

**ARTICLE D  
GENERAL PROVISIONS**

**9-3031 Application**

- .1 Use. No building or land shall hereafter be used or occupied and no building or structure or part thereof shall be erected, moved or structurally altered except in conformity with the regulations of this Ordinance or amendments thereto, for the district in which it is located.
- .2 Height and Density. No building shall hereafter be erected or altered so as to exceed the height limit, or to exceed the density regulations of this Ordinance for the district in which it is located.
- .3 Lot Size. No lot shall be reduced in size so that the lot width or depth, front, side or rear yards, lot area per family or other requirements of this Ordinance are not maintained, except in cases of street widening.
- .4 Yard Use Limitations. No part of a yard or other open space required around any building 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 building.
- .5 One Principal Building on Any Lot. Every building hereafter erected, moved, or structurally altered shall be located on a lot of record and in no case shall there be more than one (1) principal building and its customary accessory buildings on any lot, except in the case of a specially designed complex of institutional, residential, industrial, or commercial buildings in an appropriate zoning district, as permitted by Article I of this Ordinance.
- .6 Building Lot Must Abut Public Street. No building shall be constructed or erected upon any lot which does not abut a public street by thirty-five (35) feet, except as provided in Section 9-3040.
- .7 Necessary Repairs Permitted. Nothing in this Ordinance shall prevent the strengthening or restoration to a safe or lawful condition of any part of any building or structure declared unsafe or unlawful by the Building Inspector, the Fire Chief, or any other duly authorized Town officials.

**9-3032 Nonconforming Uses**

After the effective date of this Ordinance, existing structures, or the uses of land or structures which would be prohibited under the regulations for the district in which it is located (if they existed on the adoption date of this Ordinance), shall be considered as nonconforming.

Nonconforming structures or uses (as defined in Article B of this Ordinance) may be continued provided they conform to the following provisions:

**9-3032.1 Continuing Nonconforming Uses of Land**

- .1            Extension of Use. The enlargement or extension of nonconforming uses of land is prohibited.
  
- .2            Change of Use. Any nonconforming uses of land may be changed to a conforming use or, with the approval of the Town Council, to any use more in character with the uses permitted in the district in question.
  
- .3            Cessation of Use. When a non-conforming use of land is discontinued for a consecutive period of one hundred eighty (180) days, the property involved may thereafter be used only for conforming purposes.

**9-3032.2 Continuing the Use of Nonconforming Buildings**

- .1            Extension of Use. Nonconforming buildings and nonconforming uses may not be enlarged. Additionally, no nonconforming structure or use may be enlarged or altered in any way which increases its dimensional deficiencies.
  
- .2            Change of Use. Except as otherwise provided, the lawful use of a building existing at the time of the adoption of this Ordinance may be continued, even though such use does not conform to the provisions of this Ordinance. Furthermore, such building may be structurally altered and any nonconforming use therein changed subject to the following regulations:
  - a.            The order of classification of uses from highest to lowest for the purpose of this section shall be as follows: residential district uses, business district uses, industrial district uses, as permitted by this Ordinance.
  
  - b.            A nonconforming use may be changed to a use of higher classification but not to a use of lower classification. A nonconforming use may not be changed to another use of the same classification unless the new use shall be deemed by the Town Council, after public notice and hearing, to be less harmful to the surrounding neighborhood, than the existing nonconforming use.
  
  - c.            A nonconforming commercial or industrial use may not be extended, but the extension of a use to any portion of a building, which portion is at the time of the adoption of this Ordinance

primarily designed for such nonconforming use, shall not be deemed to be an extension of a nonconforming use.

- d. A conditional use permit has been issued by the Town Council for the proposed change or alteration.

.3 Cessation of Use. If a nonconforming use is discontinued for a consecutive period of one hundred eighty (180) days, any future use of the buildings and premises shall be in conformity with the provisions of this Ordinance.

.4 Repairs, Maintenance, Damage or Destruction.

- a. Minor repairs to and routine maintenance of property where non-conforming situations exist is permitted and encouraged. Major renovation, i.e. work to cost more than 25 percent of the appraised valuation of the structure to be renovated, may be done only in accordance with the regulations of the district in which it was located. The 25 percent cost limit stated above shall include all work within any 18-month period.

Nothing in this section shall be construed to prevent structures from being structurally strengthened or restored to a safe condition, in accordance with an official order of a public official. When improvements are made to restore the property to a safe condition, the costs of such repairs or alterations shall not be included in the 25% noted in the preceding paragraph.

- b. If a structure located on a lot where a non-conforming situation exists is damaged to an extent that the costs of repair or replacement would exceed 50 percent of the appraised valuation of the damaged structure, then the damaged structure may be repaired or replaced only in accordance with the regulations of the district in which it is located. Any repairs or replacement of a non-conforming situation, including residential structures, must be started (obtain building permit) within 180 days after the initial damage.

.5 Manufactured Homes.

- a. Regarding manufactured homes refer to Article G.

<b>9-3033 Interpretation of District Regulations</b>
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.1 Uses by Right. Uses not designated as permitted by right or subject to additional conditions shall be prohibited. Conditional uses are permitted according to the additional regulations imposed. These conditional uses may be approved only by the Town Council. Additional uses when in character with the district may be added to the Ordinance by amendment.

.2 Minimum Regulations. Regulations set forth by this Ordinance shall be minimum regulations. If the district requirements set forth in this section are at a variance with the requirements of any other lawfully adopted rules, regulations or ordinances, the more restrictive or higher standard shall govern.

.3 Land Covenants. Unless restrictions established by covenants for the land are prohibited by or are contrary to the provisions of this Ordinance, nothing herein contained shall be construed to render such covenants inoperative.

**9-3034 Zoning of Annexed Areas**

Any areas annexed into the Town of Valdese, upon annexation, shall be rezoned to an appropriate zoning district, upon recommendation by the Planning Board and approval by the Town Council following notifications and public hearings as required by North Carolina General Statutes.

**9-3035 Lot of Record**

Where the owner of property consisting of one (1) or more lots of record in any district at the time of adoption of this Ordinance or his successor in title does not own sufficient contiguous land to conform to the minimum area and width requirements of this Ordinance, such property may be used as a building site, provided that the requirements of the district are complied with or a variance is obtained from the Board of Adjustment.

Notwithstanding the foregoing, whenever two or more adjoining vacant lots of record are in single ownership at any time after the adoption of this Ordinance and such lots individually have less area or width than the minimum requirements of the district in which such lots are located, such lots shall be considered as a single lot or several lots which meet the minimum requirements of this Ordinance for the district in which such lots are located.

Every lot to be built upon shall abut, by at least thirty-five (35) feet, a public street or other public way, and no dwelling shall be placed or built upon a lot that does not abut upon a public street or other public way by the same distance except as provided in Section 9-3041.

**9-3036 Front Yard Setbacks for Dwellings**

The front yard setback requirements of this Ordinance for dwellings shall not apply to any lot where the average setback of existing buildings located wholly or partially within one hundred (100) feet on either side of the proposed dwelling and on the same side of the same block and use district as such lot is less than the minimum required front yard depth. In such case the setback on such lots may be less than the required setback but not less than the average of the existing

setbacks on the aforementioned lots, or a distance of ten (10) feet from the street right-of-way line, whichever is greater.

**9-3037 Height Limitations**

The height limitations of this Ordinance shall not apply to church spires, belfries, cupolas and domes not intended for human occupancy; monuments; water towers; chimneys; smokestacks; conveyors; flag poles; masts; serials and similar structures except as otherwise noted in the vicinity of airports. Telecommunications towers shall adhere to the height restrictions of Article P.

**9-3038 Visibility at Intersections**

On a corner lot in any district no planting, structure, fence, wall or obstruction to vision more than three (3) feet in height shall be placed or maintained within the triangular area formed by the intersecting street right-of-way lines and a straight line connecting points on said street lines, each of which is twenty-five (25) feet in distance from the point of intersection. Utility poles and street signs shall be permitted if located in a non-obstructive position.

**9-3039 Location of Accessory Buildings**

On any residential lot, except as hereafter provided, accessory buildings shall not be located in any front or side yard, shall not cover more than thirty percent (30%) of any rear yard and shall be at least five (5) feet from any other building on the same lot and at least twenty (20) feet from any buildings used for human habitation on adjoining lots. All parts of the building, including the footings and roof overhang, shall be a minimum of ten (10) feet from any lot line; and further provided that in the case of corner lots such buildings or structures shall be set back at least twenty (20) feet from any side line right-of-way line. Exception: residential accessory buildings located in the B-1 Zoning District shall be a minimum of five (5) feet from **any** lot line.

Residential carports may be permitted in the side yard of a single-family dwelling provided such carports meet the side yard setback of a principal structure for the applicable zoning district. For the purposes of this section a residential carport shall be defined as an accessory building consisting of a roof where the side walls are open and where the purpose of such a structure is to provide covered parking for non-commercial (passenger) motor vehicles. The storage of materials or equipment, other than motor vehicles, in a residential carport is prohibited if the carport is not located in the rear yard.

Residential accessory buildings may be located in a front or side yard provided the lot is used for single-family purposes and is greater than five (5) acres in size (area). In such a case, the residential accessory building shall be set back from the front property line a minimum of 200 feet and shall meet all other applicable setbacks.

On any commercial or industrial lot, accessory buildings may be located in a side or rear yard,

provided they do not cover more than fifty percent (50%) of the total area of the lot. Such accessory buildings shall be at least ten (10) feet from any other building on the same lot and at least twenty (20) feet from any buildings used for human habitation on adjoining lots. Vehicular canopies for gas pumps may project into a required front setback; provided, however, such canopies may project no closer than within five (5) feet of the right of way line or property line and such structures may not extend into required buffer or side yard setback areas. All parts of each accessory building, including the footings and roof overhangs, shall be a minimum of ten (10) feet from any lot or right of way line. Fuel pumps shall be at least twenty (20) feet from property or right of way lines. Accessory buildings and structures shall be set back at least twenty (20) feet from any side property or right of way line. Exception: non-residential accessory buildings located in the B-1 Zoning District shall be a minimum five (5) feet from any lot or right of way line.

### **9-3040 Provisions for Landlocked Lots**

Existing landlocked lots within the residential zoning district, defined as a lot that does not abut a public street by at least thirty-five (35) feet and therefore does not meet the requirement that the lot have a minimum frontage on a public street of thirty-five (35) feet, may nevertheless be developed for one single-family dwelling unit if the lot otherwise meets the zoning requirements of the zone in which the lot is located and provided that the lot has a recorded easement of ingress and egress to and from a public street which is appurtenant to the lot and which meets the following requirements:

- .1 A private easement with a minimum continuous width of twenty-five (25) feet is acquired from intervening property owners; provided, however, an easement with a minimum continuous width of less than twenty-five (25) feet and a maximum length of three hundred (300) feet may be permitted only in situations where an easement with a minimum continuous width of twenty-five (25) feet would create a nonconformity with respect to this Ordinance;
- .2 The recorded documents creating the easement that public service, utility and emergency personnel and vehicles shall have freedom of ingress and egress to and from the landlocked property;
- .3 The recorded documents shall include a maintenance agreement specifying the party responsible for maintaining the easement and its traveled surface;
- .4 The easement must have an all weather surface of gravel, concrete or asphalt with a minimum continuous width of ten (10) feet to ensure access of public service, utility, and emergency personnel and vehicles;
- .5 Landlocked lots shall not be subdivided.

## 9-3041 Vested Rights

The purpose of this section is to implement the provisions of NCGS 160A-385.1 pursuant to which a statutory zoning vested right is established upon approval of a site specific development plan.

.1 Definitions.

a. Approval Authority. The Town Council, Planning Board, Board of Adjustment, Town Clerk, Zoning Administrator, or other board or official designated by this Ordinance as being authorized to grant the specific zoning or land use permit approval that constitutes a site specific development.

b. Site Specific Development Plan. A plan of land development submitted to the Town of Valdese for purposes of obtaining one of the following zoning or land use permits or approvals:

1. Zoning Permit as provided by this Ordinance
2. Conditional Use Permit as provided by this Ordinance
3. Variance as provided by this Ordinance
4. Minor Subdivision approval
5. Major Subdivision approval

Notwithstanding the foregoing, neither a variance, a sketch plan, nor any other document that fails to describe with reasonable certainty the type and intensity of use for a specified parcel or parcels of property shall constitute a site specific development plan.

c. Zoning Vested Rights. A right pursuant to NCGS 160A-385.1 to undertake and complete the development and use of property under the terms and conditions of an approved site specific development plan, provided that such development shall begin within two (2) years following issuance of the zoning vested right. Under the terms of this Ordinance, a two (2) year zoning vested right shall be established upon issuance of a zoning permit.

**9-3042 Permitted Accessory Uses in All Districts**

The following accessory uses are permitted in all districts:

- .1 Accessory uses and structures that are clearly related to and incidental to the permitted principal use or structure on the lot (9-3039).
- .2 Fences and Walls
  - a. Fences consisting of masonry, rock, wire or wooden material and hedges may be installed on any residential lot, provided that the height of such fencing or walls shall be limited to a maximum height of four (4) feet in the front yard. Fencing and walls in the side or rear yard of residential property shall be limited to a maximum of eight (8) feet in height. Retaining walls and required screenings shall not be subject to the above height requirements.
- .3 Parking Lots
  - a. See Article F, Off-Street Parking Requirements.

**9-3043 Setbacks Along Thoroughfares**

Pursuant to the authority granted by G.S. 160A-306, the following setback requirements shall apply to lots along thoroughfares:

- .1 The minimum street setbacks for lots in each zoning district that abuts a thoroughfare shown in the Adopted Thoroughfare Plan shall be measured from the existing right-of-way line for each classification of thoroughfare and shall meet the following requirements:

<b>Thoroughfare Classification</b>	<b>Additional Setback</b>
Existing street recommended for securing additional right-of-way of 10 feet or less	10 feet
Existing street recommended for securing additional right-of-way of more than 10 feet	One-half the difference between the existing and recommended rights-of-way, but less than 10 feet
Not recommended for securing additional right-of-way	No additional setback required
Note: Where rights-of-way for street widening have been acquired, setbacks shall be measured from the right-of-way line that has been established.	

- .2 Use of Additional Setback. The additional setback adjacent to the existing right-of-way may not be developed for parking, but may be used for fences, buffers, landscaping, signs, lighting fixtures, or other similar improvements.

## 9-3044 Property Maintenance

This section shall apply to all properties within the Town of Valdese jurisdiction. The requirements contained herein shall become effective upon adoption of this Ordinance; however, no enforcement proceedings shall commence under this section until 60 days after adoption. This 60-day period is to allow property owners time to make necessary improvements required under this section.

- .1 **Construction.** All new structures shall be designed, constructed and maintained in accordance with the following standards:
  - a. All structures shall comply with applicable provisions of this Ordinance and the North Carolina State Building Code as adopted by the N.C. State Building Code Council, and the Town of Valdese Minimum Housing Code and such other building ordinances as may be adopted and or amended by the Town from time to time.
  
- .2 **Maintenance.** All structures erected, occupied or continued under this Ordinance shall be maintained in good structural condition, in compliance with all applicable codes and provisions of this Ordinance. Specifically:
  - a. All existing structures shall comply with applicable provisions of this Ordinance and the following codes including but not limited to the: North Carolina State Building Code Volume IX – Existing Buildings, the requirements of the code under which the building was built and the Town of Valdese Minimum Housing Code.
  - b. A structure shall have no more than 20 percent of its exterior roofs, walls and other elements of the structure covered with disfigured, cracked, or peeling surface materials for a period of more than 30 consecutive days.
  - c. A structure shall not be maintained with broken windows, holes in exterior surfaces including roofs and walls, ripped awnings, loose materials, loose elements or other obvious exterior defects for a period of more than 30 consecutive days. Exterior materials shall form a weather tight surface with no holes, excessive cracks or decayed surfaces that permit air to penetrate rooms where such rooms are designed, used, permitted or intended for human occupancy or use.
  - d. A structure shall not have weeds, trees, vines, or other vegetation growing upon it greater than 12 inches in height in an untended manner for a period of more than 15 consecutive days.
  - e. All site lighting, parking areas, fences, railings, driveways, curbs, wheel stops, sidewalks, gutters, stormwater management areas and systems and other

improvements and appurtenances shall be maintained in working order and reasonably free of defects.

- f. The owner or tenant shall maintain all landscape areas, trees and shrubs in a neat and healthy condition free of diseased, dead, or bare areas, free of debris and free of grass or weeds greater than 12 inches in height.
- g. The owner or tenant shall maintain all required landscaped areas in a manner consistent with the requirements of this Ordinance. Dead plants shall be replaced as necessary to maintain compliance with the regulations contained herein.
- h. The property owner shall maintain the property and the exterior portions of any structures thereupon free of accumulations of debris, junk, garbage, or trash including but not limited to discarded furniture and other household goods, inoperative vehicles, and inoperative equipment except within approved dumpsters or trash enclosures, enclosed storage areas or on land approved for the operation of a junk yard.

<b>9-3045 Home Occupations</b>
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A home occupation is permitted accessory to any dwelling unit (except manufactured housing) in accordance with the following requirements:

- .1 The home occupation must be clearly incidental to the residential use of the dwelling and must not change the essential residential character of the dwelling.
- .2 A home occupation conducted in an accessory structure shall be housed only in a garage or other accessory structure typically associated with a dwelling.
- .3 The use shall employ no person who is not a resident of the dwelling.
- .4 A home occupation housed within the dwelling shall occupy no more than 25 percent of the total floor area of the dwelling.
- .5 There shall be no visible outside display of stock in trade which is sold on the premises.
- .6 There shall be no outdoor storage or visible evidence of equipment or materials used in the home occupation, excepting equipment or materials of a type and quantity that could reasonably be associated with the principal residential use.
- .7 Operation of the home occupation shall not be visible from any dwelling on an adjacent lot, nor from a street.
- .8 Only vehicles used primarily as passenger vehicles will be permitted in connection with the conduct of the home occupation.
- .9 The home occupation shall not utilize mechanical, electrical, or other equipment which produces noise, electrical or magnetic interference, vibration, heat, glare, or other nuisances outside the dwelling or accessory structure housing the home occupation.

- .10 Home occupations shall be limited to those uses which do not draw clients to the dwelling on a regular basis.
- .11 No business identification or advertising signs are permitted.
- .12 All home occupations shall require a zoning permit. Permits are not transferable from person to person or from address to address.
- .13 Hobbies shall not be subject to the requirements of this section unless such hobby generates a gross yearly income of six hundred dollars (\$600.00) or more.
- .14 There may be one annual inspection by the town staff to ensure the home occupation is operating within the requirements specified by this ordinance. The town staff shall have the right at any time, upon reasonable request, to enter and inspect the premises covered by the zoning permit for safety and compliance purposes.
- .15 In no case shall a home occupation be open to the public at times earlier than 8:00 a.m. nor later than 9:00 p.m.
- .16 No more than one home occupation shall be permitted within any single dwelling unit.
- .17 There shall be no deliveries to or from a home occupation with a vehicle larger than a three-quarter ton truck.
- .18 No home occupation shall cause an increase in the use of any public utilities or services (water, sewer, garbage collection, etc.) so that the combined total use for dwelling unit and home occupation purposes exceeds the average for residences in the neighborhood.
- .19 Home occupations shall comply with all local, state, and federal regulations pertinent to the activity pursued, and the requirements of or permission granted by this section shall not be construed as an exemption from such regulations.
- .20 Any non-conforming home occupation shall be discontinued or comply with all applicable provisions of this section within sixty (60) days after the home occupation first became non-conforming.
- .21 Any pre-existing (prior to the date of adoption of this section and approved by zoning permit) home occupation, made non-conforming by this section, may be continued for a period of two (2) years after adoption of this section or the discovery of the non-conforming use.
- .22 The following uses are permitted in a home occupation:
  - Architectural, drafting, and graphic services;
  - Art restoration;
  - Art/photography studio;
  - Beauty salons;
  - Consulting offices;
  - Contracting offices;
  - Data processing;
  - Dressmaking, sewing, and tailoring;
  - Electronic assembly and repair;
  - Engineering services;

- Financial planning and investment services;
- Flower arranging;
- Gardening and landscaping services;
- Home crafts;
- House cleaning services;
- Insurance sales broker;
- Interior design;
- Jewelry making and repair;
- Locksmith;
- Mail order (not including retail sales from the site);
- Real estate sales broker;
- General sales representative;
- Tutoring;
- Furniture upholstery.

.23 The following uses are prohibited in a home occupation:

- Appliance and small engine repair;
- Auto repair, major and minor;
- Auto painting;
- Carpentry/cabinet making;
- Dance studios;
- Furniture construction;
- Machine shops;
- Rental businesses;
- Tow truck services;
- Welding shops;
- Other uses not listed as a permitted use.

<b>9-3046 Buffers</b>
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Intent: The purpose of this article is to preserve and protect the health, safety, and general welfare of the residents of Valdese by promoting the environmental and public benefits of buffers. It is intended to improve compatibility and provide transition between different zones and preserve the character and aesthetics of an area (see “Buffer” definition in Section 9-3012).

<b>9-3046.1 Standards</b>
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- .1 When industrial and commercial property is developed adjacent to vacant property zoned residential or when nonresidential uses are developed in residential zones, a buffer shall be required.

- .2 The planted buffers as provided in Section 9-3046 shall be required in all industrial and commercial zones when these areas abut residential zones and for all nonresidential uses in residential zones.
- .3 All plant types required in this article shall consist of plants at least three (3) feet in height when planted.
- .4 When two (2) rows of plantings are required, plants shall be staggered in a triangular pattern so that there is a plant spaced the required distance apart as specified in section 9-3046.2.4.
- .5 When the existing natural buffer provides adequate screening, the existing buffer should remain. The Zoning Enforcement Officer shall determine if sufficient buffer does exist.
- .6 The buffer shall be shown in detail on the site plan approved by the Town of Valdese.
- .7 The buffer shall be installed and approved before a certificate of occupancy will be granted except when seasonal weather conditions are not conducive, a temporary certificate of occupancy may be issued for up to ninety (90) days.
- .8 The buffer shall be maintained, and dead and diseased plants replaced by the owner or occupant of the premises. The outside storage of materials shall be prohibited in the area between the planted buffer and the residential district. The owner or occupant of the premises shall properly and continuously maintain this area.
- .9 If a fence is erected on the residential district side of the planted buffer by the party establishing the buffer, the fence shall be one of the following types:
  - A six-foot high wood, basket weave type fence;
  - A six-foot high picket type fence;
  - A six-foot high chain link type fence;
  - A six-foot high open type fence;
  - A six foot-high solid masonry wall.

Fences with barbed or razor wire shall be located on the inside of the buffer. The height of the buffer plantings shall equal the height of the barbed or razor wire at the time of the planting.

<b>9-3046.2 Planting Specifications</b>
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- .1 **Manufacturing-Industrial Zones (M-1) that abut residential zones (R-8, R-12, R-12A).**

A planted buffer shall reach a minimum height of eight (8) feet. Plants used on a buffer shall be a species that forms a continuous year-round opaque screen within three (3) years

after planting. The planted buffer shall be composed of two (2) rows of plants no more than 10 feet apart in each row. One of the plant types listed in section 9-3046.1.4 shall be used, and the plants shall be located no further apart than the distance indicated for each plant type. The planted buffer area shall be at least ten (10) feet wide.

**.2 Commercial or Business Zones (B-1, B-2, B-3, O-I) that abut residential zones (R-8, R-12, R-12A) and non-residential uses in residential zones (R-8, R-12, R-12A).**

A planted buffer shall reach a minimum height of six (6) feet. Plants used on a buffer shall be a species that forms a continuous year-round opaque screen within three (3) years after planting. The planted buffer shall be composed of one (1) row of plants no more than 10 feet apart in the row. One of the plant types listed in section 9-3046.1.4 shall be used, and the plants shall be located no further apart than the distance indicated for each plant type. The planted buffer area shall be at least ten (10) feet wide.

**.3 Required buffer heights and topographic considerations.**

The required height of the planted buffer shall be measured in relation to the elevation of the edge of the adjacent area to be screened. In such cases as the ground elevation of the location at which the screen is to be planted is less than the elevation of the proposed building site, the required height of the screen shall be increased in an amount equal to said difference in elevation.

**.4 Plant types and spacing.**

Below are listed the types of plants that shall be used in planted buffers and the maximum distance each plant type shall be planted apart. Substitution for another plant type not listed is to be made in writing to the zoning administrator and is subject to verification that the proposed plant will thrive and provide adequate screening. No more than thirty (30) percent of the total plantings in a buffer shall be deciduous plants.

<i>Plant</i>	<i>Distance Apart (in feet)</i>
Arbor Vitae	4
Ligustrum Japonicum and varieties	5
Photinia	5
Holly	5
a. Nellie R. Stevens	5
b. Fosters #2	4
c. Savannah	4
d. Bufordi	5
Eleagnus Pungens	5
Osmanthus Varieties	4
Pfitzer Juniper	4
Doublefile Viburnum	5

Forsythia	3
White Pine	8 to 10
Scotch Pine	5 to 6
Deodara Cedar	8 to 10
Dogwood	8 to 10
Flowering Cherry	8 to 10
Flowering Crabapple	8 to 10
Bradford Pear	8 to 10
Oak	8 to 10
Linden	8 to 10
Leyland Cypress	8 to 10

### 9-3047 Accessory Dwellings

- .1 An accessory dwelling may be attached, within, or separate from the principal dwelling.
- .2 The principal use of the lot shall be a single family dwelling, built to the standards of the North Carolina Housing Code. Manufactured homes shall not be used as accessory dwellings.
- .3 No more than one accessory dwelling shall be permitted on a single lot in conjunction with the principal dwelling unit.
- .4 The accessory dwelling shall be owned by the same person as the principal dwelling.
- .5 The accessory dwelling shall not be served by a driveway separate from that serving the principal dwelling unless the accessory dwelling is accessed from a rear alley and the principal dwelling is accessed from a street.
- .6 A detached accessory dwelling shall be housed in a building not exceeding 650 square feet of first floor area (maximum footprint); the structure may be dwelling only or may combine dwelling with garage, workshop, studio, or similar use. The accessory dwelling living area shall not exceed 650 square feet of floor area.
- .7 A detached accessory dwelling shall be located in the established rear yard and meet the setback standards applicable for accessory buildings.
- .8 The maximum height for an accessory dwelling shall be 20 feet.
- .9 Accessory dwellings shall only be allowed after the issuance of a Conditional Use Permit for said use.
- .10** An accessory dwelling must be registered with the Planning Director at the time a certificate of occupancy is obtained.