

ARTICLE II

GENERAL PROVISIONS

Section 201. Application of Regulations

The regulations set forth in this ordinance shall affect all land, every structure, and every use of land and/or structure and shall apply as follows:

- 201.1 No structure or land shall hereafter be used or occupied and no structure or part thereof shall be erected, moved, or structurally altered except in compliance with the regulations of this ordinance for the district in which it is located.
- 201.2 No structure shall hereafter be erected or altered so as to exceed the height limit or density regulations of this ordinance for the district in which it is located.
- 201.3 No lot, even though it may consist of one or more adjacent lots of record in single ownership, shall be reduced in size so that the lot area per dwelling unit, lot width, yard and lot coverage requirements and other requirements of this ordinance are not maintained. This prohibition shall not be construed to prevent the purchase or condemnation of narrow strips of land for public utilities or street right-of-way purposes.
- 201.4 No part of a yard or other open space required about any structure or use for the purpose of complying with the provisions of this ordinance shall be included as a part of a yard or other open space similarly required for another structure or use.
- 201.5 In any district, no more than one (1) principal building or use may be erected on a single lot of record, except as specifically permitted in other sections of this ordinance.

Section 202. Interpretation of Regulations

The regulations in this ordinance shall be enforced and interpreted according to the following rules:

- 202.1 Uses not designated in the district regulations as permitted, conditional, or special uses shall be prohibited. Conditional and special uses are permitted according to the additional regulations imposed. These conditional and special uses can be approved only by the Board of Adjustment or Board of Commissioners as specified in this ordinance. Additional uses may be added to the ordinance by amendment.

- 202.2 Regulations set forth by this ordinance shall be minimum regulations. If the requirements set forth in this ordinance are at variance with the requirements of any other lawfully adopted uses, regulations, or ordinances, the more restrictive or higher standard shall govern.
- 202.3 Unless restrictions established by covenants with the land are prohibited by or contrary to the provisions of this ordinance, nothing herein contained shall be construed to render such covenants inoperative.

Section 203. Exceptions and Modifications

- 203.1 The minimum front yard requirements of this ordinance for dwellings shall not apply on any lot where the average front yard of existing dwellings located wholly or in part within one hundred (100) feet on each side of such lot within the same block and zoning district and fronting on the same side of the street is less than the minimum required front yard. In such cases, the front yard on such lot may be less than the required front yard, but not less than the adjacent dwelling with the greatest front yard depth or the average front yard of existing dwellings located wholly or in part within one hundred (100) feet on each side, whichever is greater.
- 203.2 In any residential district for corner lots, the side yard requirements along the side street(s) shall be increased by ten (10) feet.
- 203.3 The Board of Adjustment shall review as a conditional use structures such as church spires, belfries, cupolas, and domes not intended for human occupancy, monuments, water towers, observation towers, transmission towers, chimneys, smokestacks, conveyors, flag poles, radio towers, masts, aerials, and similar structures, which exceed the height limitations of this ordinance.
- 203.4 Uncovered stairs, landings, terraces, porches, balconies, and fire escapes may project into any yard, but such projection may not exceed six (6) feet and may not be closer than ten (10) feet to any lot line.
- 203.5 Architectural projections, such as chimneys, flues, sills, eaves, belt courses and ornaments, may project into any required yard, but such projection shall not exceed three (3) feet.
- 203.6 The requirements of this ordinance do not apply to roads, water, sewer, gas, electric, telephone and similar utility lines except as specifically mentioned in this ordinance.
- 203.7 Lot width on lots which front on the turnaround circle of a cul-de-sac may be measured at the line formed by connecting the midpoint of the side lot line of the shorter side with a point

on the longer side lot line which is the same distance from the front lot line as the midpoint of the shorter side, or if both side lot lines are the same length, at the line connecting the midpoints of the side lot lines. All yard requirements must be met on such lots. If a lot has more than two (2) sides, the side lot lines to be used are the two which connect with the front lot line.

Section 204. Visibility at Intersections

On a corner lot, nothing shall be erected, placed, planted or allowed to grow in such a manner as materially to impede vision between a height of two and one-half (2½) and ten (10) feet in a triangular area formed by a diagonal line between two (2) points on the right-of-way lines, twenty (20) feet from where they intersect.

Section 205. Regulations Concerning Home Occupations

205.1 Home Occupations. Home occupations are permitted in all districts only as an incidental use and must comply with the following regulations:

205.1.1 No more than two (2) persons other than a resident of the dwelling shall be engaged in such occupation.

205.1.2 No more than six (6) customers, clients or patrons shall come to the dwelling at any one time nor more than thirty (30) in any one day.

205.1.3 No more than two (2) vehicles may be used in the conduct of the home occupation. Any such vehicle shall be parked off the street. The parking of any such vehicles on the property, other than an automobile, shall be in an enclosed building as described in Section 205.1.4 below, or shall be a conditional use subject to approval by the Board of Adjustment.

205.1.4 No more than twenty-five (25) percent of the total actual floor area of the dwelling or eight hundred (800) square feet, whichever is less, shall be used in the conduct of the home occupation. In addition, one (1) accessory building, not exceeding one thousand (1000) square feet, shall be a conditional use in connection with the home occupation, to house commercial vehicles and/or for storage of materials used in connection with the home occupation. The accessory building may not be used for manufacturing, processing, instruction, sales, service or other work in connection with the home occupation. All lot coverage, dimensional, and other requirements of this ordinance must be met by such accessory building. Such accessory building must resemble a residential garage. A sketch of the proposed building and list of the materials to be used on the outside must be submitted with the application for a conditional use permit.

- 205.1.5 Notwithstanding the provisions of subsection 205.1.4 a home greenhouse shall be permitted provided that such greenhouse meets the requirements of Section 206 and that any sales in connection with such greenhouse meet the requirements of this section (Section 205).
- 205.1.6 No outdoor sales or storage shall be permitted in connection with the home occupation.
- 205.1.7 The exterior appearance of the dwelling shall not be altered in such a manner nor shall the occupation in the residence be conducted in such a way as to cause the premises to differ from its residential character in exterior appearance.
- 205.1.8 The use may not emit noise beyond that which normally occurs in the applicable zoning district, nor shall it emit dust, vibration, odor, smoke, fumes, glare, electrical interference, interference to radio and television reception or other nuisance and shall not be volatile or present a fire hazard, nor may the occupation discharge into any waterway, stream, lake, or into the ground or a septic tank any waste which will be dangerous or a nuisance to persons or animals, or which will damage plants or crops.
- 205.1.9 No home occupation shall involve the use of electrical or mechanical equipment that would change the fire rating of the structure in which the home occupation is conducted.
- 205.1.10 There shall be no more than two (2) deliveries per day to the premises of materials to be used in conjunction with the home occupation and these shall take place between the hours of seven (7:00) a.m. and nine (9:00) p.m.
- 205.1.11 No customers, clients, patrons, or employees other than the residents' household may be on the premises in connection with the home occupation before seven (7:00) a.m. or after nine (9:00) p.m.
- 205.1.12 The following are strictly prohibited as home occupations: car washes, commercial automotive repair garages, truck terminals, slaughterhouses, paint, petroleum and chemical plants, any occupation which involves the storage of liquid petroleum, gasoline, kerosene or other flammable liquids, funeral homes and mortuaries, massage parlors, sale of reading or viewing material of a pornographic nature, movie theaters, animal hospitals and kennels, bottled gas sales.
- 205.1.13 Any home occupation not complying with these regulations shall be a special use.

Section 206. Accessory Uses

Accessory uses are permitted in any zoning district in accordance with the following regulations:

- 206.1 An accessory building, structure or use is a building, structure or use on the same lot or site with, of a nature customarily incidental or subordinate to, and of a character related to the principal use or structure.
- 206.2 Accessory uses to single-, and two-family dwellings, and multifamily dwellings may not include commercial uses, except as permitted as home occupations in Section 205 of this ordinance or for multifamily dwellings, as allowed by the board of adjustment in accordance with the provisions of Section 710 of this ordinance.
- 206.3 Residences for watchmen and caretakers are permitted accessory uses to research and industrial uses.
- 206.4 No accessory building shall exceed thirty-five (35) feet in height, nor shall any accessory building exceed the principal building in height.
- 206.5 An accessory building sharing one or more common walls with the principal building shall be considered part of the principal building for purposes of this ordinance and must meet all yard requirements applied to the principal building.
- 206.6 No detached accessory building shall be located closer than ten (10) feet to any other building or mobile home.
- 206.7 No accessory building or recreational structure or use may extend in front of the rear line of a single- or two-family dwelling or mobile home.
- 206.8 No accessory building or recreational structure or use may extend within three (3) feet of a lot line, nor within twenty (20) feet of a street right-of-way line.
- 206.9 Recreational uses and buildings accessory to apartment complexes shall be in accordance with Section 710 of this ordinance.
- 206.10 Fences and walls are permitted as accessory uses provided that they comply with the following:
 - 206.10.1 No fence more than three (3) feet in height, nor retaining wall more than five (5) feet in height which is more than seventy-five (75) percent solid may be placed in any front yard including along the side lot line to the front of any principal building, unless approved by the Littleton Board of Commissioners as a buffer in accordance with Section 207.6 of this ordinance.

- 206.10.2 Rear and side fences greater than seven (7) feet in height shall be of an open type similar to woven wire or wrought iron fencing except where a buffer with different specifications is required elsewhere in this ordinance.
- 206.10.3 Fences may not exceed seven (7) feet in height, except in commercial and industrial districts, where such fences may be no more than ten (10) feet in height.
- 206.10.4 Fences need not comply with the setback requirements of this ordinance.
- 206.10.5 No fence shall impede vision as regulated in Section 204 of this ordinance.
- 206.10.6 Swimming pools shall be enclosed by a fence or wall at least five (5) feet in height.

Section 207. Buffer Strips

Whenever a buffer strip is required by this ordinance, such strip shall meet the specifications of this section, unless different specifications are given in the section where the buffer strip is required.

- 207.1 A buffer strip shall consist of a planted strip which shall be a minimum of sixteen (16) feet in width, shall be composed of evergreen bushes, shrubs, and/or trees such that at least two (2) rows of coverage are provided from the ground to a height of six (6) feet within six (6) years and foliage overlaps. The sixteen (16) feet required for the buffer strip shall be in addition to all normal yard requirements of this ordinance.
- 207.2 Buffer strips shall be required in the following situations, as well as in any others specified in other sections of this ordinance: whenever a manufacturing, processing, retail, wholesale trade, or warehousing use or public utility installation is established, a buffer strip shall be provided wherever the lot on which the use is established abuts or is across an easement or right-of-way from land zoned RA, RS, RH, or RMH.
- 207.3 All buffer strips shall become part of the lot(s) on which they are located, or in the case of commonly-owned land, shall belong to the homeowners' or property-owners' association.
- 207.4 The buffer strip shall be maintained for the life of the development. Maintenance shall be the responsibility of the property owner, or, if the property is rented, the leasee.
- 207.5 If a natural screen is already in place which will adequately fulfill the purpose of the buffer strip, the zoning administrator may, in writing, allow a substitution of all or part of this screen for the buffer strip. Written permission of the zoning administrator shall be obtained before removing an existing natural buffer in the location of the required buffer strip.

- 207.6 Where, because of intense shade, or soil conditions, a planting screen cannot be expected to thrive, the zoning administrator may, in writing, allow substitution of a well-maintained wooden fence or masonry wall at least six (6) feet in height.
- 207.7 Where it is clear that a smaller buffer will protect neighboring property from harmful effects, the Board of Adjustment or Town Board of Commissioners, for special uses, may reduce the buffer to eight (8) feet and one (1) row of trees.
- 207.8 For special and conditional uses, the Board may require a maintenance bond for the buffers, as a condition of approval.

Section 208. Nonconformities

A lawful pre-existing use, structure, or lot which does not meet the requirements of the current zoning ordinance is called a nonconformity. Special provisions apply to nonconformities and these are listed in Sections 208.1 to 208.5 of this ordinance. In lieu of the provisions in this section, nonconforming signs shall comply with the requirements in Article V.

208.1 Existing Substandard Structures

- 208.1.1 The conforming use of a structure as explained in Section 208.4 of this ordinance existing at the time of the adoption of this ordinance may be continued although the structure's size or location does not conform with the yard, dimensional, height, parking, loading, access, lot area and lot coverage provisions of this ordinance. Such structures are called substandard structures.
- 208.1.2 Substandard structures with conforming uses may be added to or enlarged provided that the enlargements comply with the yard, height, parking, loading, access and all other applicable requirements of this ordinance for the district in which such a structure is located.
- 208.1.3 Substandard structures which are damaged or destroyed by fire, explosion, flood, or other calamity, may be reconstructed and shall comply with the yard, height, parking, loading, access and all other applicable provisions of this ordinance for the district in which such structure is located unless the structure is situated on a substandard lot of record in which case the provisions concerning substandard lots of record shall apply.
- 208.1.4 A substandard structure may not be moved off the lot or lots on which it is located unless when relocated it complies with the regulations for the district in which it is located.

208.2 Existing Nonconforming Uses

The lawful nonconforming use of a structure, land or water existing at the time of the adoption of this ordinance may be continued except that:

- 208.2.1 Only that portion of the land or water in actual use may be so continued and the nonconforming use may not be enlarged or extended, nor may any additional structures be added to be occupied by the nonconforming use, except that existing cemeteries can expand to the boundaries of the property which they owned at the time they became nonconforming and existing mobile home parks may rerent existing spaces.
- 208.2.2 Normal maintenance, repair, and incidental alteration of a building occupied by a nonconforming use is permitted provided it does not extend the nonconforming use. A structure occupied by a nonconforming use may be changed to make the structure more in character with the uses permitted in the district in which it is located.
- 208.2.3 If such nonconforming use is damaged by fire, explosion, flood or other calamity to the extent of more than seventy-five (75) percent of its current equalized value, it shall not be restored except so as to comply with the use provisions of this ordinance.
- 208.2.4 If such nonconforming use is discontinued or terminated for a period of more than one-hundred-eighty (180) days, any future use of the structure, land or water shall comply with the provisions of this ordinance.
- 208.2.5 A nonconforming use may not be moved off the lot or lots on which it is located unless when relocated it complies with the regulations for the district in which it is relocated.
- 208.2.6 The Board of Adjustment may permit as a conditional use a change in nonconforming use provided that the requirements of subsections 208.2.1, 208.2.2, 208.2.3, 208.2.4, and 208.2.5 of this section are met and the Board of Adjustment finds that such new use would be more in character with the uses permitted in the district than the previous use. In permitting such change, the Board of Adjustment may require appropriate conditions and safeguards in accordance with the provisions of this ordinance.
- 208.2.7 Once a nonconforming use has been changed or altered so as to comply with the provisions of this ordinance, it shall not revert back to a nonconforming use. Once the Board of Adjustment has permitted the substitution of a more restrictive nonconforming use for an existing nonconforming use the substituted use shall lose its status as a legal

nonconforming use and become subject to all the conditions required by the Board. If the structure occupied by a nonconforming use is changed so as to be more in character with the uses permitted in the district in which it is located it shall not subsequently be changed to be less in character.

208.3 Existing Vacant Substandard Lots

- 208.3.1 Where the owner of a lot at the time of adoption of this ordinance or his successor in title thereto does not own sufficient land to enable him to conform to the lot area or lot width requirements of this ordinance, such a lot may be used as a building site for a single, family residence in a district in which residences are permitted, provided that the lot width and lot area are not more than twenty (20) percent below the minimum specified in this ordinance, and further provided that the appropriate County Health Department approves the reduction if onsite water or wastewater facilities are involved. In cases where the lot area and lot width are more than twenty (20) percent below the minimum specified in this ordinance or other dimensional requirements cannot be met, the Board of Adjustment is authorized to approve as a variance such dimensions as shall conform as closely as possible to the required dimensions, if the appropriate County Health Department submits a letter of approval if onsite water or wastewater facilities are involved. If the pre-existing substandard lot is not in a district where single family residences are permitted, the Board of Adjustment may issue a variance to allow some reasonable use.
- 208.3.2 If two or more adjoining and vacant lots are in one ownership when this ordinance is adopted or at any time after the adoption of this ordinance, and such lots individually do not meet the minimum dimensional requirements of this ordinance for the district in which such lots are located, then such group of lots shall be considered as a single lot or several lots of minimum permitted width and area for the district in which located, and therefore, the provisions of 208.3.1 do not apply.

208.4 Conforming Uses and Structures

- 208.4.1 Any use or structure existing prior to the effective date of this ordinance which conforms to the regulations of this ordinance for permitted uses and satisfies the dimensional requirements and any other applicable regulations of the district in which it is located may be continued, provided any changes shall comply with the provisions of this ordinance.
- 208.4.2 Any structure or use existing prior to the effective date of this ordinance which would be permitted by this ordinance as a special or conditional use in the district in which it is

located may be continued as if a special or conditional use permit had been applied for and issued, provided that any changes shall comply with the provisions of this ordinance.

208.5 Effect of Amendments

If subsequent amendments to this ordinance or the official zoning map result in the creation of additional nonconformities or conformities, such nonconformities and conformities shall be governed by the provisions of this section unless otherwise stated in the amendment.

Section 209. Complexes

Office centers, shopping centers, institutional and industrial and similar complexes may have more than one principal building on a single lot provided that the following requirements are met:

- 209.1 Uses in complexes shall be limited to those permitted within the zoning district in which the project is located.
- 209.2 The overall intensity of land use shall be no higher, and the standard of open space no lower, than that permitted in the district in which the project is located.
- 209.3 The distance of every building from the nearest property line shall meet the front yard setback and side yard requirements of the district in which the project is located or fifty (50) feet, whichever is greater.
- 209.4 The building heights shall not exceed the height limits permitted in the district in which the project is located.
- 209.5 The buildings shall be located so as to provide access for emergency vehicles.

Section 210. Lots on which Principal Buildings, Structures, and Uses are Established Must Abut Street

No principal building, structure, or use may be erected or established on any lot which does not abut at least twenty (20) feet on one of the following:

- 210.1 a public street dedicated to and maintained by the Town of Littleton or the North Carolina Department of Transportation;
- 210.2 a street constructed to the standards of the Town of Littleton or to the North Carolina Department of Transportation, with a written agreement concerning maintenance of the street.