead Planning Board will meet Thursday, September 28, 2023 at 5:30 p.m. at Mount Gilead Town Hall, 110 West Allenton Street, Mount Gilead, North Carolina.

CALL TO ORDER

- ITEM I. ADOPTION OF AGENDA
- ITEM II. APPROVAL OF MINUTES
 - A. July 27, 2023 Meeting Minutes (Pages 2-3)
- ITEM III. PUBLIC COMMENT
- ITEM IV. OLD BUSINESS
 - A. Washington Park Rezoning (Pages 4-9)
- ITEM V. NEW BUSINESS.
 - B. Mixed Use In Central Business District (Pages 10-14)
- ITEM VI. ADJOURNMENT



TOWN OF MOUNT GILEAD PLANNING BOARD MEETING MINUTES

110 West Allenton Street, Mount Gilead, North Carolina, 27306
July 27, 2023

The Mount Gilead Planning Board met Wednesday, July 27, 2023 at 5:30 p.m. at Mount Gilead Town Hall, 110 West Allenton Street, Mount Gilead, North Carolina. Present were members Mitchel Lucas, Lynn Smith, Jessica Ingram, Town Manager Dylan Haman, and Planning Board Secretary Mollie lee.

Vice Chairman Mitchel Lucas called the meeting to order at 6:16 p.m.

ITEM I. ADOPTION OF AGENDA

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

ITEM II. PUBLIC COMMENT- None

ITEM III. OLD BUSINESS- None

ITEM IV. NEW BUSINESS-

A. Washington Park Road Issue: Attached to the agenda packet were pictures of manufactured homes located on Washington Park Road. Town Manager Dylan Haman explains a lady named Silvia Espinoza filled out a zoning application and on the application, it did not say anything about a manufactured home. All the application said was that they needed water and electricity. Haman continues to explain that there is a language barrier there and that during the time they were talking they had to use a translation app. This is a very similar incident that we have already tackled with Forest Hill Village Road. Haman states this would be a good area to consider for the R-15M District. Mitchel Lucas makes a motion to direct Town Manager Dylan Haman to investigate changing Washington Park into the R-15M District. Lynn Smith Seconded the motion. Motion carried unanimously.

B. 107 Circle Drive Zoning Issue: Town Manager Dylan Haman explains that a zoning application has been brought to the Town Hall but has not been processed yet. This would have to be another area that would have to be rezoned. Majority of the houses on Circle Drive are stick built homes. With the board being unanimous they agreed they were not interested in looking into changing this area to R-15M. The permit is denied.

C. Reports from Planning Board members: On 731 a house burnt down a while ago and the guy started living in a camper. Due to our ordinances the board doesn't think they are in compliance. They asked for Code Enforcement to investigate the situation. Town Manager Dylan Haman explains that in a time of hardship there is a 2-year allowance for manufactured homes. The allowance doesn't say anything about recreational vehicles. This would be up to the board to be generous about this situation or take the ordinance as written. This would be discussed in the next planning board meeting. The trailer that Gayle Thompson has across from the post office. Jim Sharpe is trying to purchase the trailer. Gayle Thompson uses the trailer as a hunting club in the winter. Mitchel explains that this is one of the trailers that were supposed to be moved when the last family moved out. Town Manager Dylan Haman tells the planning board he will talk to Michael Harvey

about the situation, but he believes this trailer would be grandfathered in. Jim Sharpe was wanting to purchase it so he can expand his business and move the trailer out. Haman was okay with this if he was to be able to purchase the property.

ITEM V. ADJOURNMENT

With no further business Lynn Smith made a motion to adjourn the meeting. Jessica Ingram seconded. Motion carried unanimously. The meeting adjourned at 6:38 p.m.

Mitchel Lucas, Vice Chairman

Mollie Lee, Planning Board Secretary

Attachment 1 - Map of Parcels Subject to Rezoning



MT GILEAD

Washington Park Rd

Rock D

Winfield St

North Pine St

Parkersburg Rd

Northway Rd

North Main St

NC Hwy 72 W

Town of Mount Gilead – Washington Park Road list of potential rezoning(s) to R-15M.

<p>1. MEDLEY WILMA C AND OTHERS C/O FLEKEDA MEDLEY 2105 CORAL BERRY LN WAXHAW NC 28173 Pin 6593 08 88 5547</p>	<p>2. MEDLEY WILMA C AND OTHERS C/O FLEKEDA MEDLEY 2105 CORAL BERRY LN WAXHAW NC 28173 Pin 6593 08 88 6620 (NOTE: There is a manufactured home on this parcel and on adjacent PIN 6593 08 88 6653)</p>	<p>3. NEWPORT DALE NEWPORT KENT 44558 NC HWY 8 NEW LONDON NC 28127 Pin 6593 08 88 6653 (NOTE: There is a manufactured home on this parcel and on adjacent parcel PIN 6593 08 88 6620)</p>
<p>4. LITTLE MARTIN J PO BOX 302 MT GILEAD NC 27306 PIN 6593 08 88 7606 (NOTE: single-family house is built over property line shared with PIN 6593 08 88 7750)</p>	<p>5. LITTLE MARTIN J PO BOX 302 MT GILEAD NC 27306 PIN 6593 08 88 7750 (NOTE: single-family house is built over property line shared with PIN 6593 08 88 7606)</p>	<p>6. GREEN DAMIKA D 105 WEST SECOND AVE MT GILEAD NC 27306 PIN 6593 08 88 7795 (NOTE: what appears to be a manufactured home is built over property line shared with PIN 6593 08 88 8739)</p>
<p>7. GREEN DAMIKA D 105 WEST SECOND AVE MT GILEAD NC 27306 PIN 6593 08 88 8739 (NOTE: what appears to be a manufactured home is built over property line shared with PIN 6593 08 88 7795)</p>	<p>8. DUMAS CARLOS DUMAS PAMELA 164 WASHINGTON PARK RD MT GILEAD NC 27306 PIN 6593 08 88 8863 (NOTE: what appears to be a manufactured home is built over property line shared with PIN 6593 08 88 9808)</p>	<p>9. DUMAS CARLOS DUMAS PAMELA 164 WASHINGTON PARK RD MT GILEAD NC 27306 PIN 6593 08 88 9808 (NOTE: what appears to be a manufactured home is built over property line shared with PIN 6593 08 88 8863)</p>
<p>10. NEWPORT DALE NEWPORT KENT 44558 NC HWY 8 NEW LONDON NC 28127 PIN 6593 08 99 9921</p>	<p>11. HILL GILBERT 4702 BURNEY MILL RD TROY NC 27371 PIN 6593 08 99 9905 PIN 6593 08 99 9999</p>	<p>12. ESPINOZA SILVIA VANESSA SOSA 266 LACOMA LN CONCORD NC 20828 PIN 6593 08 99 0067</p>

<p>13. NEWPORT DALE NEWPORT KENT 44558 NC HWY 8 NEW LONDON NC 28127</p> <p>NOTE: property owner owns several adjacent parcels noted herein:</p> <p>PIN(s) 6593 08 99 0102</p> <p>PIN 6593 08 99 0145</p> <p>PIN 6593 08 99 1115</p> <p>PIN 6593 08 99 1240</p> <p>PIN 6593 08 99 1274</p> <p>PIN 6593 08 99 2218</p> <p>PIN 6593 08 99 2341</p> <p>PIN 6593 08 99 2375</p> <p>PIN 6593 08 99 3409</p> <p>PIN 6593 08 99 3433</p> <p>PIN 6593 08 99 3485</p> <p>PIN 6593 08 99 4435</p> <p>PIN 6593 08 99 4484</p> <p>PIN 6593 08 99 5444</p> <p>PIN 6593 08 99 5484</p> <p>PIN 6593 08 99 6444.</p>	<p>14. YOUNG BOBBY L YOUNG VENDELLA PO BOX 1032 MT GILEAD NC 27306</p> <p>PIN 6593 08 99 7590</p> <p>PIN 6593 08 99 8580</p> <p>PIN 6593 08 99 8482</p> <p>PIN 7503 05 09 9641.</p>	<p>15. GOULD SHARRION ANN PO BOX 1231 MT GILEAD NC 27306</p> <p>PIN 7503 05 09 0403</p> <p>PIN 7503 05 09 0453</p>
<p>16. RICHARDSON VERA C RICHARDSON ERIC J PO BOX 823 MT GILEAD NC 27306</p> <p>PIN 7503 05 09 1432</p> <p>PIN 7503 05 09 2402</p> <p>(NOTE: there appears to be an accessory structure on PIN 7503 05 09 2402)</p>	<p>17. FERGUSON ALTHEA T 4356 CREEKDALE DR GREENSBORO NC 27406</p> <p>PIN 7503 05 09 3402</p>	<p>18. ALSTON JAMES B JR PO BOX 1135 MT GILEAD NC 27306</p> <p>PIN 7503 05 09 4432</p>

<p>19. LEAKE VERONICA L LEAKE JIMMY R 310 WASHINGTON PARK RD MT GILEAD NC 27306 PIN 7503 05 09 5401 PIN 7503 05 09 5471</p>	<p>20. MARSHALL BRIAN 121 OAK WAY ARCHDALE NC 27263 PIN 7503 05 09 6450 PIN 7503 05 09 7420</p>	<p>21. DUMAS MARVA SAMATHA PO BOX 413 MT GILEAD NC 27306 PIN 7503 05 09 8411</p>
<p>22. HINSON BILLY RAY AND OTHERS C/O BILLY RAY HINSON 5631 WATERCREST DR GREENSBORO NC 27407 PIN 7503 05 09 8480</p>	<p>23. HINSON BRENDA M 16639 COMMONS CREEK DR CHARLOTTE NC 28277 PIN 7503 05 19 9389 PIN 7503 05 19 0494</p>	

Highland Community Center (PIN 7503 05 19 6466) becomes the break on Washington Park Road to head back west along the roadway for the rezoning.

<p>24. HINSON LELA M 325 WASHINGTON PARK RD MT GILEAD NC 27306 PIN 7503 05 19 0624 PIN 7503 05 09 8685</p>	<p>25. WHATLEY VICKIE L HINSON PO BOX 159 PLEASANT GARDEN NC 27313 PIN 7503 05 09 7674</p>	<p>26. HINSON LINWOOD HINSON KARYN 1109 BYRON LANE ARCHDALE NC 27263 PIN 7503 05 09 7604</p>
<p>27. HINSON PHIL 5155 TOUCAN LN KERNERSVILLE NC 27284 PIN 7503 05 09 6654</p>	<p>28. FREEMAN KIMBERLY 295 WASHINGTON PARK RD MT GILEAD NC 27306 PIN 7503 05 09 5685</p>	<p>29. FREEMAN KIMBERLY J 9445 S VICKSBURG PARK CT CHARLOTTE NC 28210 PIN 7503 05 09 5604</p>
<p>30. NEWPORT DALE NEWPORT KENT 44558 NC HWY 8 NEW LONDON NC 28127 PIN 7503 05 09 4656</p>	<p>31. DAVIS JENNIFER E 289 WASHINGTON PPARK RD MT GILEAD NC 27306 PIN 7503 05 09 3676</p>	<p>32. BALDWIN JUANITA BALDWIN ELLIS PO BOX 484 MT GILEAD NC 27306 PIN 7503 05 09 3605 PIN 7503 05 09 2675 (NOTE: what appears to be a manufactured home is built over property line shared with PIN 7503 05 09 3605)</p>

<p>33. A'MORE-BEY SOVEREIGN HEIRS IRREVOCABLE TRUST PO BOX 852 MT GILEAD NC 27306 PIN 7503 05 09 2626</p>	<p>34. HORNE ANTONIO T 301 LUMYER RD ROCKINGHAM NC 28379 PIN 7503 05 09 1626 (NOTE: house is partially located on this parcel and on adjacent Baldwin parcel)</p>	<p>35. BALDWIN LATOYA ANGEL LOCKLEAR RACHEL 200 HENRY ST NEW HAVEN CT 06511 PIN 7503 05 09 0696 (NOTE: there is a house straddling the property line with the Horne parcel) PIN 7503 05 09 0627 (NOTE: house from this lot is also straddling property line with PIN 7503 05 09 0696)</p>
<p>36. LOCKLEAR CHRISTINE PO BOX 387 MT GILEAD NC 27306 PIN 7503 05 09 0752 PIN 6593 08 99 9793</p>	<p>37. BALDWIN LATOYA ANGEL LOCKLEAR RACHEL 200 HENRY ST NEW HAVEN CT 06511 PIN 6593 08 99 8665</p>	<p>38. LOCKLEAR CHRISTINE PO BOX 387 MT GILEAD NC 27306 PIN 6593 08 99 8615</p>
<p>39. BOGANS CHRISTOPHER W BOGANS DAWN 233 WASHINGTON PARK RD MT GILEAD NC 27306 PIN 6593 08 99 7655 PIN 6593 08 99 7615 PIN 6593 08 99 6635 PIN 6593 08 99 5666 PIN 6593 08 99 5606</p>	<p>40. BOGANS CHRISTOPHER WENDELL PO BOX 594 MT GILEAD NC 27306 PIN 6593 08 99 4656 PIN 6593 08 99 3686</p>	<p>41. TANNER ALBERT PO BOX 267 EAGLE SPRINGS NC 27242 PIN 6593 08 99 2687</p>
<p>42. LEMONDS TODD S LEMONDS CHERYL E PO BOX 682 TROY NC 27371 PIN 6593 08 99 1671</p>	<p>43. TOWN OF MOUNT GILEAD PO BOX 325 MT GILEAD NC 27306 PIN 6593 08 99 1459</p>	<p>44. LEMONDS TODD S LEMONDS CHERYL E PO BOX 682 TROY NC 27371 PIN 6593 08 99 0593</p>

<p>45. NEWPORT DALE NEWPORT KENT 44558 NC HWY 8 NEW LONDON NC 28127</p> <p>PIN 6593 08 99 0570 PIN 6593 08 99 0456 PIN 6593 08 99 0412</p> <p>46.</p>	<p>47. BOBO RICKY BOBO AGNES S PO BOX 883 MT GILEAD NC 27306</p> <p>PIN 6593 08 99 9388</p>	<p>48. NEWPORT DALE NEWPORT KENT 44558 NC HWY 8 NEW LONDON NC 28127</p> <p>PIN 6593 08 99 9354 PIN 6593 08 89 9320 PIN 6593 08 89 8296 PIN 6593 08 89 9262 PIN 6593 08 89 8138 PIN 6593 08 89 8104</p>
<p>49. MCGUINE JOHN FRANK HEIRS C/O DEZI LITTLE 593 DANNYN GEOVE CT CHARLOTTE NC 28214</p> <p>PIN 6593 08 89 7059</p>	<p>50. LEMONDS TRACEY A 450 VESTAL RD TROY NC 27306</p> <p>PIN 6593 08 89 6989</p>	<p>51. LITTLE CARRIE J PO BOX 852 MT GILEAD NC 27306</p> <p>PIN 6593 08 88 6900 PIN 6593 08 88 5856</p> <p>(NOTE: A residence straddles the property)</p>
<p>52. NEWPORT DALE NEWPORT KENT 44558 NC HWY 8 NEW LONDON NC 28127</p> <p>PIN 6593 08 88 5833 PIN 6593 08 88 4880 PIN 6593 08 88 4738</p>		

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	X/C	X/C	X/C	-	-	-	-	X/C	-	-	-	9.14
Boarding or Rooming House for 4-to 6 boarders	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 <u>And/or Live/work Units</u> ¹	S	S	S	S	S	-	-X/C ²	-	-	-	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	

¹ Staff chose the condominium land use category as the most suitable alternative to allow housing within the Central Business (CB) district given existing regulations associated with establishing the use. There are requirements for covenants and deed restrictions on the land use staff believes are appropriate given the mixed use nature of the area where the use will be located, giving staff greater opportunity to work with developers to address development concerns and potential liability issues.

² Staff is recommending this use be allowed subject to the approval of a site plan by staff subject to compliance with development conditions contained in Section 9.71 of the Ordinance.

the park.

- (3) Visibility. Such establishments shall present no visible evidence from any street outside the park of a commercial nature which would attract customers other than occupants of the park.
- (4) Access. Such establishments shall not be directly accessible from any public street, but shall be accessible only from a street within the park.
- (5) Manufactured Homes. No manufactured home may be parked or stored in a recreational vehicle park, except that one Class A manufactured home may be located within the park for the exclusive use as the principal dwelling unit for the park manager or operator. The park manager or operator's dwelling shall be removed from the property upon cessation of the Recreational Vehicle Park or Campground operation.

9.70 Recycling Drop-Off Site.

- (A) A 50-foot side and rear yard buffer shall be required for any site which abuts a residential or mixed use district.
- (B) No outdoor storage of goods to be recycled shall be permitted. All such materials shall be enclosed within bins, buildings, or storage containers.
- (C) Recycling Drop-Off sites shall only be allowed in service alleys in the CB – Central Business and GB – General Business zoning districts.

9.71 Residential Building, Condominium.

- (A) Types of Permitted Condominium Units.

The following types of condominium units shall be permitted under this Article, subject to conformance with the development district standards of this Ordinance:

- (1) Single-family detached units. Condominium projects in any residential district shall comply with all setback, height, coverage, and area restrictions in the same manner as those standards would be applied to platted lots in a subdivision. In the case of a site condominium project, not more than one (1) single-family dwelling unit and permitted accessory structure shall be proposed or constructed on a condominium lot. No dwelling unit in a site condominium may be located on a condominium lot with any other approved principal use. The condominium unit shall be considered a lot under this Ordinance.
- (2) Attached residential or multiple-family residential units. Condominium buildings and units created by the construction of multiple or attached residential units containing individually owned condominium units, or by conversion of existing multi-family or attached units or an existing building into residential condominium units shall conform to all requirements of this Ordinance and the applicable zoning district.
- (3) Live/Work units within the Central Business (CB) District.

- a. Individual dwelling/condominium units shall be permitted on upper levels of commercial structures within the CB general use zoning district subject to the standards of this section of the Ordinance.³
- b. Ground floor residential units shall be reserved for the owner/operator of commercial land uses operating from the structure and be limited to 35% of the gross floor area of the first floor of the building.⁴
- c. Use limited solely to property zoned CB;⁵
- d. Uses shall only be permitted on upper floors of a structure. Under no circumstances may a residential land use be located on the ground floor (i.e. street level) of the structure;⁶
- e. Access to live/work units shall be limited to single-family residential units and separate/independent from non-residential activities located within the structure;⁷
- ~~(2)f.~~ Structures housing live/work units shall be brought into compliance with applicable State building code to allow for multiple mixed-use occupancy of the structure.⁸

(B) Density. The density of the condominium project shall be determined by the density limits of the zoning district listed in Article 4, Table 4.4.

~~(B)(1)~~ Within the CB general use zoning district, the number of Live/Work units shall be determined by the density limits of the zoning district lined in Article 4, Table 4.4 as well as applicable State building code standards.⁹

- (C) Review Requirements. A condominium project shall be subject to the site plan requirements listed in Section 10.3 - Permits and the following additional information:
- (1) Ownership interest. Declaration of all persons with an ownership interest in the land on which the condominium project will be located, including a description of the nature of each entity's interest (e.g. fee owner, option holder, lessee or land contract vendee).
 - (2) Developer. Identification of the developer, if different from the owner.

³ The term live/work seems consistent with the overall purpose and intent of the Town with this amendment. Attempting to preserve residential land uses in the downtown area and promoting additional housing options for business owners.

⁴ This will allow the owner to 'live where they work'.

⁵ The use will be limited to the CB district.

⁶ Staff is recommending the activity only be permitted on second, third stories of a building. The first floor should be preserved for commercial activities.

⁷ This standard is to ensure residents do not have to go through the non-residential land use area to access their living space.

⁸ State building code will require modification(s) to structure to accommodate living spaces over non-residential land uses. This might include fire wall separation or even sprinkler protection. Whatever is required, it will be subject to the determination of the Montgomery County Inspections department.

⁹ Staff added language referencing existing Town density standards as well as potential State building code limits on the total number of residential units that can be placed within a non-residential structure. The overall design of the building, and compliance with the Building Code, may be the ultimate limiting factor in this process.

- (3) Proposed use. The proposed use(s) of the condominium project.
- (4) Density. The total acreage of the condominium site, acreage set aside for road rights-of-way or easement, number of condominium units to be developed on the subject parcel and density computation on a unit per acre basis.
- (5) Circulation. The vehicular and pedestrian circulation system planned for the proposed development, including the designation of roads for dedication to the public.
- ~~(6)~~ Road layout. The location of existing roads adjacent to the development, with details for the location and design of interior roads and access drives, and proposed connections to abutting roads.
 - ~~(6)a.~~ For Live/Work units within the CB general use zoning district, the site plan needs to denote vehicular ingress/egress for residents.¹⁰
- (7) Unit lot orientation. The proposed layout of structures, unit lots, parking areas, open space and recreation areas. Parking for live/work units shall be provided in accordance with single-family residential land uses in accordance with Section 6.4 (F) of the Ordinance.¹¹
- (8) Drainage. Site drainage showing topography and flow directions, including computations of flows into storm sewers or retention or detention areas;
- (9) Natural features. Specific locations and dimensions of wetland areas, wetland buffers, floodplain, and significant natural features such as tree stands, unusual slopes, streams and water drainage areas. The gross land area of all wetland areas and proposed open space dedications shall be provided if applicable.
- (10) Condominium Restrictions. All deed restrictions, restrictive covenants or other proposed regulations for the layout, use and maintenance of public or common areas and structures shall be incorporated into the site plan as detail sheets and notes.
- (11) Documents. The master deed, condominium bylaws, restrictive covenants, and related condominium documents shall be provided for Town Attorney review.
- (12) Additional Information. The following additional information shall be submitted for review:
 - (a) Cross sections of roads, driveways, shared driveways, sidewalks, and other paved areas.
 - (b) Details of any proposed sanitary, storm, and water system improvements.
 - (c) All necessary easement documents showing the dedication of land areas for the purposes of constructing, operating, inspecting, maintaining,

¹⁰ The Town needs to be able to verify that residents will have independent vehicular access to the parcel and to their residences without having to rely on on-street parking for support.

¹¹ AS with all residential projects, the Ordinance requires a minimum number of parking spaces for residential land uses. This language merely references the applicable standard in the Ordinance.

repairing, altering, replacing or removing pipelines, mains, conduits and other installations of a similar character; providing public utilities, including conveyance of sewage, water and storm water run-off across, through and under the property subject to said easement; and excavating and refilling ditches and trenches necessary for the location of said structures.

9.72 Residential Building, Duplex.

Duplexes are permitted on corner or through lots in districts designated in Article 4, Table 4.5 according to the following standards:

- (A) The entrances to each unit may face different streets.
- (B) If a duplex building fronts on two (2) streets, the building shall meet the minimum front yard setback from both streets upon which a unit faces.
- (C) The lot shall have at least one and one-half (1-1/2) times the minimum lot area for the district in which it is located.

9.73 Residential Building, Multi-Family.

- (A) Density. See Dimensional Requirements listed Table 4.4 for maximum density permitted in zoning district.
- (B) Lot Width. The minimum lot width for all multi-family developments shall be 100 feet.
- (C) Building Setback Lines. All principal buildings shall be located at least 35 feet from any property lines.
- (D) Building Location. Buildings containing dwellings shall be set back a minimum of 15 feet from internal driveways and parking areas.
- (E) Building Separation. A separation of at least 20 feet shall be provided between all buildings on the same site.
- (F) Building Height. The maximum height for all structures in a multi-family development shall be 35 feet.
- (G) Screening and Buffers. A visual screen and/or vegetative buffer composed primarily of evergreen trees shall be provided around the perimeter of the development to effectively screen the development from view of adjoining properties.
- (H) Control of Potential Nuisance Uses. Mechanical equipment rooms, air conditioning units or cooling towers, swimming pools, water filtration systems, children's play areas and sporting facilities shall not be placed within 50 feet of adjacent land used or anticipated to be used for single-family residential.
- (I) Internal Relationships. All structures, uses, and facilities shall be grouped in a safe, efficient, convenient and harmonious relationship in order to preserve desirable natural features and minimize disturbances to the natural topography of the site.
- (J) Interior Circulation System. Streets, drives, parking areas shall provide safe and convenient access to dwelling units. Specifically, streets and driveways shall be laid out to not