

**TOWN OF MAGGIE VALLEY
ORDINANCE 1094**

WHEREAS, The Board of Aldermen desire to have provisions in place concerning the maintenance of all types of roads within the Town of Maggie Valley Municipal Boundary

WHEREAS, The Board also desires to make provisions for road access to future developments

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** “156.13 STREET STANDARDS” of the Town of Maggie Valley Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

156.13 STREET STANDARDS

A. General Provisions

1. If the tract to be subdivided is located on both sides of an existing, recorded private right-of way that contains an existing private road, the applicant shall be required to upgrade the portions of the existing private road which are contained on the tract that is being subdivided to meet the road standards found in this Section.
2. It should be understood that all roads proposed to be public must originate as private roads until there is formal dedication and acceptance by the town.
3. Private roads are allowed, only if approved as part of a Conditional Zoning District by the Board of Aldermen or by the Zoning Board of Adjustment on an individual basis.
4. The applicant shall determine at the time of application if the subdivision roads are to be public, private or a combination of both types.

B. Right-of-Way Access

1. All subdivisions greater than two (2) lots must abut on a private or public street right-of-way. The right-of-way shall, for public roads, meet or exceed the minimum width specified in the Road Classification Table (7-1), for private roads, the minimum width approved as part of a Conditional Zoning District by the Board of Aldermen or by the Zoning Board of Adjustment on an individual basis. The right-of-way standards apply within the boundaries of the property being developed.
2. Proposed subdivisions which abut an existing or recorded public or private right-of-way which do not meet the minimum width requirements of this Chapter shall be required to provide additional rights-of-way to conform to the

appropriate standards, as provided below. The applicant shall provide up to one-half (1/2) of the required right-of-way measured from the centerline of the existing right-of-way. If the subdivision is located on both sides of the existing road right-of-way, the full right-of way requirement shall be required.

C. *Town Street System Requirements*

1. All roads considered for addition to the Town Street System must be located within the Town Limits.
2. Streets must meet all minimum construction and design standards unless approved as part of a Conditional Zoning District by the Board of Aldermen or by the Zoning Board of Adjustment on an individual basis. Streets that have received deviations from the street construction and design standards may not be eligible for admission into the Town Street System.
3. Development within a masterplan (phased development) subdivision must be 75% complete.
4. A petition for street dedication from all property owners or developer.
5. Developer or property owners must dedicate a free and clear right-of-way.

D. *Application Requirements.* Any developer desiring to construct a new subdivision road, to be designated as a Town Street, must submit the following information to the Town Planner for evaluation:

1. Two complete subdivision construction plats, including any future expansion plans
2. Horizontal alignment indicating general curve data on site plan
3. Typical Road Way Section
4. Vicinity Map
5. Four (4) copies of the recorded plat
6. Drainage facilities to be reviewed by the Public Works Director.
7. If the new subdivision road will connect to a state road, a permit authorizing construction on the state right-of-way must be obtained from the Division of Highways before construction begins.

E. *Streets that do not qualify for Town Street System*

1. Streets that do not qualify for admittance into the Town Street System will be eligible for some minor street maintenance and repair provided by the Town on a case-by-case basis. Those requesting assistance must do so in writing.
2. All requests must include:
 - a. Street name
 - b. Street location
 - c. Number of homes/lots that the street services
 - d. Specific service request.
3. Applications for street maintenance assistance will be accepted twice a year. Assistance applications and deadline schedules will be held in the Town Clerk's Office. A project review committee will prioritize projects. Projects will be completed as funding allows.

F. *Street Classification Definitions*

1. **LOCAL STREET** is a street or a section of a road which:
 - a. Provides direct or indirect access from the entrance of the subdivision

inward to five (5) or more existing or proposed residential lots and/or dwelling units and is designed to be the main travel path for the residential access. In calculating residential density, dwelling units having driveway access on the subject road and dwelling units on side roads which feed the subject residential collector road shall be counted.

2. **RESIDENTIAL STREET** is a street or group of streets which abuts less than 5 residential lots or serves less than 5 existing or proposed residential dwelling units.
3. **DRIVEWAY** is a street which abuts no more than two (2) residential lots, each containing or to contain no more than one (1) existing or proposed residential dwelling unit and its associated driveway. Not eligible for Town Street Maintenance.

G. Minimum Street Design and Construction Standards

1. If not specifically listed in Table 7-1 below or elsewhere in this Section, design and subsequent construction of streets shall be reviewed by the Planning Board based on the standards and requirements of the NCDOT and with the local NCDOT District Engineer policy modifications.
2. Deviations from the Minimum Street Design & Construction Standards may be granted as part of a Conditional Zoning District by the Board of Aldermen or by the Zoning Board of Adjustment on an individual basis. The Board shall consider several different factors before issuing a deviation such as but not limited to; the developer’s attempt to minimize environmental damage, lot specific topographic challenges, average daily vehicle counts, recommendations from public safety officials, and the Planning Board. Deviations granted may impact the street’s/subdivision’s eligibility in the Town Street Maintenance System. All deviations granted by the Board must appear on the Final Plat.
3. Table 7-1: Minimum Street Design & Construction Standards (and notes)
 - a. One Way Roads are not eligible for Town Street System Maintenance
 - b. “T” or “Y” Turnarounds may be approved by the Town Planning Board on an individual basis. If using a “Y” or “T,” 1 extension extending at least 25 feet and the other extending a minimum of 50 feet and a maximum of 100 feet which will allow a vehicle with a wheel base of at least 25 feet to complete a turning movement with a maximum of 1 backing movement, may be considered.

Road Classification Table 7-1		
Item	Local	Residential
Number of dwelling units served	5	3-4
Road Right of Way	30 feet	25 feet

Maximum grade (measured at 50 feet intervals)	18%	18%
Minimum travelway width (2 way road)	18 feet	16 feet
Shoulder width (each side, 2 way road)	2 feet	2 feet
Cul-de-Sac (radius)	30 feet	20 feet
Vertical Clearance	15 feet	15 feet
Design Speed	20 mph	15 mph
Subgrades pre-base	95% compaction	95% compaction
Stone base (ABC) compacted	8 inches	8 inches
Subgrades pre-pavement	100% compaction	100% compaction
Asphalt	2 inches of I-2	2 inches of I-2
Cut Slope	1:1	1:1
Fill slope	1 1/2 : 1	1 1/2 : 1
Ditch slope	3 to 1	3 to 1
ABC: Aggregate Base Course; I-2 Asphalt		

4. *Road drainage and culverts*

- a. All road or drainage structures shall be constructed in accordance with NCDOT state road standards. Road drainage side ditches shall be constructed with sufficient depth and width to carry the expected volume of storm water runoff. Where the road crosses streams or minor watercourses, culverts shall be designed and installed in accordance with state road standards. Site plans shall show all the drainage culvert locations, as well as the length, diameter and type of culvert. The road should be built so that water will drain from the road surface into side ditches. Crosspipe drainage should be a minimum of 18 inches. Driveways may be a minimum of 15 inches except where abutting or intersecting a DOT or state maintained road which will require a minimum of 18 inches.
- b. All site plans shall show the general drainage patterns of all areas of the subdivision. Where the drainage of the subdivision does not follow the natural drainage of the property, the applicant shall design the new drainage systems, including swales, ditches, pipes, culverts,

detention ponds, lakes or similar devices, to minimize any adverse effect on the proposed subdivision and on adjacent and downstream properties. Stormwater drainage improvements shall be designed and constructed to minimize erosion and downstream sedimentation, to follow natural drainage where possible, to minimize flooding or standing water conditions, to maintain desirable groundwater conditions and to avoid excessive storm water discharge. Points of storm water discharge shall be within the site unless otherwise approved by the Planning Board and adjoining property owners.

- c. All bridges and major culverts shall be designed according to state road standards.
 - d. All newly proposed Roads shall meet the minimum standards to be accepted into the Powell Bill Maintenance Program.
 - e. An easement shall be reserved on-site by the applicant, or otherwise provided, conforming with the lines of any drainage way into which natural runoff has been diverted. Drainage improvements, where applicable, shall be designed in accordance with state road standards.
5. *Road materials and compaction.* All roads must be constructed with suitable stone and compacted properly. Used asphalt is unacceptable as a base course. The subbase must be of suitable soil capable of supporting the road above. All soil subgrades must meet 95 percent compaction prior to the placement of base material. All ABC base must meet 100 percent compaction prior to the placement of pavement. Documents to support compaction tests, from an independent testing authority shall be submitted upon request. Compaction tests must be of sufficient number to accurately reflect the project length.
6. *Grades.* Because of the difficulty of operating vehicles on steep grades and the high potential for erosion, where possible, roads should be constructed along the contour of the land. No paved road collector, local or limited road may exceed 18% grade. A professional engineer or professional land surveyor shall certify on the Final Plat that no portion of the road(s) have grades that exceed maximum allowable grade as defined herein or submit a final as-built graded center line profile showing grade and alignment for all roads.
7. *Shoulder Stabilization.* All areas disturbed by the construction of a private and/or a public road, including cut and fill slopes, shoulders and ditch banks, shall be seeded in permanent vegetation to stabilize the soil and prevent erosion. Seeding should be done as soon as feasible after road construction.
8. *Intersections.* Adequate sight distances along the proposed roads shall be provided by choosing a good location for the right-of-way and clearing sight triangles when building the road. The intersection of roads must provide an adequate place for vehicles to stop before entering the road. Roads must have an apron design at proposed intersections in order to permit a vehicle to enter when another vehicle is waiting to turn.
9. *Dead ends, cul-de-sacs, and turnarounds.* Loop roads should be encouraged where possible in lieu of cul-de-sac. The Planning Board shall require the installation of a temporary turnaround at the end of a phased project. The

required turnaround on a dead-end road shall have a roadway radius of not less than 30 feet. Stub roads shall be designed in locations which will permit the future extension of subdivision roads.

10. *Bridges.* No bridge will be eligible for Town Street System Maintenance. If bridges in residential subdivisions are proposed, the applicant must submit a copy of bridge plans showing certification from a registered professional engineer indicating that the bridge plans meet state road standards for public road bridges for drainage, hydraulics and minimum live load. Prior to Final Plat approval or release of any improvement guarantee, the applicant must submit a copy of an as-built drawing of the bridge with certification from a registered professional engineer that the bridge meets the standards required in this section.
11. *Dams.* No dam will be eligible for Town Street System Maintenance. If dams in residential subdivisions are proposed, the applicant must submit a copy of dam plans showing certification from a registered professional engineer indicating that the dam plans meet state road standards for public road dams for drainage, hydraulics and minimum live load. Prior to Final Plat approval or release of any improvement guarantee, the applicant must submit a copy of an as-built drawing of the dam with certification from a registered professional engineer that the dam meets the standards required in this section.
12. *Street Lighting.* Street lighting, if so desired by the developer, shall be provided, installed and maintained at the developer's expense throughout the subdivision. Due to safety concerns, upon the approval of the Town of Maggie Valley Public Works Director, the Town of Maggie Valley may assume the operation costs for street lights that conform with at least one of the following conditions:
 - a. The requested location is at the intersection of two (2) or more streets.
 - b. The requested locations is at the terminus (cul-de-sac) of a street in excess of 450 feet in total length.
 - c. The requested location is located at a horizontal or vertical curve of a street, which in the opinion of the Chief of Police, may be hazardous condition to vehicular or pedestrian traffic.
13. *Street Names.* Proposed road names for a private and/or a public road shall be pre-approved by the Town of Maggie Valley before submitting to Haywood County in accordance with the Haywood County Property Address Ordinance. Proposed roads which are obviously in alignment with other roads already existing and named shall bear the names of the existing roads. In no case shall names for proposed roads duplicate or be phonetically similar to existing road names in Haywood County, irrespective of the use of the suffix (i.e., road, avenue, boulevard, drive, place, court and the like). Road names shall not exceed 15 characters, including spaces, but not including prefixes and suffixes. For mapping purposes, short roads should have correspondingly short road names.
14. *Road Name Signs & Regulatory Signs.* Each subdivision shall provide road name signs and regulatory signs (speed limit signs, stop signs, and the like) in

accordance with the Haywood County Property Address Ordinance and with applicable federal, state and local laws, rules and regulations.

15. *Subdivision Name & Signage.* All major subdivisions may provide for, at the primary entrance, a subdivision name sign to conform to Town of Maggie Valley sign standards. The signs should be located in dedicated sign easements, which must be shown on the Final Plat. The name of a subdivision shall not duplicate a name that is identical to or phonetically similar to any other subdivision or named community in Haywood County.

AFTER AMENDMENT

156.13 STREET STANDARDS

A. *General Provisions*

1. If the tract to be subdivided is located on both sides of an existing, recorded private right-of way that contains an existing private road, the applicant shall be required to upgrade the portions of the existing private road which are contained on the tract that is being subdivided to meet the road standards found in this Section.
2. It should be understood that all roads proposed to be public must originate as private roads until there is formal dedication and acceptance by the town.
3. Private roads are allowed, only if approved as part of a Conditional Zoning District by the Board of Aldermen or by the Zoning Board of Adjustment on an individual basis. If private roads are approved, then a road maintenance agreement signed by the parties utilizing such private road for access to their property or POA provisions outlining road maintenance responsibilities must be in place and recorded before recordation of a final plat.
4. The applicant shall determine at the time of application if the subdivision roads are to be public, private or a combination of both types.

B. *Right-of-Way Access*

1. All subdivisions greater than two (2) lots must abut on a private or public street right-of-way. The right-of-way shall, for public roads, meet or exceed the minimum width specified in the Road Classification Table (7-1), for private roads, the minimum width approved as part of a Conditional Zoning District by the Board of Aldermen or by the Zoning Board of Adjustment on an individual basis. The right-of-way standards apply within the boundaries of the property being developed.
2. Proposed subdivisions which abut an existing or recorded public or private right-of-way which do not meet the minimum width requirements of this Chapter shall be required to provide additional rights-of-way to conform to the appropriate standards, as provided below. The applicant shall provide up to one-half (1/2) of the required right-of-way measured from the centerline of the existing right-of-way. If the subdivision is located on both sides of the existing road right-of-way, the full right-of way requirement shall be required.

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conditions and to avoid excessive storm water discharge. Points of storm water discharge shall be within the site unless otherwise approved by the Planning Board and adjoining property owners.

- c. All bridges and major culverts shall be designed according to state road standards.
 - d. All newly proposed Roads shall meet the minimum standards to be accepted into the Powell Bill Maintenance Program.
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6. *Grades.* Because of the difficulty of operating vehicles on steep grades and the high potential for erosion, where possible, roads should be constructed along the contour of the land. No paved road collector, local or limited road may exceed 18% grade. A professional engineer or professional land surveyor shall certify on the Final Plat that no portion of the road(s) have grades that exceed maximum allowable grade as defined herein or submit a final as-built graded center line profile showing grade and alignment for all roads.
7. *Shoulder Stabilization.* All areas disturbed by the construction of a private and/or a public road, including cut and fill slopes, shoulders and ditch banks, shall be seeded in permanent vegetation to stabilize the soil and prevent erosion. Seeding should be done as soon as feasible after road construction.
8. *Intersections.* Adequate sight distances along the proposed roads shall be provided by choosing a good location for the right-of-way and clearing sight triangles when building the road. The intersection of roads must provide an adequate place for vehicles to stop before entering the road. Roads must have an apron design at proposed intersections in order to permit a vehicle to enter when another vehicle is waiting to turn.
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engineer indicating that the bridge plans meet state road standards for public road bridges for drainage, hydraulics and minimum live load. Prior to Final Plat approval or release of any improvement guarantee, the applicant must submit a copy of an as-built drawing of the bridge with certification from a registered professional engineer that the bridge meets the standards required in this section.

11. *Dams.* No dam will be eligible for Town Street System Maintenance. If dams in residential subdivisions are proposed, the applicant must submit a copy of dam plans showing certification from a registered professional engineer indicating that the dam plans meet state road standards for public road dams for drainage, hydraulics and minimum live load. Prior to Final Plat approval or release of any improvement guarantee, the applicant must submit a copy of an as-built drawing of the dam with certification from a registered professional engineer that the dam meets the standards required in this section.
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13. *Street Names.* Proposed road names for a private and/or a public road shall be pre-approved by the Town of Maggie Valley before submitting to Haywood County in accordance with the Haywood County Property Address Ordinance. Proposed roads which are obviously in alignment with other roads already existing and named shall bear the names of the existing roads. In no case shall names for proposed roads duplicate or be phonetically similar to existing road names in Haywood County, irrespective of the use of the suffix (i.e., road, avenue, boulevard, drive, place, court and the like). Road names shall not exceed 15 characters, including spaces, but not including prefixes and suffixes. For mapping purposes, short roads should have correspondingly short road names.
14. *Road Name Signs & Regulatory Signs.* Each subdivision shall provide road name signs and regulatory signs (speed limit signs, stop signs, and the like) in accordance with the Haywood County Property Address Ordinance and with applicable federal, state and local laws, rules and regulations.
15. *Subdivision Name & Signage.* All major subdivisions may provide for, at the primary entrance, a subdivision name sign to conform to Town of Maggie Valley sign standards. The signs should be located in dedicated sign

easements, which must be shown on the Final Plat. The name of a subdivision shall not duplicate a name that is identical to or phonetically similar to any other subdivision or named community in Haywood County.

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.

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.

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.

PRIVATE ROAD Roads that are owned, operated, or maintained by an individual, individuals, or property owners association shall be considered a private road

PROPERTY OWNERS ASSOCIATION (POA) An organization that makes and enforces rules and guidelines for a subdivision, planned community, or condominium building.

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 OCTOBER 08, 2024.

Presiding Officer

Mike Eveland, Mayor, Town of
Maggie Valley

Attest

Kathy Johnson, Town Clerk, Town of
Maggie Valley