

***USE REQUIREMENTS BY DISTRICT***

**§ 154.035 INTENT.**

It is the intent of this subchapter that if any use or class of use is not specifically permitted in a district as set forth below, it shall be prohibited in that district. It is also the intent that all address numbering shall be approved by Haywood County E-911. (Ord. 265, Ch. 1, passed 9-18-2001)

**§ 154.036 R-1 LOW DENSITY RESIDENTIAL DISTRICT.**

(A) *Intent.* The R-1 Low Density Residential District is established as a district in which the principal use of land is for low density single-family residential purposes. This district is further intended to protect existing single-family neighborhoods from incompatible land uses. It is also the intent of this district to allow for certain types of nonresidential community facilities that would not be detrimental to the residential character of the district.

(B) *Permitted uses.*

- (1) Single-family dwellings;
- (2) Only Class A manufactured homes;
- (3) Churches and their customary related uses;
- (4) Bona fide farms;
- (5) Garage apartments;
- (6) Greenhouses and truck gardens which are incidental to the residential use and conducted on a noncommercial basis only, provided that no greenhouse heating plant shall be located within 25 feet of any lot line;

(7) Customary home occupations conducted by no person(s) other than the members of the family residing on the premises, for clearly incidental and subordinate use to its residential purposes. No change in the outside appearance of the premises, or other visible evidence of the conduct of the home occupation shall be made, except that 1 sign may be permitted (see Chapter 153).

(a) The following uses shall be allowed and restricted to as home occupations:

1. Dressmaking;
2. Drapery making;
3. Laundering and ironing;
4. Cooking and baking;
5. Hairdressing;
6. Music instruction limited to not more than 4 persons at any 1 time;
7. The renting of not more than 1 room with the boarding of not more than 2 boarders; and
8. Recognized professions of law, the writing of insurance, and accounting.

(b) No equipment or process shall be used in the home occupations which creates noise, vibration, fumes, odors, or electrical interference detectable to the normal senses off the premises in use.

(c) No traffic shall be generated by the home occupation in greater volumes than would normally be expected in a residential neighborhood.

(8) Public elementary and secondary schools and private schools having curricula approximately the same as ordinarily given in public schools; and

(9) Accessory building or structures provided such shall be permitted only in a rear yard and shall be not less than 10 feet from any property line, and further provided that in the case of corner lots the buildings or structures shall be set back at least 40 feet from any side street right-of-way line.

*(C) Special exceptions.*

(1) Hospitals, sanitariums, rest and convalescent homes, homes for the aged, and similar institutions, and dental offices and clinics not used primarily for the treatment of contagious diseases, alcoholism or drug addicts;

(d) No manufactured home or other structure shall be located closer than 25 feet to the exterior boundary of the manufactured home park or a bounding street or highway right-of-way;

(e) A densely planted buffer strip, consisting of evergreen

(2) Planned unit developments (must conform to § 154.110). The PUD shall be in keeping with the intent of this section. Residential uses shall be limited to single-family

detached units;

(3) Public or private parks, playgrounds, community centers, libraries, tennis courts, golf courses, swimming pools, and similar recreation uses; and

(4) Public works and public utility facilities such as transformer stations, pumping stations, water towers, and telephone exchanges, provided that:

(a) The facilities are essential to the service of the immediate area;

(b) No vehicles or materials shall be stored on the premises, and no offices shall be permitted;

(c) All structures shall be set back at least 30 feet from all property lines and enclosed by a woven wire fence at least 8 feet in height, and screened from public view. This requirement may be modified by the Board of Adjustment when it deems appropriate;

(d) The entire lot shall be properly landscaped to blend with the surrounding area.

(Ord. 265, Ch. 1, passed 9-18-2001) Penalty, see § 154.999

#### **§ 154.037 R-2 MEDIUM DENSITY RESIDENTIAL DISTRICT.**

(A) *Intent.* The R-2 Medium Density Residential District is established as a district in which the principal use of land is for medium density single-family and multi-family residential purposes. This district is also intended to protect existing single-family residential areas from incompatible land uses. It is also the intent of this district to allow for certain types of nonresidential community facilities that would not be detrimental to the residential character of the district.

(B) *Permitted uses.*

(1) All uses permitted in the R-1 Low Density Residential District;

(2) Two-family dwellings;

(3) Multi-family dwellings;

(4) Manufactured homes, Class A and Class B only;

(5) Rooming or boarding houses; and

(6) Child-care arrangement or facility licensed by the state as a day-care center.

(C) *Special exceptions.* All uses permitted in R-1 Low Density Residential District as special exceptions.

(Ord. 265, Ch. 1, passed 9-18-2001) Penalty, see § 154.999

D) Conditional Uses. Prior to construction, alteration, or substantial change in use of property in the R-2 district subject to these provisions, a conditional use permit must be obtained from the Board of Aldermen. An application for a conditional use permit shall be submitted to the Board of Aldermen as provided for in Section 154.123; Appearance Standards and Design Review: Procedures for Review.

(1) Multi-family Dwellings

**§ 154.038 R-3 HIGH DENSITY RESIDENTIAL DISTRICT.**

(A) *Intent.* The R-3 High Density Residential District is established as a district in which the principal use of land is for higher density single- and multi-family residential purposes. This district thus allows for a variety of residential uses in areas where the traffic circulation pattern would accommodate higher density residential development. It is also the intent of this district to allow for certain types of nonresidential community facilities that would not be detrimental to the residential character of the district.

(B) *Permitted uses.* All uses permitted in the R-2 Medium Density Residential District.

(C) *Special exceptions.* All uses permitted in the R-2 Medium Density Residential District special exception.

(1) Hospitals, sanitariums, nursing homes, and dental offices and clinics not used primarily for the treatment of contagious diseases, alcoholism, or drug addicts;

(2) Planned unit developments (must conform to § 154.110); and

(3) Manufactured home parks, provided that:

(a) There shall be no more than 10 mobile homes per acre;

(b) No manufactured homes or other structures within a manufactured home park shall be closer to each other than 25 feet, except that storage or other auxiliary structure for the exclusive use of the mobile home may be closer to that mobile home than 25 feet;

(c) There shall be at least 2 off-street parking spaces for each manufactured home. These spaces shall be provided either on the same site as the manufactured home served or in a designated parking area serving several or all mobile homes within the manufactured home park;

trees or shrubs shall be located along all sides of the manufactured home park. The buffer strip shall not be less than 4 feet in width and shall be composed of trees or shrubs of a type which at maturity shall be not less than 6 feet in height. This planting requirement may be modified by the Board of Adjustment where adequate buffering exists in the form of fencing, vegetation, and/or terrain;

(f) All manufactured home parks shall be served by a public water system. Any manufactured home park not served by a public sewerage system must be approved by the

Haywood County Health Department;

(g) All manufactured home parks served by a public sewage collection and treatment system shall meet the requirements of Article D-8 of Appendix D of the North Carolina Plumbing Code. Any manufactured home park not served by a public sewage system must be approved by the Haywood County Health Department;

(h) Manufactured home park owner is responsible for containers, stands, and the collection of all garbage and trash if municipal service is not available;

(i) The manufactured home stand shall be improved to provide adequate support for the placement and tie-down of the manufactured home. The stand shall not heave, shift, or settle unevenly under the weight of the manufactured home due to frost action, inadequate drainage, vibration, wind, or other force activity on the structure;

(j) All manufactured homes shall be underpinned;

(k) All streets within a manufactured home park shall conform to town street standards and shall be maintained in such a manner as to be safe and passable at all times;

(l) Accessory buildings or structures, provided such shall be permitted only in a rear yard and shall be not less than 10 feet from any property line, and further provided that in the case of corner lots the buildings or structures shall be set back at least 20 feet from any side street right-of-way line; and

(m) Minimum 100 feet lot depth measured perpendicular to street right-of-way. (Ord. 265, Ch. 1, passed 9-18-2001) Penalty, see § 154.999

(D) Conditional Uses. Prior to construction, alteration, or substantial change in use of property in the R-3 district subject to these provisions, a conditional use permit must be obtained from the Board of Aldermen. An application for a conditional use permit shall be submitted to the Board of Aldermen as provided for in Section 154.123; Appearance Standards and Design Review: Procedures for Review.

(1) Multi-family Dwellings

## **§ 154.039 COMMERCIAL 1 DISTRICT; GENERAL BUSINESS (GB).**

(A) Intent. It is the intent of this Section to establish appropriate land uses for this zoning district based primarily on business functions and activities such as lodging and accommodations, eating and drinking establishments, sales and rental of general merchandise and services, wholesale sales, entertainment establishments, and professional offices and institutions. It is also intended that these activities be permitted provided that they adhere to the Appearance Standards and Design Review provisions of this ordinance and any additional specific standards as set forth in this Section.

(1) *Generally.* The purpose of this district is to provide for general and commercial activity at convenient points in the town. Regulations are designed to preserve the traffic carrying capacity of the street and to provide for off-street parking. It is not the intent of this district to encourage extensive strip commercial development, but rather to provide concentrations of general commercial activities. It is also intended that all businesses shall be conducted in permanent buildings that meet state and local building codes. All uses must

comply with the town's noise ordinance. Business may not be conducted in temporary or portable structures nor in manufactured homes or vehicles. All heating/air/ventilation units shall be screened from public view. Existing units may be painted to blend with the roof or

screening constructed in such a manner as to block from public view. Existing units must conform within 1 year of the adoption of this chapter. The Zoning Code Enforcement Officer may issue a temporary permit for outdoor sales and exhibits for groups, clubs, and civic organizations. The permit shall define the purpose of the function and the duration of the permit.

(2) *Permitting process for outdoor music festivals where there will be a gathering of more than 250 people and overnight camping.*

(a) *Definitions.* For the purpose of this division (A)(2), the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**MUSICAL OR ENTERTAINMENT FESTIVAL.** Any gathering of groups or individuals on private property for the purpose of listening to, watching, or participating in entertainment which consists primarily of musical renditions conducted in open spaces not within an enclosed structure.

**OVERNIGHT CAMPING.** Where camp or sleep on the festival premises or otherwise to remain on the premises between the hours of 11:00 p.m. and 8:00 a.m. The term does not include festivals in which only festival personnel, security personnel, and the like are permitted to remain on the premises.

(b) *Purpose.* This division (A)(2) is enacted for the purpose of providing necessary regulations for any gathering of groups or individuals on private property, for an event at which more than 250 persons are expected to temporarily gather, for the purpose of listening to, watching, or participating in entertainment which consists primarily of musical renditions or entertainment conducted in open spaces where festival patrons camp or sleep on the premises or otherwise to remain on the premises between the hours of 11:00 p.m. and 8:00 a.m.

(c) *Special music festival entertainment permit required.* If a person, firm, partnership, or corporation desires to conduct, promote, or manage an outdoor music festival where festival patrons camp or sleep on the premises within the Maggie Valley town limits or within the town's ETJ area, he or she must obtain a special music festival entertainment permit for such an event from the Town Manager or Town Planning Director.

(d) *Denial of permit.* A permit may be denied if:

1. The applicant fails to comply with any or all requirements of this division (A)(2), or with any or all conditions imposed pursuant hereto, or with any other applicable provision of state or local law; or

2. The applicant has knowingly made a false, misleading, or fraudulent statement in the application or in any supporting document.



<i>Number of People</i>	<i>Number of Hours</i>									
	<i>1</i>	<i>2</i>	<i>3</i>	<i>4</i>	<i>5</i>	<i>6</i>	<i>7</i>	<i>8</i>	<i>9</i>	<i>10</i>
1,000	4	5	6	7	7	8	8	8	8	8
2,000	6	10	12	13	14	14	14	15	15	15
3,000	9	14	17	19	20	21	21	21	21	22
4,000	12	19	23	25	28	28	28	30	30	30
5,000	15	23	30	32	34	36	36	36	36	36
6,000	17	28	34	38	40	42	42	42	44	44

5. *Potable water supply.* The applicant shall submit a statement that free drinking water, from an approved source that meets County Health Department Standards will be available to the public attending the event, at all times.

6. *Garbage and refuse collection and disposal.* Applicants must provide a statement that garbage and refuse will be disposed by dumpster and must provide a series of satellite trash receptacles throughout the site. The event site will be cleaned and litter, refuse, and debris disposed of, within 24 hours of the conclusion of the event.

7. *Camping areas.* Applicants must submit a statement providing the estimated number of campers that will camp on the site during the event. No more than 10 campers (tents, travel trailers, or RVs) allowed per acre. Applicants must provide a statement that construction and/or operation of homemade toilet and shower facilities will be prohibited as well as dumping of wastewater holding tanks in unapproved areas and that campers will be notified of the prohibition, by posting a sign or otherwise.

8. *Scaled site plan.* Applicants shall submit a site plan or scaled rendering of the proposed event location, showing the location of the following areas and facilities: drainage facilities, location of camping areas, location of food service vendors, location of portable toilets, location of hand washing facilities, locations of potable and drinking water supply stations, location of holding tanks for wastewater, locations of garbage and refuse dumpsters, location command post, public entrances and exits, methods and/or areas of ingress and egress through the site by law enforcement and other public service vehicles, stage, areas off limits to attendees, fire lanes throughout the site, parking areas. This site plan needs to be conspicuously posted throughout the event site.  
(Ord. 479, passed 7-18-2006)

(B) *Permitted uses.* All uses permitted in the R-3 Residential District, except mobile home parks, mini rental storage units, travel trailer storage. Due to potential conflicts, such as noise, traffic, and the like, residential uses in the C-1 District is discouraged, however, it may be allowed as a special

exception if approved by the Zoning Board of Adjustment based on elements listed in § 154.172. One dwelling unit either located within the commercial building or in a separate dwelling structure located on the same lot. Dwelling structures shall be a single-family dwelling or Class A manufactured home. No single-wide mobile homes are permitted.

Uses shall be regulated as specified in the *Land Use Table*. Uses listed as “Permitted” are allowed by right. Uses listed as “Special Exception” require discretionary review by the Zoning Board of Adjustment. Uses listed as “Conditional” require discretionary review by the Board of Aldermen, and where applicable, advisory review by the Community Appearance Commission.

- ~~(1) Appliance sales and services; no outside storage or display;~~
- ~~(2) Auction companies (indoor); no outside storage or display;~~
- ~~(3) Automobile parking lots and structures;~~
- ~~(4) Automobile and recreational vehicle sales, rental, and consignment lots, provided that:
  - ~~(a) No vehicle shall be parked as to impede the pedestrian or vehicular traffic flow. Vehicles shall be setback at least 5 feet from the property line or the street right of way line, whichever is greater;~~
  - ~~(b) All vehicles must display a valid North Carolina inspection sticker where required;~~
  - ~~(c) No major repair shall be conducted on the premises;~~
  - ~~(d) There shall be no outside storage of parts;~~
  - ~~(e) There shall be no less than 200 square feet of display area per vehicle parked on the lot for the purpose of sale; and~~
  - ~~(f) There shall be no vehicles sold other than automobiles, motorcycles, light or heavy duty trucks, RVs, and boats.~~~~
- ~~(5) Automobile washing establishments;~~
- ~~(6) Bakeries;~~
- ~~(7) Banks and other financial institutions;~~
- ~~(8) Barber and beauty shops;~~
- ~~(9) Business colleges, beauty and barber colleges, art schools, music and dance studios, and similar uses including vocational and trade schools;~~
- ~~(10) Bicycle sales and repairs;~~
- ~~(11) Building supplies and equipment sales, excluding open storage;~~

- ~~(12) Bus terminals;~~
- ~~(13) Cabinet or woodworking shops;~~

- ~~———— (14) Civic organizations;~~
- ~~———— (15) Cold storage or freezer lockers;~~
- ~~———— (16) Construction firms and building firms, provided that adequate equipment storage area is provided (twice the land space per machine or vehicle). All equipment must be screened from public view;~~
- ~~———— (17) Dairy bars;~~
- ~~———— (18) Dry cleaning and laundry pick-up stations;~~
- ~~———— (19) Electrical repair shops, excluding open storage;~~
- ~~———— (20) Fire and police stations;~~
- ~~———— (21) Fabricating shops (woodworking, upholstery, and the like), excluding open storage;~~
- ~~———— (22) Florist shops and greenhouses;~~
- ~~———— (23) Food stores;~~
- ~~———— (24) Funeral homes;~~
- ~~———— (25) Furriers and fur storage;~~
- ~~———— (26) Farm machinery sales and repairs, provided that:~~
  - ~~———— (a) Only machinery for sale be parked outside;~~
  - ~~———— (b) No open storage of parts; and~~
  - ~~———— (c) No outside repairs.~~
- ~~———— (27) Feed and seed stores, excluding outside storage;~~
- ~~———— (28) Gasoline service stations, provided that:~~
  - ~~———— (a) No major repair work is performed (complete engine rebuilding, removing bodies from cars, and the like);~~

- ~~———— (b) All repairs are performed inside;~~
- ~~———— (c) No junked vehicles, parts, or tires stored on lot;~~
- ~~———— (d) No open storage of new or used parts;~~
- ~~———— (e) Gasoline pumps shall be located at least 12 feet behind the property line or~~

street right of way line, whichever is greater;

~~————— (f) All buildings shall be located at least 40 feet from any street right of way line. All canopy overhangs shall be not less than 6 feet from the property line or the street right of way line, whichever is greater; and~~

~~————— (g) All storage or pumping tanks containing gasoline, diesel fuel, kerosene, or similar combustible materials (except for screened propane tanks meeting N.F.P.A. standards), shall be underground except those tanks of 1,000 gallons or less; provided that they are screened from public view. Above ground use of gasoline tanks may continue for a period of one year from the date of installation of the tank. All buried tanks shall be installed and maintained in compliance with all N.F.P.A. standards and safety codes.~~

~~———— (29) Glass and mirror shops, venetian blind and awning shops, and similar specialty outlets;~~

~~———— (30) Hotels, motels and inns;~~

~~———— (31) Hospitals, medical and dental clinics;~~

~~———— (32) Ice plants and storage;~~

~~———— (33) Jewelers;~~

~~———— (34) Libraries, museums, and art galleries;~~

~~———— (35) Launderettes;~~

~~———— (36) Locksmiths and gunsmiths;~~

~~———— (37) Newspaper offices;~~

~~———— (38) Manufactured home sales and service (if indoors), excluding open storage of parts and accessories;~~

~~———— (39) Office supplies, equipment sales and service;~~

~~———— (40) Offices; business, professional, and public;~~

~~———— (41) Opticians;~~

~~———— (42) Parks and playgrounds;~~

~~———— (43) Pawn shops;~~

~~———— (44) Photographic studios;~~

~~———— (45) Physical culture and reducing salons;~~

~~———— (46) Public buildings;~~

- ~~———— (47) Radio and TV stations and offices;~~
- ~~———— (48) Restaurants;~~
- ~~———— (49) Retail establishments such as department, clothing, fabric, drug, notion, gift, craft, art, antique, magazine, pet, and hobby shops, but not excluding similar retail shops;~~
- ~~———— (50) Repairing and servicing household equipment, excluding open repair or storage;~~
- ~~———— (51) Shoe repair;~~
- ~~———— (52) Sheet metal, plumbing, heating and refrigeration shops, but excluding open storage;~~
- ~~———— (53) Sign painting and fabricating shops, excluding open storage;~~
- ~~———— (54) Skating rinks;~~
- ~~———— (55) Tailor, dressmaking, and millinery shops;~~
- ~~———— (56) Taxicab stands;~~
- ~~———— (57) Telegraph or messenger services;~~
- ~~———— (58) Theaters housed in a permanent indoor structure;~~
- ~~———— (59) Wholesale and warehousing establishments except for open storage and the storage of dangerous and offensive materials;~~
- ~~———— (60) Public utility and distribution lines, water tanks, telephone exchanges, excluding open storage;~~
- ~~———— (61) Zoos and aquariums subject to wildlife and health department regulations; and~~

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~~(62) Uses not otherwise named herein upon the approval of the Zoning Board of Adjustment provided that no use shall be permitted in this section which is likely to be dangerous, offensive or detrimental to the health, safety, welfare, or general character of this zoning district or the community be reason of dust, gas, smoke, noise, fumes, odors, vibration, glare, or otherwise.~~

*(C) Special exceptions.*

(1) Automobile service and repair, provided that the applicant demonstrate to the Zoning Board of Adjustment by written and oral presentations including necessary drawings and plats how he or she will comply with following:

(a) Must be in compliance with all federal, state, and local environmental regulations;

(b) Parking regulations must adhere to those set forth in § 154.091;

(c) No more than 90% of the allowable parking spaces may be occupied by vehicles repaired or awaiting repair. In no case shall a vehicle remain on the premises for more than 30 days; and

(d) No open storage of new or used parts including tires, sheet metal, batteries, cans, boxes, and the like shall be allowed.

(2) Travel trailer parks (RV parks) and campgrounds, camping cabins, recreational vehicle campgrounds including time-share arrangements. No sites shall be sold within the development unless it has been approved as a subdivision in accordance with the town's subdivision ordinance. No site may be constructed or rented until the Code Enforcement Officer and Planning/Zoning Board of Adjustment has approved a preliminary plat that satisfies the provisions of this chapter as set forth in division (C)(2)(d) below.

(a) *Site requirements.*

1. The premises shall be kept free of accumulations of refuse and debris. Permanent and semi-permanent structures in any travel trailer/RV park shall be located 25 feet apart. No permanent or semi-permanent structures shall be constructed or attached on any rental site, except for camping cabins.

2. Each site shall be a minimum of 25 feet in width. Sites shall be clearly and uniformly marked and designated with the designation by the roadway. Whenever the Haywood County Watershed Protection Ordinance requires a larger site size the watershed requirements shall prevail. Doubling or allowing more than 1 tent, travel trailer, truck coach, camper, or pop-up camper per site at the same time shall be prohibited.

3. a. The ratio of toilet, lavatory, urinals, and bathing facilities for occupants of organized travel camps for private tents, nonself-contained travel trailers, nonself-contained tent campers shall be as follows and shall be provided in a service building or buildings located on the property.

<i>Number of Sites</i>	<i>Toilets</i>	<i>Urinals</i>	<i>Lavatories</i>	<i>Bathing Facilities</i>
1-15	Men 2	Men 2	Men 2	Men 2
	Women 2		Women 2	Women 2
16-30	Men 2	Men 2	Men 3	Men 2
	Women 3		Women 3	Women 2
31-45	Men 3	Men 2	Men 4	Men 2
	Women 3		Women 4	Women 2
46-60	Men 3	Men 3	Men 4	Men 3
	Women 4		Women 4	Women 3
61-80	Men 4	Men 3	Men 5	Men 3
	Women 5		Women 5	Women 3

<i>Number of Sites</i>	<i>Toilets</i>	<i>Urinals</i>	<i>Lavatories</i>	<i>Bathing Facilities</i>
81-100	Men 4	Men 3	Men 5	Men 4
	Women 5		Women 5	Women 4

b. More than 100 sites or spaces there shall be provided 1 additional toilet and lavatory for each sex for each additional 30 sites and 1 additional facility for each bathing facility for each sex for each additional 30 sites or spaces.

4. All toilets, lavatories, and bathing facilities shall be maintained in a state of good repair and shall be kept clean at all times. Toilets, bathhouses, and/or service buildings should be located and distributed so that no habitable permanent and semi-permanent structure, tent, camper or truck coach, travel trailer and tent camper will be more than 300 feet from the facilities.

5. All garbage and refuse shall be stored in durable, water-tight, rust-resistant, rodent proof, fly-proof containers with tight properly fitting covers. All containers and covers shall be maintained in a state of good repair and should be cleaned and sanitized each time they are emptied. An adequate number of containers shall be provided and each container should not be of more than 30 gallon capacity. Concrete or pressure treated wood platforms, racks, or holders shall be of such design as to prevent tipping, minimize spillage, and container deterioration and facilitate cleaning around them.

6. All garbage and refuse shall be collected and disposed of as often as necessary to prevent overflow of available containers and the creation of a nuisance.

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7. All electrical installation and wiring shall be maintained in good repair and shall comply with all local and state codes and/or National Electrical Code. All permanently connected extension cords of electrical wiring on the ground shall be prohibited.

8. No dogs, cats, or other domestic animals shall be permitted to run at large.

9. Each travel trailer/RV park when in operation shall maintain at least one competent attendant or caretaker whose duty shall be to maintain the facilities and equipment in a clean, orderly, and sanitary condition and in a state of good repair.

10. The driveways/roads shall be maintained in such a manner as to be safe and passable at all times. All vehicle parking must be in designated parking area or within the site. Parking in the road is prohibited.

11. Travel trailer/ RV parks must comply with setbacks for the district on all 4 sides. A stone or natural native vegetation buffer zone , or a combination thereof, 6 feet high shall be placed along any highway frontage and be maintained at a minimum of 6 feet and a maximum of 12 feet in height. Exits and entrances (only 1 each) through the buffering may each be 25 feet in width for a total not to exceed 50 feet.

(b) *Pre-application procedure.* Every Travel trailer/RV park applicant is required to meet with the Code Enforcement Officer or his or her designee in a pre-application

conference prior to the submittal of a travel trailer/RV park plat. The purpose of this conference is to provide clarification and assistance in the preparation and submission of plats for approval.

(c) *Sketch plan.* A sketch plan is requested but not required for staff review for all proposed travel trailer/RV parks. The sketch plan may be presented to the Code Enforcement Officer at the pre-application conference. The Code Enforcement Officer shall discuss with the applicant any problems found from review of the sketch plan that would need to be addressed prior to submittal of a travel trailer/RV park preliminary plat.

(d) *Preliminary plat.*

1. *Generally.* For all travel trailer/RV parks, the owner/developer shall submit 4 copies of a preliminary plat containing all required information to the Code Enforcement Officer. At the time of submission of the preliminary plat, the owner/developer shall pay the fee as established by the town.

2. *Contents required.* The preliminary plat shall be clearly and legibly drawn at a scale of 100 feet to 1 inch or at another scale acceptable to the Code Enforcement Officer. The preliminary plat shall be prepared by a registered land surveyor currently licensed and registered in the State of North Carolina by the North Carolina Board of Registration for Professional Engineers and Land Surveyors, and shall contain the following information:

- a. Boundaries of tract shown with bearings, distances, and closures;
- b. Proposed streets;
- c. Location of storm drainage channels;
- d. Easements shall be provided for all utilities. Access to open or piped storm drainage channels shall be guaranteed to the town by granting an easement no less than 20 feet wide (to be shown on plat);
- e. Proposed site lines, site and block numbers, and dimensions;
- f. Proposed minimum building setback lines;
- g. Title, date, name, and location of travel trailer/RV park, north point, and graphic scale;
- h. Name of owner/developer, registered surveyor, and seal;
- i. No person shall initiate any land disturbing activity which uncovers more than one contiguous acre within the proposed travel trailer/RV park without having an erosion control plan approved by the Land Quality Section of the North Carolina Department of Environment and Natural Resources. Written documentation of the approval shall accompany the preliminary plat;
- j. Site data: acreage in total tract, total number of sites, and smallest

site size;

k. Plans for public water and sewer utilities shall be submitted with the preliminary plat. For water and sewer utilities, approval by the appropriate utility shall be indicated on the plans.

l. Designation of any identified flood hazard area;

m. There shall be a 25-foot buffer zone adjacent to Jonathan Creek and Campbell Creek, or any other Trout-fed stream, and a 20-foot buffer zone adjacent to any tributary with year around flow as designated on U.S.G.S. maps. The buffer zone shall be composed of grasses and similar vegetative materials and shall be measured from the top of the creek bank. No permanent improvements shall be located in the buffer zone; and

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n. A description of proposed means for reseeding and soil stabilization of any disturbed area.

3. *Town staff review procedure.* The Code Enforcement Officer shall review for compliance with this chapter and other ordinances of the town to assure that adequate public utilities and services are available and public safety is met. The Code Enforcement Officer shall meet with any agency or officials deemed necessary to adequately review the plat and shall complete the review within 14 days after submittal. If all applicable provisions of this and other town ordinances and regulations are met, the Code Enforcement Officer shall submit the plat to the Planning Board. If all applicable provisions are not met, the plat shall be returned to the applicant with deficiencies noted.

4. *Planning Board review procedure.* First consideration of the preliminary plat shall be at the next regularly scheduled meeting of the Planning Board that follows at least 7 days after the Chairman or his or her designee has received notification of submittal from the Code Enforcement Officer. The Planning Board shall take action within 35 days of receiving the preliminary plat. Before taking final action on the preliminary plat, the Planning Board may refer copies of the plat and any accompanying material to those public agencies concerned with new development, provided that the Planning Board may extend the 35-day review period if within the time period it has not received information it deems necessary for a thorough review of the plat. Approval of the preliminary plat shall be valid for 1 year unless a written extension is granted by the Planning Board on or before the 1-year anniversary of the approval. If the final plat is not submitted for approval within the 1-year period or any period of extension, then the approval of the preliminary plat shall be void.

(e) *Begin construction.* Upon approval of the preliminary plat by the Planning Board, the owner/developer may proceed with preparation of the final plat and the installation of or arrangements for roads, utilities, and other improvements as specified in the approved preliminary plat.

(f) *Final plat.*

1. *Generally.* No final plat for a travel trailer/RV park will be considered unless it has been preceded by a preliminary plat approved by the Planning Board. No final plat will be considered unless and until the owner/developer shall have installed in that area

represented on the final plat all improvements required by this chapter as specified in the approved preliminary plat. The owner/developer shall submit 4 copies and 1 original of the final plat to the Code Enforcement Officer.

2. *Contents required.* The original of the final plat shall be at a scale of 100 feet to 1 inch, or at another scale acceptable to the Code Enforcement Officer, and shall conform substantially to the preliminary plat as approved. The plat shall conform to the provisions of G.S. § 47-30, as

amended. The final plat shall be prepared by a registered land surveyor currently licensed and registered by the State of North Carolina by the North Carolina Board of Registration for Professional Engineers and Land Surveyors, and shall show the following information:

a. Travel trailer/RV park name, north arrow, scale denoted graphically and numerically, date of plat preparation, and township, county and state in which the travel trailer/RV park is located; and the name(s) of the owner/developer(s) and the registered surveyor (including the seal(s) and registration number(s));

b. The exact boundary lines of the tract to be subdivided fully dimensioned by lengths and bearings, and the location of intersecting boundary lines of adjoining lands;

c. The names and deed references (when possible) of owners of adjoining properties;

d. All visible and apparent rights-of-way, watercourses, utilities, roadways, and other such improvements shall be accurately located where crossing or forming any boundary line of the property shown;

e. Sufficient engineering data to determine readily and reproduce on the ground every straight or curved boundary line, street line, site line, right-of-way line, easement line, and setback line, including dimensions, bearings, or deflection angles, radii, central angles, and tangent distances for the centerline of curved streets and curved property lines that are not the boundary of curved streets;

f. The accurate locations and descriptions of all monument markers and control points;

g. The blocks numbered consecutively throughout the entire travel trailer/RV park and the sites numbered consecutively throughout each block;

h. Minimum building setback lines; and

i. The location and width of all adjacent streets and easements. The location and dimensions of all rights-of-way, utility, or other easements.

3. *Staff review and approval.* Upon receipt of the final plat the Code Enforcement Officer shall review it for compliance with this chapter and other ordinances and regulations of the town. The plat shall be accompanied by written approval from the appropriate agencies that all streets and water and sewer utilities have been installed in

accordance with all required specifications, unless a guarantee of such installations has been arranged in accordance with § 151.41. Upon receipt of the written approvals, the Code Enforcement Officer shall sign a “Certificate of Approval of the Installation and Construction of Streets, Utilities, and Other Required Improvements.” The Code Enforcement Officer shall meet with any person or agency deemed necessary for adequate review of the plat and shall

complete the review within 14 days after submittal. If all applicable requirements of this chapter are met the Code Enforcement Officer shall approve the plat and submit it to the Planning Board. If all applicable requirements of this chapter are not met, the Code Enforcement Officer shall disapprove the plat and return it to the applicant with deficiencies noted.

4. *Planning Board Review.* Upon approval by the Code Enforcement Officer, the final plat shall be submitted to the Planning Board. First consideration shall be at the next regularly scheduled meeting that follows at least 7 days after submission. The Planning Board shall make a determination of approval or disapproval of the final plat at its first consideration or at any regular or special meeting within 35 days of the plat’s first consideration. The Board may extend the review period if it deems necessary in order to obtain additional information necessary for a thorough review of the plat.

(g) *Surface water runoff.*

1. Any property owner/developer, individual, business, or corporation grading lands or making improvements within the town limits of Maggie Valley, North Carolina, will be required to submit information prepared by a registered engineer or a registered land surveyor sufficient for the town to adequately review the existing and proposed drainage for the project.

2. This information must include a plat of the property showing a metes and bounds survey, existing and proposed sub-surface drainage facilities, estimated increased surface drainage following project completion and plans for transfer and disposal of the additional drainage resulting from the development. No building permit will be issued until this information has been submitted, analyzed and the town is confident that the drainage will not result in damage to adjacent properties or violate North Carolina General Statutes that prohibit illegal transfer of water from 1 drainage area onto another.

3. The purpose of this chapter is to protect the property owner/developers within the town limits from unplanned construction, inexperienced developers, and others that are not aware of the shallow water table throughout the town and the increasing difficulties in protecting property rights and our existing drainage facilities.

4. This chapter does not relieve the applicant of his or her responsibility to obtain additional permits as required under the Sedimentation Pollution Control Act of 1973, G.S. Chapter 113A, Article 4.

(h) *Suitability of land.* Where land to be platted is found by the Planning Board to be subject to the conditions of flooding, improper drainage, severe erosion, slides, or to

have other characteristics which pose an ascertainable danger to health, safety, or property, the subdivider shall take measures necessary to correct the conditions and to eliminate the dangers.

(i) *Water and sewer systems.*

1. The preliminary travel trailer/RV park plat must be accompanied by satisfactory evidence as to the proposed method and system of water supply and sanitary sewage collection and disposal. Where feasible, connections shall be made to the water system owned by the Maggie Valley Sanitary District and the sewer system owned by the Town of Maggie Valley. The installation of all the systems except wells or septic tanks serving only 1 connection shall be required prior to final plat approval unless financially guaranteed according to § 151.41. The systems may be owned and operated by a public or private entity.

2. Any well or septic tank serving only 1 connection shall be approved by the Haywood County Health Department. For all new systems or expansion of existing systems serving 2 or more connections, approval shall be according to state statutes. The preliminary plat shall be accompanied by written assurance from the developer that plans for the new or expansion of existing systems have been approved by the appropriate state and/or local agencies. If the developer wishes to install the new or expanded systems prior to final plat approval, then submission of the final plat shall be accompanied by written approval of the installation of the systems by the appropriate state and/or local agencies. Prior to final plat approval, if the developer wishes to financially guarantee the installation of the systems, then submission of the final plat shall be accompanied by written approval of plans for the systems from the appropriate state and/or local agencies.

(j) *Sedimentation control.* In order to prevent soil erosion and sedimentation pollution of streams, springs, flat water bodies, or other drainage networks, and when there are plans for a land disturbing activity of 1 acre or more, the owner/developer shall show proof with the preliminary plat of an erosion and sedimentation control plan which has been approved by the state agency having jurisdiction in accordance with the North Carolina Administrative Code, Title 15, as adopted by the North Carolina Sedimentation Commission, 1-11-1978, as amended.

(k) *Building setback lines.* Any required building setback lines and building heights shall be in accordance with this chapter.

(l) *Violations.* After the effective date of this chapter, any person who, being the owner/developer or agent of the owner/developer of any land located within the territorial jurisdiction of this chapter, thereafter subdivides his or her land in violation of this chapter or transfers or sells land by reference to, exhibition of, or any other use of a plat showing a travel trailer/RV park of the land before the plat has been properly approved under the terms of this chapter shall be guilty of a misdemeanor. The description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring land shall not exempt the transaction from this penalty. The town may bring an action for

injunction of any illegal travel trailer/RV park, transfer, conveyance, or sale of land, and the court shall, upon appropriate findings, issue an injunction and order requiring the offending party to comply with the travel trailer/RV park ordinance.

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(3) (a) Existing travel trailer/RV parks that were in existence at the time of the ordinance, 10- -1998, will be considered conforming uses and will be allowed to expand within their boundaries as their boundaries existed on that date.

(b) Provided, however, that the expansion is limited to a maximum of 15% of the entire park as it existed on the date of the ordinance.

(c) Provided, further, that all newly expanded sites shall comply with division (C)(2)(a) above and be permitted by the Town of Maggie Valley's Planning/Zoning Board of Adjustment.

(d) If any existing travel trailer/RV park wishes to expand further than the "15%" rule, they may do so up to a maximum of 25% of the entire park with Planning/Zoning Board of Adjustment approval, and so by having the entire travel trailer/ RV park comply with divisions (C)(2)(a) through (C)(2)(l) above.

(e) Existing travel trailer/RV parks shall expand only once unless given approval for further expansion by the Planning/Zoning Board of Adjustment.

(4) Setbacks may be reduced on a case by case basis in accordance with the provisions of § 154.172. The Zoning Board of Adjustment shall act upon the written request and justification of the applicant. A request submitted at least 10 days prior to a regularly scheduled meeting shall be acted upon at that meeting;

(5) Flea markets, produce stands, provided that:

(a) They be totally enclosed structures (a garage or sliding doors to "open" the area to the outside will be allowed);

(b) All buildings will be permanent and meet all building related codes;

(c) Public restrooms will be provided;

(d) At least 2 off-street parking spaces (9 feet by 18 feet, plus necessary access space) shall be provided per individual display area or booth;

(e) Prior to being granted a special exception, the owner of the facility shall provide a plan(s) showing the lot and dimensions, the building and dimensions, and the number of parking spaces. Also, a sketch representing the building's front appearance is required; and

(f) Any other information deemed appropriate by the Board of Adjustment.

(6) Package stores;

(7) Convenience stores;

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- (8) Animal hospitals and veterinarians;
- (9) Adult establishments, provided that the establishment meets the requirements set forth in Chapter 112;
- (10) Planned unit developments; and
- (11) Special events, notwithstanding the provisions of this chapter, the Town of Maggie Valley by special permit may exempt special events for the provisions of this chapter, provided that:

(a) The sponsoring agency must be a state or nationally recognized civic, charitable, fraternal, governmental organization, or demonstrates to the Board of Aldermen the direct benefits to the community. Commercial, for-profit, or similar activities may not receive exemptions;

(b) The sponsoring agency shall submit a written application to the Board of Aldermen at least 120 days prior to the event in a form as proscribed by the town; and

(c) The Board of Aldermen shall upon granting an exception transmit the approval to the sponsoring organization stating any conditions, terms, requests, or dates. (Ord. 265, Ch. 1, passed 9-18-2001) Penalty, see § 154.999

(D) Conditional Uses. Prior to construction, alteration, or substantial change in use of property in the C-1 district a conditional use permit must be obtained from the Board of Aldermen. An application for a conditional use permit shall be submitted to the Board of Aldermen as provided for in Section 154.123: Appearance Standards and Design Review; Procedures for Review.

Uses listed in the Land Use Table and other uses that are within the spirit of this section, as determined by the Zoning Board of Adjustment, provided that no use shall be permitted which is likely to be dangerous, offensive or detrimental to the health, safety, welfare or general character of this zoning district, or the community, by reason of dust, gas, smoke, noise, fumes, odors, vibration, glare or otherwise.

(E) Conditional Uses with additional standards. Prior to construction, alteration, or substantial change in the use of property in the C-1 district a conditional use permit must be obtained from the Board of Aldermen. An application for a conditional use permit shall be submitted to the Board of Aldermen as provided for in Section 154.123: Appearance Standards and Design Review; Procedures for Review.

1) Automobile and Recreational Vehicle Sales, Rental and Consignment lots provided that:

- a) No vehicle shall be parked as to impede the pedestrian or vehicular traffic flow. Vehicles shall be setback at least ten (10) feet from the property line or the street right-of-way line, whichever is greater.

- ~~b) No major repair shall be conducted on the premises.~~
- ~~c) There shall be no outside storage of parts.~~
- ~~d) There shall be no less than 200 square feet of display area per vehicle parked on the lot for the purpose of sale.~~
- ~~e) There shall be no vehicles sold other than automobiles, motorcycles, light or heavy duty trucks, RV's and Boats.~~

2) Construction firms and building firms, provided that:

- ~~a) There is no outdoor storage of building materials, construction equipment or vehicles.~~

**§ 154.040 COMMERCIAL 2 DISTRICT; NEIGHBORHOOD BUSINESS (NB).**

(A) *Intent.* The regulations of this district are intended to provide for the retailing of goods and services to the nearby residential neighborhoods in such a way as to protect abutting areas from blighting influences. All heating/air/ventilation units shall be screened from public view. Existing units may be painted to blend with the roof or screening constructed in such a manner as to block from public view. Existing units must conform within 1 year of the adoption of this chapter.

(B) *Permitted uses.*

Uses shall be regulated as specified in the Land Use Table. Uses listed as "Permitted" are allowed by right. Uses listed as "Special Exception" require discretionary review by the Zoning Board of Adjustment. Uses listed as "Conditional" require discretionary review by the Board of Aldermen, and where applicable, advisory review by the Community Appearance Commission

- (1) All uses permitted in the R-3 Residential District
- ~~(2) Appliance sales and services;~~
- ~~(4) Bakeries;~~
- ~~(5) Banks and other financial institutions;~~
- ~~(6) Barber and beauty shops;~~
- ~~(7) Bicycle sales and repair;~~

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- ~~(8) Civic organizations;~~
- ~~(9) Dairy bars;~~

- (2) Electrical repair shops, excluding open storage;
- ~~(11) Fire and police stations;~~
- (3) Florist shops, excluding commercial greenhouses;
- ~~(13) Funeral homes;~~
- ~~———— (14) Furriers and fur storage;~~
- ~~———— (15) Glass and mirror shops, Venetian blind and awning shops, and similar specialty outlets;~~
- ~~———— (16) Jewelers;~~
- ~~———— (17) Libraries, museums and art galleries;~~
- ~~———— (18) Office supplies, equipment sales and services;~~
- ~~———— (19) Offices; business, professional, and public;~~
- ~~———— (20) Opticians;~~
- ~~———— (21) Parks and playgrounds;~~
- ~~———— (22) Photographic studios;~~
- ~~———— (23) Physical fitness and weight reducing establishments;~~
- (4) Restaurants, excluding restaurants with drive-thru service;
- ~~(25) Retail establishments such as department, clothing, fabric, drug, notion, gift, craft, antique, magazine, and hobby shops, but not excluding similar retail shops;~~
- (5) Repairing and servicing household equipment, excluding open repair or storage;
- ~~(27) Shoe repair;~~
- ~~(28) Tailor, dressmaking, and millinery shops;~~
- (6) Travel trailer parks (RV parks); see § 154.039(C)(2); and

(7) Travel trailer storage (RV storage) provided that: have a 6-foot high buffer on all 4 sides to block the stored travel trailers/RV from public view.

(C) *Special exceptions.* All uses in R-3 High Density Residential District special exceptions.  
(Ord. 265, Ch. 1, passed 9-18-2001) Penalty, see § 154.999

(D) *Conditional Uses.* Prior to construction, alteration, or substantial change in use of property in the C-2 district, subject to these provisions, a conditional use permit must be obtained from the Board of Aldermen. An application for a conditional use permit shall be submitted to the Board of Aldermen as provided for in Section 154.123: Appearance Standards and Design Review; Procedures for Review.

(1) Multi-family Dwellings