

**TOWN OF MAGGIE VALLEY
ORDINANCE 1098**

WHEREAS, the Board of Aldermen of the Town of Maggie Valley recognize the importance of preserving the natural beauty and safety of our mountain tops and hillsides;

WHEREAS, the Mountains to Valleys Comprehensive Land Use Plan addresses the need for regulations concerning development of steep slope; and

WHEREAS, the Board of Alderman wishes to develop two residential conservation zoning districts to preserve and protect our mountain tops and hillsides.

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 “151.01 LAND USE AND ZONING DISTRICTS” of the Town of Maggie Valley Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

151.01 LAND USE AND ZONING DISTRICTS

For the purpose of this Ordinance, the Town of Maggie Valley is hereby divided into the following land use and zoning districts:

- A. R-0 – Rural Residential;
- B. R-1 – Low Density Residential;
- C. R-2 – Medium Density Residential;
- D. R-3 – High Density Residential;
- E. R-4 – Seasonal and Short Term Residential;
- F. MHP – Manufactured Home Park;
- G. TC – Town Center;
- H. MU-1 – Soco Road Mixed Use;
- I. MU-2 – Moody Farm Road Mixed Use;
- J. MU-3 – General Mixed Use;
- K. MU-4 – Community Attraction Mixed Use;
- L. C-1 – Central Business;
- M. C-2 – Commercial Gateway;
- N. C-3 – Dellwood Road Commercial.

AFTER AMENDMENT

151.01 LAND USE AND ZONING DISTRICTS

For the purpose of this Ordinance, the Town of Maggie Valley is hereby divided into the following land use and zoning districts:

- A. R-0 – Rural Residential;
- B. R-1 – Low Density Residential;
- C. R-2 – Medium Density Residential;
- D. R-3 – High Density Residential;
- E. R-4 – Seasonal and Short Term Residential;
- F. RC-1 Residential Conservation 1;
- G. RC-2 Residential Conservation 2;
- H. MHP – Manufactured Home Park;
- I. TC – Town Center;
- J. MU-1 – Soco Road Mixed Use;
- K. MU-2 – Moody Farm Road Mixed Use;
- L. MU-3 – General Mixed Use;
- M. MU-4 – Community Attraction Mixed Use;
- N. C-1 – Central Business;
- O. C-2 – Commercial Gateway;
- P. C-3 – Dellwood Road Commercial.

SECTION 2: AMENDMENT “151.04 RESIDENTIAL DISTRICTS” of the Town of Maggie Valley Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

151.04 RESIDENTIAL DISTRICTS

All residentially zoned districts have been designated as such to strictly promote residential development within said district for the purpose of encouraging neighborhood safety, character, and consistency while protecting property values.

- A. *Rural Residential.* The Rural Residential District (RO) is hereby established in order to protect the areas of steep slope, scenic view sheds, natural woodlands, and agricultural uses. Insomuch this district is formed in order to allow for responsible residential development while simultaneously protecting said district’s rural characteristics from the encroachment of incompatible uses.
- B. *Low Density Residential.* The Low Density Residential District (R1) is hereby established as a district in which the principal use of land is for low density single-family residential purposes. This district is further intended to protect existing single-family neighborhoods from incompatible land uses. It is also the intent of this district to allow for certain types of nonresidential community facilities that would not be detrimental to the residential character of the district.
- C. *Medium Density Residential.* The Medium Density Residential District (R2) is hereby

established as a district in which the principal use of land is for medium density single-family and multi-family residential purposes. This district is further intended to protect existing single-family neighborhoods from incompatible land uses. It is also the intent of this district to allow for certain types of nonresidential community facilities that would not be detrimental to the residential character of the district.

- D. *High Density Residential.* The High Density Residential District (R3) is hereby established as a district in which the principal use of land is for high density single-family and multi-family residential purposes. It is also the intent of this district to allow for certain types of nonresidential community facilities that would not be detrimental to the residential character of the district.
- E. *Seasonal and Short Term Residential.* The Seasonal and Short Term Residential District (R4) is hereby established as a district in which the principal use of land is for seasonal and short term residential uses, such as RV parks and campgrounds as well as vacation communities which include cottages and cabins. This district also accommodates visitors who want to stay in Maggie Valley for longer than traditional vacationing durations.
- F. *Manufactured Home Park.* The Manufactured Home Park District (MHP) is hereby established as a floating district in which the principal use of land is for manufactured home park establishment. It is the intent of this district to allow for manufactured home park development within the R-0 and R-4 districts.

AFTER AMENDMENT

151.04 RESIDENTIAL DISTRICTS

All residentially zoned districts have been designated as such to strictly promote residential development within said district for the purpose of encouraging neighborhood safety, character, and consistency while protecting property values.

- A. *Rural Residential.* The Rural Residential District (RO) is hereby established in order to protect the areas of steep slope, scenic view sheds, natural woodlands, and agricultural uses. Insomuch this district is formed in order to allow for responsible residential development while simultaneously protecting said district's rural characteristics from the encroachment of incompatible uses.
- B. *Low Density Residential.* The Low Density Residential District (R1) is hereby established as a district in which the principal use of land is for low density single-family residential purposes. This district is further intended to protect existing single-family neighborhoods from incompatible land uses. It is also the intent of this district to allow for certain types of nonresidential community facilities that would not be detrimental to the residential character of the district.
- C. *Medium Density Residential.* The Medium Density Residential District (R2) is hereby established as a district in which the principal use of land is for medium density single-family and multi-family residential purposes. This district is further intended to protect existing single-family neighborhoods from incompatible land uses. It is also the intent of this district to allow for certain types of nonresidential community facilities that would not be detrimental to the residential character of the district.

- D. *High Density Residential*. The High Density Residential District (R3) is hereby established as a district in which the principal use of land is for high density single-family and multi-family residential purposes. It is also the intent of this district to allow for certain types of nonresidential community facilities that would not be detrimental to the residential character of the district.
- E. *Seasonal and Short Term Residential*. The Seasonal and Short Term Residential District (R4) is hereby established as a district in which the principal use of land is for seasonal and short term residential uses, such as RV parks and campgrounds as well as vacation communities which include cottages and cabins. This district also accommodates visitors who want to stay in Maggie Valley for longer than traditional vacationing durations.
- F. Residential Conservation 1. The Residential Conservation 1 District is hereby established as a district in order to apply the same standards as R-2, the Medium Density Residential District, and provide additional environmental protection measures to regulate development in Steep Slope areas and promote environmentally sound design and planning that protects the landscapes in the Town of Maggie Valley. Section 152.15 Steep Slope Requirements shall apply to RC-1.
- G. Residential Conservation 2. The Residential Conservation 2 District is hereby established as a district in order to apply the same standards as R-3, the High Density Residential District, and provide additional environmental protection measures to regulate development in Steep Slope areas and promote environmentally sound design and planning that protects the landscapes in the Town of Maggie Valley. Section 152.15 Steep Slope Requirements shall apply to RC-2.
- H. *Manufactured Home Park*. The Manufactured Home Park District (MHP) is hereby established as a floating district in which the principal use of land is for manufactured home park establishment. It is the intent of this district to allow for manufactured home park development within the R-0 and R-4 districts.

SECTION 3: AMENDMENT “151.07 TABLE OF PERMITTED USES”
of the Town of Maggie Valley Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

151.07 TABLE OF PERMITTED USES

- A. *Use Categories*. All uses permitted in this Code have been divided into general categories as detailed below and are generally defined as follows:
1. **RESIDENTIAL**: Premises available for long-term human habitation by means of ownership or rental.
 2. **LODGING**: Premises available for short-term human habitation for a fee, including daily and weekly rental.
 3. **COMMERICAL**: Premises available for the commercial sale of merchandise, prepared food and beverages including on site consumption.

4. **OFFICE/SERVICE:** Premises available for the transaction of general business and the provision of services, but excluding retail sales and manufacturing, except as a minority component.
5. **CIVIC/INSTITUTIONAL:** Premises available for organizations dedicated to religion, education, government, social service, health care, and other similar functions.
6. **ENTERTAINMENT/RECREATION:** Premises for the gathering of people for purposes such as arts, culture, amusement, and recreation.
7. **MANUFACTURING/WHOLESALE/OUTDOOR STORAGE:** Premises available for the creation, assemblage, storage, and repair of items including their wholesale or retail sale.
8. **INFRASTRUCTURE:** Uses and structures dedicated to transportation, communication, information, and utilities.
9. **MISCELLANEOUS/OTHER USES:** Land uses that do not necessarily fit into the other established use categories as defined herein.
10. **TEMPORARY USES:** Land uses established for a fixed period of time, with the intent to discontinue such use upon the expiration of such time, which does not involve the construction or alteration of any permanent structure.

B. Interpretation.

1. Uses not listed as a permitted (P), permitted with additional standards (*) or requiring a special use permit (S) are presumed to be prohibited from the applicable zoning district, except that prohibited uses may be permitted within the applicable zoning district through the application of a conditional zoning district in accordance with the provisions set forth in Chapter 153.
2. In the event that a particular use is not listed in the use table, and such use is not listed as a prohibited use and is not otherwise prohibited by law, the administrator shall determine whether a materially similar use exists in this chapter. Should the administrator determine that a materially similar use does exist, the regulations governing that use shall apply to the particular use not listed and the administrator's decision shall be recorded in writing. Should the administrator determine that a materially similar use does not exist, this chapter may be amended to establish a specific listing for the use in question in accordance with the provisions set forth for text amendments in Chapter 158.
3. The administrator may determine that a use is materially similar if the use is listed as within the same structure or function classification as the use specifically enumerated in the use matrix, as determined by the Land-Based Classification Standards ("LBCS") of the American Planning Association. In order to assist in interpretation of the use table, the LBCS numbers where applicable are enumerated. In interpreting the use table, the following rules of construction shall apply:
 - a. If a use is listed for a specific classification, while a more general classification within the same industry classification is also listed for another use, the specific classification governs. The specific use is not permitted in all districts where the uses coded to the general classification are permitted simply because they share a similar LBCS

code number. The numbers increase as the classifications get more specific.

- b. Some uses are listed separately but fall within the same LBCS classification. The uses within one such classification are not permitted in all of the zoning districts as the others simply because they fall within the same LBCS classification.

C. *Use Table Symbology.* The following notations within the table of permitted use sets forth the manner by which certain uses may be permitted within the various districts set forth above.

"P" denotes those uses that are permitted "by right."

"—" denotes those uses that are not permitted within the given district.

"S" denotes those uses that are permitted upon issuance of a special use permit in accordance with the provisions set forth in Chapter 158. Additional standards for certain uses requiring a special use permit are set forth in Chapters 154, 158, and 160.

"*" denotes those uses that are permitted with additional standards, which are set forth in Chapter 154.

P = Permitted S = Special Use PS = Permitted with Standards Dash (-) = Not Allowed	Zoning Districts and Use Types											
	Residential					Mixed Use				Commercial		
	Ru ral R-0	Lo w De nsit y R-1	Me diu m Den sity R-2	Hig h Den sity R-3	Sea son al & Sho rt Ter m R-4	Soc o M U1	Moo dy Far m MU 2	Gen eral MU 3	Com muni ty Attr action MU4	Cent ral Busi ness C1	Gat ewa y C-2	Dell woo d C-3
Residential												
Single Family Dwelling Unit: Stick Built/Modular	P	P	P	P	-	PS	P	PS	P	PS	PS	PS
Two Family Dwelling: 2 Units or	-	-	P	P	-	PS	P	PS	P	PS	PS	P

and Campgrounds	-	-	-	-	S	-	-	-	S	-	-	-
Commercial												
Appliance Sales and Services	-	-	-	-	-	P	-	P	-	P	P	P
Auction companies	-	-	-	-	-	-	-	-	-	-	-	P
Bakeries	-	-	-	-	-	P	P	P	P	P	P	P
Bars and Night Clubs	-	-	-	-	-	P	-	P	P	P	P	P
Breweries, Distilleries and Wineries	-	-	-	-	-	P	-	P	P	P	P	P
Convenience Store/Gas Station Minimart	-	-	-	-	-	S	-	S	-	S	S	S
General Retail	-	-	-	-	-	P	P	P	P	P	P	P
Grocery Stores	-	-	-	-	-	P	P	P	P	P	P	P
Home Improvement/Materials Sales	-	-	-	-	-	-	-	-	-	-	-	PS
Office supplies/equipment sales/services	-	-	-	-	-	P	P	P	P	P	P	P
Pawn shops	-	-	-	-	-	P	-	P	-	P	P	P
Restaurants	-	-	-	-	-	P	P	P	P	P	P	P

Vehicle Related												
Automobile and RV Storage	-	-	-	-	-	-	-	S	-	-	-	S
Automobile parking lots	-	-	-	-	-	S	-	S	S	S	-	-
Bicycle Sales, Rentals, Repairs	-	-	-	-	-	P	P	P	P	P	P	P
Car wash	-	-	-	-	-	P	-	P	-	P	P	P
Vehicle/RV Sales/Rental	-	-	-	-	-	-	-	-	-	-	S	PS
Vehicle Service/Repair	-	-	-	-	-	-	-	-	-	-	-	PS
Office/Service												
Animal Hospitals/Veterinarians	-	-	-	-	-	P	P	P	-	P	P	P
Art and Photography studios	-	-	-	-	-	P	P	P	P	P	P	P
Banks/Financial Centers	-	-	-	-	-	P	-	P	-	P	P	P
Barber and Beauty shops	-	-	-	-	-	P	P	P	-	P	P	P
Day Care Centers	-	-	-	-	-	P	P	P	P	P	P	P
Dry cleaner	-	-	-	-	-	-	-	-	-	-	-	P
Funeral Homes	-	-	-	-	-	P	P	P	-	P	P	P
Government	-	-	-	-	-	P	P	P	P	P	P	P

Contractor's Office													
Yard Sales and Tailgate Market	PS												

AFTER AMENDMENT

151.07 TABLE OF PERMITTED USES

- A. *Use Categories.* All uses permitted in this Code have been divided into general categories as detailed below and are generally defined as follows:
1. **RESIDENTIAL:** Premises available for long-term human habitation by means of ownership or rental.
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 3. **COMMERCIAL:** Premises available for the commercial sale of merchandise, prepared food and beverages including on site consumption.
 4. **OFFICE/SERVICE:** Premises available for the transaction of general business and the provision of services, but excluding retail sales and manufacturing, except as a minority component.
 5. **CIVIC/INSTITUTIONAL:** Premises available for organizations dedicated to religion, education, government, social service, health care, and other similar functions.
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 7. **MANUFACTURING/WHOLESALE/OUTDOOR STORAGE:** Premises available for the creation, assemblage, storage, and repair of items including their wholesale or retail sale.
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 9. **MISCELLANEOUS/OTHER USES:** Land uses that do not necessarily fit into the other established use categories as defined herein.
 10. **TEMPORARY USES:** Land uses established for a fixed period of time, with the intent to discontinue such use upon the expiration of such time, which does not involve the construction or alteration of any permanent structure.
- B. *Interpretation.*
1. Uses not listed as a permitted (P), permitted with additional standards (*) or requiring a special use permit (S) are presumed to be prohibited from the applicable zoning district, except that prohibited uses may be permitted within the applicable zoning district through the application of a conditional zoning district in accordance with the provisions set forth in Chapter 153.
 2. In the event that a particular use is not listed in the use table, and such use is

Singlewide													
Manufactured Home Parks	S	-	-	-	S	-	-	-	-	-	-	-	-
Accessory Dwelling Units	PS	PS	PS	PS	-	PS							
Home Occupations	PS	PS	PS	PS	PS	P							
Live-Work Units	-	-	-	-	-	P							
Family Care/Group Homes	S	-	-	-	-	-	-	-	-	-	-	-	S
Lodging													
Bed and Breakfast Inns	-	-	-	-	-	P							
Hotels, Motels, and Inns	-	-	-	-	-	P	S	P	P	P	P	P	P
RV Parks and Campgrounds	-	-	-	-	S	-	-	-	S	-	-	-	-
Commercial													
Appliance Sales and Services	-	-	-	-	-	P	-	P	-	P	P	P	P
Auction companies	-	-	-	-	-	-	-	-	-	-	-	-	P
Bakeries	-	-	-	-	-	P							
Bars and Night Clubs	-	-	-	-	-	P	-	P	P	P	P	P	P
Breweries, Distilleries and	-	-	-	-	-	P	-	P	P	P	P	P	P

Public Utilities/Distribution Facilities	PS											
Communication Facilities	S	S	S	S	S	S	S	S	S	S	S	S
Misc. / Other Uses												
Adult Establishments	-	-	-	-	-	-	-	-	-	-	-	S
Accessory Buildings/Uses	PS											
Temporary Uses												
Mobile Food Vendors	PS											
Real Estate Sales/Contractors Office	PS											
Yard Sales and Tailgate Market	PS											

SECTION 4: AMENDMENT “152.03 DIMENSIONAL STANDARDS” of the Town of Maggie Valley Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

152.03 DIMENSIONAL STANDARDS

A. *General.* A building, structure, or lot shall not be developed, used, or occupied unless

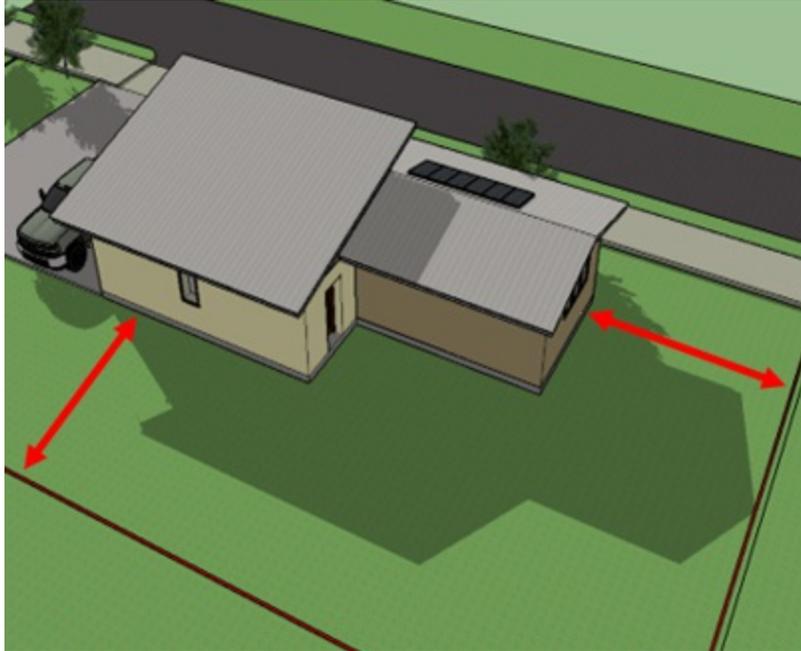
it meets the minimum setback requirements for the land development or overlay district in which it is located. Vegetative buffers and fences can abut the property line.

- B. *Interpretation.* When any requirement of this ordinance results in a fraction of a unit, a fraction of one-half or more shall be considered a whole unit and a fraction of less than one-half shall be disregarded. When the determination of the number of dwelling units permitted on a lot results in a fraction of a dwelling unit, any fractional component shall be disregarded and rounded down to the nearest whole number.
- C. *Calculating Setback Zones.* The minimum setback is the space defined by measuring perpendicularly from and along the entire boundary of the lot (property line or Road Right-of-way, whichever is greater) to the building line as shown in the diagrams below.

Front Setback



Side and Rear Setbacks



Lot Width



DENSITY & DIMENSIONAL TABLE*

*Requirements, as specified in the table below and as otherwise specified in the ordinance, are the minimum standards for individual lot development and subdivisions. Developments that do not meet the below requirements may apply for conditional zoning.

Zoning District	Minimum Lot Size	Maximum Dwelling Units per	Minimum Lot Width	Minimum Front Setback	Minimum Side Setback	Rear Setback (min.)	Maximum Height
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		Acre					
R-0 Rural Residential	0.5 Acre 21,780 SF	2 single	100	25	10	10	35
R-1 Low Density Residential	0.33 Acre 14,520 SF	3 single	75	25	10	10	35
R-2 Medium Density Residential	0.25 Acre 10,890 SF	4 single 8 multi	60	20	10	10	35
R-3 High Density Residential	0.2 Acre 8,712 SF	5 single 10 multi	60	15	10	10	35
R-4 Seasonal/S hort Term Residential	0.07 Acre 3,111 SF	14	60	15	10	10	35
MHP Manufactu red Home Park	2 Acres 87,120 SF	8 single	100	50	50	50	35
MU-1 Soco Road Mixed Use	0.17 Acre 7,260 SF	6 single 12 multi	40	10	10	10	45
MU-2 Moody Farm Road Mixed Use	0.17 Acre 7,260 SF	6 single 12 multi	60	10	10	10	45
MU-3 General Mixed Use	0.14 Acre 6,222 SF	7 single 14 multi	40	10	10	10	45
MU-4 Communit y Attraction Mixed Use	0.14 Acre 6,222 SF	7 single 14 multi	40	10	10	10	45
TC Town	3 Acres 130,680	*	*	*	*	*	*

Center	SF						
C-1 Central Business	0.14 Acre 6,222 SF	7 single 14 multi	40	10	10	10	45
C-2 Commercial Gateway	0.14 Acre 6,222 SF	7 single 14 multi	40	10	10	10	45
C-3 Dellwood Road Commercial	0.14 Acre 6,222 SF	7 single 14 multi	40	10	10	10	45

AFTER AMENDMENT

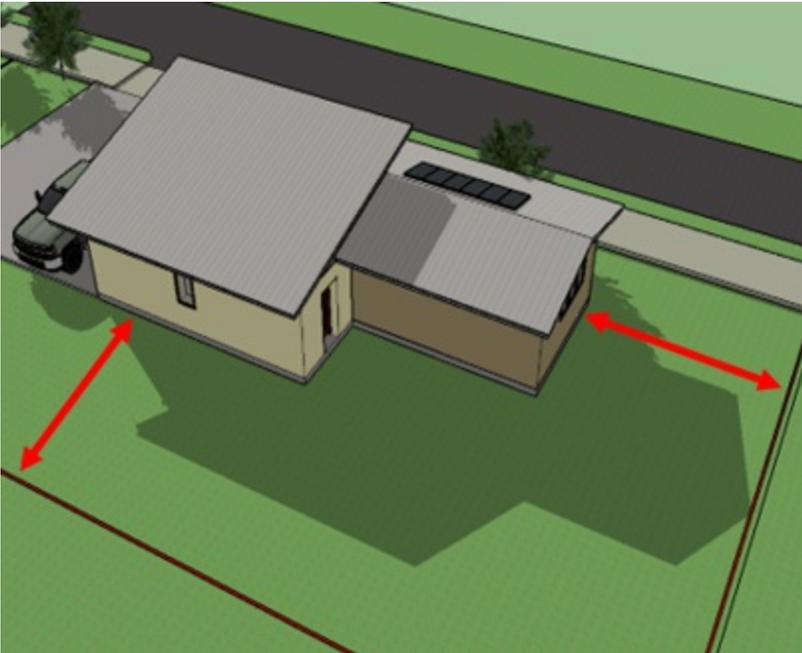
152.03 DIMENSIONAL STANDARDS

- A. *General.* A building, structure, or lot shall not be developed, used, or occupied unless it meets the minimum setback requirements for the land development or overlay district in which it is located. Vegetative buffers and fences can abut the property line.
- B. *Interpretation.* When any requirement of this ordinance results in a fraction of a unit, a fraction of one-half or more shall be considered a whole unit and a fraction of less than one-half shall be disregarded. When the determination of the number of dwelling units permitted on a lot results in a fraction of a dwelling unit, any fractional component shall be disregarded and rounded down to the nearest whole number.
- C. *Calculating Setback Zones.* The minimum setback is the space defined by measuring perpendicularly from and along the entire boundary of the lot (property line or Road Right-of-way, whichever is greater) to the building line as shown in the diagrams below.

Front Setback



Side and Rear Setbacks



Lot Width



DENSITY & DIMENSIONAL TABLE*

*Requirements, as specified in the table below and as otherwise specified in the ordinance, are the minimum standards for individual lot development and subdivisions. Developments that do not meet the below requirements may apply for conditional zoning.

Zoning District	Minimum Lot Size	Maximum Dwelling Units per Acre	Minimum Lot Width	Minimum Front Setback	Minimum Side Setback	Rear Setback (min.)	Maximum Height	Steep Slope
R-0 Rural Residential	0.5 Acre 21,780 SF	2 single	100	25	10	10	35	N/A
R-1 Low Density Residential	0.33 Acre 14,520 SF	3 single	75	25	10	10	35	N/A
R-2 Medium Density Residential	0.25 Acre 10,890 SF	4 single 8 multi	60	20	10	10	35	N/A
R-3	0.2							

High Density Residential	Acre 8,712 SF	5 single 10 multi	60	15	10	10	35	<u>N/A</u>
R-4 Seasonal/ Short Term Residential	0.07 Acre 3,111 SF	14	60	15	10	10	35	<u>N/A</u>
<u>RC-1 Residential Conservation</u>	<u>See Table 152.15 (e)</u>	<u>4 single 8 multi</u>	<u>See Table 152.15 (e)</u>	<u>35</u>	<u>See Table 152.15 (e)</u>			
<u>RC-2 Residential Conservation</u>	<u>See Table 152.15 (e)</u>	<u>5 single 10 multi</u>	<u>See Table 152.15 (e)</u>	<u>35</u>	<u>See Table 152.15 (e)</u>			
MHP Manufactured Home Park	2 Acres 87,120 SF	8 single	100	50	50	50	35	<u>N/A</u>
MU-1 Soco Road Mixed Use	0.17 Acre 7,260 SF	6 single 12 multi	40	10	10	10	45	<u>N/A</u>
MU-2 Moody Farm Road Mixed Use	0.17 Acre 7,260 SF	6 single 12 multi	60	10	10	10	45	<u>N/A</u>
MU-3 General Mixed Use	0.14 Acre 6,222 SF	7 single 14 multi	40	10	10	10	45	<u>N/A</u>
MU-4 Communi	0.14							

ty Attraction Mixed Use	Acre 6,222 SF	7 single 14 multi	40	10	10	10	45	<u>N/A</u>
TC Town Center	3 Acres 130,680 SF	*	*	*	*	*	*	<u>N/A</u>
C-1 Central Business	0.14 Acre 6,222 SF	7 single 14 multi	40	10	10	10	45	<u>N/A</u>
C-2 Commercial Gateway	0.14 Acre 6,222 SF	7 single 14 multi	40	10	10	10	45	<u>N/A</u>
C-3 Dellwood Road Commercial	0.14 Acre 6,222 SF	7 single 14 multi	40	10	10	10	45	<u>N/A</u>

SECTION 5: ADOPTION “152.15 STEEP SLOPE REQUIREMENTS” of the Town of Maggie Valley Municipal Code is hereby *added* as follows:

BEFORE ADOPTION

152.15 STEEP SLOPE REQUIREMENTS (Non-existent)

AFTER ADOPTION

152.15 STEEP SLOPE REQUIREMENTS(*Added*)

A. Purpose. These provisions set forth standards for environmental protection and

conservation in the Town of Maggie Valley’s land use jurisdiction concerning steep slopes. The Town of Maggie Valley possesses an abundance of unique natural assets. The standards set forth in this section address the enhancement and preservation of these important features. The purpose of this section is to regulate development in Steep Slope areas in order to preserve the Town of Maggie Valley’s unique character, conserve the public health, safety and general welfare and to promote environmentally sound design and planning in accordance with the following objectives: a. To protect life and property from all potentially hazardous conditions particular to steep slopes, e.g., rock falls, flash flooding, debris flows, mud slides and increased wildfire hazard. b. To preserve and enhance the scenic and environmental resources of the landscape by encouraging the maximum retention of prominent natural topographic features, i.e., drainage swales, streams, slopes, ridgelines, rock outcroppings, vistas, natural plant formations, and trees. c. To encourage innovative site and architectural design and planning in order for the development to adapt to the natural terrain and be harmonious with the character of the area. d. To minimize grading and cut and fill operations inconsistent with the retention of the natural character of the hillside. e. To preserve where possible riparian vegetation. f. To require the retention of trees and other vegetation to stabilize steep hillsides, retain moisture, prevent erosion and enhance the natural scenic beauty. g. To provide land use densities to promote the best possible development of hillside areas in order to retain significant natural features and to preserve slope stability. h. To preserve predominant views from and of the hillside areas in order to retain the sense of identity and imagery that the hills and mountains now impart to the Town of Maggie Valley. B. *Land Suitability*.

Land subject to erosion, landslides or that is for topographical or other reasons unsuitable for development as determined by the Town of Maggie Valley or their appointee, shall not be developed for residential use nor for any other uses that will continue or increase the danger to health, safety, or property unless the hazards are corrected or mitigated. C. *Applicability*. a. For the purposes of this section, a Steep Slope Area is defined as any lot, parcel, tract or portion thereof, that has a natural elevation of 2,900 feet above mean sea level or higher, with a natural slope of 25% or greater. b. Application to properties with a slope of 25% or greater split by the 2,900-foot contour line. The area above 2,900 feet may be developed as provided for in Table 152.15 (e), and the remainder of the property below 2,900 feet or with a slope below 25% may be developed as permitted in the R-2 or R-3. c. The area on any lot, parcel, or tract that constitutes a Steep Slope Area shall be the only portion subject to steep slope requirements. The remaining area that is not considered Steep Slope shall apply base requirements of either R-2 or R-3 depending on which conservation district (RC-1 or RC-2) the property is located within. D. *Determining Steep Slope Areas*. For the purposes of this section, slope means the average natural slope of an entire parcel. The average natural slope for the parcel shall be calculated using the following formula.

$S = .0023(I)(L)$	<p>Where: S = Existing grade of parcel in percent I = Contour interval of map in feet, with said contour intervals to be five feet or less L = Total length of the contour lines within the parcel in feet A = Area</p>
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A

of the parcel in acres 0.0023 = Product of two constants, one of which converts feet into acres and one of which converts a decimal into a percentage

E. General Steep Slope Development Standards. a. No land disturbing activity shall take place until full development approval has been received. b. Land disturbing activity shall be limited to designated building envelopes and approved road and driveway corridors as shown on approved site plans. c. The riparian stream buffers shall be left intact, which means that removal of trees, or other vegetation, or disturbance of soils within this buffer is prohibited, except for necessary road crossings. The buffers shall be 30 feet from the top of bank. d. Developers shall make reasonable efforts to preserve and protect existing natural features of the slope, such as trees and other plan material, and rock outcroppings which may help to stabilize the slope. e. In addition to the requirements of the chapter, no person may construct a Tall Building or Structure on any Protected Mountain Ridge as defined by N.C.G.S. 113A-206.

F. Specific Steep Slope Development Standards. In addition to any development restriction imposed by the underlying zoning districts, R-2, and R-3, the following standards shall apply to any properties that are zoned RC-1 and RC-2, unless cluster development is applied.

TABLE 152.15 (e)

<u>Average Slope</u>	<u>25 - 29%</u>	<u>30 - 34%</u>	<u>35 - 39%</u>	<u>40 - 44%</u>	<u>45 - 49%</u>	<u>50%</u>
<u>Maximum Density/Minimum Lot Size (acres/du)</u>	<u>25% Reduction underlying zoning</u>	<u>50% Reduction underlying zoning</u>	<u>4 acres/du</u>	<u>5 acres/du</u>	<u>7.5 acres/du</u>	<u>10 acres/du</u>
<u>Minimum Front Setback</u>	<u>RC-1 25 ft. RC-2 20 ft.</u>	<u>RC-1 25 ft. RC-2 20 ft.</u>	<u>RC-1 25 ft. RC-2 20 ft.</u>	<u>RC-1 30 ft. RC-2 25 ft.</u>	<u>RC-1 30 ft. RC-2 25 ft.</u>	<u>RC-1 30 ft. RC-2 25 ft.</u>
<u>Minimum Side Setback</u>	<u>15 ft.</u>	<u>15 ft.</u>	<u>15 ft.</u>	<u>20 ft.</u>	<u>20 ft.</u>	<u>20 ft.</u>
<u>Minimum Rear Setback</u>	<u>15 ft.</u>	<u>15 ft.</u>	<u>15 ft.</u>	<u>20 ft.</u>	<u>20 ft.</u>	<u>20 ft.</u>
<u>Minimum</u>						

<u>Riparian Buffer</u>	<u>30 ft.</u>					
<u>Maximum Building Height</u>	<u>35 ft.</u>					

G. Plan Requirements. Any development on Steep Slopes shall be subject to the plan submittal requirements of the underlying zoning district and any plan requirements laid out in Chapter 156 of the Town of Maggie Valley Unified Development Ordinance. At a minimum all site plans shall include the elevation of the tract in intervals of no more than 20 feet and the average grade of any portion of the parcel over 2,900' above sea level.

H. Cluster Developments. Cluster development may be used in RC-1 and RC-2, where a portion of a parcel is located on a Steep Slope to cluster the development on the portion of the parcel that is not in the Steep Slope area. The objective of the cluster option is to locate smaller lots than what would normally be permitted by R-2 or R-3 in which the development is located, and to preserve land which is in a Steep Slope area and would otherwise have been included in private lots.

a. When cluster development is implemented, all lot size and other dimensional requirements are waived to comply with a more compact, smaller lot.

b. The remaining lot area must be designated as open space.

c. Cluster development is only permitted if the Fire Marshal approves the fire protection options.

d. All other development standards apply. Example: If ten (10) lots are permissible in the area of a parcel not considered Steep Slope and five (5) lots are permissible in the Steep Slope area, density can be clustered to permit 15 lots in the non-Steep Slope area and designate the Steep Slope area as open space, if all other development standards other than dimensional requirements are met and the Fire Marshal approves.

SECTION 6: 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.

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.

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.

STEEP SLOPE. Any lot, parcel, tract or portion thereof, that has a natural elevation of 2,900 feet above mean sea level or higher, with a natural slope of 25% or greater.

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.

SECTION 7: AMENDMENT “156.09 PRELIMINARY PLATS FOR MAJOR SUBDIVISIONS” of the Town of Maggie Valley Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

156.09 PRELIMINARY PLATS FOR MAJOR SUBDIVISIONS

A. Preliminary Plat Submittal Requirements

1. The Town Planner shall receive one (1) physical copy in addition to an electronic submittal of the Preliminary Plat for initial review.
2. Once Preliminary Plat completeness is confirmed then the subdivider shall submit eight (8) copies of the Preliminary Plat, with all recommended changes included, for individual distribution to Planning Board members no less than twenty (20) days prior to the regular meeting of the Planning Board.
3. The submittal shall also include:
 - a. Complete Preliminary Plat Application Checklist
 - b. Preliminary Plat Review Fee.
4. The Preliminary Plat shall be clearly and legibly drawn at a scale of 1:100 and/or at another scale acceptable to the Town Planner. A registered land surveyor currently licensed and registered in the State of North Carolina by the North Carolina Board of Registration for Professional Engineers and Land Surveyors, shall prepare the preliminary plat, and it shall contain the following information:
 - a. *Title Block:* Subdivision name, subdivider's name and address, North Arrow, scale (min. 1"-100') denoted graphically and numerically, date of plat preparation, and township, county, and state in which subdivision is located, Deed Book Reference;
 - b. *Vicinity Map:* A sketch vicinity map showing the location of the

- subdivision in relation to the surrounding area;
- c. *Tract Boundaries*: The boundaries of the tract or portion thereof to be subdivided, with all bearings and distances shown;
 - d. *Lot and Street Lines*: All proposed lot and street right-of-way lines with approximate dimensions, lot and block numbers, all easements; designation of any dedication or reservations to be made, a notation of building setback lines', and proposed use of land if other than single family residences;
 - e. *Site Data*: Total acreage in tract to be subdivided; proposed smallest lot size; proposed total number of lots; lineal feet in street, zoning district.
 - f. *Existing Features*: Existing features including buildings, streets, power lines, drainage ways, sewer and water lines, utility easements, watershed, special flood hazard areas, and City limit lines both on or adjacent to the land to be subdivided;
 - g. *Natural Features*: Significant natural features including wooded areas, marshes, major rock outcrops, ponds or streams, or other natural features affecting the site, or if area is in a special flood hazard area
 - h. *Other Improvements*: Proposed location and description of any other improvements including, but not limited to, riding trails, sidewalks, or pedestrian ways, reserved open space or recreational facilities, commercial areas, or buffer strips;
 - i. *Water and Sewer Availability*: Approval Letters from Town of Maggie Valley Sewer System and Maggie Valley Sanitary District (water) stating that the utility can provide access and capacity to meet the demands of the proposed subdivision.
 - j. For Conditional Zoning, the term "Conditional Zoning" shall be placed in the title block and for Cluster Developments, the term "Cluster Development" shall be placed in the title block.

B. *Preliminary Plat Review Procedures*

1. Within seven (7) days of receipt of the initial Preliminary Plat application, the Town Planner shall review the application and plat for completeness and compliance with all provisions of this Chapter. The Town Planner may request reports from other Town, county, state, or federal agencies concerned with new development, as deemed necessary. The subdivider will be contacted after this initial review is complete so that any necessary changes to the plat can be made before reaching the Planning Board.
2. The Planning Board shall consider the Preliminary Plat during its next regularly scheduled meeting. The Planning Board shall take action within thirty-five (35) days of receiving the Preliminary Plat. If the Planning Board fails to take official action on the submitted Preliminary Plat then the Town Board of Aldermen may do so at their next regularly scheduled meeting. The Town Board of Aldermen will use the same approval criteria as the Planning Board. The Planning Board shall achieve a majority vote on one (1) of the

following actions regarding the Preliminary Plat:

- a. Approval of the Preliminary Plat as submitted,
 - b. Approval of the Preliminary Plat with conditions, or
 - c. Denial of the Preliminary Plat as submitted.
3. If the Planning Board recommends denial, the applicant may resubmit a revised Preliminary Plat in accordance with the provisions set forth in this Chapter.
- C. *Preliminary Plat Approval Period.* Approval of the Preliminary Plat shall be valid for one year unless a written extension is granted by the Planning Board on or before the one year anniversary of the approval. If the final plat is not submitted for approval within the one year period or any period of extension, then the approval of the preliminary plat shall be void.

AFTER AMENDMENT

156.09 PRELIMINARY PLATS FOR MAJOR SUBDIVISIONS

A. *Preliminary Plat Submittal Requirements*

1. The Town Planner shall receive one (1) physical copy in addition to an electronic submittal of the Preliminary Plat for initial review.
2. Once Preliminary Plat completeness is confirmed then the subdivider shall submit eight (8) copies of the Preliminary Plat, with all recommended changes included, for individual distribution to Planning Board members no less than twenty (20) days prior to the regular meeting of the Planning Board.
3. The submittal shall also include:
 - a. Complete Preliminary Plat Application Checklist
 - b. Preliminary Plat Review Fee.
4. The Preliminary Plat shall be clearly and legibly drawn at a scale of 1:100 and/or at another scale acceptable to the Town Planner. A registered land surveyor currently licensed and registered in the State of North Carolina by the North Carolina Board of Registration for Professional Engineers and Land Surveyors, shall prepare the preliminary plat, and it shall contain the following information:
 - a. *Title Block:* Subdivision name, subdivider's name and address, North Arrow, scale (min. 1"-100') denoted graphically and numerically, date of plat preparation, and township, county, and state in which subdivision is located, Deed Book Reference;
 - b. *Vicinity Map:* A sketch vicinity map showing the location of the subdivision in relation to the surrounding area;
 - c. *Tract Boundaries:* The boundaries of the tract or portion thereof to be subdivided, with all bearings and distances shown;
 - d. *Lot and Street Lines:* All proposed lot and street right-of-way lines with approximate dimensions, lot and block numbers, all easements; designation of any dedication or reservations to be made, a notation of building setback lines', and proposed use of land if other than single

- family residences;
- e. *Site Data*: Total acreage in tract to be subdivided; proposed smallest lot size; proposed total number of lots; lineal feet in street, zoning district.
 - f. *Existing Features*: Existing features including buildings, streets, power lines, drainage ways, sewer and water lines, utility easements, watershed, special flood hazard areas, and City limit lines both on or adjacent to the land to be subdivided;
 - g. *Natural Features*: Significant natural features including wooded areas, marshes, major rock outcrops, ponds or streams, or other natural features affecting the site, or if area is in a special flood hazard area
 - h. *Other Improvements*: Proposed location and description of any other improvements including, but not limited to, riding trails, sidewalks, or pedestrian ways, reserved open space or recreational facilities, commercial areas, or buffer strips;
 - i. *Water and Sewer Availability*: Approval Letters from Town of Maggie Valley Sewer System and Maggie Valley Sanitary District (water) stating that the utility can provide access and capacity to meet the demands of the proposed subdivision.
 - j. For Conditional Zoning, the term “Conditional Zoning” shall be placed in the title block and for Cluster Developments, the term “Cluster Development” shall be placed in the title block.
 - k. The elevation of the tract in intervals of no more than 20 feet and the average grade of any portion of the parcel over 2,900' above sea level.

B. *Preliminary Plat Review Procedures*

1. Within seven (7) days of receipt of the initial Preliminary Plat application, the Town Planner shall review the application and plat for completeness and compliance with all provisions of this Chapter. The Town Planner may request reports from other Town, county, state, or federal agencies concerned with new development, as deemed necessary. The subdivider will be contacted after this initial review is complete so that any necessary changes to the plat can be made before reaching the Planning Board.
2. The Planning Board shall consider the Preliminary Plat during its next regularly scheduled meeting. The Planning Board shall take action within thirty-five (35) days of receiving the Preliminary Plat. If the Planning Board fails to take official action on the submitted Preliminary Plat then the Town Board of Aldermen may do so at their next regularly scheduled meeting. The Town Board of Aldermen will use the same approval criteria as the Planning Board. The Planning Board shall achieve a majority vote on one (1) of the following actions regarding the Preliminary Plat:
 - a. Approval of the Preliminary Plat as submitted,
 - b. Approval of the Preliminary Plat with conditions, or
 - c. Denial of the Preliminary Plat as submitted.
3. If the Planning Board recommends denial, the applicant may resubmit a

revised Preliminary Plat in accordance with the provisions set forth in this Chapter.

- C. *Preliminary Plat Approval Period.* Approval of the Preliminary Plat shall be valid for one year unless a written extension is granted by the Planning Board on or before the one year anniversary of the approval. If the final plat is not submitted for approval within the one year period or any period of extension, then the approval of the preliminary plat shall be void.

SECTION 8: AMENDMENT “156.11 FINAL PLATS FOR MAJOR SUBDIVISIONS” of the Town of Maggie Valley Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

156.11 FINAL PLATS FOR MAJOR SUBDIVISIONS

A. *Final Plat Submittal Requirements*

1. The Town Planner shall receive one (1) physical copy in addition to an electronic copy of the Final Plat. Once Final Plat completeness is confirmed, then the subdivider shall submit eight (8) copies of the Final Plat, with all recommended changes included, for individual distribution to Planning Board members no less than twenty (20) days prior to the regular meeting of the Planning Board.
2. The submittal shall also include a Subdivision Review Fee.
3. The original of the final plat shall be at a scale of 1:100, or at another scale acceptable to the Town Planner, on a sheet of a size and material that will be acceptable to the Register of Deeds of Haywood County. The plat shall conform substantially to the construction plans as approved and display all of the contents required in this Section. The plat shall conform to the provisions of the G.S. Sec. 47-30, as amended. The final plat shall be prepared by a registered land surveyor currently licensed and registered with the State of North Carolina by the North Carolina Board of Registration for Professional Engineers and Land Surveyors and shall show the following information:
 - a. Subdivision name, north arrow, scale denoted graphically and numerically, date of plat preparation and revision dates (if any) since construction plat, and township, county and state in which the subdivision is located; and the name(s) of the owner(s) and the surveyor including the seal(s) and registration number(s);
 - b. The exact boundary lines of the tract to be subdivided fully dimensioned by length and bearings, and the location of intersecting boundary lines of adjoining lands;
 - c. The names and deed references of owners of adjoining properties and adjoining subdivisions of record including those proposed or under

- review;
- d. All visible and apparent rights-of-way, watercourses, applicable buffers, minimum building setback lines, utilities, roadways, and other such improvements shall be accurately located (including dimensions) within the property, where crossing, or forming any boundary line of the property shown;
 - e. Sufficient engineering data to determine readily and reproduce on the ground every straight or curved boundary line, street line, lot line, right-of-way line, easement line, and minimum building setback line, including dimensions, bearings or deflection angles, radii, central angles, and tangent distances for the centerline of curved streets and curved property lines that are not the boundary of curved streets;
 - f. The accurate installation, location, and description of permanent monument markers at the control points on the boundary of the property;
 - g. Survey pins placed in all corners;
 - h. The blocks numbered sequentially throughout the entire subdivision and the lots numbered consecutively throughout each block;
 - i. Street names and right-of-way lines of all streets, and the location and width of all adjacent streets and easements;
 - j. For Conditional Zoning, the term “Conditional Zoning” shall be placed in the title block and for Cluster Developments, the term “Cluster Development” shall be placed in the title block; and
 - k. Forms for final certifications. Where applicable, the following certificates shall be lettered or rubber-stamped on the final plat in such a manner as to ensure that the certificates would be legible on any prints made therefrom. Prior to final plat approval, the appropriate person shall sign the following certificates:
 - (1) *Certificate of ownership.*

Certificate of Ownership

I (we) hereby certify that I am (we are) the owner(s) of that property shown and described hereon, and that I (we) hereby adopt this plan of subdivision with my(our) free consent, establish minimum building lines and minimum standards for all streets, sewers, water lines, alleys, walks, parks, and other sites. Further, I (we) certify the land as shown hereon is within the planning jurisdiction of the Town of Maggie Valley, North Carolina.

Date Owner

(2) *Certificate of accuracy.*

<p><u>Certificate of Accuracy</u></p> <p>(As required under G.S. Sec. 47-30, as amended.)</p> <p>Date Registered Surveyor</p>
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(3) *Certification of approval of the installation and construction of streets, utilities, and other required improvements.*

<p><u>Certification of Approval of the Installation and Construction of Streets, Utilities, and Other Required Improvements</u></p> <p>I hereby certify that streets, utilities, and other required improvements have been installed, or that a guarantee of such installation has been arranged as authorized by the Unified Development Ordinance of Maggie Valley, North Carolina, in accordance with the preliminary plat approved by the Planning Board, and according to Town specifications and standards.</p> <p>Town Planner, Town of Maggie Valley, NC Date</p>
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(4) *Town Planner Signature*

<p><u>Certificate of Approval</u></p> <p>I certify that the final plat shown hereon complies with the Maggie Valley subdivision regulations and is approved for recording in the Haywood County Register of Deeds office.</p> <p>Town Planner, Town of Maggie Valley, NC Date</p>
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(5) *Planning Board Chair Signature*

Certificate of Approval

I certify that the final plat shown hereon complies with the Maggie Valley subdivision regulations and is approved by the Planning Board for recording in the Haywood County Register of Deeds office.

Date Chair, Town of Maggie Valley Planning Board

- (6) *Watershed Statement (where applicable):* The following statement shall appear on the plat where applicable: “*THIS SUBDIVISION IS LOCATED IN A WATER SUPPLY WATERSHED; DEVELOPMENT RESTRICTIONS MAY APPLY.*”
- (7) *Special Flood Hazard Area Statement (where applicable):* The following statement shall appear on the plat where applicable: “*THIS SUBDIVISION IS LOCATED IN A SPECIAL FLOOD HAZARD AREA; DEVELOPMENT RESTRICTIONS MAY APPLY.*”
- (8) *Open Space Statement (where applicable):* All areas reserved as open space shall bear the following notation: “*This area is reserved as permanent open space pursuant to the authority of the Town of Maggie Valley. Further subdivision, development, or land disturbing activity is prohibited in this area.*”
- (9) *Other Applicable Statements:* Considering that all subdivisions are different other required statements may become necessary on a case by case basis. The Planning Board will notify the applicant of any additional statement requirement before issuing construction plat approval.

B. Final Plat Review Procedures for Major Subdivisions

1. No final plat for a major subdivision shall be considered unless it has been preceded by a preliminary plat approved by the Planning Board. The final plat shall constitute only that portion which the subdivider proposes to record and develop at the time of submittal.
2. No final plat shall be considered unless and until the subdivider shall have installed in that area represented on the final plat, all improvements required by this Chapter as specified in the approved construction plans, or financial guarantees of the improvements have been arranged in accordance with Section 156.10(C).
3. Upon receipt of the final plat meeting the requirements of Section 156.11(A),

the Town Planner shall review for compliance with this Chapter and other relevant ordinances and regulations of the town.

4. The plat shall be accompanied by written approval from the appropriate agencies that all streets and water and sewer utilities have been installed in accordance with all required specifications, unless a guarantee of the installations has been arranged in accordance with Section 156.10(C). Upon receipt of the written approvals, the Town Planner shall sign the “Certificate of Approval of the Installation and Construction of Streets, Utilities, and Other Required Improvements” as required in division (iii) above.
5. The Town Planner shall meet with any person or agency deemed necessary for adequate review of the plat and shall complete the review within fourteen (14) days after submittal. If all applicable requirements of this Chapter are met, the Town Planner shall submit it to the Planning Board. If all applicable requirements of this Chapter are not met, the Town Planner shall disapprove the plat and return it to the applicant with deficiencies noted.
6. Upon approval by the Town Planner, the final plat shall be submitted to the Planning Board. First consideration shall be at the next regularly scheduled meeting that follows at least seven (7) days after submittal. The Planning Board shall make a determination of approval or disapproval of the final plat at its first consideration or at any regular or special meeting within thirty-five (35) days of the plat’s first consideration. The Board may extend the review period if it deems necessary in order to obtain additional information necessary for a thorough review of the plat.

C. Approval and Recording of the Final Plat for Major Subdivisions

1. If the final plat is approved by the Planning Board, the original tracing and one (1) print shall be retained by the subdivider, and one (1) print shall be filed with the Town.
2. After approval, the appropriate certificates shall be signed by the Town Planner and Planning Board Chairman on the final plat in such a manner as to ensure that the certificate will be legible on any prints made therefrom.
3. Within sixty (60) days after the final plat has been approved, it shall have been recorded with the Register of Deeds of Haywood County. Should the sixty (60) day time limit expire before the plat is recorded, it must be resubmitted in accordance with the provisions of this Chapter. Upon adoption of this Ordinance, the Register of Deeds of Haywood County shall not thereafter file or record a plat of a subdivision located within the Town of Maggie Valley until the plat has been approved as provided herein. Without the proper approval, the filing or recording of a subdivision plat shall be void.

AFTER AMENDMENT

156.11 FINAL PLATS FOR MAJOR SUBDIVISIONS

A. Final Plat Submittal Requirements

1. The Town Planner shall receive one (1) physical copy in addition to an

electronic copy of the Final Plat. Once Final Plat completeness is confirmed, then the subdivider shall submit eight (8) copies of the Final Plat, with all recommended changes included, for individual distribution to Planning Board members no less than twenty (20) days prior to the regular meeting of the Planning Board.

2. The submittal shall also include a Subdivision Review Fee.
3. The original of the final plat shall be at a scale of 1:100, or at another scale acceptable to the Town Planner, on a sheet of a size and material that will be acceptable to the Register of Deeds of Haywood County. The plat shall conform substantially to the construction plans as approved and display all of the contents required in this Section. The plat shall conform to the provisions of the G.S. Sec. 47-30, as amended. The final plat shall be prepared by a registered land surveyor currently licensed and registered with the State of North Carolina by the North Carolina Board of Registration for Professional Engineers and Land Surveyors and shall show the following information:
 - a. Subdivision name, north arrow, scale denoted graphically and numerically, date of plat preparation and revision dates (if any) since construction plat, and township, county and state in which the subdivision is located; and the name(s) of the owner(s) and the surveyor including the seal(s) and registration number(s);
 - b. The exact boundary lines of the tract to be subdivided fully dimensioned by length and bearings, and the location of intersecting boundary lines of adjoining lands;
 - c. The names and deed references of owners of adjoining properties and adjoining subdivisions of record including those proposed or under review;
 - d. All visible and apparent rights-of-way, watercourses, applicable buffers, minimum building setback lines, utilities, roadways, and other such improvements shall be accurately located (including dimensions) within the property, where crossing, or forming any boundary line of the property shown;
 - e. Sufficient engineering data to determine readily and reproduce on the ground every straight or curved boundary line, street line, lot line, right-of-way line, easement line, and minimum building setback line, including dimensions, bearings or deflection angles, radii, central angles, and tangent distances for the centerline of curved streets and curved property lines that are not the boundary of curved streets;
 - f. The accurate installation, location, and description of permanent monument markers at the control points on the boundary of the property;
 - g. Survey pins placed in all corners;
 - h. The blocks numbered sequentially throughout the entire subdivision and the lots numbered consecutively throughout each block;
 - i. Street names and right-of-way lines of all streets, and the location and width of all adjacent streets and easements;

- j. For Conditional Zoning, the term “Conditional Zoning” shall be placed in the title block and for Cluster Developments, the term “Cluster Development” shall be placed in the title block; and
- k. The elevation of the tract in intervals of no more than 20 feet and the average grade of any portion of the parcel over 2,900' above sea level.

l. Forms for final certifications. Where applicable, the following certificates shall be lettered or rubber-stamped on the final plat in such a manner as to ensure that the certificates would be legible on any prints made therefrom. Prior to final plat approval, the appropriate person shall sign the following certificates:

(1) *Certificate of ownership.*

Certificate of Ownership

I (we) hereby certify that I am (we are) the owner(s) of that property shown and described hereon, and that I (we) hereby adopt this plan of subdivision with my(our) free consent, establish minimum building lines and minimum standards for all streets, sewers, water lines, alleys, walks, parks, and other sites. Further, I (we) certify the land as shown hereon is within the planning jurisdiction of the Town of Maggie Valley, North Carolina.

Date Owner

(2) *Certificate of accuracy.*

Certificate of Accuracy

(As required under G.S. Sec. 47-30, as amended.)

Date Registered Surveyor

(3) *Certification of approval of the installation and construction of streets, utilities, and other required improvements.*

Certification of Approval of the Installation and Construction of Streets, Utilities, and Other Required

Improvements

I hereby certify that streets, utilities, and other required improvements have been installed, or that a guarantee of such installation has been arranged as authorized by the Unified Development Ordinance of Maggie Valley, North Carolina, in accordance with the preliminary plat approved by the Planning Board, and according to Town specifications and standards.

Town Planner, Town of Maggie Valley, NC Date

(4) *Town Planner Signature*

Certificate of Approval

I certify that the final plat shown hereon complies with the Maggie Valley subdivision regulations and is approved for recording in the Haywood County Register of Deeds office.

Town Planner, Town of Maggie Valley, NC Date

(5) *Planning Board Chair Signature*

Certificate of Approval

I certify that the final plat shown hereon complies with the Maggie Valley subdivision regulations and is approved by the Planning Board for recording in the Haywood County Register of Deeds office.

Date Chair, Town of Maggie Valley Planning Board

(6) *Watershed Statement (where applicable):* The following statement shall appear on the plat where applicable: ***“THIS SUBDIVISION IS LOCATED IN A WATER SUPPLY WATERSHED; DEVELOPMENT RESTRICTIONS MAY***

APPLY.”

(7) *Special Flood Hazard Area Statement (where applicable):*

The following statement shall appear on the plat where applicable: *“THIS SUBDIVISION IS LOCATED IN A SPECIAL FLOOD HAZARD AREA; DEVELOPMENT RESTRICTIONS MAY APPLY.”*

(8) *Open Space Statement (where applicable):*

All areas reserved as open space shall bear the following notation: *“This area is reserved as permanent open space pursuant to the authority of the Town of Maggie Valley. Further subdivision, development, or land disturbing activity is prohibited in this area.”*

(9) *Other Applicable Statements:* Considering that all subdivisions are different other required statements may become necessary on a case by case basis. The Planning Board will notify the applicant of any additional statement requirement before issuing construction plat approval.

B. Final Plat Review Procedures for Major Subdivisions

1. No final plat for a major subdivision shall be considered unless it has been preceded by a preliminary plat approved by the Planning Board. The final plat shall constitute only that portion which the subdivider proposes to record and develop at the time of submittal.
2. No final plat shall be considered unless and until the subdivider shall have installed in that area represented on the final plat, all improvements required by this Chapter as specified in the approved construction plans, or financial guarantees of the improvements have been arranged in accordance with Section 156.10(C).
3. Upon receipt of the final plat meeting the requirements of Section 156.11(A), the Town Planner shall review for compliance with this Chapter and other relevant ordinances and regulations of the town.
4. The plat shall be accompanied by written approval from the appropriate agencies that all streets and water and sewer utilities have been installed in accordance with all required specifications, unless a guarantee of the installations has been arranged in accordance with Section 156.10(C). Upon receipt of the written approvals, the Town Planner shall sign the “Certificate of Approval of the Installation and Construction of Streets, Utilities, and Other Required Improvements” as required in division (iii) above.
5. The Town Planner shall meet with any person or agency deemed necessary for adequate review of the plat and shall complete the review within fourteen (14) days after submittal. If all applicable requirements of this Chapter are met, the Town Planner shall submit it to the Planning Board. If all applicable requirements of this Chapter are not met, the Town Planner shall disapprove the plat and return it to the applicant with deficiencies noted.
6. Upon approval by the Town Planner, the final plat shall be submitted to the

Planning Board. First consideration shall be at the next regularly scheduled meeting that follows at least seven (7) days after submittal. The Planning Board shall make a determination of approval or disapproval of the final plat at its first consideration or at any regular or special meeting within thirty-five (35) days of the plat's first consideration. The Board may extend the review period if it deems necessary in order to obtain additional information necessary for a thorough review of the plat.

C. Approval and Recording of the Final Plat for Major Subdivisions

1. If the final plat is approved by the Planning Board, the original tracing and one (1) print shall be retained by the subdivider, and one (1) print shall be filed with the Town.
2. After approval, the appropriate certificates shall be signed by the Town Planner and Planning Board Chairman on the final plat in such a manner as to ensure that the certificate will be legible on any prints made therefrom.
3. Within sixty (60) days after the final plat has been approved, it shall have been recorded with the Register of Deeds of Haywood County. Should the sixty (60) day time limit expire before the plat is recorded, it must be resubmitted in accordance with the provisions of this Chapter. Upon adoption of this Ordinance, the Register of Deeds of Haywood County shall not thereafter file or record a plat of a subdivision located within the Town of Maggie Valley until the plat has been approved as provided herein. Without the proper approval, the filing or recording of a subdivision plat shall be void.

PASSED AND ADOPTED BY THE TOWN OF MAGGIE VALLEY BOARD OF ALDERMEN APRIL 08, 2024.

Presiding Officer

Mike Eveland, Mayor, Town of Maggie Valley

Attest

Kathy Johnson, Town Clerk, Town of Maggie Valley