

**TOWN OF MAGGIE VALLEY
ORDINANCE 1067**

WHEREAS, The Board of Aldermen submit the Comprehensive Land Use Plan states we should "...take into consideration the existing land use patterns of the Town, the location of utilities, and the goals and objectives of the community." and "Promote design which preserves and enhances the natural environment, aesthetic integrity, and unique character in Town."

WHEREAS, The Board of Aldermen desire to implement the Comprehensive Land Use Plan

NOW THEREFORE, be it ordained by the Board of Aldermen of the Town of Maggie Valley, in the State of North Carolina, as follows:

SECTION 1:**AMENDMENT** "156.14 UTILITIES, EASEMENTS, AND OTHER STANDARDS" of the Town of Maggie Valley Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

156.14 UTILITIES, EASEMENTS, AND OTHER STANDARDS

A. Easements

1. An easement not less than 20 feet wide, extending 10 feet on each side of the common rear lot line, side yard lot line(s) or in other locations, such as front yard lines, where necessary, shall be provided to accommodate for existing or future: Service poles, Underground electric and communication lines, Public utilities, Conduits, Drainage facilities, and Water and Sewer lines.
2. No building, or other permanent construction, shall be erected in any easement required under this Chapter. Where the property to be subdivided is traversed by a stream, there shall be provided a storm water easement and natural vegetation buffer extending 25 feet from the top of the stream bank.

B. Public Water and Public Sewer Systems

1. All new subdivisions that wish to connect to the Town of Maggie Valley Sanitary Sewer System and/or wish to connect to the Maggie Valley Sanitary District (water) shall, as part of the Preliminary Plat approval process, submit a letter stating that that the proposed subdivision has access to each utilities service and that each utility has adequate capacity to meet the demands of the proposed subdivision.
2. In order to receive Construction Plat approval the developer must receive the necessary state approval permits for each utility. These permits must be part of the Construction Plat application packet.

3. Installation of water and sewer utilities must be certified and approved prior to Final Plat approval. However, Final Plat approval, prior to certified utility installation may occur if the developer wishes to financially guarantee the installation of the systems. Submittal of the Final Plat shall be accompanied by written approval of plans for the systems from appropriate state and/or local agencies.
- C. *Public Sewer Construction.* A public utility contractor licensed in the State of North Carolina shall perform all construction. Prior to construction, there will be a pre-construction conference that includes the design engineer, the contractor, and the Town of Maggie Valley Public Works Director. No construction shall take place until all federal, state, local permits have been obtained. All construction activities must strictly adhere to the Town of Maggie Valley Sewer Use and Extension Policy.
- D. *Private Water Systems.* Due to topographic and geographic constraints some areas within the Town's Planning Jurisdiction may not have access to public water. Areas that do have access to public water are required to connect. Lands outside of the public water service area that are deemed non-feasible for connection by the Maggie Valley Sanitary District Manager, may install a private or community water system. However, subdivisions without public water must receive Town Board of Aldermen approval before connecting to the Town's sanitary sewer system.
- E. *Private Sewer Systems.*
1. For properties located in the extraterritorial jurisdiction (ETJ) the developer must submit a letter from the Haywood County Health Department stating they have an approved septic system for each proposed lot prior to receiving Final Plat approval.
 2. Private sewage treatment plants (i.e. package plants) will not be considered.
- F. *Storm Water Drainage.* Plans shall be contained within the Construction Plat application package and shall be prepared by a Licensed Landscape Architect, Professional Engineer or Registered Land Surveyor and be accompanied by evidence satisfactory to the Planning Board as to the proposed method of providing for storm water drainage. It shall be the responsibility of the sub-divider to provide a drainage system which meets the following objectives:
1. Provides for adequate drainage from all roads, parking lots, and other developed areas;
 2. Provides a suitable building area on each lot intended for building development which is safe from inundation, erosion, or subsidence;
 3. Prevents both the unnecessary impoundment of natural drainage ways and the creation of areas of standing water;
 4. Insures that existing drainage ways serving adjacent properties are maintained; or if necessary, rerouted but still function;
 5. Prevents inundation of surface water into sanitary sewer systems; and
 6. Protects existing roads, driveways, utilities and other types of development from damages caused by improper drainage control. The design of said system shall be subject to approval of the Town of Maggie Valley Public Works Director and the installation of said system shall be required prior to Final Plat approval pursuant to Section 156.11 of this Chapter.

7. Easements for all drainage ways shall be provided as required by Section 156.14(A).

- G. *Sedimentation Control.* In order to prevent soil erosion and sedimentation pollution of streams, springs, flat water bodies, and other drainage networks, the sub-divider shall show proof of an erosion and sediment control plan in conformity with the Rules and Regulations for Erosion and Sediment Control as adopted by the North Carolina Sedimentation Control Commission, April, 1974, and as amended.
- H. *Surveying and Placement of Monuments.* "The Manual of Practice for Land Surveying", as adopted by the N.C. Board of Registration for Professional Engineers and Land Surveyors, under provisions of Chapter 89 of the North Carolina Statutes, shall apply when conducting surveys.

AFTER AMENDMENT

156.14 UTILITIES, EASEMENTS, AND OTHER STANDARDS

A. *Easements*

1. An easement not less than 20 feet wide, extending 10 feet on each side of the common rear lot line, side yard lot line(s) or in other locations, such as front yard lines, where necessary, shall be provided to accommodate for existing or future: Service poles, Underground electric and communication lines, Public utilities, Conduits, Drainage facilities, and Water and Sewer lines.
2. No building, or other permanent construction, shall be erected in any easement required under this Chapter. Where the property to be subdivided is traversed by a stream, there shall be provided a storm water easement and natural vegetation buffer extending 25 feet from the top of the stream bank.

B. *Public Water and Public Sewer Systems*

1. All new subdivisions that wish to connect to the Town of Maggie Valley Sanitary Sewer System and/or wish to connect to the Maggie Valley Sanitary District (water) shall, as part of the Preliminary Plat approval process, submit a letter stating that that the proposed subdivision has access to each utilities service and that each utility has adequate capacity to meet the demands of the proposed subdivision.
2. In order to receive Construction Plat approval the developer must receive the necessary state approval permits for each utility. These permits must be part of the Construction Plat application packet.
3. Installation of water and sewer utilities must be certified and approved prior to Final Plat approval. However, Final Plat approval, prior to certified utility installation may occur if the developer wishes to financially guarantee the installation of the systems. Submittal of the Final Plat shall be accompanied by written approval of plans for the systems from appropriate state and/or local agencies.

- C. *Public Sewer Construction.* A public utility contractor licensed in the State of North Carolina shall perform all construction. Prior to construction, there will be a pre-construction conference that includes the design engineer, the contractor, and the Town

of Maggie Valley Public Works Director. No construction shall take place until all federal, state, local permits have been obtained. All construction activities must strictly adhere to the Town of Maggie Valley Sewer Use and Extension Policy.

D. *Private Water Systems.* Due to topographic and geographic constraints some areas within the Town's Planning Jurisdiction may not have access to public water. Areas that do have access to public water are required to connect. Lands outside of the public water service area that are deemed non-feasible for connection by the Maggie Valley Sanitary District Manager, may install a private or community water system. However, subdivisions without public water must receive Town Board of Aldermen approval before connecting to the Town's sanitary sewer system.

E. *Private Sewer Systems.*

1. For properties located in the extraterritorial jurisdiction (ETJ) the developer must submit a letter from the Haywood County Health Department stating they have an approved septic system for each proposed lot prior to receiving Final Plat approval.

2. Private sewage treatment plants (i.e. package plants) will not be considered.

F. *Storm Water Drainage.* Plans shall be contained within the Construction Plat application package and shall be prepared by a Licensed Landscape Architect, Professional Engineer or Registered Land Surveyor and be accompanied by evidence satisfactory to the Planning Board as to the proposed method of providing for storm water drainage. It shall be the responsibility of the sub-divider to provide a drainage system which meets the following objectives:

1. Provides for adequate drainage from all roads, parking lots, and other developed areas;
2. Provides a suitable building area on each lot intended for building development which is safe from inundation, erosion, or subsidence;
3. Prevents both the unnecessary impoundment of natural drainage ways and the creation of areas of standing water;
4. Insures that existing drainage ways serving adjacent properties are maintained; or if necessary, rerouted but still function;
5. Prevents inundation of surface water into sanitary sewer systems; and
6. Protects existing roads, driveways, utilities and other types of development from damages caused by improper drainage control. The design of said system shall be subject to approval of the Town of Maggie Valley Public Works Director and the installation of said system shall be required prior to Final Plat approval pursuant to Section 156.11 of this Chapter.
7. Easements for all drainage ways shall be provided as required by Section 156.14(A).

G. *Sedimentation Control.* In order to prevent soil erosion and sedimentation pollution of streams, springs, flat water bodies, and other drainage networks, the sub-divider shall show proof of an erosion and sediment control plan in conformity with the Rules and Regulations for Erosion and Sediment Control as adopted by the North Carolina Sedimentation Control Commission, April, 1974, and as amended.

H. *Surveying and Placement of Monuments.* "The Manual of Practice for Land Surveying", as adopted by the N.C. Board of Registration for Professional Engineers

and Land Surveyors, under provisions of Chapter 89 of the North Carolina Statutes, shall apply when conducting surveys.

I. Required Underground Utility Lines.

1. Any new lines as required as part of a subdivision, as defined per section 156.06, shall be buried and in compliance with any applicable North Carolina Building Codes in all zoning districts except as exempted in North Carolina General Statute 160D-804 (h).

SECTION 2:**AMENDMENT** “160.02 DEFINITIONS” of the Town of Maggie Valley Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

160.02 DEFINITIONS

For the purpose of this Ordinance, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ACCESSORY USE. A use customarily incidental and subordinate to the principal use or building located on the same lot with the principal use or building.

BILLBOARD. See Sign, Outdoor Advertising.

BOARDING HOUSE. Buildings where, for compensation, lodging and/or meals are provided for not more than 14 persons and not less than 4 persons.

BONA FIDE FARM. All land on which agricultural operations are conducted as the principal use, to include the cultivation of crops and the husbandry of livestock.

BUFFER. A densely planted strip of bushes, evergreens, existing buildings, or fencing made of natural materials that acts as a visual barrier between properties. Buffer strips shall be maintained as not to encroach on rights-of-way.

BUILDING. A structure which is completely enclosed by a roof and by solid exterior walls along whose outside faces can be traced an unbroken line for the complete circumference of the structure, which is permanently affixed to a lot or lots, and used or intended for the shelter, support or enclosure of persons, animals, or property of any kind. The connection of 2 buildings by means of an open porch, breezeway, carport, passageway, or other open structure, with or without a roof, shall not be deemed to make them 1 building.

BUILDING, ACCESSORY. A detached building subordinate to the main building on a lot and used for purposes customarily incidental to the main or principal building and located on the same lot therewith.

BUILDING, HEIGHT. The vertical distance from the average of the finished ground level to the highest finished roof surface of a flat roof, or to a point at the average height of the highest roof of a roof having a pitch.

BUILDING INSPECTOR. The Town of Maggie Valley Building Inspector.

BUILDING, PRINCIPAL. A building in which is conducted the principal use of the lot on which the building is located.

BUILDING SETBACK LINE. A line delineating the minimum distance between the property line and a building on a lot, within which no building or other structure shall be placed except as otherwise provided.

CAMPGROUNDS. Commercial facilities which provide temporary sites and hookups (electricity, water and sewer) for recreational vehicles and tent sites. These sites are not intended as manufactured home sites or as permanent locations for dwelling units.

CAMPING CABINS. A structure that is completely enclosed by a roof and by solid exterior walls and that is less than 12 feet in width and less than 12 feet in depth (not including open porches), which is permanently affixed to a lot or lots, and which meets all state and local building codes, and is intended for use as temporary sleeping quarters for human beings.

CAMPING CABINS shall not have plumbing, kitchen, or cooking facility and are limited to campgrounds.

CHILD CARE FACILITIES. Child-care arrangement or facility licensed by the state as a day-care center.

CIVIC RECREATION. Public or private parks, playgrounds, community centers, libraries, tennis courts, golf courses, swimming pools, and similar recreation uses.

CONSTRUCTION OFFICE, TEMPORARY. A structure, housing the field office operations for the construction of a building or group of buildings being built simultaneously and highway construction. The ***TEMPORARY CONSTRUCTION OFFICE*** shall be located on the actual construction site and must be removed immediately upon completion of construction.

CUSTOMARY HOME OCCUPATION. Any use conducted entirely within a dwelling and carried on by the occupants thereof, which use is clearly incidental and secondary to the use of the dwelling for residential purposes and does not change the character thereof, and in connection with which there is no display, and no person, not a resident on the premises, is employed specifically in connection with the activity, except that not more than 1 assistant may be employed. Provided further that no mechanical equipment is installed or used except such as is normally used for domestic or professional purposes, and that not over 25% of the total floor space of any structure is used for home occupations.

DWELLING, ACCESSORY. A smaller secondary dwelling unit either detached or attached to the primary dwelling located on the same parcel of property as the principal structure such as a garage apartment or cottage.

DWELLING, MULTI-FAMILY. A building or portion thereof used or designed as a residence for 3 or more families living independently of each other and doing their cooking therein, including apartments, apartment hotels, and group houses.

DWELLING, SINGLE-FAMILY. A building arranged or designed to be occupied by 1 family.

DWELLING, TWO-FAMILY. A building arranged or designed to be occupied by 2 families living independently of each other.

DWELLING UNIT. A building, or portion thereof, providing complete and permanent living facilities for 1 family.

EXPANSION. The act of expanding; this is to be considered adding sites. ***EXPANSION*** refers to sites only, not improvements, or amenities.

FAMILY. Two or more persons sharing residency whose income and resources are available to meet the family's needs and who are related by blood, marriage, or the operation of law, or who give evidence of a stable relationship which has existed over time.

FLEA MARKET. A building in which booths or sales areas are provided for entry by various unrelated individuals to sell a variety of merchandise.

FLOOD. An overflow of lands not normally covered by water that results in significant effects in the vicinity. For the purpose of this chapter, land subject to flood shall be considered to be land which is at an elevation lower than the elevation of the Regional Flood as determined by the plate, "High Water Profiles, Jonathan's Creek, Vicinity of Maggie Valley, North Carolina" (Tennessee Valley Authority, June 1964).

FLOODWAY. The channel of the stream and that portion of the adjoining floodplain designated by the Town Board to reasonably provide for the passage of flood flows.

FLOODWAY FRINGE AREAS. Areas lying outside the Floodway District but within the area which would be flooded by the Regional Flood.

FLOOD, REGIONAL. A hypothetical flood used in TVA flood studies comparable to the largest floods known to have occurred in the region, depicted on the plate, "High Water Profiles, Jonathan's Creek, Vicinity of Maggie Valley, North Carolina" (Tennessee Valley Authority, June 1964).

GROSS FLOOR AREA. The total floor area of all buildings in a project including basements, mezzanines, and upper floors, exclusive of stairways and elevator shafts. It excludes separate service facilities outside the main building such as boiler rooms and maintenance shops.

HEALTH CLINICS. Hospitals, sanitariums, rest and convalescent homes, homes for the aged, and similar institutions, and dental offices and clinics not used primarily for the treatment of contagious diseases, alcoholism or drug addicts.

INDIVIDUAL SEWER SYSTEM. Any septic tank or other facility serving a single source with a design capacity of 3,000 gallons or less per day.

INDIVIDUAL WATER SYSTEM. Any well, spring, stream, or other source used to supply a single connection.

KAMPING KABIN. See **CAMPING CABINS.**

LOT. A parcel of land occupied or capable of being occupied by a building or group of buildings devoted to a common use, together with the customary accessories and open spaces belonging to the same.

LOT DEPTH. The mean horizontal distance between front and rear lot lines.

LOT OF RECORD. A lot which is a part of a subdivision, a plat of which has been recorded in the office of the Register of Deeds or Haywood County, or a lot described by metes and bounds, the description of which has been so recorded.

LOT WIDTH. The distance between side lot lines measured at the building line.

MANUFACTURED HOME. A factory-assembled portable housing unit, or a portion thereof, built on a chassis and intended for use as a dwelling unit, and not constructed in accordance with the standards of the North Carolina Uniform Residential Building Code for 1- and 2-family dwellings. A manufactured home is designed to be transported on its own chassis and has a measurement of 40 feet or more in length and 8 feet or more in width. A manufactured home shall be construed to remain a manufactured home whether or not wheels, axles, hitch, or other appurtenances of mobility are removed, and regardless of the nature of the foundation provided. All vehicles that are designated manufactured homes by the Uniform Standards Code for Manufactured Homes Act shall be considered manufactured homes. A manufactured home shall not be construed to be a travel trailer or other form of recreational vehicle.

MANUFACTURED HOME, CLASS A. A manufactured home constructed after 7-1-1976 that meets or exceeds the construction standards promulgated by the U.S. Department of Housing and Urban Development that were in effect at the time of construction and that satisfies the following additional criteria. It is the intent of these criteria to insure that a Class A manufactured home, when installed, shall have substantially the appearance of an on-site, conventionally built, single-family dwelling:

- A. The manufactured home has a length not exceeding four times its width, with length measured along the longest axis and width measured at the narrowest part of the other axis and includes at least 960 square feet of enclosed living area;
- B. The pitch of the roof of the manufactured home has a minimum vertical rise of 2.2 feet for each 12 feet of horizontal run and the roof is finished with a type of shingle that is commonly used in standard residential construction;
- C. All roof structures shall provide an eave projection of no less than 6 inches, which may include a gutter;
- D. The exterior siding consists predominantly of vinyl or aluminum horizontal lap siding (whose reflectivity does not exceed that of gloss white paint), wood, or hardboard, comparable in composition, appearance and durability to the exterior siding commonly used in standard residential construction;
- E. The manufactured home is set up in accordance with the standards set by the North Carolina Department of Insurance and a continuous, permanent, approved skirting material foundation or masonry curtain wall, unpierced except for required ventilation and access, is installed under the perimeter of the manufactured home;
- F. Stairs, porches, entrance platforms, ramps and other means of entrance and exit to and from the home shall be installed or constructed in accordance with the standards set by the North Carolina Department of Insurance, self-supporting and anchored securely to the ground; with a minimum of 6 feet by 6 feet landing; and
- G. The moving hitch, wheels, and axles, and transporting lights have been removed.

MANUFACTURED HOME, CLASS B. A manufactured home constructed after 7-1-1976 that meets or exceeds the construction standards promulgated by the U.S. Department of Housing and Urban Development that were in effect at the time of construction, and that meet or exceed divisions (e), (f), and (g) for Class A homes above.

MANUFACTURED HOME, CLASS C. Any manufactured home that does not meet the definitional criteria of a Class A or Class B manufactured home.

MANUFACTURED HOME PARKS. Any premises where 3 or more manufactured homes are parked for living and sleeping purposes, or any premises used or set apart for the purpose of supplying to the public parking space for manufactured homes for living and sleeping purposes, and which include any buildings, structures, vehicles, or enclosures used or intended for use as part of such a manufactured home park.

MANUFACTURED HOME SITE. A plot of ground within a manufactured home park designated for the accommodation and use of one manufactured home and containing all improvements and utility connections required under this chapter and other applicable town codes.

MODULAR DWELLING. A form of manufactured housing that meets the construction standards of the North Carolina Residential Building Codes for 1- and 2-family dwellings regardless of how the unit or its components are transported to the site.

NONCONFORMING USE. A structure or land lawfully occupied by an existing use which does not conform with the permitted uses for the zoning district in which it is situated, either at the effective date of this chapter, or as the result of subsequent amendments to this chapter.

PARK MODEL. A **PARK MODEL** recreational vehicle is basically a very small manufactured (mobile) home. They are typically built in accordance with the construction requirements of the HUD Manufactured Housing Code but because of their limited size (400 square feet or less of living space) they are not required to be labeled by the HUD manufacturing housing program. Since these park model type units are not under the jurisdiction of the HUD program, these units have typically in the past been built, labeled, and sold as recreational vehicles.

PARKING SPACE. An area of not less than 9 feet by 18 feet, plus the necessary access space. Parking spaces shall be provided with vehicular access to a street or alley, shall not be provided in a required front yard area, and shall always be located outside the dedicated street right-of-way.

RECREATIONAL VEHICLE. See **TRAVEL TRAILER.**

RETAIL BUSINESS. Establishments selling commodities in small quantities to the consumer.

RETAIL SERVICES. Establishments providing intangible needs for immediate uses.

SCHOOLS. Public elementary and secondary schools and private schools having curricula approximately the same as ordinarily given in public schools.

SIGN. See Chapter 157.

SPECIAL USE. A use that would not be appropriate generally or without restriction throughout the zoning district, but which, if controlled as to number, area, location, or relation to the neighborhood, would promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity, or general welfare. The uses may be permitted in a zoning district, if specific provision for the special use is made in this chapter.

STREET. A dedicated and accepted public or private right-of-way for vehicular traffic, which affords the principal means of access to abutting properties.

STRUCTURE. Anything constructed or erected, the use of which requires more or less permanent location on the ground or which is attached to something having more or less permanent location on the ground.

TRAVEL TRAILER. Any vehicle used, or so constructed as to permit its being used as conveyance upon the public street or highways duly licensable as such, and constructed in such a manner as will permit occupancy thereof as a dwelling or sleeping place for 1 or more persons, and designed, for short-term occupancy, for frequent and/or extensive travel, and for recreational and vacation use, including camper trucks and self-propelled campers, and the like. All **TRAVEL TRAILERS** must remain in a mobile condition with no permanent or semi-permanent structure attached to the travel trailer or erected on the rented site.

TRAVEL TRAILER/RV PARKS. Any site of land approved by the Zoning Board of Adjustment under Sec. 154.039(C)(2) upon which two or more travel trailers are located and used as temporary living or sleeping quarters. Temporary use is defined as less than 180 days out of a 365 day year.

USE. Any activity, occupation, business, or operation carried on, or intended to be carried on, in a building or structure or on a tract of land.

VARIANCE. A variance is a relaxation of the terms of this chapter where the variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of this chapter would result in unnecessary and undue hardship.

YARD. A space on the same lot with a principal building open, unoccupied, and unobstructed by buildings or structures from ground to sky except where encroachments and accessory buildings are expressly permitted.

YARD, FRONT. A yard across the full width of the lot extending from the front line of the building to the front line of the lot.

YARD, REAR. An open, unoccupied space on the same lot with a principal building, extending the full width of the lot and situated between the rear line of the lot and the rear line of the building projected to the side lines of the lot.

YARD, SIDE. An open, unoccupied space on the same lot with a principal building, situated between the building and the side lot line and extending from the rear line of the front yard to the front line of the rear yard.

Zero Lot Line. A common lot line on which an interior or exterior wall of a structure may be constructed which distinguishes the property line.

SIGN DEFINITIONS:

ATTACHED SIGN. A sign which is itself directly affixed to the principal building on a lot.

BANNER. A sign with a message or advertisement that is applied to a flexible substrate of cloth or vinyl. Banners are held in place by grommets, ropes, and ties and are intended for temporary use only.

COMMEMORATIVE SIGN. Any sign erected in remembrance of a person or event or which is commemorative in nature.

CONSTRUCTION SIGN. A temporary sign of which has a message limited to the identification of architects, engineers, contractors, and other individuals or firms involved with construction on a specific site, the name of the building, the intended purpose of the building, and the expected completion date.

FLASHING SIGN. A sign that incorporates flashing or blinking lights, or a sign with moving parts or parts which simulate movement, including signs or lights on signs reflecting or emitting a glaring light.

FREESTANDING SIGN. A sign supported by a structure placed in the ground and which is wholly independent of any building or object other than the sign structure for support.

GOVERNMENTAL SIGN. Any sign erected by or on the order of an authorized public official in the performance of his or her office or duty, including, but not limited to, traffic control signs, street name signs, warning and directional signs, public notice, and signs of a similar nature.

HUMAN SIGN. Any sign that is being held, worn, displayed, or carried by a human being designed or used to attract attention to a premises or activity.

INCIDENTAL SIGN. A single faced, non-illuminated professional or announcement sign attached wholly to a building, window, or door containing information relative to emergencies, store hours, credit cards honored, and other similar accessory information that is not for advertisement purposes.

LOT. A tract or parcel of land occupied or capable of being occupied by a building or group of buildings devoted to a common use, together with the customary accessories and open space belonging to the same.

NONCOMMERCIAL MESSAGE. Any message protected by the First Amendment that does not direct attention to a business operated for profit, or to a commodity or service said entity provides.

OFF-PREMISES SIGN. A sign which is designed to advertise a business, activity, product, or function which is not conducted on the property on which the sign is located.

PENNANTS AND BALLOONS. Any animated, rotating, fluttering, or non-stationary device made of flexible materials designed to attract attention.

POLITICAL SIGN. A temporary sign of a candidate, party, or group supporting the candidacy of an individual for office, or expressing or soliciting public support of, or in opposition to, any public issue(s).

PORTABLE SIGN. A sign generally constructed to be easily movable without a permanent attachment to the ground and which may or may not be equipped with wheels. Said signs may also be designed for changeable messages. Signs painted on or attached to operational vehicles and signs defined as temporary signs are not included in this definition.

PRINCIPAL USE IDENTIFICATION SIGN. A sign which advertises a product, business, service, or which conveys general information relating to the primary use of, or primary products produced by, the principal user of the lot or premises.

PRODUCE STAND. An enclosed stand or place open to the public for selling agricultural products.

PROGRAMMABLE LED SIGN. Includes scrolling marquees, time and temperature signs, and other like signs on which messages are displayed and changed electronically.

READER BOARD. A sign on which information is changed manually through the utilization of attachable letters, numbers, symbols, characters, or changeable pictorial panes.

ROOFLINE. The horizontal line which passes through the highest point of any roof.

SIGN. A name, identification, description, display, or illumination which is affixed to, painted on, or represented directly or indirectly upon a structure or lot, which directs attention to an object, product, place, activity, person, institution, organization, or business.

SIGN STRUCTURE. A supporting structure erected or intended for the purpose of displaying a sign. This definition does not include a building, fence, or any other structure that is designed for any purpose other than the display of a sign.

TAILGATE MARKET. An area open to the public where craftspeople sell their products directly to buyers either from a vehicle or a table.

TEMPORARY SIGN. An informational sign or other advertising device intended for a limited period of display.

UNIFIED BUSINESS DEVELOPMENT. Where more than one (1) principal building or business exists on a single lot or where any building contains a gross floor area of 5,000 square feet or more, the building or business shall be deemed to be a unified business development. Bona fide hotels/motels and rental cottages shall not be deemed to be unified business developments unless operated in conjunction with other businesses.

YARD SALE. The display and sale of personal property which has been owned or previously used.

AFTER AMENDMENT

160.02 DEFINITIONS

For the purpose of this Ordinance, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ACCESSORY USE. A use customarily incidental and subordinate to the principal use or building located on the same lot with the principal use or building.

BILLBOARD. See Sign, Outdoor Advertising.

BOARDING HOUSE. Buildings where, for compensation, lodging and/or meals are provided for not more than 14 persons and not less than 4 persons.

BONA FIDE FARM. All land on which agricultural operations are conducted as the principal use, to include the cultivation of crops and the husbandry of livestock.

BUFFER. A densely planted strip of bushes, evergreens, existing buildings, or fencing made of natural materials that acts as a visual barrier between properties. Buffer strips shall be maintained as not to encroach on rights-of-way.

BUILDING. A structure which is completely enclosed by a roof and by solid exterior walls along whose outside faces can be traced an unbroken line for the complete circumference of the structure, which is permanently affixed to a lot or lots, and used or intended for the shelter, support or enclosure of persons, animals, or property of any kind. The connection of 2 buildings by means of an open porch, breezeway, carport, passageway, or other open structure, with or without a roof, shall not be deemed to make them 1 building.

BUILDING, ACCESSORY. A detached building subordinate to the main building on a lot and used for purposes customarily incidental to the main or principal building and located on the same lot therewith.

BUILDING, HEIGHT. The vertical distance from the average of the finished ground level to the highest finished roof surface of a flat roof, or to a point at the average height of the highest roof of a roof having a pitch.

BUILDING INSPECTOR. The Town of Maggie Valley Building Inspector.

BUILDING, PRINCIPAL. A building in which is conducted the principal use of the lot on which the building is located.

BUILDING SETBACK LINE. A line delineating the minimum distance between the property line and a building on a lot, within which no building or other structure shall be placed except as otherwise provided.

BURIED, UTILITIES. Covered up, underground and in accordance with North Carolina Building Code.

CAMPGROUNDS. Commercial facilities which provide temporary sites and hookups (electricity, water and sewer) for recreational vehicles and tent sites. These sites are not intended as manufactured home sites or as permanent locations for dwelling units.

CAMPING CABINS. A structure that is completely enclosed by a roof and by solid exterior walls and that is less than 12 feet in width and less than 12 feet in depth (not including open porches), which is permanently affixed to a lot or lots, and which meets all state and local building codes, and is intended for use as temporary sleeping quarters for human beings.

CAMPING CABINS shall not have plumbing, kitchen, or cooking facility and are limited to campgrounds.

CHILD CARE FACILITIES. Child-care arrangement or facility licensed by the state as a day-care center.

CIVIC RECREATION. Public or private parks, playgrounds, community centers, libraries, tennis courts, golf courses, swimming pools, and similar recreation uses.

CONSTRUCTION OFFICE, TEMPORARY. A structure, housing the field office operations for the construction of a building or group of buildings being built simultaneously and highway construction. The **TEMPORARY CONSTRUCTION OFFICE** shall be located on the actual construction site and must be removed immediately upon completion of construction.

CUSTOMARY HOME OCCUPATION. Any use conducted entirely within a dwelling and carried on by the occupants thereof, which use is clearly incidental and secondary to the use of the dwelling for residential purposes and does not change the character thereof, and in connection with which there is no display, and no person, not a resident on the premises, is employed specifically in connection with the activity, except that not more than 1 assistant may be employed. Provided further that no mechanical equipment is installed or used except such as is normally used for domestic or professional purposes, and that not over 25% of the total floor space of any structure is used for home occupations.

DWELLING, ACCESSORY. A smaller secondary dwelling unit either detached or attached to the primary dwelling located on the same parcel of property as the principal structure such as a garage apartment or cottage.

DWELLING, MULTI-FAMILY. A building or portion thereof used or designed as a residence for 3 or more families living independently of each other and doing their cooking therein, including apartments, apartment hotels, and group houses.

DWELLING, SINGLE-FAMILY. A building arranged or designed to be occupied by 1 family.

DWELLING, TWO-FAMILY. A building arranged or designed to be occupied by 2 families living independently of each other.

DWELLING UNIT. A building, or portion thereof, providing complete and permanent living facilities for 1 family.

EXPANSION. The act of expanding; this is to be considered adding sites. **EXPANSION** refers to sites only, not improvements, or amenities.

FAMILY. Two or more persons sharing residency whose income and resources are available to meet the family's needs and who are related by blood, marriage, or the operation of law, or who give evidence of a stable relationship which has existed over time.

FLEA MARKET. A building in which booths or sales areas are provided for entry by various unrelated individuals to sell a variety of merchandise.

FLOOD. An overflow of lands not normally covered by water that results in significant effects in the vicinity. For the purpose of this chapter, land subject to flood shall be considered to be land which is at an elevation lower than the elevation of the Regional Flood as determined by the plate, "High Water Profiles, Jonathan's Creek, Vicinity of Maggie Valley, North Carolina" (Tennessee Valley Authority, June 1964).

FLOODWAY. The channel of the stream and that portion of the adjoining floodplain designated by the Town Board to reasonably provide for the passage of flood flows.

FLOODWAY FRINGE AREAS. Areas lying outside the Floodway District but within the area which would be flooded by the Regional Flood.

FLOOD, REGIONAL. A hypothetical flood used in TVA flood studies comparable to the largest floods known to have occurred in the region, depicted on the plate, "High Water Profiles, Jonathan's Creek, Vicinity of Maggie Valley, North Carolina" (Tennessee Valley Authority, June 1964).

GROSS FLOOR AREA. The total floor area of all buildings in a project including basements, mezzanines, and upper floors, exclusive of stairways and elevator shafts. It excludes separate service facilities outside the main building such as boiler rooms and maintenance shops.

HEALTH CLINICS. Hospitals, sanitariums, rest and convalescent homes, homes for the aged, and similar institutions, and dental offices and clinics not used primarily for the treatment of contagious diseases, alcoholism or drug addicts.

INDIVIDUAL SEWER SYSTEM. Any septic tank or other facility serving a single source with a design capacity of 3,000 gallons or less per day.

INDIVIDUAL WATER SYSTEM. Any well, spring, stream, or other source used to supply a single connection.

KAMPING KABIN. See **CAMPING CABINS.**

LOT. A parcel of land occupied or capable of being occupied by a building or group of buildings devoted to a common use, together with the customary accessories and open spaces belonging to the same.

LOT DEPTH. The mean horizontal distance between front and rear lot lines.

LOT OF RECORD. A lot which is a part of a subdivision, a plat of which has been recorded in the office of the Register of Deeds or Haywood County, or a lot described by metes and bounds, the description of which has been so recorded.

LOT WIDTH. The distance between side lot lines measured at the building line.

MANUFACTURED HOME. A factory-assembled portable housing unit, or a portion thereof, built on a chassis and intended for use as a dwelling unit, and not constructed in accordance with the standards of the North Carolina Uniform Residential Building Code for 1- and 2-family dwellings. A manufactured home is designed to be transported on its own chassis and has a measurement of 40 feet or more in length and 8 feet or more in width. A manufactured home shall be construed to remain a manufactured home whether or not wheels, axles, hitch, or other appurtenances of mobility are removed, and regardless of the nature of the foundation provided. All vehicles that are designated manufactured homes by the Uniform Standards Code for Manufactured Homes Act shall be considered manufactured homes. A manufactured home shall not be construed to be a travel trailer or other form of recreational vehicle.

MANUFACTURED HOME, CLASS A. A manufactured home constructed after 7-1-1976 that meets or exceeds the construction standards promulgated by the U.S. Department of Housing and Urban Development that were in effect at the time of construction and that satisfies the following additional criteria. It is the intent of these criteria to insure that a Class A manufactured home, when installed, shall have substantially the appearance of an on-site, conventionally built, single-family dwelling:

- A. The manufactured home has a length not exceeding four times its width, with length measured along the longest axis and width measured at the narrowest part of the other axis and includes at least 960 square feet of enclosed living area;
- B. The pitch of the roof of the manufactured home has a minimum vertical rise of 2.2 feet for each 12 feet of horizontal run and the roof is finished with a type of shingle that is commonly used in standard residential construction;
- C. All roof structures shall provide an eave projection of no less than 6 inches, which may include a gutter;
- D. The exterior siding consists predominantly of vinyl or aluminum horizontal lap siding (whose reflectivity does not exceed that of gloss white paint), wood, or hardboard, comparable in composition, appearance and durability to the exterior siding commonly used in standard residential construction;
- E. The manufactured home is set up in accordance with the standards set by the North Carolina Department of Insurance and a continuous, permanent, approved skirting

material foundation or masonry curtain wall, unpierced except for required ventilation and access, is installed under the perimeter of the manufactured home;

- F. Stairs, porches, entrance platforms, ramps and other means of entrance and exit to and from the home shall be installed or constructed in accordance with the standards set by the North Carolina Department of Insurance, self-supporting and anchored securely to the ground; with a minimum of 6 feet by 6 feet landing; and
- G. The moving hitch, wheels, and axles, and transporting lights have been removed.

MANUFACTURED HOME, CLASS B. A manufactured home constructed after 7-1-1976 that meets or exceeds the construction standards promulgated by the U.S. Department of Housing and Urban Development that were in effect at the time of construction, and that meet or exceed divisions (e), (f), and (g) for Class A homes above.

MANUFACTURED HOME, CLASS C. Any manufactured home that does not meet the definitional criteria of a Class A or Class B manufactured home.

MANUFACTURED HOME PARKS. Any premises where 3 or more manufactured homes are parked for living and sleeping purposes, or any premises used or set apart for the purpose of supplying to the public parking space for manufactured homes for living and sleeping purposes, and which include any buildings, structures, vehicles, or enclosures used or intended for use as part of such a manufactured home park.

MANUFACTURED HOME SITE. A plot of ground within a manufactured home park designated for the accommodation and use of one manufactured home and containing all improvements and utility connections required under this chapter and other applicable town codes.

MODULAR DWELLING. A form of manufactured housing that meets the construction standards of the North Carolina Residential Building Codes for 1- and 2-family dwellings regardless of how the unit or its components are transported to the site.

NONCONFORMING USE. A structure or land lawfully occupied by an existing use which does not conform with the permitted uses for the zoning district in which it is situated, either at the effective date of this chapter, or as the result of subsequent amendments to this chapter.

PARK MODEL. A ***PARK MODEL*** recreational vehicle is basically a very small manufactured (mobile) home. They are typically built in accordance with the construction requirements of the HUD Manufactured Housing Code but because of their limited size (400 square feet or less of living space) they are not required to be labeled by the HUD manufacturing housing program. Since these park model type units are not under the jurisdiction of the HUD program, these units have typically in the past been built, labeled, and sold as recreational vehicles.

PARKING SPACE. An area of not less than 9 feet by 18 feet, plus the necessary access space. Parking spaces shall be provided with vehicular access to a street or alley, shall not be provided in a required front yard area, and shall always be located outside the dedicated street right-of-way.

RECREATIONAL VEHICLE. See **TRAVEL TRAILER.**

RETAIL BUSINESS. Establishments selling commodities in small quantities to the consumer.

RETAIL SERVICES. Establishments providing intangible needs for immediate uses.

SCHOOLS. Public elementary and secondary schools and private schools having curricula approximately the same as ordinarily given in public schools.

SIGN. See Chapter 157.

SPECIAL USE. A use that would not be appropriate generally or without restriction throughout the zoning district, but which, if controlled as to number, area, location, or relation to the neighborhood, would promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity, or general welfare. The uses may be permitted in a zoning district, if specific provision for the special use is made in this chapter.

STREET. A dedicated and accepted public or private right-of-way for vehicular traffic, which affords the principal means of access to abutting properties.

STRUCTURE. Anything constructed or erected, the use of which requires more or less permanent location on the ground or which is attached to something having more or less permanent location on the ground.

TRAVEL TRAILER. Any vehicle used, or so constructed as to permit its being used as conveyance upon the public street or highways duly licensable as such, and constructed in such a manner as will permit occupancy thereof as a dwelling or sleeping place for 1 or more persons, and designed, for short-term occupancy, for frequent and/or extensive travel, and for recreational and vacation use, including camper trucks and self-propelled campers, and the like. All **TRAVEL TRAILERS** must remain in a mobile condition with no permanent or semi-permanent structure attached to the travel trailer or erected on the rented site.

TRAVEL TRAILER/RV PARKS. Any site of land approved by the Zoning Board of Adjustment under Sec. 154.039(C)(2) upon which two or more travel trailers are located and used as temporary living or sleeping quarters. Temporary use is defined as less than 180 days out of a 365 day year.

USE. Any activity, occupation, business, or operation carried on, or intended to be carried on, in a building or structure or on a tract of land.

VARIANCE. A variance is a relaxation of the terms of this chapter where the variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of this chapter would result in unnecessary and undue hardship.

YARD. A space on the same lot with a principal building open, unoccupied, and unobstructed by buildings or structures from ground to sky except where encroachments and accessory buildings are expressly permitted.

YARD, FRONT. A yard across the full width of the lot extending from the front line of the building to the front line of the lot.

YARD, REAR. An open, unoccupied space on the same lot with a principal building, extending the full width of the lot and situated between the rear line of the lot and the rear line of the building projected to the side lines of the lot.

YARD, SIDE. An open, unoccupied space on the same lot with a principal building, situated between the building and the side lot line and extending from the rear line of the front yard to the front line of the rear yard.

Zero Lot Line. A common lot line on which an interior or exterior wall of a structure may be constructed which distinguishes the property line.

SIGN DEFINITIONS:

ATTACHED SIGN. A sign which is itself directly affixed to the principal building on a lot.

BANNER. A sign with a message or advertisement that is applied to a flexible substrate of cloth or vinyl. Banners are held in place by grommets, ropes, and ties and are intended for temporary use only.

COMMEMORATIVE SIGN. Any sign erected in remembrance of a person or event or which is commemorative in nature.

CONSTRUCTION SIGN. A temporary sign of which has a message limited to the identification of architects, engineers, contractors, and other individuals or firms involved with construction on a specific site, the name of the building, the intended purpose of the building, and the expected completion date.

FLASHING SIGN. A sign that incorporates flashing or blinking lights, or a sign with moving parts or parts which simulate movement, including signs or lights on signs reflecting or emitting a glaring light.

FREESTANDING SIGN. A sign supported by a structure placed in the ground and which is wholly independent of any building or object other than the sign structure for support.

GOVERNMENTAL SIGN. Any sign erected by or on the order of an authorized public official in the performance of his or her office or duty, including, but not limited to, traffic control signs, street name signs, warning and directional signs, public notice, and signs of a similar nature.

HUMAN SIGN. Any sign that is being held, worn, displayed, or carried by a human being designed or used to attract attention to a premises or activity.

INCIDENTAL SIGN. A single faced, non-illuminated professional or announcement sign attached wholly to a building, window, or door containing information relative to emergencies, store hours, credit cards honored, and other similar accessory information that is not for advertisement purposes.

LOT. A tract or parcel of land occupied or capable of being occupied by a building or group of buildings devoted to a common use, together with the customary accessories and open space belonging to the same.

NONCOMMERCIAL MESSAGE. Any message protected by the First Amendment that does not direct attention to a business operated for profit, or to a commodity or service said entity provides.

OFF-PREMISES SIGN. A sign which is designed to advertise a business, activity, product, or function which is not conducted on the property on which the sign is located.

PENNANTS AND BALLOONS. Any animated, rotating, fluttering, or non-stationary device made of flexible materials designed to attract attention.

POLITICAL SIGN. A temporary sign of a candidate, party, or group supporting the candidacy of an individual for office, or expressing or soliciting public support of, or in opposition to, any public issue(s).

PORTABLE SIGN. A sign generally constructed to be easily movable without a permanent attachment to the ground and which may or may not be equipped with wheels. Said signs may also be designed for changeable messages. Signs painted on or attached to operational vehicles and signs defined as temporary signs are not included in this definition.

PRINCIPAL USE IDENTIFICATION SIGN. A sign which advertises a product, business, service, or which conveys general information relating to the primary use of, or primary products produced by, the principal user of the lot or premises.

PRODUCE STAND. An enclosed stand or place open to the public for selling agricultural products.

PROGRAMMABLE LED SIGN. Includes scrolling marquees, time and temperature signs, and other like signs on which messages are displayed and changed electronically.

READER BOARD. A sign on which information is changed manually through the utilization of attachable letters, numbers, symbols, characters, or changeable pictorial panes.

ROOFLINE. The horizontal line which passes through the highest point of any roof.

SIGN. A name, identification, description, display, or illumination which is affixed to, painted on, or represented directly or indirectly upon a structure or lot, which directs attention to an object, product, place, activity, person, institution, organization, or business.

SIGN STRUCTURE. A supporting structure erected or intended for the purpose of displaying a sign. This definition does not include a building, fence, or any other structure that is designed for any purpose other than the display of a sign.

TAILGATE MARKET. An area open to the public where craftspeople sell their products directly to buyers either from a vehicle or a table.

TEMPORARY SIGN. An informational sign or other advertising device intended for a limited period of display.

UNIFIED BUSINESS DEVELOPMENT. Where more than one (1) principal building or business exists on a single lot or where any building contains a gross floor area of 5,000 square feet or more, the building or business shall be deemed to be a unified business development. Bona fide hotels/motels and rental cottages shall not be deemed to be unified business developments unless operated in conjunction with other businesses.

YARD SALE. The display and sale of personal property which has been owned or previously used.

PASSED AND ADOPTED BY THE TOWN OF MAGGIE VALLEY BOARD OF ALDERMEN _____.

Presiding Officer

Mike Eveland, Mayor, Town of
Maggie Valley

Attest

Kathy Johnson, Town Clerk, Town of
Maggie Valley