From: George E Smith
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January 24, 2007

To: Oriental Town Board: Ms. Candy Bohmert, Mr. Al Herlands, Ms. Nancy Inger, Mr. Warren Johnson, Ms. Barbara Venturi
Oriental Planning Board: Mr. David Cox, Mr. Bill Marlowe, Mr. Bob Miller, Mr. Paul Olson, Ms. Dee Sage

Re: Proposed Revisions to Oriental's GMO, The Minority Report

The introduction of large multiunit condominiums in our community along with overly large and tall buildings on small lots is irretrievably changing the look and feel of Oriental. The Stakeholder Advisory Group (SAG) was created in response to repeated requests by our friends and neighbors to address these problems

Unfortunately, I have concluded that the proposed Majority Report from SAG does not adequately address these pressing issues. It is with deep regret, and as matter of conscience, that I have decided to submit an independent Minority Report that in many ways will be similar to the SAG Majority Report but will differ in key areas such as maximum building size, minimum building setbacks, maximum residential density in mixed use buildings and oversight of mixed uses in a single structure.

The Minority Report proposes meaningful changes to the GMO that will exert needed restraint on unbridled growth. Business uses in the harbor area are encouraged by proposing mixed uses in a single structure that mirror the density requirements for R-3 residential use. There is a substantial increase in density in the MU/MU-1 Districts in both reports that should be balanced with sufficient oversight to ensure that unintended consequences do not arise from more intense development in a small area.

I urge each of you to try examples of the kinds of structures that can be developed with each of these proposals. If you object to a particular building project, apply the proposed provisions of the GMO to the property in question. If the objectionable project can be built essentially as it is today, then the GMO has failed the test of addressing Oriental's zoning problems.

Thank you for the opportunity to serve on the SAG and to submit these proposals for your consideration.

Respectfully

George E Smith

Proposed Revisions to Oriental's GMO, January 24, 2007

The Minority Report

These recommendations will attempt to address areas in the GMO where changes can be made that will address the issues of large buildings on small lots, high density development and ways to enhance opportunities for business development in the harbor area. Each area of concern in the GMO will be described and then followed with proposed changes along with discussion on how the proposal will help correct the current deficiency.

As a matter of note, previous drafts of the variable setback tables have included three tables. One table for eaves up to 16' with the existing GMO setbacks and two additional tables for eaves from 16' to 26' and from 26' to the 32' maximum. In response to a recent observation that the GMO has a requirement for average grade to be measured 10' from the projecting eave, I devised a set of tables that replaced all of the 7' setbacks with 10' setbacks and dropped the middle (16' to 26') table. The example results are the same for buildings with eave heights over 26', which in my opinion is the area that is most in need of correction. Whether to use the two-table or three table setbacks is largely determined by whether or not the TB and PB wish to increase the minimum setbacks to 10 feet. I have included spread sheets for both approaches.

Current GMO Shortcomings and Proposed Solutions

Maximum Building Size

The Problem:

There is no maximum building footprint in the current GMO. This omission has resulted in the construction of the "Wal-Mart" condominiums at the end of Midyette St. and an attempt to construct a similar sized four-story condominium at Whittaker Creek. These oversized, approximately 10,000 plus square foot, buildings are totally out of character with Oriental. However, buildings like this will certainly take a prominent role in our landscape unless steps are taken to limit large buildings in our residential and mixed use areas.

The Proposed Solutions:

The R-2 area should have a 5,000 square foot maximum foot print limit. This would allow a duplex of up to 2500 square feet per unit footprint.

The R-3 and MU/MU-1 areas should have a maximum building foot print of 6,000 square feet. A fully developed structure of this size could easily contain nine residential units in a single structure.

Larger projects can be developed as multiple buildings in the MU/MU-1 Districts or if a single large structure is desired, they can be located in the proposed Commercial District.

Although this limit is subjective, most observers agree that the "Walmart" condos at approximately 10,000 square feet for the largest of the two buildings are much too large. The 8,000 square foot limit proposed by the Majority Report is only a

20% reduction in building size for a three story condominium will make little real difference in the visual impact.

The town has buildings such as the schoolhouse condos or the Village Restaurant which are approximately 4,500 to 5,000 square feet.

- The Village restaurant is a single level and because of the low profile its size does not dominate the skyline.
- The School house condos, while tall also have large setbacks which reduce the impact of the building's height.

The conclusion can be drawn there is a place for buildings up to 6,000 square feet, and that the visual impact of taller buildings in this size range can be mitigated with adequate setbacks.

A new "Commercial" district should be established to accommodate very large buildings such as grocery stores, hotels or other large commercial uses in a district that is separate from the mixed residential and non-residential uses contemplated in the MU/MU-1 Districts. This will mitigate the adverse impacts and controversy resulting from mixing large structures with the smaller structures that will make up a significant portion of the MU/MU-1 Districts.

Building Footprint Area Ratio

The Problem:

The current GMO allows a 40% building Footprint Area Ratio in the MU and MU-1 Districts compared to 35% in the R-2 and R-3 Districts. A similar difference also exists for total impervious surface area (60% vs. 50%) This has the potential to attract more high density residential development in an area that needs commercial space for small business. In addition the higher Footprint Area Ratio encourages high density development of all kinds in the environmentally sensitive harbor area.

The Proposed Solution:

Change the Footprint Area Ratio to 35% for the R-2, R-3 and MU/MU-1 Districts and the total impervious surface area ratio to 50% for all districts.

This will eliminate the additional bonus building space for developing multi-unit projects in the MU/MU-1 Districts and will simplify the administration of the GMO since these Districts will have identical Footprint Area Ratios.

There has been much discussion about negotiating for additional open space in the MU-1 area for use as public space. This objective can largely be accomplished by changing the Footprint Area Ratio to 35%. All that remains is to negotiate how to use the additional 5% of open space.

Additionally, regulatory changes are in progress that will reduce impervious surface coverage across the board in environmentally sensitive areas. This change will constitute a modest move in the direction of these new rules.

Minimum Lot Size

The Problem:

The lot size values of 5,000/3000 in the R-2, R-3 and MU/MU-1 areas prior to the interim changes in the GMO encourage the development of duplexes in the R-2

District and encourage very high density residential development in the R-3 and MU/MU-1 areas. Also the 8,000 square foot minimum lot size in the MU/MU-1 areas raises the bar for commercial development in an area where the town wants to encourage small business.

The Proposed Solution:

Change the minimum lot size for residential uses in R-2 to 5,000 for the first unit and 5,000 for a second unit. This change is consistent with the definition for R-2 as a low to medium density District and eliminates the incentive to build duplexes in the R-2 District.

Change the minimum lot size for residential uses in R-3 to 5,000 for the first unit and 4,000 for a second unit. This change is consistent with the definition for R-3 as a medium density District provided this minimum lot size is coupled with additional regulation on building footprint and setbacks to prevent overdevelopment on small lots.

Maintain the non residential uses minimum lot size for R-2 and R-3 at 8,000 square feet. This additional space is needed for parking and as a buffer for residences adjacent to non-residential enterprises.

Reduce the non-residential use minimum lot size in MU and MU-1 from 8,000 to 5,000 square feet to encourage the development of small business in these districts. This proposed increase in density is coupled with recommendations for additional regulation on building footprint and setbacks to prevent overdevelopment on small lots.

Establish a density formula to encourage combination residential and commercial uses in a single structure in the MU/MU-1 Districts. This formula is 5,000 for the commercial space plus 4,000 for each residential unit.

- Allowing mixed use in a single structure will help mitigate the effects of the high cost of land on development of commercial space in the harbor area.
- This proposal allows combined uses in a single building with the same density requirements as residential uses in these Districts.
- Because of the identical density requirements with R-3, residential and commercial uses may be converted back and forth provided that all of the requirements in the GMO for each use are met.
- This encourages the development of commercial space on a lower level with residential space above. One example would be a 6,000 ft2 footprint, three story building with 6,000 ft2 commercial space plus 6 residential units above. This would require a minimum of 29,000 ft2 of land 41% of which would covered by the building and minimum parking exclusive of walkways and driveways. The higher residential density proposed in the Majority Report is not needed to develop to the GMO impervious surface limits.
- A principle difference here is that the Majority Report does not require any minimum lot space for commercial uses and also recommends

almost a 40% increase in residential density over any other zoning district. This will make the harbor a magnet for high density residential development. The MR proposal also includes a confusing percentage use formula that will be practically impossible to police and enforce. The better way is to keep the zoning density consistent with residential uses. The example above clearly shows that with this density, a mixed commercial and residential project can easily be developed to the maximum impervious limits of the lot. Hence, the increase in density proposed by the MR to "encourage" business development is not needed at all.

Building Setbacks

The Problem:

Escalating land prices in Oriental are driving builders to develop the maximum permissible area on a lot in order to increase their return on equity. The current building setback requirements are insufficient to regulate building size and locations in this environment. Recent examples are the Condos on Midyette St., the Coldwell Banker building and the condominiums at Factory and Freemason Sts. Overbuilt lots with tall buildings crowding the setback lines, set shoulder to shoulder will become the norm unless steps are taken to provide additional setbacks for taller buildings.

For example, in the MU/MU-1 Districts, on a minimum size 5,000 square foot lot, 50 x 100 feet it is currently possible to construct a three story building with 2,000 square feet on one level and 6000 square feet of covered space. Side and rear setback lines for a three story building of this size can be as close as 7 feet. The front setback for a three story building with a 32 foot eave height is only 15 feet. High land prices and inadequate rules in the GMO encourage a proliferation of this kind of construction.

Setbacks between buildings are inadequate for "big& tall" buildings. For example, the GMO currently permits large buildings to be placed as close as 14 feet apart. To visualize this consider a row of 10,000 square foot, three story tall buildings such as the condos at Midyette St. placed 14 feet apart. The visual impact of a row of massive buildings placed end to end in this manner would be like one large building.

The Proposed Solution:

Two setback tables are proposed to replace the single setback table now in the GMO. The first table (184-1) covers the current setbacks for eave heights from 0' to 25' above grade. The minimum setback values for R-2, R-3 and MU/MU-1 are changed from 7' to 10' for the side and rear setback values. This addresses the issue that the average grade measurement must be made 10' from the overhang for establishing the elevation above average grade and also establishes needed additional clearance for two story buildings. If the TB and PB prefer to maintain the 7'minimum setbacks, I would recommend using the three-table variable setbacks.

The second table (184-2) covers setbacks for buildings with eave heights greater than 25' up to 32' above grade. Effectively this table covers a building with three levels (not including space under a pitched roof). This table provides for needed additional open space between buildings and setback lines for very tall buildings.

The additional setback distances in the new table was calculated to keep the visual angle from increasing significantly as the eave height increases.

The intended effect of these additional setbacks is: 1.) mitigate the visual impact of tall buildings by placing them farther from the setback lines so the viewing angle is not remarkably different for each different height building, 2.) limit development of very tall buildings on very small building lots and 3.) Increase spacing between large buildings to get additional open space.

Examples

Consider a hypothetical 5,000 square foot, 50 X 100 lot in the R-3 District. With the proposed tables, a structure with up to a 25 foot eave height could have as much as 1750 square feet in a 30' X 75' building footprint. This foot print would accommodate a one or two-story building. However, a three-story building is not practical on this size lot.

Consider a hypothetical 6,000 square foot, 60' X 100' lot in the R-3 District. . A structure with up to a 25 foot eave height could have as much as 2100 square feet in a 40' X 75' building footprint. This foot print would accommodate a one or two story building. A three-story building with as much as 1510 square feet in a 28' X 54' footprint could also be built. I have reviewed a number of "Charleston Style" house plans that could easily fit in this footprint.

These additional setbacks are not overly restrictive, but they do provide a disincentive to build very tall buildings that crowd the property lines on very small lots.

The setback tables would require a minimum spacing of 32' between three-story buildings instead of the current 14' minimum spacing in order to achieve more open space between buildings.

School House Condominiums

I applied the numbers in the Majority Report Table 184-1B to the lot where the schoolhouse apartments are currently situated. These two buildings average about a 4,500 square foot footprint each and they are set back approximately 43 feet from the front setback line. This lot is approximately 300' x 175'

The Existing School House site is as follows:

Two buildings, 4,500 square feet equivalent to a three-story building height;
Set 43 feet from the front property line;
With approximately 35 feet average side setback;
Approximately 40 feet between buildings;
The total footprint area is approximately 9,000 square feet.

The Majority Report Proposal is 40% coverage, 20' front, and 10' side and rear setbacks for a three-story 8,000 square foot structure.

The Majority Report would permit the following project:

Two buildings 8,000 square feet, and one building 5,000 square feet on the foundations, all of them three stories tall;
Set 20 feet from the front property line;
With 10 foot side setbacks;
14 feet between buildings;
The total possible footprint area on this lot would be 21,000 square feet.

The Minority Report proposal is 35% coverage, 30' front, and 16' side and rear setbacks for a three-story 6,000 square foot structure.

A project built to the maximum using these parameters would be as follows:

Three buildings, 6,000 square feet on the foundations, and three-stories tall;
Set 30 feet from the front property line;
With 16 foot side setbacks;
32 feet between buildings;
The total foot print area on the lot for this proposal is 18,000 square feet. The total possible footprint area on this lot would be 18,375 square feet..

Conclusions:

I believe that the possible combination of 8,000 and 5,000 foot print buildings placed close to the street is far too much development on a lot this size. It is a prime example of the egregious results that can flow from inadequate zoning regulations.

Exceptions

It is intended that the tables apply to the eave height of each part of a structure. For example, a structure with a 28' eave and an attached porch with a 13'eave would be permitted to use the first table for the porch and the second table for the main structure. Allowing multiple levels to use multiple tables permits maximum flexibility while maintaining the visual setbacks needed to address density issues.

An exception is also allowed for buildings on a single lot with a footprint up to 2000 square feet. In this case, the nominal 14' spacing is allowed. Larger buildings would be required to use the side setbacks found in the applicable tables for the structure.

ARTICLE XI
DENSITY AND DIMENSIONAL REGULATIONS

Section 181
Minimum Lot Size

1) All lots in the following districts shall have at least the amount of square footage indicated in the following table:

District	Minimum Square Feet
R-1	10,000
R-2	5,000 for residential uses; 8,000 for nonresidential uses;
R-3	5,000 for residential uses; 8,000 for nonresidential uses;
MU/MU-1	5000 ***~~for residential uses;~~*** ***~~8,000 for nonresidential uses~~***
~~MU-1~~	~~5,~~**~~000~~** ***~~for residential uses;~~*** ***~~8,000 for nonresidential uses~~***
C	***TBD***

2) The minimum lot sizes set forth in this Section are permissible only if and to the extent that adequate water and sewer facilities are or can be made available to serve every lot.

3) Deviations from the applicable lot size requirement of this Section may be made for nonconforming lots in accordance with Section 123 (1).

Section 182 Density

In determining the number of dwelling units permissible on a tract of land, fractions of square feet shall be rounded to the nearest whole number.

1.) Residential Density

Every lot developed for residential purposes shall have the minimum number of square feet per dwelling unit indicated in the following table. ***~~In determining the number of dwelling units permissible on a tract of land, fractional values of square feet of land per dwelling unit shall be rounded to the nearest whole number.~~***

Table 182-1

District	Minimum Square Feet
R-2	5,000 for first unit; 5,000 for a second unit.*
R-3**	5,000 for 1unit; 4,000 for each additional unit*
MU**	5,000 for first unit; 4,000 for each additional unit*
MU-1**	5,000 for first unit; 4,000 for each additional unit*

*When more than one Single-family Detached Dwelling Unit is located on one lot, each unit shall require the minimum lot size that would otherwise be required if the structures were located on individual lots.

2.) Mixed Use Density in a Single Structure

A structure, developed for non-residential or non-residential with residential units, may be used for any combination of permitted non-residential uses and residential uses with the following conditions:

(a) Residential units shall be separate from non-residential space on any floor and residential entry to the structure shall be separate from the non-residential entry.

(b) Every lot developed for residential and non residential mixed use purposes in a single structure shall have the minimum number of square feet indicated in Table 182-2. The lot area allocable to the non-residential space shall be at least 5,000 square feet and shall satisfy all other requirements of the GMO.

(c) Residential units and non-residential space may be converted back and forth provided that all of the requirements of the GMO are satisfied.

(e) In addition to the requirements set forth in this Section 182.2, the total number of square feet for a minimum lot size for the structure and its uses as a whole must also satisfy all of the requirements of the GMO.

Table 182-2

District	***Minimum Square Feet***
MU/MU-1	*5,000 minimum plus 4,000 for each residential unit*

Section 183
Minimum Lot Widths

1) The lot width shall be measured at the front minimum building line.

District	Lot Width
C	***TBD***
R-1	60’
R-2	50’
R-3	50’
MU	50’
MU-1	50’

2) Deviations from the applicable lot width requirements of this section may be made for nonconforming lots in accordance with Section 123 (1).

3) If a structure is subject to an inspection for compliance with “North Carolina Farm Labor Rules and Regulations,” the lot area requirement will be based on the number of residents allowed by the regulations. One thousand (1,000) square feet of lot area shall be required for each resident.

4) Home business use of residential property is allowed provided the business area does not exceed 400 square feet. If the business area exceeds 400 square feet, the use will be considered “non-residential.”

Section 184
Building Setback Requirements

1) Subject to Sections 181, no portion of any building may be located on any lot closer to any lot line or to the street right-of-way line or centerline than is authorized in the tables set forth below.

   (a) If the street right-of-way line is readily determinable (by reference to a recorded map, set irons, or other means), the setback shall be measured from such right-of-way line. ~~If the right-of-way line is not so determinable, the setback shall be measured from the street centerline.~~

   (b) As used in this section, the term “lot boundary line” refers to lot boundaries other than those that abut streets. The term “street side” refers to the street side of a corner lot other than the front street.

(c) As used in this section, the term “building” includes any substantial structure, which, by nature of its size, scale, dimensions, bulk, or use tends to constitute a visual obstruction or generate activity similar to that usually associated with a building. Gas pumps and overhead canopies or roofs shall be deemed to fall within this description.

(d) Setback distances shall be measured from the property line or street right-of-way, as a line, to a point on the lot property line that is closest to the nearest extension of any part of the building that is substantially a part of the building itself, including any porches, air conditioning units, steps, eaves, gutters, and similar features.

(e) Cornices, eaves, steps, gutters, buttresses, open or enclosed fire escapes, outside stairways, balconies, porches, and similar features, may not project into any setback area.

(f) Not withstanding the forgoing, in the event a building constructed prior to February 1, 1999, is elevated to raise the bottom floor system to, or no more than four (4) feet above the Pamlico County flood elevation minimum building height, and any of the building’s existing steps are extended to comply with the North Carolina Building Code, any such extensions to existing steps shall not be included as a substantial part of the building as described in Section (d), provided that such steps do not encroach into any Town right-of-way and the Board of Commissioners approves any encroachment into the required setback. Such step extensions shall not be considered an extension or enlargement of a nonconforming situation as described in Section 124.

2) Setback distances shall be measured from the property line or street right-of-way line to a point on the lot that is the nearest extension of any part of the building. No part of a building shall be in contact with the ground beyond the setback lines. No other cantilevered structures may extend beyond the setback lines, including structures that function as both roof overhangs and a deck or floor platform.

3) When more than one Single-family Detached Dwelling Unit or Multi Unit Building is located on one lot, each Detached Dwelling Unit or Multi Unit Building must be set back from another building as follows:

(a) A structure with a footprint up to 2,000 square feet may use the sum of the applicable side boundary line setbacks for each building as defined in Tables 184-1 and 184-2 or 14 feet whichever is less.

(b) A structure with a footprint over 2,000 square feet shall be setback from another building at least the sum of the applicable side boundary line setbacks for each building as defined in Tables 184-1 and 184-2 .

4) Buildings with multiple eve heights may use more than one setback table such that each building eve height is regulated by the applicable table.

Table 184-1
Building Setbacks *– Eave Height 0 Feet up to and including 25 Feet*

District	Minimum Distance From Front Street Right-of-Way	Minimum Distance From Street Side Right-of-Way	~~Minimum Distance From Street Centerline~~	Minimum Distance From Side Boundary Line	Minimum Distance From Rear Lot Boundary Line
R-1	30’	20’	~~60’~~	10’	15’
R-2*	15’	15’	~~40’~~	*10’*	*10’*
R-3*	15’	15’	~~40’~~	*10’*	*10’*
MU*	15’	15’	~~40’~~	*10’*	*10’*
MU-1*	15’	15’	~~40’~~	*10’*	*10’*
C	*TBD*	*TBD*	~~*TBD*~~	*TBD*	*TBD*

~~*When more than one Single-family Detached Dwelling Unit is located on one lot, each dwelling unit must be set back at least 14 feet from any other dwelling unit located on the same lot, in addition to the standards in Table 184-1, above.*~~

Table 184-2
Building Setbacks – Eave Height Greater Than 25 Feet up to 32 Feet

District	*Minimum Distance From Front Street Right-of-Way*	*Minimum Distance From Street Side Right-of-Way*	~~*Minimum Distance From Street Centerline*~~	*Minimum Distance From Side Boundary Line*	*Minimum Distance From Rear Lot Boundary Line*
R-1	*40’*	*30’*	~~*80’*~~	*20’*	*25’*
*R-2**	*30’*	*22’*	~~*67’*~~	*16’*	*16’*
*R-3**	*30’*	*22’*	~~*67’*~~	*16’*	*16’*
*MU**	*30’*	*22’*	~~*67’*~~	*16’*	*16’*
*MU-1**	*30”*	*22’*	~~*67’*~~	*16’*	*16’*
C	*TBD*	*TBD*	~~*TBD*~~	*TBD*	*TBD*

Section 185
Building Height Limitations

1) No building shall exceed a total height of 35 feet above the lowest adjacent finished grade, or 43.5 feet above mean sea level, whichever is higher.

2) The height of the main roof eave (the projecting overhang at the lower edge of a roof), excluding dormers, of any building shall not exceed 32 feet above the lowest adjacent grade and no exterior wall of a building without an eave shall exceed 32 feet above the lowest adjacent grade. The level of the lowest adjacent grade shall be measured out ten (10) feet from a line plumb with the outermost edge of the eave. ***The main roof pitch must be equal to or greater than 4/12 pitch and equal to or less than 12/12 pitch, except that up to 20 percent of the roof may be flat. However, buildings in the Commercial District may have other roof designs provided such designs are recommended by the Architectural Review Board.***

3.) New construction may exceed height limits specified in Section 185 (1) by up to five (5) feet, provided that for each additional one (1) foot above specified height limits, all street setbacks are increased by three (3) feet, and all side line and rear setbacks are increased by one (1) foot, or for each additional one (1) foot above specified height limits, all street setbacks are increased by two (2) feet, and all side line and rear setbacks are increased by two (2) feet.

4) When an existing structure is raised to no more than four (4) feet above the required Pamlico County flood elevation minimum, the height of said structure may be increased by the same number of feet without violating this Section. When an existing building is replaced or additional height is added to an existing structure other than to raise the first floor, the height limits of this section are applicable.

5) Subject to subsection (6), the following features are exempt from the district height limitations set forth in subsection (1). Chimneys (up three (3) feet above the highest point of the structure), church spires and flagpoles.

6) Towers and antennas are allowed in all development districts to the extent authorized in the Table of Permissible Uses, use classification 18.000."

Section 186
Lot Coverage

1) The formula to calculate the ~~***Floor***~~ ***Footprint*** Area Ratio (FAR) is:

$$FAR = \frac{\text{Building(s) Footprint}}{\text{Site Area}}$$

2) No building or combination of buildings located in the R-1 District shall cover more than thirty percent (30%) of the area on which it is located.

3) No building or combination of buildings located in the R-2, R-3, ***MU or MU-1*** District shall cover more than thirty-five percent (35%) of the area on which it is located.

~~***4) No building or combination of buildings located in the MU or MU-1 District shall cover more than forty percent (40%) of the area on which it is located***~~***.***

4) No more than fifty percent (50%) of the area of any lot located in **any district** ~~**the R-1, R-2 or R-3**~~ shall be covered with surfaces impervious to water.

~~***5) No more than sixty percent (60%) of the area of any lot located in the MU or MU-1 District shall be covered with surfaces impervious to water.***~~

Section 187
Maximum Building Footprint
Building Footprint - Is the largest covered area of a single building including overhangs, including but not limited to parking shelters or any other attached covered shelter.

1 No building or combination of attached residential buildings located in the R-2 District shall exceed 5,000 square feet.

2) No building or combination of attached buildings located in the R-3 District shall exceed 6,000 square feet.

3) No building or combination of attached buildings located in the MU or MU-1 District shall exceed 6,000 square feet.

4) ***No building or combination of attached buildings located in the C District shall exceed the values TBD.***

Sections 188 through 195
Reserved

ARTICLE VIII

DEVELOPMENT DISTRICTS AND THE GROWTH MANAGEMENT MAP

PART I. DEVELOPMENT DISTRICTS

Section 135

Residential Districts Established

1) The following residential districts are hereby established: R-1, R-2 and R-3. Each of these districts is designed and intended to secure for the persons who reside there a comfortable, healthy, safe, and pleasant environment in which to live, sheltered from incompatible and disruptive activities that properly belong in nonresidential districts. Other objectives of these districts are explained in the remainder of this section.

2) The R-1, Residential District is established as a district in which the principal use of land is for low-density residential purposes. Lots within this district will generally have access to public water and, to a lesser extent, public sewer systems.

3) The R-2, Residential District is established to allow a low to medium density of residential land use in areas which will normally be served by both public water and sewer systems. Residences shall be limited to two units per lot.

1) The R-3, Residential District is established to allow a medium density of residential land use in areas, which will normally be served, by both public water and sewer systems.

Section 136

Mixed Use District Established

The MU and the MU-1 Districts (Mixed Use) are established as districts in which the principal use of land is for a broad range of uses, such as residences, services, offices, and the accommodation of small retail stores which provide goods and services primarily to surrounding residential neighborhoods.

Section 137

Commercial Business District Established

The commercial business District is established as a district in which the principal use of land is for commercial buildings such as gas stations and large commercial buildings such as a grocery store, shopping center or other large commercial enterprise. Any structure proposed for this district shall be subject to review by the Architectural Review Board.

Sections 139

Reserved

PART II. GROWTH MANAGEMENT MAP

Section 140

Official Growth Management Map

1) There shall be a map known and designated as the Official Growth Management Map, which shall show the boundaries of all development districts within the Town's planning jurisdiction. This map shall be kept in the office of the administrator.

2) The Official Growth Management Map dated September 6, 2005 is adopted and incorporated by reference. Amendments to this map shall be made and posted in accordance with Section 141.

3) Should the Official Growth Management Map be lost, destroyed, or damaged, the administrator may have a new map drawn. No further Town

Commissioners authorization or action is required so long as no district boundaries are changed in this process.

Section 141

Amendments to Official Growth Management Map

1) Amendments to the Official Growth Management Map are accomplished using the same procedures that apply to other amendments to this ordinance, as set forth in Article XIII.

2) The administrator shall update the Official Growth Management Map as soon as possible after amendments to it are adopted by the Town Commissioners. Upon entering any such amendment on the map, the administrator shall change the date of the map to indicate its latest revision.

3) No unauthorized person may alter or modify the Official Growth Management Map.

4) The administrator shall keep copies of superseded prints of the Growth Management Map for historical reference.

Section 142

Architectural Review Board

1.) An Architectural Review Board shall be established for the purpose of reviewing and approving architectural designs for harmony with the surrounding areas, the Town as a whole, and applicability for the purpose for which such designs are proposed.

2.) Projects required to have architectural review shall submit a request for a special use permit which shall include review l by the Architectural Review Board.

3.) Any building with a footprint over 5000 square feet shall require review by the Architectural Review Board before a Special Use Permit may be issued.

4.) Any Building in the MU/MU-1 zones that combine residential uses with any other use shall require review by the Architectural Review Board before a Special Use Permit may be issued.

Sections 143 through 145

Reserved