

ARTICLE VII

ADMINISTRATIVE PROVISIONS

Section 701. Zoning Administrator

- 701.1 The zoning administrator who shall be appointed by the Littleton Board of Commissioners is duly charged with the enforcement of the provisions of this ordinance. If the zoning administrator finds that any of the provisions of this ordinance are being violated, he shall notify in writing the person(s) responsible for such violations, indicating the nature of the violation and ordering the action(s) necessary to correct it. He shall also take any other action authorized by this ordinance to ensure compliance with or to prevent violation of its provisions.

Section 702. Zoning Permit

- 702.1 No building or structure or any part thereof shall be erected, extended, enlarged or structurally altered until a zoning permit has been issued by the zoning administrator or his authorized representative. A fee of \$5.00 shall be charged for the issuance of each zoning permit.
- 702.2 Application for permit. All applications for permits shall be in the form prescribed by the zoning administrator and shall include a plot or site plan drawn to scale which shall clearly show:
- 702.2.1 The actual shape and dimensions of the lot to be built upon or used and total acreage in the lot.
 - 702.2.2 The location of the proposed structure or use on the lot.
 - 702.2.3 The exact location and size of existing structures and uses.
 - 702.2.4 The existing and intended use of each structure or part of structure.
 - 702.2.5 The number of dwelling units the building is designed to accommodate if applicable.
 - 702.2.6 The height and number of stories of the structure.
 - 702.2.7 The location and design of any off-street parking and/or loading.
 - 702.2.8 The location and dimensions of driveways. Driveway approval procedures as required by the North Carolina Department of Transportation shall be initiated.
 - 702.2.9 Date of plan preparation

- 702.2.10 Location and descriptions of landscaping, buffering, and signs.
- 702.2.11 Such other information as may be necessary for determining whether the provisions of this ordinance are being met.
- 702.3 In addition to the information required in subsection 702.2, any use which involves the grouping of more than one principal building or use on the same lot shall include the following information:
 - 702.3.1 A vicinity map showing the relationship of the proposed development to the surrounding area.
 - 702.3.2 North arrow and declination.
 - 702.3.3 Detailed layouts for all utilities, rights-of-way, and roads and other improvements.
 - 702.3.4 Railroads, bridges, culverts, storm drains, wooded areas, marshes, swamps, rock outcrops, ponds or lakes, streams or stream beds, and any other similar features affecting the site.
 - 702.3.5 A copy of any proposed deed restrictions or similar covenants.
 - 702.3.6 For projects over an acre in size, or if otherwise required by the zoning administrator, a topographic map showing vertical contours every two feet.
 - 702.3.7 The names, addresses, and telephone numbers of owners, mortgagees, registered surveyors, land planners, architects, landscape architects, and professional engineers responsible for the development.
- 702.4 The zoning administrator may, in writing, exempt the applicant from meeting any plan requirement which is clearly inapplicable to the proposed use.
- 702.5 Mobile home parks shall comply with the requirements in Section 710.3 of this ordinance in lieu of the requirements in this section.
- 702.6 Cancellation of permit. Any permit issued shall become invalid unless the work authorized by it shall have been commenced within six months of its date of issue, or if the work authorized by it is suspended or abandoned or a period in excess of one year.
- 702.7 Record of zoning permits. A record of all zoning permits shall be kept on file and open to the public, subject to State law.

Section 703. Certificate of Occupancy/Compliance.

No land shall be used or occupied, and no building or structure erected or altered shall be used or changed in use until a Certificate of Occupancy/Compliance has been issued by the zoning administrator stating that the building and/or the proposed use complies with the provisions of this ordinance. A certificate of the same shall be required for the purpose of changing any existing use; as well as for maintaining, reviewing, changing or extending any nonconforming use. The aforementioned Certificate shall be applied for coincidentally with the application for a zoning permit and shall be issued within ten (10) working days after the erection or alterations of such building or part shall have been completed in conformity with the provisions of this ordinance. A record of all such certificates shall be kept on file and open to the public, subject to State law.

Section 704. Conformance with Plans.

Permits or certificates issued on the basis of plans and applications shall authorize only the use, arrangement and construction set forth in such approved plans and applications and no other use, arrangement or construction.

Section 705. Enforcement.

705.1 Violation-Penalty. Any person violating any provisions of this ordinance shall be guilty of a misdemeanor and upon conviction shall be punished for each offense by a fine not exceeding fifty dollars (\$50) or by imprisonment not to exceed thirty days. Each day a violation continues shall be deemed a separate offense.

705.2 Violation-Remedies. In case any building or structure is erected, constructed, reconstructed, repaired, converted, or maintained, or any building, structure, or land is used in violation of this ordinance, the zoning administrator or any other appropriate town authority, or any person who would be damaged by such violation; in addition to other remedies, may institute injunction, mandamus, or other appropriate action in proceeding to prevent the violation.

Section 706. Right of Appeal

If the zoning permit and/or Occupancy/Compliance Certificates are denied, the applicant may appeal the action of the zoning administrator to the Board of Adjustment.

Section 707. Board of Adjustment

707.1 Establishment. A Board of Adjustment is hereby established. The Board of Adjustment shall consist of five (5) regular members and three (3) alternate members. Three (3) of the regular members and one (1) of the alternate members shall reside within the corporate limits of the Town of Littleton. They shall be appointed by the Board of Commissioners of the Town of Littleton for terms of three (3) years, except that for initial terms one (1) regular member

shall be appointed for a three (3) year term, one (1) regular member shall be appointed for a two (2) year term, and one (1) regular member shall be appointed for a one (1) year term so that staggered terms may be instituted. Subsequent terms shall be for three (3) years. Two (2) of the regular members and two (2) of the alternate members shall reside outside of the corporate limits of the Town of Littleton but within its extraterritorial jurisdiction. One of the regular and one of the alternate members from the town's extraterritorial jurisdiction shall be appointed by the Halifax County Board of Commissioners for three (3) year terms. One of the regular and one of the alternate members from the Town's extraterritorial jurisdiction shall be appointed by the Warren County Board of Commissioners for three (3) year terms. The members appointed by the counties shall have full authority with respect to any matter before the Board of Adjustment. An alternate member appointed from within the corporate limits of the town may serve on the board only in the absence of a regular member appointed from the town's corporate limits. The alternate member from each county's portion of the extraterritorial jurisdiction of the town may serve on the board only in the absence of the regular member from that county's portion of the extraterritorial area.

If the appropriate Board of County Commissioners fails to appoint the extraterritorial members within ninety (90) days after receiving a resolution from the Littleton Board of Commissioners requesting that these appointments be made, the Littleton Board of Commissioners may make them.

- 707.2 Proceedings of the Board of Adjustment. The Board of Adjustment shall elect a chairman and vice-chairman from its regular members, who shall serve for one year or until re-elected or until their successors are elected. The Board shall adopt rules and bylaws in accordance with the provisions of this ordinance and of Article 19, Chapter 160A of the General Statutes of North Carolina. Meetings of the Board shall be held at the call of the chairman and at such other times as the Board may determine. The chairman, or in his absence, the vice-chairman, may administer oaths and compel the attendance of witnesses by subpoena. All meetings of the Board shall be open to the public.

The concurring vote of four-fifths of the members of the Board of Adjustment is necessary to reverse any order, requirement, decision, or determination of any administrative official charged with the enforcement of this ordinance, or to decide in favor of the applicant any matter upon which it is required to pass under this ordinance, or to grant a variance from the provisions of this ordinance.

Hearings by the Board of Adjustment shall be conducted in accordance with Section 709 of this ordinance.

- 707.3 Decision and Appeal. Every decision of the Board of Adjustment shall be filed in the office of the zoning administrator and a written copy thereof shall be delivered to the appellant by personal service or registered mail. Every decision by the Board shall be subject to review by superior court by proceeding in the nature of certiorari. Any appeal to the superior court shall be taken within thirty (30) days after the decision of Board is filed in the office of the

zoning administrator, or after a written copy thereof is delivered to the appellant by personal service or registered mail, whichever is later.

707.4 Powers and Duties of the Board of Adjustment. The Board of Adjustment shall have the following powers and duties:

707.4.1 Administrative Review. To hear and decide appeals where it is alleged that there is error in any order, requirement, decision, or determination made by the zoning administrator in the enforcement of this ordinance. An appeal may be taken by any person aggrieved or by an officer, department, board, or bureau of the town. Appeals shall be taken within times prescribed by the Board of Adjustment by general rule, by filing with the officer from whom the appeal is taken, and with the Board of Adjustment, a notice of appeal, specifying the grounds thereof. The officer from whom the appeal is taken shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken. An appeal stays all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the Board of Adjustment, after notice of appeal has been filed with him, that because of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property or that because the violation charged is transitory in nature a stay would seriously interfere with enforcement of this ordinance. In that case proceedings shall not be stayed except by a restraining order, which may be granted by the Board of Adjustment or by a court of record on application, on notice to the officer from whom the appeal is taken and on due cause shown. The Board of Adjustment shall fix a reasonable time for the hearing of the appeal, give due notice thereof to the parties, and decide it within a reasonable time. The Board of Adjustment may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from, and shall make any order, requirement, decision, or determination that in its opinion ought to be made in the premises. To this end, the Board shall have all the powers of the officer from whom the appeal is taken.

707.4.2 Variances. To authorize upon appeal in specific cases such variance from the terms of this ordinance as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of this ordinance will, in an individual case, result in practical difficulty, or unnecessary hardship, so that the spirit of this ordinance shall be observed, public safety and welfare secured, and substantial justice done. The existence of a nonconforming use of neighboring land, building, or structure in the same district, or of permitted or nonconforming uses in other districts, shall not constitute a reason for the

requested variance. Such variance may be granted in such individual cases of unnecessary hardship upon a finding by the Board of Adjustment that the following conditions exist:

- 707.4.2.1 There are exceptional conditions pertaining to the particular piece of property in question because of its shape, size, or topography, that are not applicable to other lands or structures in the same district, or there is a peculiar characteristic of an establishment which makes the parking and/or loading requirements of this ordinance unrealistic.
- 707.4.2.2 Granting the variance requested will not confer upon the applicant any special privileges that are denied to other residents of the district in which the property is located.
- 707.4.2.3 A literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other residents of the district in which the property is located.
- 707.4.2.4 The requested variance will be in harmony with the purpose and intent of this ordinance and will not be injurious to the neighborhood or to the general welfare.
- 707.4.2.5 The special circumstances are not the result of the actions of the applicant.
- 707.4.2.6 The variance requested is the minimum variance that will make possible the legal use of the land, building, or structure.
- 707.4.2.7 The variance is not a request to permit a use which is not a permitted or conditional use in the district involved.

Conditions imposed on variances: In granting any variance, the Board of Adjustment may prescribe appropriate conditions and safeguards to ensure that substantial justice has been done and that the public safety and welfare has been assured. Such conditions may be imposed by the Board regarding the location, character, and other features of the proposed building, structure, or use as may be deemed by the Board to protect property values and general welfare of the neighborhood. Nonconformance with such conditions and safeguards, when under part of the terms under which the variance is granted, shall be deemed a violation of this ordinance.

707.4.3 Conditional Uses. To hear and decide whether to allow specific conditional uses to be established in the districts indicated; to decide such questions as are involved in determining whether a conditional use should be granted; to grant conditional uses with such conditions and safeguards as are appropriate under this ordinance, or to deny conditional uses when not in harmony with the purpose and intent of this ordinance. Application for conditional uses shall be decided in accordance with the provisions in Sections 708 through 710 of this ordinance.

707.4.4 Map Interpretation. To interpret the official zoning map in accordance with Section 306 of this ordinance.

Section 708. Special Uses and Conditional Uses

The provisions of this ordinance permit some uses to be established by right in the appropriate district while other uses are listed which require a permit from the Board of Adjustment or Littleton Board of Commissioners. Those which require a permit from the Board of Adjustment are termed conditional uses by this ordinance, while those which involve broader policy considerations and therefore require a permit from the Littleton Board of Commissioners are termed special uses. Both types of uses, in some circumstances, may be compatible with and desirable in the districts in which they are designated as special or conditional uses, but they may also have characteristics which could have detrimental effects on adjacent properties, or even the entire Littleton area, if not properly designed and controlled. Special and conditional uses shall be in accordance with the requirements in Section 710, as well as all other applicable requirements of this ordinance.

Section 709. Application to and Hearing by the Board of Adjustment on Appeals, Variances and Conditional Uses and by the Littleton Board of Commissioners on Special Uses.

The applicant shall submit the appropriate appeal for administrative review or for a variance, or an application for a special or conditional use permit accompanied by a site plan prepared in accordance with Section 702 in the number of copies established by and along with any other information required by the zoning administrator for proper review of the application. The Board of Adjustment or Littleton Board of Commissioners, for special uses, shall cause a public hearing to be held on the application and shall give due notice of the hearing to the parties involved. In the case of a special use permit application the planning board shall be given sixty (60) days to review the application, before the hearing. The hearing shall not be held until a planning board recommendation has been received or sixty (60) days has elapsed. The planning board shall give due notice to the applicant of any meetings at which the application will be considered. The hearing shall be conducted in accordance with the general law and court decisions of this state. More specifically, any interested party must be given the opportunity to present evidence or testimony, to cross-examine witnesses, to inspect documents, and to offer evidence or testimony in explanation or rebuttal. Findings shall be based on substantial evidence or testimony which is competent, relevant, and material. Findings as to the existence or nonexistence

of crucial facts shall be based on sworn evidence or testimony unless the party or parties before the Board stipulate the facts or waive this requirement. Although a four-fifths majority is necessary for the Board of Adjustment to grant a permit, the Littleton Board of Commissioners does not have to meet this requirement in issuing special use permits. The clerk of the Board shall keep minutes of the proceedings, showing the vote of each member upon every question, or if absent or failing to vote indicating that fact. A fee of ~~twenty-five dollars (\$25.00)~~ shall be paid to the town for each application, for an administrative review, for a variance or special or conditional use permit not initiated by an officer or agency of the town, to cover the costs of advertising and other administrative expenses involved. No application will be processed until the above fee has been paid.

Section 710. Conditions which must be met by Special and Conditional Uses.

710.1 General Conditions

In order for any special or conditional use to be granted, the applicant, at the hearing, shall present sufficient evidence to enable the Board to find that the following conditions exist where applicable:

- 710.1.1 All applicable specific conditions pertaining to the proposed use have been or will be satisfied.
- 710.1.2 Access roads or entrance and exit drives are or will be sufficient in size and properly located to ensure automotive and pedestrian safety and convenience, traffic flow and control and access in case of fire or other emergency.
- 710.1.3 Off-street parking, loading, refuse, and other service areas are located so as to be safe, convenient, allow for access in case of emergency, and to minimize economic, glare, odor, and other impacts on adjoining properties and properties in the general neighborhood.
- 710.1.4 Utilities, schools, fire, police, and other necessary public and private facilities and services will be adequate to handle the proposed use.
- 710.1.5 The location and arrangement of the use on the site, screening, buffering, landscaping, and pedestrian ways harmonize with adjoining properties and the general area and minimize adverse impacts.
- 710.1.6 The type, size, and intensity of the proposed use, including such considerations as the hours of operation and numbers of people who are likely to utilize or be attracted to the use, will not have significant adverse impacts on adjoining properties or the neighborhood.

710.2 Additional Conditions

If the appropriate board approves a special or conditional use, it may, as part of the terms of such approval, impose any additional reasonable conditions and safeguards as may be necessary to insure that the criteria for the granting of such a permit will be complied with and to reduce or minimize any potentially injurious effect of the use on adjoining properties, the character of the neighborhood, or the health, safety, morals, or general welfare of the community. Where appropriate, such conditions may include requirements that street and utility right-of-way be dedicated to the public and that provisions be made of recreational space and facilities.

710.3 Specific Conditions

In addition to the general conditions in Section 710.1, special and conditional uses shall meet specific conditions for the type of use as indicated in this section.

Use: Multifamily dwellings and complexes as a special use in RH

Requirements: Maximum density shall be as indicated in Section 307.2 of this ordinance.

Where more than one building is to be located on the site, Building Separation shall be determined as follows:

The minimum horizontal distance between the vertical projections of any points on two (2) adjacent buildings shall be determined according to the following table. The vertical projections for each building shall be drawn from that point on each building which is horizontally closest to the other building.

<u>Height of Taller Building</u>	<u>Minimum Horizontal Distance Between Vertical Projections</u>
20 feet or less	16 feet
between 20.1 and 25.0 feet	25 feet
between 25.1 and 30.0 feet	30 feet
between 30.1 and 35.0 feet	40 feet

Distance Related to Windows: The minimum distance between the centers of facing windows of different dwelling units shall be 20 feet.

A yard of at least fifty (50) feet shall be provided around the entire perimeter of the site, with the exception of driveways. Parking spaces and accessory buildings shall not be allowed in the required yard.

Access for emergency vehicles to all parts of the complex and to each dwelling unit shall be provided.

Accessory buildings and uses for multifamily dwellings shall not be placed in the fifty (50) foot yard around the perimeter of the site.

The Board may approve the inclusion of leasing offices, and of coin-operated laundry facilities, swimming pool snack bars and similar service uses for residents of the multifamily dwelling provided that they are intended to serve residents of the dwelling or complex only, and will not attract outside traffic to the site.

Use: Planned Unit Developments as a Special use in RA, RS, RH, RMH

(a) A planned unit development is a project which is at least two (2) gross acres in size to be located on land under unified control, planned as a whole, and developed in a single development operation or in a definitely programmed series of units or stages of development according to comprehensive and detailed plans, with a program for the provision, operation, and maintenance of any areas, improvements, and facilities provided for the common use of the occupants or users of the development.

(b) A planned unit development may contain any of the permitted, special or conditional uses listed for the RA, RS or RH districts, subject to approval of the plans by the Littleton Board of Commissioners. Board of adjustment approval of those listed as conditional uses is not needed in a planned unit development. Dimensional and density requirements for multifamily dwellings in a planned unit development shall be as indicated for multifamily dwellings in Section 307.2 and in this section of this ordinance. Dimensional requirements for nonresidential uses in a planned unit development shall be those listed for other principal use in Section 307.2 of this ordinance for the district in which the planned unit development is located. Shopping centers are also permitted in a planned unit development. Uses allowed in such shopping centers are: grocery stores, drug stores, laundry and dry cleaning establishments, offices, gift shops, card shops, camera and photography shops, barber and beauty shops, and restaurants.

(c) In addition to the uses allowed in the RA, RS or RH districts, and shopping centers, the following uses are allowed in planned unit developments:

(1) Clustered detached single family dwellings. These are dwellings in which the lot size for each individual dwelling may be reduced, but may not be less than 6000 square feet provided that the difference between the required dimensions for the district, as indicated in Section 307.2 of this ordinance and the reduced dimensions is dedicated to a homeowners' association as common open space.

(2) Zero lot line dwellings, that is, detached single family dwellings on lots without a side yard requirement on one side of the lot. The lot for a zero lot line dwelling may be reduced, but may not be less than 6000 square feet provided that the difference between the required dimensions for the district as indicated in Section 307.2 of this ordinance and the reduced dimensions is dedicated to a homeowners' association as common open space.

(d) Common areas and common open space shall be deeded to an owners association and the developer or owner shall file with the zoning administrator and record in the appropriate County Register of Deeds office a declaration of covenants and restrictions as well as regulations and bylaws that will govern the open space. Provisions shall include but not be limited to the following:

(1) The association shall be established before the homes, buildings or uses are sold.

(2) Membership shall be mandatory for each buyer and all successive buyers, unless another arrangement is approved by the Littleton Board of Commissioners which adequately protects the interests of the town and the owners.

(3) The association shall be responsible for the liability insurance, local taxes and maintenance of recreation and other facilities.

(4) Any sums levied by the association that remain unpaid shall become a lien on the individual owner's property which shall be subordinate only to tax and mortgagee liens unless another arrangement is approved by the town board which adequately protects the interests of the town and the owners.

(5) An owner of each dwelling unit or each homeowner or other building owner shall have voting rights in the association.

(6) Uses of common property shall be appropriately limited.

(7) The following information shall also be provided:

- a. the name of the association
- b. the manner in which directors of the association are to be selected
- c. the post office address of the initial registered office
- d. the name of the city and county in which the registered office is located
- e. the number of directors constituting the initial board of directors

Use: Public buildings, uses, utilities as a special use in RA, RS, RH, RMH

Requirements: The Board shall review each application carefully and shall deny the permit if the benefit to the public will not outweigh any adverse effects the use might have.

Use: Radio and TV stations and transmission towers as a conditional use in RA.

Requirements: The minimum distance from the center of the transmission tower to the nearest property line shall be two (2) times the height of the tower or the height of the tower plus two hundred (200) feet, whichever is greater. Off-street parking shall be provided at the rate of one (1) space for each employee.

Use: Community centers as a conditional use in RS, RH, RMH, private clubs as a conditional use in RA, RS, RH, RMH

Requirements: Noise from a public address system shall not be heard beyond the property.

The use will not be located in an area where traffic congestion will be a problem for neighboring residential uses.

Use: Fraternal organizations not open to the public as a conditional use in RA, RS, RH, RMH

Requirements: The use shall be located where there shall be no disturbance to residences and shall be adequately designed for its size and purpose.

Noise from a public address system shall not be heard beyond the property where the use is located.

The use shall not be located in an area where traffic congestion will be a problem for neighboring residential uses.

Use: Temporary uses such as circuses, carnivals, fairs as a special use in RA, RS, RH, RMH

Requirements: The site shall be located at least two hundred (200) feet from the nearest occupied residential structure, and shall be adequately designed for its size and purpose. The use shall meet any applicable County Health Department Requirements.

Use: Commercial amusements as a special use in C.

Requirements: The use will comply with the town's ordinance licensing and regulating game rooms.

Use: Retail or wholesale businesses, service establishments or public uses other than those specifically listed with outdoor sales, service, storage areas or which would emit smoke, odor, dust, fumes or noise from the building in which they are located or involve possible fire hazard.

Requirement: The Board shall carefully consider the effects of the individual operation on neighboring property and the Littleton area and shall deny the permit if an adverse effect would be created.

Use: Any manufacturing, processing, or warehousing or transportation use or public use or utility which involves outdoor storage, services, operations, emits or will emit smoke, odor, dust, fumes, glare, noise or vibration from the building in which it is located, or involves storage of combustible materials, or is among the uses listed as exceptions to permitted uses.

Requirements: The Board will carefully consider the effects of the individual operation on neighboring property and the Littleton area and shall deny the permit if an adverse effect would be created.

The Board shall require sufficient buffering to screen the outdoor use or portion of the use from view of streets and neighboring property.

The outdoor use or portion of the use shall be maintained in a sanitary condition at all times so as not to harbor mosquitoes, vermin or otherwise be a menace to public health and safety.

Where a use could involve potential fire or other health hazards, the Fire Chief, and where applicable, the appropriate County Health Department shall have an opportunity to review the application. The applicant shall provide all needed information to enable the appropriate officials to determine the safety of the operations and any storage measures.

Use: Townhouses as a special use in RH

Requirements:

(a) Minimum lot area, width, depth and lot coverage requirements shall be as indicated in Section 308.2 of this ordinance.

(b) The yard requirements around the perimeter of townhouse projects with more than two attached townhouses shall be increased to fifty (50) feet.

(c) Townhouses shall meet the requirements of the Subdivision Regulations of the Town of Littleton, North Carolina including the requirements for dedication of park, recreation and open space land.

(d) The minimum number of townhouses attached to each other shall be two (2) and the maximum shall be eight (8).

(e) Any common areas and common open space shall be deeded to a homeowners association which meets the requirements of Subsection (d) under "Use: Planned Unit Developments as a Special Use in RA, RS, RH, RMH" in this ordinance.

Use: Mobile homes on individual lots as a conditional use in RA

Requirements: All requirements for the location of a single family dwelling on an individual lot shall be met.

Any mobile home constructed before July 1, 1970 must be approved by Underwriters' Laboratories and any mobile home constructed after that time must meet all applicable State and Federal standards. All mobile homes shall be tied down in accordance with the State of North Carolina Regulations for Mobile Homes and Modular Housing. All County Health Department requirements shall be met.

Use: Mobile home parks as a special use in RMH

- (a) Approval required: No mobile home park within the jurisdiction of the Town of Littleton shall be established, altered or expanded until a construction permit has been issued by the Zoning Administrator authorizing such construction.
- (b) Mobile home park construction permit:
 - (1) Mobile home parks shall be treated as special uses and shall follow the general procedures for special use permits as specified in Article VII as well as the specific procedures herein.
 - (2) The park plan shall be drawn to a scale of one hundred (100) feet to one (1) inch or larger and shall include the following:
 - a. The name of the park, the names and addresses of the owner or owners, and the designer or surveyor.
 - b. Date, scale, and approximate north arrow.
 - c. Boundaries of the tract shown with bearings and distances.
 - d. Site plan showing streets, driveways, recreation areas, parking spaces, service buildings, water courses, easements, mobile home spaces, and all structures to be located on the park site.
 - e. Vicinity map showing the location of the park and the surrounding land usage.
 - f. Names of adjoining property owners.
 - g. The proposed utility system for gas, surface water drainage, street lights, electrical power, water supply, and solid waste and sewage disposal facilities.
 - h. Certification of approval of water supply system plans by the appropriate State and County agencies.
 - i. Certification of approval of sewage collection systems and treatment facilities plans and septic tanks by the appropriate State and County agencies.
 - j. Certification of approval of solid waste storage, collection, and disposal plans by the town or, in the extraterritorial jurisdiction by the appropriate county health department.

- k. Land contours with vertical intervals of not less than two (2) feet for all mobile home parks with twenty-five (25) mobile home spaces or more.
 - (3) The town may require that the street layout of the proposed park plan be approved by the district highway department.
 - (4) The appropriate county health department shall review the proposed park plan to determine if the plan is in accordance with the minimum health standards and regulations:
 - a. Source of water and water distribution system.
 - b. Sanitary sewerage system.
 - c. Adequate lot size, if septic tanks are to be used.
 - d. Adequate facilities for solid waste storage, collection, and disposal, where applicable.
 - (5) The electrical inspector shall review the proposed park plan to determine if the proposed electrical system is adequate to serve the proposed park and complies with the electrical codes.
- (c) Issuance of construction permit and operating permit:
- (1) After receiving approval of the park plan and special use by the Littleton Board of Commissioners, after review by the planning board, the Zoning Administrator is authorized to issue a construction permit. The intent of this permit is to enable the execution of the park plan in the field and shall not be construed to entitle the recipient to offer spaces for rent or lease, or to operate a mobile home park as defined in this ordinance.
 - (2) If the construction of the park has not begun within six (6) months from issue date of the construction permit, the Littleton Board of Commissioners may grant an extension of the construction permit if the developer appears before the Board of Commissioners and shows cause.
 - (3) When the developer has completed the construction of the mobile home park, he shall apply to the Zoning Administrator for an operating permit. The Zoning Administrator, the electrical inspector, and a representative of the appropriate county health department, if applicable, shall make an on-site inspection of the park.
 - a. If the plan conforms to the approved park plan, the Zoning Administrator shall issue the developer an operating permit.

- b. If the construction does not conform with the approved plan, the Zoning Administrator shall delay issuance of the operating permit until it comes into conformity.
 - (4) In no case shall the operating permit be issued for less than the minimum number of spaces required by this ordinance.
 - (5) The operating permit issued to the developer shall constitute authority to lease or rent spaces in the mobile home park.
 - (6) When a mobile home park is to be developed in stages, the proposed park plan may be submitted for the entire development, and application for an operating license may be made for each stage developed.
- (d) Design standards: The following standards shall be considered the minimum requirements for all new mobile home parks.
- (1) General requirements:
 - a. Mobile homes shall not be sold within a mobile home park, except that an individual mobile home owner shall be allowed to sell the mobile home in which he resides, and except as set out in paragraph g. below.
 - b. The transfer of title of a mobile home space or spaces either by sale or by any other manner shall be prohibited within a mobile home park as long as the mobile home park is in operation. This does not prohibit the sale of the entire park operation from one owner to another owner.
 - c. No living compartment or structure other than a "Florida Room", or other prefabricated structure specifically designed for mobile home use or extension shall be added to any mobile home parked within the jurisdiction of this ordinance.
 - d. If required by the Board of Commissioners, the owner of the proposed park shall provide a buffer strip around the mobile home park as defined in this ordinance.
 - e. Within a mobile home park, one (1) mobile home may be used as an administrative office.
 - f. Convenience establishments of a commercial nature shall be limited to food stores, coin operated laundries, beauty parlors, and barber shops. These may be permitted in mobile home parks subject to the following restrictions:

1. Such establishments shall be subordinate to the residential use and character of the park;
 2. Such establishments shall present no visible evidence of their commercial character from any portion of any residential district outside the park; and
 3. Such establishments shall be designed to serve the trade and service needs of the park residents only.
- g. The owner or operator of a mobile home park shall not sell mobile homes on or within a mobile home park unless the mobile home unit for sale shall be placed individually and separately upon an existing mobile home space where all design standards and utilities have been completed as specified by this ordinance, and unless said mobile home is being occupied as a residence.

(2) Streets and parking:

- a. Convenient access to each mobile home space shall be provided by streets or drives with a minimum right-of-way of fifty (50) feet of which twenty (20) feet shall be graded and drained for automobile circulation within the park. Maintenance of such streets shall be provided by the owner or operator of the park.
- b. Closed ends of dead-end drives or roads extending into a mobile home park shall be provided with a "Y" or "T" turn-around with at least an eighteen (18) foot radius and a twenty (20) foot tangent, except that if any such drive or road shall exceed one thousand (1,000) feet in length one additional "Y" or "T" turn-around shall be provided, and the location thereof shall be subject to the approval of the town board.
- c. Streets or drives within the mobile home park shall intersect as nearly as possible at right angles, and no street shall intersect at less than sixty (60) degrees. Where a street intersects a public street or road, the design standards of the North Carolina Department of Transportation shall apply.
- d. New street names shall not duplicate or be similar to existing street names in the town or county.

(3) Mobile home space:

- a. Each mobile home space shall have sufficient square footage to comply with the requirements of the appropriate county health department and must be at least five thousand (5000) square feet in area for single wide mobile homes and fifteen thousand (15,000) square feet in area for double wide mobile homes.
- b. Each mobile home space shall be clearly defined by means of concrete or iron pipe markers placed at all corners.
- c. Each mobile home space shall be located on ground not susceptible to flooding and graded so as to prevent any water from ponding or accumulating on the premises.
- d. Each mobile home shall be located at least twenty (20) feet from any other mobile home, at least twenty (20) feet from any building within the mobile home park, at least twenty (20) feet from any property line, and at least fifteen (15) feet from the edge of the right-of-way of any street.
- e. Each mobile home park shall provide four hundred (400) square feet of recreation area for each mobile home space that is less than ten thousand (10,000) square feet in area. However, no recreation area shall be less than twenty-five hundred (2,500) square feet.
- f. Each mobile home unit within a mobile home park shall be secured by adequate anchors and tie downs, such as cast-in-place concrete "dead men" eyelets imbedded in concrete foundations or runways, screen augers, arrowhead anchors, or other devices securing the stability of the mobile home. Each mobile home unit shall comply with the above standards or with standards specified by the State of North Carolina, whichever are the higher standards. Each mobile home owner shall be responsible for securing his individual mobile home to anchors. It shall be the responsibility of the mobile home park owner or operator to enforce compliance with this paragraph.

(4) Utility requirements:

- a. An accessible, adequate, safe, and palatable supply of water shall be provided in each mobile home park.
- b. 1. Adequate and safe sewage disposal facilities shall be provided in all mobile home parks.

2. Each mobile home space shall be provided with at least a four (4) inch diameter sewer riser pipe where collection systems are provided. The sewer riser pipe shall be so located on each space that the sewer connection to the mobile home drain outlet will approximate a vertical position.
 - 3. A 2' x 2' concrete apron shall be installed around all sewer connection riser pipes for support and protection. The sewer connection shall be located a distance of at least one hundred (100) feet from the water supply.
 4. The sewer connection shall be a nominal inside diameter of at least four (4) inches, and the slope of any portion thereof shall be at least one-four ($\frac{1}{4}$) inch per foot. The sewer connection shall consist of one (1) pipe line only without any branch fittings. All joints shall be water-tight including connection from trailer to sewer riser pipe.
 5. All material used for sewer connections shall be semirigid, corrosion resistant, nonabsorbent, and durable. The inner surface shall be smooth.
 6. Provision shall be made for plugging the sewer pipe when a mobile home does not occupy a space. Surface drainage shall be diverted away from the rise. The rim of the riser pipe shall extend at least four (4) inches above ground elevation.
- c. 1. The storage, collection, and disposal of solid waste in the mobile home park shall be so conducted as to create no health hazards, rodent harborage, insect breeding areas, accident or fire hazards or pollution.
2. All solid waste containing garbage shall be stored in standard flytight, watertight, rodent-proof containers, with a capacity of not more than thirty-two (32) gallons which shall be located not more than one hundred fifty (150) feet from any mobile home lot. Containers shall be provided in sufficient number and capacity to properly store all solid waste containing garbage. The mobile home park management shall be responsible for the proper storage, collection, and disposal of solid waste.
 3. Containers shall be situated so as to prevent said containers from being tipped, in order that spillage and container deterioration, may be minimized, and in order to facilitate cleaning around said containers.

4. All solid waste containing garbage shall be collected at least two (2) times weekly. Where suitable collection service is not available from municipal or private agencies, the mobile home park operator shall provide this service. All solid waste containing garbage shall be collected and transported in covered vehicles or covered containers.
 5. Where municipal or private disposal service is not available the mobile home park operator shall dispose of the solid waste by transporting to a disposal site approved by the health director.
- d.
1. Grounds, buildings, and structures shall be maintained free of insect and rodent harborage and infestation. Extermination methods and other measures to control insects and rodents shall conform with the requirements of the county health director.
 2. Parks shall be maintained free of accumulations of debris which may provide rodent harborage or breeding places for flies, mosquitos, and other pests.
 3. Storage areas shall be so maintained as to prevent rodent harborage; lumber, pipe, and other building material shall be stored at least one (1) foot above the ground.
 4. Where the potential for insect and rodent infestation exists, all exterior openings in or beneath any structure shall be appropriately screened with wire mesh or other suitable materials.
 5. The growth of brush, weeds, and grass shall be controlled to prevent harborage of ticks, chiggers, and other noxious insects. Parks shall be so maintained as to prevent the growth of ragweed, poison ivy, poison oak, poison sumac, and other noxious weeds considered detrimental to health. Open areas shall be maintained free of heavy undergrowth of any description.
- (e) Registration of occupants: Every mobile home park owner or operator shall maintain an accurate register containing a record of all occupants and owners of mobile homes in the park. The register shall be available for inspection at all times by authorized county representatives. The register shall contain the following information:

- (1) Name of owner or occupant.
 - (2) Mobile home space number.
 - (3) Make, model and registration number of mobile home.
 - (4) Date when occupancy within the mobile home park begins and date when occupancy within the mobile home park ceases.
- (f) Operation:
- (1) The person to whom an operating permit for a mobile home park is issued shall operate the park in compliance with this ordinance and shall provide adequate supervision to maintain the park, its facilities and equipment in good repair and in a clean and sanitary condition.
 - (2) The park owner or operator shall notify park occupants of all applicable provisions of this ordinance and inform them of their duties and responsibilities under this ordinance.
- (g) Administration:

Existing mobile home parks: Mobile home parks existing at the time of the adoption of this ordinance shall not be allowed to add spaces unless such expansion meets fully the requirements set forth in this ordinance.

Use: Professional offices and sales offices for items not delivered from or stored on the premises

Offices shall be for persons engaged in professions:

- (a) where the services offered are personal to one's being;
- (b) where the services offered are of an intangible nature; and
- (c) where the profession is one in which a person is required to successfully pass a required competency or skills test administered by the government to engage in such profession.

Sales office shall be for sales of real estate and sales of other items where such items are not delivered from or stored on the premises used as a sales office or where the item delivered is an intangible item or chose in action.

Add to Section 803 the following paragraph:

Whenever there is a zoning classification action involving a parcel of land, the owner of that parcel of land as shown on the county tax listing, and the owners of all parcels of land abutting that parcel of land as shown on the county tax listing, shall be mailed a notice of the proposed classification by first class mail at the last addresses listed for such owners on the county tax abstracts. The person or persons mailing such notices shall certify to the Town of Littleton that fact, and such certificate shall be deemed conclusive in the absence of fraud. This provision shall apply only when tax maps are available for the areas to be zoned.

Adopted October 7, 1985

Nancy Hyrick
Town Clerk