

ARTICLE IV

SUPPLEMENTARY PROVISIONS APPLYING TO SPECIFIC DISTRICTS

SECTION

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4.000 Design standards for handicapped accessible parking.

- A. All shall be detailed sufficiently to show compliance with the North Carolina Handicapped Code, current edition.
- B. Handicapped-accessible parking shall be located as near as possible to the main public entrances of a single building or centrally located in parking lots that serve more than one building.
- C. All off-street handicapped-accessible parking spaces shall be located in the closest parking area to a public entrance to the building but no more than two hundred-fifty (250) feet from such entrance.
- D. No stairs or curbs are permitted between an accessible parking space and the entrance which it is intended to serve and the slope along the accessible route shall not exceed 1:12.
- E. All off-street handicapped-accessible parking spaces shall be designated by a sign or other means accepted by State requirements. Van-accessible spaces shall be designated by a sign indicating "Van-Accessible" in addition to any other means used.
- F. A minimum width of ninety-six (96) inches shall be required for all accessible spaces. Van-accessible spaces shall further require a minimum vertical clearance of ninety-eight (98) inches.

- G. An access aisle of sixty (60) inches shall be provided for all standard spaces and an aisle of ninety-six (96) inches shall be provided for all van-accessible spaces (one, ninety-six (96) inch aisle may serve both types of spaces). No ramps may project into this access aisle.

4.010. Off-street parking requirements. In all districts, accessory off-street parking shall be provided in conformity with the requirements set forth in this section for all uses permitted by right or as a conditional use.

A parking space is required for a portion of a unit of measure one-half or more of the amount set forth herein.

For an enlargement or modification resulting in a net increase in the floor area or other applicable unit of measure specified herein, the same requirements shall apply to such net increase in the floor area or other specified unit of measurement.

In the case of uses where the planning commission is required to prescribe the number of parking spaces, it shall base its determination on such factors as the traffic generation of the facilities, the time of operation of such facilities, their location, and other such factors as affect the need for off-street parking as required under the conditional use provisions.

Off-street automobile storage or standing space shall be provided on each lot upon which any of the following uses are hereafter established. One (1) vehicle space shall be one hundred sixty-two (162) square feet in size (9 feet x 18 feet) and such space shall be provided with vehicular access to a street or alley. A limited number of smaller spaces for compact vehicles will be considered, especially where necessary to reduce the impervious area to meet the runoff reduction requirements of the Stormwater Management Ordinance. The required number of parking spaces shall be provided on property owned by the relevant property owner. Street or highway right-of-way shall not be utilized to meet the minimum number of required parking spaces.

The Planning Commission understands that compliance with the runoff reduction requirements of the Stormwater Management Ordinance depends on a reduction of impervious area across a site to the extent possible. Therefore, reductions to the required number of parking spaces shown below will be considered where the applicant can demonstrate that it is a necessary component of compliance with the Runoff Reduction Requirements and that the proposed number of spaces will adequately serve the proposed structure, either alone or in conjunction with other available parking. A reduction of parking spaces, however, shall not be used simply to avoid the use of other best management practices that could be utilized such as pervious pavements within the parking stalls.

Unless otherwise approved under the conditions described above, the number of parking spaces provided shall meet the minimum requirements for the specific uses as set forth below:

A. RESIDENTIAL ACTIVITIES

1. Permanent

- (a) Single family detached, townhouses, condominiums, two-family dwellings, detached, attached, and semi-detached:

Two spaces per each dwelling unit

- (b) Multi-family dwelling (3 or more):

Two spaces per each dwelling unit.

- (c) Mobile Homes:

Two spaces per mobile home.

- (d) Where occupancy is to be primarily elderly persons over the age of 60, the number of developed spaces may be reduced to 1.5 spaces per unit.

2. Semi-Permanent

- (a) Boarding or rooming house:

1.5 spaces for each dwelling or rooming unit.

B. COMMUNITY ACTIVITIES

1. Community Assembly

Accessory off-street parking shall be provided for the specified number of square feet of gross floor area or seating capacity or other specified unit of measurement (or fraction of one-half or more thereof) for the following specified uses within the activity types indicated:

- (a) Art Galleries, Museums, Libraries:

One (1) space for each 800 square feet of gross floor area.

- (b) Swimming Pools:

30% of the capacity in persons.

- (c) Parks, Playgrounds, Athletic Fields:

Ten (10) spaces for every acre of land devoted to field, plus one space for every four (4) spectator seats.

- (d) Recreation Centers and Gymnasiums (Public/Non-Profit):

50% of the capacity in persons, plus one space for each two employees.

- (e) Civic, Social, Fraternal, Philanthropic Clubs (non-profit) Clubs, Lodges, Meeting Halls, (other than) Labor Union, Recreation Centers, Temporary Non-Profit Festivals:

50% of the capacity in persons.

2. Government and Essential Services

- (a) Electric and Gas Substations:

Two (2) spaces.

- (b) City, County, State and Federal Government Offices:

One (1) space for each 300 sq. ft. of gross floor area, plus one for every three (3) employees.

- (c) Airports, Heliports, or other Aeronautical Devices:

One (1) space for each employee, plus one (1) space for every 100 sq. ft. of gross floor area.

- (d) Detention or Correctional Institutions:

One (1) space for each employee, plus one (1) space per each patrol car on largest shift.

- (e) Electricity Generating Facilities, Radio, and Television Towers, and Transmission Facilities:

Minimum of Two (2) spaces. The planning commission may require more.

- (f) Water and Sewage Treatment Plants:

One (1) space for each employee.

3. Education Facilities; Public and Private Schools

- (a) Kindergarten and Nursery:

One and a half (1.5) spaces for each employee.

- (b) Elementary and Middle Schools, grade 1-9:

One (1) space per each employee or one (1) space for each five (5) seats in the auditorium, whichever is greater.

(c) High School, Grades:

One (1) space per each employee plus one (1) space per each four (4) students in grades 7 through 10. One (1) space per each employee plus one (1) space per each two (2) students in grades 11 and 12.

(d) Vocational or Trade Schools:

One (1) space per each student plus one (1) space per each employee.

4. General Business Services

(a) Railroad, Bus, and Transit Terminals for Passengers:

One (1) space for each 100 sq. ft. of waiting room.

(b) Railroad Yards and Other Transportation Equipment Marshaling and Storage Yards:

One (1) space for each employee.

5. Health Care, Special Personal and Group Care Facilities

(a) Hospitals:

1.5 spaces for each bed.

(b) Medical or Dental Clinics:

Three (3) spaces for each staff member or doctor or dentist.

(c) Day Care Centers:

Two (2) spaces for each employee.

(d) Family and Group Care Facilities:

Two (2) spaces for every employee.

(e) Nursing Homes, Rehabilitation Centers, Associations for Physically and Mentally Handicapped:

One (1) space for each staff or employee, plus one (1) for each two patients.

(f) Retirement or Rest Homes, Convalescent Homes:

One (1) space for each staff member or employee plus, one (1) space for each two (2) residents.

6. Religious Facilities:

All uses:

One (1) space for each three (3) seats.

C. COMMERCIAL ACTIVITIES:

USES LOCATED ON FREESTANDING SITES

One (1) parking space shall be required for each of the following amounts of gross floor area. For example, where you see the number 250 in the column labeled GROSS FLOOR AREA, that means, one parking space is required for every 250 square feet of gross floor area in the building, or rooms to be used for each activity.

	ACTIVITY TYPE	GROSS FLOOR AREA (SQUARE FEET)
1.	<u>Retail Trade - Apparel and Accessories</u>	150
2.	<u>Retail Trade - Automotive, Marine Craft and Aircraft Sales, Rental and Delivery</u>	25% of the gross lot area shall be allocated to individual parking spaces
3.	<u>Retail - Building Materials, Farm Equipment and Hardware</u>	1,000 plus one space for each employee
4.	<u>Retail Trade – Eating and Drinking Establishments</u>	100
5.	<u>Retail Trade – Food Stores</u>	
	(a) Limited line convenience	150
	(b) All other uses	150
6.	<u>Retail Trade – General Merchandise</u>	
	(a) Department store	250
	(b) Variety store	250
	(c) Misc. General Merchandise store	250
7.	<u>Retail Trade – Home Furniture, Furnishings and Equipment</u>	250
8.	<u>Convenience Commercial</u>	150
9.	<u>Wholesale Sales</u>	

	All Uses	1,000
10.	<u>Used Car Lots</u>	25% of the gross lot shall be devoted to individual parking spaces

SERVICE ACTIVITIES

1.	<u>Animal Care and Veterinarian Services; Veterinary Hospital</u>	300
2.	<u>Automotive Services and Repair</u>	One (1) space for each employee, plus two (2) spaces for each service bay
3.	<u>Business Services</u> All Uses	400 Plus one (1) for each employee
4.	<u>Communication Services</u>	300
5.	<u>Contract Construction Services</u>	300
6.	<u>Equipment Repair Services</u>	300
7.	<u>Entertainment and Amusement Services</u>	
	(a) Art Galleries	800
	(b) Bowling Alleys	Five (5) spaces for each alley
	(c) Billiard Parlor	250
	(d) Coin Operated Arcades	250
	(e) Commercial Recreation:	
	1) Dance Halls and Skating Rinks	100
	2) Golf Range, Driving Range, Putt-Putt Course	As determined by Planning Commission
	3) Exhibition Halls, Auditoriums, Amphitheaters	40% of capacity in persons
	4) Riding Stables	Minimum of five (5) spaces plus one (1) for each employee
	5) Boat Docks, Boat Rental Marinas, Botanical or Zoological gardens	One (1) space for each employee plus other spaces as determined by Planning Commission
	(f) Motion Picture Theater	One (1) space for each three (3) seats
	(g) Motion Picture Theater – Drive-In	Reservoir of 10% above all spaces plus one (1) space for each employee
	(h) Legitimate Theater	One (1) space for each three (3)

	(i) Recording, Television, and Radio Studios	seats Two (2) spaces for each employee
	(j) Resorts and Group Camps	One (1) space for each employee at peak season plus other spaces as required by Planning Commission
	(k) Fairgrounds, Amusement Parks, Carnivals, Circuses	Parking plan must be presented to and approved by the Planning Commission
8.	<u>Financial, Insurance, and Services</u> All Uses	200 plus one (1) space per each employee
9.	<u>Gasoline Service Stations</u>	500 Plus two (2) spaces for each service bay and one (1) for each employee
10.	<u>General Personal Services</u> (a) Funeral and Under-Taking Services	One (1) space for each 100 square feet of gross floor area or where a chapel is provided, one (1) space for each four (4) perma-seats plus one for every 25 square feet of parlor area where temporary seats are to be used
	(b) All Other Services	150
11.	<u>Professional Services</u> (a) Medical	Three (3) spaces per each employee
	(b) All Others	200
12.	<u>Transient Habitation</u> (a) Hotels, Motels, Tourist Homes or Courts	One (1) space for each room to be rented, plus one (1) space for each employee
	(b) Sporting and Recreational Vehicle Camps	One (1) space for each travel vehicle or pad plus one (1) space per each employee
13.	<u>Uses Within Commercial Complexes</u> Where three or more commercial operations (retail, wholesale, or service activities) are grouped together such that they share a building or a common site, the number of parking	

spaces shall be 5.0 spaces per 1,000 square feet of gross leasable area.

D. INDUSTRIAL ACTIVITIES

One space for each 1,000 square feet of gross floor area, or one space per each employee during a single shift, whichever is greater. A minimum of five (5) spaces shall be provided for any establishment.

1. Warehousing, Foods and Freight Transport, and Storage

One space for each 5,000 square feet of gross floor area plus one space for each 10,000 square feet of open storage. A minimum of five (5) spaces shall be provided by any establishment.

2. Manufacturing: Automobile Wrecking Yards, Scrap Metal Processing, Junk Yards

One (1) space for each 1,000 square feet of gross floor area or one (1) space for each 8,000 square feet of gross lot area, whichever is greater.

E. AGRICULTURAL, RESOURCE PRODUCTION, AND EXTRACTIVE ACTIVITIES

1. Agricultural Services

One (1) space for each employee and for veterinary services for livestock, one (1) space for each 300 sq. ft. of gross floor area.

2. Plant and Forest Nurseries

Five (5) spaces, plus one (1) space for each five (5) acres.

3. Mining and Quarrying

1.5 spaces for each employee.

F. OTHER

For buildings and land uses not referred to in the pre-cited activity classifications the off-street parking requirements shall be determined by the Board of Zoning Appeals.

4.011. Certification of minimum parking requirement. Each application for a building permit shall include information as to the location and dimensions of off-street parking spaces and the

means of ingress and egress to such space. This information shall be in sufficient detail to enable the Building Inspector to determine whether or not the requirements of this section are met.

4.012. Combination of required parking space. The required parking space for any number of separate uses may be combined in one lot, but the required space assigned to one use may not be assigned to another use, except that the parking space required for churches, theaters, or assembly halls whose peak attendance will be at night or on Sundays may be assigned to a use which will be closed at night or on Sundays.

4.013. Remote parking space. If the off-street parking space required by this ordinance cannot be reasonably provided on the same lot on which the principal use is located, such space may be provided on any land within four hundred (400) feet of the main entrance to such principal use, provided such land is in the same ownership or lease as the principal use. Such land shall be used for no other purpose so long as no other adequate provisions of parking space, meeting the requirements of this ordinance, has been made for the principal use.

4.014. Requirements for design of parking lots.

- A. Except for parcels of land devoted to one- and two-family residential uses, all areas devoted to off-street parking shall be so designed and be of such size that no vehicle is required to back into a public street to obtain egress.
- B. Each parking space shall be no less than one hundred sixty-two (162) square feet in area. Where compact vehicle spaces are allowed, they shall be no less than one hundred twenty (120) square feet in area (8' x 15'). If compact vehicle spaces are allowed, they shall be marked as such in a clearly visible manner and shall comprise of no more than 10% of the total number of parking spaces.
- C. Entrances and exits for all off-street parking lots shall comply with the requirements of SECTION 3.090, of this ordinance.
- D. The parking lot shall be designed in such a manner as to provide adequate drainage and to eliminate the possibility of stagnant pools of water. The use of pervious pavements or infiltration islands within parking lots shall be encouraged.
- E. There shall be a parking aisle at least 22 feet wide serving all 90 degree and 60 degree angled parking spaces. For all 30 and 45 degree angled parking spaces, there shall be a minimum parking aisle of 16 feet in width.
- F. All off-street parking areas containing five (5) spaces or more shall be surfaced with asphalt, concrete, or other dustless material and so constructed to provide for adequate drainage for both on and off-site and to prevent the release of dust. All parking spaces shall be clearly marked.
- G. No parking space(s) serving any residential development shall be located further than sixty (60) feet from the respective dwelling unit such space(s) serve.

4.020. Off-street loading and unloading requirements. Every building or structure hereafter constructed and used for business, or trade involving the receiving or distribution of vehicles, materials, or merchandise shall provide space for the loading and unloading of vehicles off the street or public alley. Such space shall have access to a public or private alley, or if there is no alley, to a public street. The minimum required spaces for this provision shall be based on the total usable floor area of each principal building according to the following table:

Total Usable Floor Area for Principal Building	Spaces Required (See ARTICLE II for Definitions)
0 to 9,999 sq. ft.	One (1) space
10,000 to 14,999 sq. ft.	Two (2) spaces
15,000 to 19,999 sq. ft.	Three (3) spaces
Over 20,000 sq. ft.	Four (4) spaces plus one (1) space for each additional 20,000 sq. ft.
Off-street Loading and Unloading Requirements for Industrial Use:	
5,000 to 40,000 sq. ft.	One (1) space
Over 40,000 sq. ft. to 100,000 sq. ft.	Two (2) spaces
Each additional 100,000 sq. ft. or major fraction thereof	One (1) space

The Board of Zoning Appeals may reduce or increase this requirement in the interest of safety where unusual or special conditions are due consideration.

4.030. Temporary use regulations. The following regulations are necessary to govern the operation of certain necessary or seasonal uses nonpermanent in nature. Application for a Temporary Use Permit shall be made to the Building Inspector. Said application shall contain a graphic description of the property to be utilized and a site plan to determine yard requirements, setbacks, sanitary facilities, and parking space for the proposed temporary use. The following uses are deemed to be temporary uses and shall be subject to the specific regulations and time limits which follow and to the regulations of any district in which such use is located.

- A. Christmas Tree Sale: May obtain a forty-five (45) day Temporary Use Permit for the display and sale of Christmas trees on open lots in any district, except residential district.
- B. Temporary Buildings: In any district, a Temporary Use Permit may be issued for contractor's temporary office and equipment sheds incidental to a construction project. Such permit shall not be valid for more than one (1) year but may be renewed for six-month extensions; however, not more than three (3) extensions for a particular use shall be granted. Such use shall be removed immediately upon expiration of the Temporary Use Permit, whichever occurs sooner.
- C. Religious Tent Meetings: In any district, except the residential districts, A Temporary Use Permit may be issued for a structures to house a religious meeting. Such permit shall be issued for not more than 30-day period. Such activity shall be

permitted only on lots where adequate off-street parking can be provided, and where adequate sewerage facilities are available.

4.040. Customary incidental home occupations. Any home occupation shall meet the following requirements:

- A. No person other than members of the family residing on the premises shall be engaged in such occupation;
- B. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by the occupants, and not more than twenty-five (25) percent of the floor area of the dwelling unit shall be used in the conduct of the home occupation, not to exceed 500 square feet;
- C. There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation;
- D. No home occupation shall be conducted in any accessory building;
- E. There shall be no sales on the premises in connection with such home occupation;
- F. No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be met off the street and other than in a required front yard;
- G. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot;
- H. The home occupation shall not involve the storage of commercial vehicles nor the use of such vehicles for delivery of goods or materials to and from the premises;
- I. No home occupation shall require internal or external alterations, construction features, or the use of any equipment that would change the fire rating of the structure;
- J. No outdoor display of goods or outside storage of equipment, parts, or materials of any kind used in the home occupation shall be permitted; and
- K. The following are specifically prohibited as home occupations:
 - 1. The repair of motor vehicles.
 - 2. A barber or beauty shop or any similar activity where clientele or patrons are served on the premises.

3. Tea rooms
4. Tourist homes
5. Real estate offices
6. Convalescent homes
7. Mortuaries
8. Animal clinics
9. Retail sales business

All questions regarding specific home occupations shall be determined by the Board of Zoning Appeals.

4.050. Special Conditions for Apartments in Single-Family Owner-Occupied Homes. The following regulations shall apply to all apartments constructed in single-family owner occupied homes:

- A. The apartment will be a complete, separate housekeeping unit that can be isolated from the original unit.
- B. Only one apartment will be created within a single-family house.
- C. The owner(s) of the residence in which the accessory unit is created shall occupy at least one of the dwelling units on the premises, except for bona fide temporary absences.
- D. The accessory apartment shall be designed so that, the appearance of the building remains that of a one-family residence. In general, any new entrances shall be located on the side or in the rear of the building.
- E. The design and size of the apartment within the single-family home shall conform to all applicable standards in the health, building, and other codes.

4.060. Gasoline service station restrictions. The following regulations shall apply to all gasoline services stations:

- A. There shall be a building setback from all street right-of-way lines of a distance of not less than forty (40) feet, except for canopies designed to cover the gasoline pump islands. Canopies shall not be located closer than fifteen (15) feet from any street right-of-way lines.
- B. Gasoline pumps shall not be located closer than twenty-five (25) feet to any street right-of-way line.

C. Sign requirements as established in city ordinance, shall be met.

4.070. Performance Standards Regulations. The purpose of this section is to establish regulations and standards for the installation and operation of all types and classes of industrial, commercial, government services and health care facility uses, based upon consideration of the objectionable characteristics of such uses and the districts in which they are permitted.

In all applicable districts, as indicated above in any permitted use or any conditional use and every building or structure or tract of land that is established, developed, or constructed shall comply with each and every performance standard contained herein.

When any use or building or other structure is extended, enlarged, or reconstructed after the effective date of this ordinance, the applicable performance standards shall apply to such extended, enlarged, or reconstructed portions of such use of building or other structure.

The provisions of this article shall apply notwithstanding the issuance after the effective date of this ordinance of any zoning permit or use and occupancy permit.

Performance standards are not applicable to the temporary construction, excavation, grading and demolition activities which are necessary and incidental to the development of facilities on the same lot, on another of several lots being developed at the time, or on the public right-of-way or easement for a community facility activity such as those listed in the zoning chart under Government Services, or Health Care Facilities.

In the case of any conflict between the activity type and the performance standards, the latter shall control. In the case of any conflict between the performance standards set forth herein and any rules and regulations adopted by other governmental agencies, the more restrictive shall apply.

The following performance standards regulations shall apply to any commercial, industrial, government service or health care facility type activity located in any district. If in the opinion of the planning commission there is question as to whether an existing or proposed land use is in violation of the following performance standards, it shall be the responsibility of the property owner and/or person (as defined herein) in question to prove beyond a doubt that such usage is in compliance with the applicable performance standard(s). For proposed land uses, the property owner shall address the means by which he/she intends to comply with the performance standards. The Planning Commission understands that proof of compliance cannot be accomplished until the operation is in place. The acceptance by the Planning Commission of the owner's explanation of how the standards will be met will in no way relieve the owner of the duty to comply if the proposed methods should prove to be ineffective.

4.070.1 Prohibition of Dangerous or Objectionable Elements

No land or building in any district shall be used or occupied in any manner so as to create any dangerous, injurious, noxious, or otherwise objectionable fire, explosive, or other hazard; noise or vibration, smoke, dust, odor, or other form of air pollution; heat, cold, dampness, electrical, or other disturbance; glare; liquid or solid refuse or wastes; or other substance, condition, or element in such a manner or in such amount as to adversely affect the surrounding area.

4.070.2 Performance Standards Noise

At no point on or beyond the boundary of any lot which abuts a lot in the same district shall the sound pressure level resulting from any use or activity, whether open or enclosed, exceed the maximum permitted decibel levels for the designated octave band as set forth in the table below:

Octave Band, Frequency in Cycles per Second	Sound Pressure Level in Decibels
0 – 74	79
75 – 149	74
150 – 299	66
300 – 599	59
600 – 1,199	53
1,200 – 2,300	47
2,400 – 4,799	41
4,800 and over	39

Where any commercial, industrial, government service or health care facility adjoins a district permitting residences, the maximum permitted decibel levels at any point on or beyond the district boundary shall be reduced by six (6) decibels from the maximum permitted level in the table.

4.070.3 Performance Standards Regulating Vibration

No vibration other than from a temporary construction operation or a transportation facility shall be permitted which is discernible without instruments at the lot line of the lot on which the vibration source is situated.

For purposes of this section, vibration shall include the type of vibration which is a reciprocating movement transmitted through the earth and impact vibration which is an earthborn vibration produced by two or more objects (or parts of a machine) striking each other.

4.070.4 Performance Standards Regulating Smoke

No emission shall be permitted at any point from any stack, chimney, or other source of smoke or visible effluent of a shade equal to or darker than Ringlemann No. 1 except as provided below:

Within the Industrial Districts, the emission of smoke or visible effluent of a shade equal to Ringlemann No. 2 may be permitted for six (6) minutes in any four (4) hour period.

Within the Industrial Districts, the emission of smoke or visible effluent of a shade equal to or darker than Ringlemann No. 2 shall not be permitted, except that visible gray smoke of a shade equal to Ringlemann No. 3 may be permitted for three (3) minutes in any one (1) hour period.

4.070.5 Performance Standards Regulating Gases, Dust, and Particulate Matter

No emission shall be permitted from any stack, chimney, or other source of any solid or liquid particles in concentrations exceeding 0.30 grains per cubic foot of the conveying gas at any point. For measurement of the amount of particles in gases resulting from combustion, standard correction shall be applied to a stack temperature of 500 degrees Fahrenheit and 50 percent excess air. In no case shall any emission be permitted which will cause any damage to health, animals, vegetation, or other forms of property or which can cause soiling at any point beyond the lot line on which the source is situated.

4.070.6 Performance Standards Regulating Odors

Odorous matter released from any operation shall not exceed the lowest concentration which will produce an olfactory response in a person beyond the lot line.

4.070.7 Performance Standards Regulating Toxic Matter

A. Definitions

1. Threshold Limit Values: the maximum allowable concentration permitted an industrial worker for eight (8) hours exposure per day, five (5) days a week as adopted by the American Conference of Governmental Industrial Hygienists.
2. Toxic Matter: materials which are capable of causing injury to living organisms by chemical means when present in relatively small amounts.

B. Methods of Measurement

The measurement of toxic matter shall be at ground level or habitable elevation at the lot line and shall be average of a 24 hour sample.

C. Emission of Toxic Matter

Within the industrial districts, the release of toxic matter shall not exceed one-thirtieth (1/30) of the threshold limit value. Within all other districts, the release of any toxic matter is prohibited.

4.070.8 Performance Standards Regulating Fire and Explosive Hazards

A. Explosive Materials

The storage, utilization, or manufacture of solid materials or products ranging from free or active burning to intense burning may be permitted, but only if said materials or products are stored, utilized, or manufactured within

completely enclosed buildings having incombustible exterior and protected throughout by an automatic fire extinguishing system.

All activities involving the use and/or storage and/or disposal of all types of flammable or explosive material shall be provided with adequate safety and protective devices against hazards of fire and explosion, as well as with adequate fire-fighting and suppression equipment and device standard to the industry involved. Where detonable materials are permitted, these materials shall be handled in accordance with the National Fire Code.

Within the Industrial Districts, the storage and utilization (but not manufacture) of detonable materials in excess of five (5) pounds is permitted, in accordance with applicable state and local regulations. The storage of such materials in all other districts is prohibited.

B. Fire Hazard Solids

Within the Industrial Districts, the storage, utilization, or manufacture of solid materials which are free or active to intense burning may be permitted but shall be conducted within spaces having fire restrictive construction of no less than two (2) hours and protected with an automatic fire extinguishing system. Outdoor storage of such materials shall be no less than forty (40) feet from all lot lines. The storage or manufacture of such materials in all other districts is prohibited.

C. Fire Hazard Liquids and Gases

In the Industrial Districts, the storage, utilization, or manufacture of flammable liquids or gases which produce flammable or explosive vapors shall be permitted only in accordance with this section, exclusive of the storage of finished products in original sealed containers of 55 gallons or less. Such finished products shall be stored in fire-resistive and fire-protected areas, or if stored outdoors, no closer than forty (40) feet from all lot lines.

4.070.9 Performance Standards Regulating Glare and Heat

Any operation producing intense glare or heat shall be performed within an enclosure so as to completely obscure such operation from view from any point along the property line, except during the period of construction of the facilities to be used and occupied.

4.070.10 Performance Standards Regulating Electromagnetic Interference

In all districts, no operations or activities shall be conducted which cause electrical disturbances to be transmitted across lot lines.

4.070.11 Performance Standards Regulating Radioactive Materials

The manufacture, storage, and utilization of radioactive materials shall be in accordance with the "State Regulations for Protection Against Radiation" issued by the Tennessee Department of Health and Environment.

4.070.12 Nonconforming Uses by Reason of Performance Standards

Any use existing on the effective date of this ordinance, or subsequent amendment as applicable, and permitted by right that does not meet the requirements of one or more of the performance standards established explicitly in this chapter or by reference shall be subject to the nonconforming use provisions of ARTICLE VI, of this ordinance.

4.080. Special provisions for zero lot line developments. Within those districts where two family dwellings (duplexes) may be located upon single lots, such duplexes may be subdivided by party wall into two separate lots, provided that a site plan of such development or conversion as required in SECTION 3.120 is approved by the planning commission along with the necessary subdivision plats. Properties being converted shall be inspected by the fire and building inspector and shall be brought up to applicable standards prior to approving any plat of a conversion. A copy of the Homeowner's Association By-Laws of Agreement shall be provided to the building inspector for the purpose of ensuring its compliance with the Horizontal Property Act of the State of Tennessee. In granting approval of the site plan, the planning commission shall be guided by the following criteria:

- A. Other than the zero lot line separating the two dwelling units (lots), all other lot, yard, and density requirements of the zoning district shall be met.
- B. No zero side yard shall be adjacent to any public or private right-of-way.
- C. No portion of a dwelling or architectural features of a structure shall project over any property line.
- D. Where the same interior property line is utilized for the zero side yard construction of any dividing structure, such dividing structure shall consist of double walls separated by a minimum air space of two (2) inches.
- E. Where the same interior property line is utilized for the construction of any zero side yard structure, all provisions of the Standard Building Code shall be met, and all such fire walls shall have a rating of not less than two (2) hours duration.
- F. At all points of attachment, such buildings shall be separated from each other by firewalls extending from footings to the underside of the roof deck without openings which would permit the spread of fire.
- G. Individual water and sewer services for each lot shall be provided when required by the planning commission.
- H. All other requirements of the Lewisburg Subdivision Regulations shall be met.

Other information that shall be provided relating to deed covenants is as follows:

- A. An agreement covering the status, including the ownership, maintenance, etc., of the common wall separating the units.
- B. Adequate language to assure proper maintenance, etc., of any portion of the structure where maintenance must be shared (ex. common roof).

If the correction of a maintenance problem incurred in the dwelling unit on one parcel necessitates construction work or access on the dwelling unit of the other parcel, either parcel owner shall have an easement on the property of the other for the purpose of this construction. Each party shall contribute to the cost of restoration thereof in proportion to such use without prejudice, however, to the right of any such owner to call for a larger contribution from the others under any rule or law requiring liability for negligent or willful acts or omissions.

- C. Adequate language to assure that any property divided under this provision shall be continuously subject to the unified plan under which originally approved. Such language shall so specifically include clear and precise statements whereby the purchaser is informed that the property may not be used in any manner which would have the effect of negating the unified plan under which original approval was granted and language indicating that the purchaser of any such parcel understands that in no instance will any such parcel be viewed as a separate independent parcel for zoning purposes.
- D. Adequate language covering any and all cross easements as are necessary to assure the proper maintenance of all utility services.
- E. If a fire wall is destroyed or damaged by fire or other casualty, any owner may restore it and if the other owner thereafter make use of the wall, they shall contribute to the cost of restoration thereof in proportion to such use without prejudice, however, to the right of any such owner to call for a larger contribution from the others under any rule or law requiring liability for negligent or willful acts or omissions. Either parcel owner shall have an easement on the property of the other for the purpose of reconstruction and protection of the remaining unity from the elements.

4.090. Development standards for automobile wrecking, junk and salvage yards. Because of the nature and character of their operations, automobile wrecking and salvage yards, junk yards, and similar uses of land can have a decidedly detrimental effect upon surrounding properties. Salvage and wrecking yards tend to create problems of noise, dust, traffic and health hazards, and may adversely affect property value by their general appearance. The following standards shall be used as a guide in evaluating whether proposed land uses, such as those outlined above, will have properly minimized their objectionable characteristics:

- A. All motor vehicles stored or kept in such yards shall be so kept that they will not catch and hold water in which mosquitoes may breed and so that they will not constitute a place or places in which rats, mice, or other vermin may be harbored, reared, or propagated.

- B. Because of the tendency for salvage yards to promote the breeding of vermin, no such operation shall be permitted closer than three hundred (300) feet from any established residential zone.
- C. All outdoor storage of salvage and wrecking operations shall be conducted entirely within an enclosed opaque fence, screen, or wall, excepting driveway areas, from eight (8) to twelve (12) feet in height. Storage between the road or street and such fence, screen, or wall is expressly prohibited. Any fence, screen, or wall for concealment shall be maintained in good condition.
- D. All such yards shall be so maintained as to be in a sanitary condition and so as not to be a menace to public health or safety.
- E. Off-Road Parking: As regulated in ARTICLE IV, SECTION 4.010.
- F. Ingress and Egress: The number of vehicular access driveways permitted on any single street frontage shall be limited to:
 1. One (1) driveway where the parcel to be used has a maximum road or street frontage of one hundred (100) feet or less.
 2. Two (2) driveways where the road or street frontage exceeds one hundred (100) feet. Driveways used for ingress and egress shall be limited to twenty-five (25) feet in width maximum, exclusive of curb returns.
 3. Other applicable requirements of Section 3.090 shall be met.
- G. Application for Automobile Wrecking, Junk or Salvage Yard Permit: No person shall own or maintain an automobile wrecking, junk, or salvage yard within Lewisburg until he has secured approval from the Lewisburg Board of Zoning Appeals. An application shall be filed in accordance with ARTICLE VII, SECTION 7.060, of this ordinance, and shall be accompanied by a detailed site plan, a schedule for construction, and any other information herein required. Said application shall be submitted along with any plans and schedules. The Board shall vote to approve or disapprove the application in accordance with the time schedule in SECTION 7.060.
- H. The operation and location of such facility shall not have an adverse effect on the properties in the surrounding area nor produce damaging pollution to surrounding streams or water sources.

4.100. Requirements for development within the floodway fringe areas. Areas lying outside the floodway district but within the land subject to flood as defined in ARTICLE II, SECTION 2.020, shall be subject to these regulations and the most current LEWISBURG MUNICIPAL FLOOD DAMAGE PREVENTION ORDINANCE.