



ORDINANCE NO. 04-558

***An Ordinance to Amend the Zoning Ordinance,
to Include a New Article 15 Performance Residential,
Amend Sec. 3.5 Non-Conformities May Continue,
and Sec. 18.2(c) Recombination of Lots Required When Possible***

The Town Council of the Town of Carolina Beach hereby amends the Zoning Ordinance to include a new Article 15 Performance Residential, as follows:

ARTICLE 15. PERFORMANCE RESIDENTIAL

15.1 Purpose.

In order to provide flexibility in development to maximize and preserve open space and natural areas, Performance Residential is allowed in the following zoning districts: R-1 and R-2 by Conditional Use Permit involving parcels with no more than 2 acres in size, See Section 3.9.1 Dimensional Standards for Lots and Principal Structures. The purpose of providing for these conditional uses is to promote and provide for:

- (1) Residential Development varying from the housing type limitations of the applicable zoning districts that allow residential uses, but not exceeding the density limit established in the applicable zone.
- (2) Flexibility of design to take greatest advantage of a site's natural and developmental qualities.

15.2 Review criteria.

The following review criteria are established as general guidelines for the Planning and Zoning Commission and the Town Council in their deliberations and decision making regarding performance residential developments.

- (1) Proposals for performance residential development shall meet all density, perimeter setbacks, lot coverage and other standards of the zoning district in which the development is to be located. Ownership and maintenance responsibilities for permanent open space or common area shall be set forth in writing and recorded with all deeds associated with the development. Performance residential developments shall involve no more than two (2) acres.
- (2) In addition to the dimensional standards established in Section 3.9.1 in no case shall any side-yard be less than 10 feet for any performance residential development for multi-family dwellings. For the purpose of this ordinance multi-family is defined as 3 or more units. Where performance residential development involves more than 5 units an additional 1' set back shall be added to the required 10' set back not to exceed 20 feet. For corner lots the minimum 12.5 feet setback shall remain.
- (3) Existing Density Established. For the purpose of assessing density, existing structures located within a radius of 1-acre from the proposed performance residential site shall not exceed the maximum density as provided in Section 3.9.1.
- (4) Stacking of Residential Units. Stacking of more than (3) residential units for the purpose of maximizing density is discouraged.
- (5) The performance residential development must be compatible with the surrounding neighborhoods
- (6) The performance residential development must prevent the erosion of property values and degrading of the surrounding area.
- (7) The performance residential development must provide for future public recreational facilities, transportation, water supply, sewage disposal, surface drainage, flood control, and for soil conservation.
- (8) The performance residential development must define the nature, intent, and compatibility of permanent open space, including the proposed method for the maintenance and conservation of said permanent open space.
- (9) The performance residential development must ensure availability and adequacy of water and sewer service to support the proposed performance residential development.
- (10) The applicant must describe the benefits within the proposed development and to the general public to justify the requested departure from the standard zoning district requirements.

- (11) The performance residential development must demonstrate its conformity and compatibility with any adopted development plan of the Town of Carolina Beach.
- (12) The performance residential development must provide for emergency vehicle access and service to the proposed development.
- (13) The performance residential development must preserve important natural amenities on the site of the proposed development.

15.3 Procedures for plan submittal, review and approval.

The following procedures are established for the submittal, review, and approval of performance residential development Conditional Use Permits.

- (1) *Submittal for Technical Review (Preliminary Development Plan Approval)*. A performance residential development submittal consists of two (2) parts: a preliminary development plan reviewed by the Planning Staff and Technical Review Committee (consisting of Fire, Police, Inspections, Operations and Town Manager) and final development plan for Conditional Use Permit. This offers the applicant the opportunity to discuss the development proposal with the applicable review agencies and receive direct input from said agencies in the preparation of the final development plan. The final development plan is the plan presented to the Planning and Zoning Commission and the Town Council reflecting the actual development proposal for approval.
- (2) *Submittal (Final Development Plan Approval)*. After the Preliminary Development Plan has been reviewed and approved by the Planning Staff and Technical Review Committee, an application is made for Conditional Use Permit as required in Article 14 Conditional Use Permit Approval Process, Section 14.3 Application. A narrative description of the project must be submitted with the application and shall include explanation of items 3-13 in the previous section **.
- (3) *Plan submittal requirements*. The plan submittal requirements of Article 17, Section 17.5 shall apply to performance residential developments.
- (4) *Number of copies to be submitted*. Twelve (12) copies of the site plan and 1 copy reduced to 8 ½ " x 11" sheet shall be submitted to the Planning Department with the following items shown on the site plan:
 - a. Location of existing and/or proposed structure(s) to be used in connection with requested use.
 - b. Location of off-street parking and driveways.
 - c. Location and dimensions of proposed signage.
 - d. Location of site relative to streets (street names, right-of-way width, pavement width)
 - e. Location of existing and proposed water & sewer service.
 - f. Proposed drainage system.
- (4) *Review procedures*.

- a. The Zoning Administrator, upon determining that the application is complete, and the appropriate application fee received, shall then place it on the agenda of the Planning and Zoning Commission, in accordance with the required cutoff date for submission of applications. Such application shall include all of the requirements pertaining to it in this ordinance.
 - b. The Zoning Administrator shall then transmit copies of the plans and additional materials to the Town Council's regularly scheduled meeting date. The Zoning Administrator shall also provide the recommendation of the Planning & Zoning Commission to the Council.
 - c. If the development plan is denied, no application shall be accepted by the Zoning Administrator for one calendar year from the date of Council denial for another request for a performance residential development. All other uses permitted or by conditional use in the Zoning Ordinance can be applied for after 30 days after denial.
- (7) *Approval procedures.* After approval of a final development plan, or any stage thereof, by the Town Council, a Conditional Use Permit shall be issued by the Zoning Administrator for a period of one (1) year. If development has not commenced within the one (1) year period, the final approval shall be declared null and void and the initial conditional use permit approval rescinded. At the request of the developer, and for good cause shown, the Town Council may extend said period required for filing of said application for a time certain.

15.4 General regulations.

The following general regulations shall apply to all performance residential developments:

- (1) *Off street parking.* The off-street parking requirements of Article 7 of this ordinance shall apply to all performance residential developments.
- (2) *Sign regulations.* The sign regulations of Article 11 of this ordinance shall apply to all performance residential developments according to the requirements for the zoning district in which each proposed development is located.
- (3) *Fence and buffering regulations.* The fence and buffering regulations of Article 8 of this ordinance shall apply to the performance residential developments according to the requirements for the zoning district in which each proposed development is located.
- (6) *Landscaping and vegetation preservation.* The provisions of the Town's Landscape Ordinance (Article 8) shall apply to all multi-family use projects under the performance residential standard. For the purpose of this Article multi-family is 3 or more units.
- (7) *Maintenance of permanent open space, parking, streets, drainage systems, utilities, and other such facilities.* All common facilities shall be maintained for their intended purpose as expressed in the approved final site plan. The method of providing for such maintenance shall be one (1) or more of the following:
 - a. Public dedication to the Town, subject to the Town's formal acceptance of such facilities in its sole discretion.

- b. Establishments of an association or nonprofit corporation of all individuals or corporations owning property within the performance residential development for the purpose of ensuring maintenance of common facilities.
- c. Retention of ownership, control, and maintenance of common facilities by the developer or Home Owner's Association.

15.5 Performance Residential Development Regulations.

The following regulations shall apply to performance residential developments.

(1) *Acree requirements.* No more than 2 acres can be used for performance residential developments.

(2) *Minimum setback requirements.* The minimum setback requirements for this conditional use shall be as follows:

- a. *Minimum setback from public or private street rights of way:* Ten (10) feet. Structures or buildings exceeding fifty (50) feet in height shall be set back an additional one (1) foot on all sides for every one (1) foot of height above fifty (50) feet. In addition, other applicable setbacks may be recommended by the Planning and Zoning Commission and approved by Town Council.
- b. *Minimum set back from property lines:* In no case shall any side-yard be less than 10 feet for any performance residential involving 3 or more units. Where performance residential development involves more than 5 units, an additional 1' set back shall be added to the required 10' set back not to exceed 20 feet. For corner lots the minimum 12.5 feet setback shall remain. Structures or buildings exceeding fifty (50) feet in height shall be set back an additional one (1) foot on all sides for every one (1) foot of height above fifty (50) feet. In addition, other applicable setbacks may be recommended by the Planning and Zoning Commission and approved by Town Council.
- c. *Minimum separation between on-site structures:* Fifteen (15) feet. Structures or buildings exceeding fifty (50) feet in height shall be set back an additional one (1) foot on all sides for every one (1) foot of height above fifty (50) feet. In addition, other applicable setbacks may be recommended by the Planning and Zoning Commission and approved by Town Council.

(Note: Building Codes and other state and federal regulations may mandate setbacks greater than those specified or recommended.)

(3) *Density.* In all residential zoning districts density requirements are listed under the Maximum Density Standards listed in Section 3.9.1.

- a. For the purpose of assessing density, existing structures located within a radius of 1-acre from the proposed performance residential site shall not exceed the maximum density as provided in Section 3.9.1.
- b. Stacking of Residential Units. For the purpose of maximizing density the stacking of more than (3) residential units is discouraged.

(4) *Permanent open space.* All area within the performance residential development (other than required parking area, 40% structure coverage, and street right-of-way) shall be designated as permanent open space. For the purposes of this ordinance, permanent open space shall be defined as any land to be utilized as landscaped green space, parks, playgrounds, parkway medians, active recreational uses, or for other similar functions; areas required as setbacks or for separation between structures may be utilized in calculating a projects permanent open space requirements. Man-made lakes or other

watercourses may be used to fulfill the requirements of this section. Designated wetlands or marsh may be calculated as part of the permanent open space requirement nor utilized in calculating density.

- (5) *Maximum site coverage.* The maximum coverage of the site by structures shall be forty (40%) percent of the gross site acreage after excluding wetlands, marsh or other non-buildable land.

The Town Council hereby amends the Zoning Ordinance, Article 3 Zoning District Regulations, Section 3.5 Non-Conformities May Continue, as follows (strike out indicate changes):

3.5. Nonconformities may continue.

- (e) Except as restricted in section 3.4(b) above, single-family dwellings may be built on any lot in a district where residences are permitted, which was recorded prior to the enactment of the initial Zoning Ordinance (April 24, 1979) or this ordinance even though it may not meet the lot width and area requirements established by this ordinance. ~~However, owners of two-contiguous undersized lots, not built upon, shall be required to combine such lots so as to create a conforming lot prior to development. (See Article 18, Section 18.2 (e) regarding recombination of non-conforming lots.)~~

The Town Council hereby amends the Zoning Ordinance, Article 3 Zoning District Regulations, Section 3.9-1 Dimensional Standards for Lots and Principal Structures, as follows (shadowed print indicates changes):

Section 3.9.1 Dimensional Standards for Lots and Principal Structures

Dimensional Standards for Lots and Principal Structures, Residential Districts

Zoning District	Primary Permitted Uses	Min. Lot Size	Min. Lot Width ⁶	Min. Front Yd.	Min. Rear Yard	Min. Side Yards* (Corner Lot - Min. 12.5 ft)	Residential Max. Density	Max. Height	Max. Lot Coverage
R-1	Single-Family Duplex	5,000 sq.ft.	50 ft.	20 ft.	10 ft.	7.5 ft.	15 units/acre*	50 ft. ¹	40%
R-1B	Single Family	5,000 sq. ft.	50 ft.	20 ft.	10 ft.	7.5 ft.	8.7 units/acre	50 ft. ¹	40%
R-2	Single-Family	7,000 sq.ft.	70 ft.	25 ft.	10 ft.	7.5 ft.	6.2 units/acre	50 ft. ¹	40%
R-3	Single-Family	12,000 sq.ft.	80 ft.	25 ft.	10 ft.	7.5 ft.	3.6 units/acre	50 ft. ¹	40%

The Town Council of the Town of Carolina Beach hereby amends the Zoning Ordinance, Article 7 Off Street Parking and Loading Requirements (shadowed print indicates changes):

ARTICLE 7. OFF-STREET PARKING AND LOADING REQUIREMENTS

7.1. Off-street parking standards.

(a) *Purpose.* The purpose of this section is to provide off-street parking standards which will alleviate traffic congestion in the streets and promote safe and unrestricted traffic flow; provide for the efficient storage of vehicles while minimizing the detrimental effects of off-street parking on adjacent properties; control the impacts of stormwater drainage and soil erosion and promote visual enhancement through adequate landscaping, and assure the proper and adequate development of off-street parking throughout the Town and its environs.

(b) *Applicability.* The off-street parking standards contained herein shall apply to all new buildings and uses, change of ownership and uses, and expansions, additions and renovations to existing structures and uses.

(c) *Waiver of Parking Requirements in Central Business District.* Where properties are located within the CBD, parking requirements may be waived if public parking spaces adequate to meet the requirement are located within 500 feet of the use.

(d) *Off-street parking space schedule.*

TYPES OF USES	NUMBER OF REQUIRED PARKING SPACES
RESIDENTIAL USES	
Detached dwelling, single family	2 per dwelling unit +* 0.5 per bedroom over 2
Duplex dwelling	2 per dwelling unit +* 0.5 per bedroom over 2
Multi-family (Triplex & Quadraplex) **	2 per dwelling unit +* 0.5 per bedroom over 2
Multi-family (5 or more units) ***	2 per dwelling unit +* 0.5 per bedroom over 2
Townhouses	*0.5 per resident
Life care communities (independent living units)	1 per roomer or boarder in addition to requirements for the dwelling units
Room renting/boardingshouses	1 per 75 sq. ft. of water area
Swimming pool, public or private, accessory to any residential use	
INSTITUTIONAL USES	

Adult Day Care	1 per 5 participants + 1 per employee
Day nursery, day care center, preschool	1 per 5 participants/pupils + 1 per employee
Auditoriums, stadiums, assembly halls, gymnasium, theater, community rec center, church, convention	1 per 200 sq. ft. plus 1 per every 4 persons accommodated by facility at maximum capacity
Clinics	1 per 300 sq. ft.
Clubs and lodges	1 per 3 seats of meeting space at maximum capacity
Fire station	1 per person on duty + 5 additional
Funeral home	1 per 300 sq. ft.
Golf Courses	4 per green + 1 per employee
Golf driving range, miniature golf course	2 per tee, plus 1 per employee

TYPES OF USES	NUMBER OF REQUIRED PARKING SPACES
Hospital, sanitarium, philanthropic and eleemosynary institutions	1 per 2 licensed beds for patients + 1 per staff, incl. medical & support (largest shift)
Museum/ art gallery	1 per 500 sq. ft.
Nursing home, rest home, home for the aged	1 per 3 patient beds, plus 1 per each FT employee
Parks	
swimming pool	1 per 75 sq. ft. of water area
tennis or racquet court	3 per court
Post Office	1 per 300 sq. ft. + 1 per 2 employees
Public Library	1 per 200 sq. ft.
Public safety stations	1 per 500 sq. ft.
Recreation Centers	
swimming pool	1 per 75 sq. ft. of water area
tennis or racquet court	3 per court
all other floor area	1 per 250 sq. ft.
School, Elementary	1 per employee + 5 for visitors
BUSINESS USES	
Amusement Establishments	
theater	1 per 4 seats
bowling alley	4 per alley
Indoor commercial recreation	1 per 200 sq. ft.
Outdoor commercial recreation	Adequate to handle the anticipated normal capacity for patron use, as determined by the building inspector, plus 1 space for each employee
pool hall	2 per billiard table
all others	1 per 200 sq. ft.
Animal hospitals	1 per 300 sq. ft.

Automobile service station	2 per station + 4 per service bay
BANKS & SIMILAR FINANCIAL	
Banks	1 per 300 sq. ft.
Drive Through Windows (Banks)	3 stacking or queuing spaces for each window
ATM	2 per machine
Bars & Taverns	1 per 4 seats, OR 50 sq. ft. (whichever is greater)
Commercial marina	1 per wet boat storage space, 1 per 2 dry storage, 1 per service bay, 1 per 2 employees, + required for all other on-site uses.
Convenience stores	1 per 200 sq. ft.
Car Wash	
automatic or drive through	6 per washing or processing area, including stacking or queuing spaces
self service	2 stacking or queuing spaces per wash bay in addition to the bay itself
Hotel/Motel (Not condominiums)	1 per sleeping room + 1 per 4 seats in meeting or assembly rooms
Medical & dental offices	1 per 200 sq. ft. + 1 per employee
Office & Professional Building	1 per 300 sq. ft.
TYPES OF USES	NUMBER OF REQUIRED PARKING SPACES
Restaurant, diner, café, nightclub, and other eating & drinking establishments	1 per 3 seats
Drive Through Windows (Eating and Drinking Establishments)	6 stacking or queuing spaces for the first window; 3 stacking spaces for each additional window
Retail stores and service businesses (i.e. barber, tailor, etc)	1 per 200 sq. ft. of actual retail space or service area
Shopping centers	5 per 1000 sq. ft. of gross leasable area

New & used car sales, house and truck trailer sales, outdoor equipment and machinery sales, commercial nurseries	4 per salesperson on duty + 1 per employee
Industrial, manufacturing	1 per employee + 1 per vehicle used directly in conduct of such use
Warehouses	1 per 5000 sq. ft. of gross floor area
<p>*Where partial spaces are used, round up to whole number.</p> <p>** Landscape Islands must be provided for each unit to distinguish separate ownership.</p> <p>*** Units Stacked on top of each other with common ownership of land must provide for 2 unobstructed parking spaces per unit.</p>	

Notes:

- (1) *On all streets which terminate with the ocean berm or the waters of Myrtle Grove Sound where dwellings, hotels or motels are located on corner lots which abut the terminated street and the dominant highway or right-of-way, such dwellings, hotels or motels shall have the entrance to such projects for ingress and egress on the dominant street only.*
- (2) *For types of uses not listed, the Planning Director shall have the authority to determine the appropriate number of required parking spaces based upon the maximum anticipated use.*

The Town Council of the Town of Carolina Beach hereby amends Article 23 Definitions, Section 23.3 (shadowed or bold print and strike outs indicates changes):

Changes to 23.3. Definitions.

Housing Unit types:

Single-family detached	A structure, other than a manufactured home, containing one (1) housing unit only.
Manufactured Home	<i>See Article 12 for definitions and development standards related to manufactured homes.</i>
Modular Home	A dwelling constructed in accordance with the standards set forth in the North Carolina State Building Code and composed of components substantially assembled in a manufacturing plant and transported to the building site for final assembly on a

	permanent foundation.
Multiple-family structure	A structure containing three (3) or more housing units, none of which are available for rental periods of less than one (1) month. Has the same meaning as "apartment house."
Duplex	A structure containing two (2) housing units divided by a separation wall.
Triplex	A structure containing three (3) housing units divided by separation walls.
Quadrplex	A structure containing four (4) housing units divided by separation walls.
Garage Apartment	A detached accessory or subordinate building to an existing single family dwelling, containing living facilities for not more than one family and having sufficient enclosed area for one (1) parked automobile.
Townhouse	A single-family dwelling unit constructed in a series or group of attached units with property lines separating such units.

Impact Fee: A fee charged by the Town, in the amount so specified, which covers the costs of impacts created by the development which does not justify the expenditure of public money to supply the needs created (i.e., parking impact fee—not the responsibility of the public to supply the parking required by the business creating the need).

Junked Vehicle: A motor vehicle that:

- (1) is partially dismantled or wrecked; and
- (2) cannot be self-propelled or moved in the manner in which it was originally intended; or
- (3) is more than five (5) years old and appears to be worth less than one hundred dollars (\$100.00); or
- (4) does not display a current license plate when the motor vehicle is required by laws of this state to have such a license plate to operate on public roads, unless stored within an enclosed structure.

Junk Yard or Salvage Operation: An establishment for storing, keeping, buying or selling of junk. "Junk" shall be defined as old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber or discarded, dismantled or wrecked automobiles, or parts thereof, iron, steel and other old or scrap ferrous or nonferrous material.

Landfill reclamation: A fill to improve steep, low, or otherwise unusable land (not to include wetlands) consisting of masonry or other non-organic or nontoxic matter.

Landfill sanitary: A fill consisting of trash, garbage, and other waste and refuse placed in trenches, compressed, and covered with compacted earth.

Least Dimensions: The least dimension of a yard is the least of the horizontal dimensions of such yards. If two (2) opposite sides of a yard are not parallel, such least dimension shall be deemed to be the mean distance between them.

Loading Space, off-street: Space for bulk pickups and deliveries, sealed to delivery vehicles and accessible to such vehicles at all times even when required off-street parking spaces are filled. Required off-street loading space is not to be included as off-street parking space in computation of required off-street parking space.

Parking Facility: Any area, either open or enclosed, structural or natural, for the storage of a vehicle or vehicles. Each parking facility shall have an approved means of ingress and egress. A parking lot is a subset of a parking facility and is defined as follows:

Parking Lot: An open area, outside of the public right-of-way, for the storage of a vehicle or vehicles. The term "parking area" shall be included in this definition. Each parking lot shall have an approved means of ingress and egress.

Parking Space, off-street: An adequate-sized space for parking a vehicle with room for opening doors on both sides, proper access to streets and adequate maneuvering room.

Party Wall: A wall containing no opening which extends from the elevation of building footings to the elevation of the outer surface of the roof or above and which separates contiguous buildings but is in joint use of each building.

Performance Residential Development: An alternative to conventional subdivision development, providing flexibility in development to maximize and preserve open space and natural areas in which individual ownership is either of the structure itself with percentage of ownership and maintenance responsibility of the open space to a Home Owner's Association, or designated common ownership, or public dedication to the Town space OR individual land ownership of property immediately beneath the structure foundation and percentage ownership in the remaining surrounding open space. Performance residential development standards are allowed upon approval of a Conditional Use Permit in R-1 and R-2 zoned apply only to the R-1 and R-2 zone districts for parcels up to two (2) acres in size. The purpose is to allow for flexibility of structure placement while maintaining the standard density, setbacks and lot coverage elements. R-1 designated land allows a maximum of 8.7 units per net site acre; R-2 allows a maximum of 6.2 units per net site acre. This is not to be confused with Planned Unit Developments, which have their own standards. See Section 3.9.1 Density Requirements and Article 15- Performance Residential.

The Town Council of the Town of Carolina Beach hereby amends, Article 12 Development Standards for Particular Uses, Section 12.2, by deleting Performance Residential Development as follows (strike outs indicates changes):

Performance Residential Development:

Proposals for performance residential development shall meet all density, perimeter setbacks, lot coverage and other standards of the zoning district in which the development is to be located. Ownership and maintenance responsibilities for common open space shall be set forth in writing and recorded with all deeds associated with the development. Performance residential developments shall involve no more than two (2) acres.

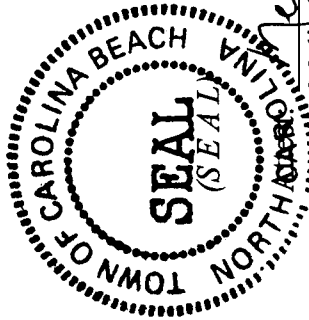
The Town Council of the Town of Carolina Beach, hereby amends Table 3.8-1 Table of Permissible Uses (changes identified in bold under Performance Residential Development in R-1, R-1B and R-2:

USES OF LAND ↓	R-1	R-1B	R-2	R-3	C	MH	MF	MX	CBD	NB	HB	MB	T-1	I-1
	Residential Uses													
Duplexes	P					P	P	P				P	P	
Manufactured Home Parks (Land Lease Community) (See Art 12.1)						P								
Manufactured Home, on standard, single family lot (See Art 12.2)						P								
Multi-family dwellings (See Art 12.1)							P	C					C	
Performance residential development (See Art 15, 23)	C	C	C											
Planned unit development, residential (See Art 16)	C	C	C			C	C	C			C	C	C	
Single-family detached	P	P	P	P	P	P	P	P				P	P	
Single-family, conservation cluster development (See Sec 3.7(d))					C									
Single-family, subordinate to a business use (See Art 12.2)								C	C	C	C	C	C	
Multi-family, subordinate to a business use (See Art 12.2)									C					
Related Residential Uses														
Accessory uses and structures, including garages, carports, etc. (See Art 12.1, 23)	P	P	P	P	P	P	P	P				P	P	
Bed and Breakfast Inns (See Art 12.2, 23)								C	C	C	C		C	C
Cabana houses, private	P	P	P	P	P	P	P		P	P			P	P

The Town Council of the Town of Carolina Beach hereby amends Article 18 Non-Conforming Situations, by deleting Section 18.2 (c) as follows (strike outs indicate changes):

~~(c) Recombination of lots required when possible. Where the owner of a lot at the time of the adoption of this chapter (or the owner in title thereafter of the original lot) does not own sufficient land to enable the owner to conform to the dimensional requirements of this chapter, such a lot may be developed as a single-family residence in a district in which residences are permitted as noted in (a) above. Whenever this ordinance creates a non-conforming lot from a lot which was platted prior to current zoning requirements, and the owner of the non-conforming lot also owns land adjacent to it, and a portion of this other land can be combined with the non-conforming lot to create a conforming lot (without thereby creating other nonconformities), the owner of the non-conforming lot, or his successor in interest, may not take advantage of the provisions of paragraph 1 [sic] of this subsection must recombine to create a one or more conforming lot prior to developing the property. Owners of non-conforming lots may take advantage of the provisions of paragraph 1 [sic] of this subsection. Owners of non-conforming lots may take advantage of these provisions hereinabove stated as April 24, 1979, but in the event additional non-conforming lots are created by transfer or sales after the above date, the above provisions shall not apply.~~

ADOPTED THIS 13TH DAY OF JULY 2004.



Melinda N. Prusa
Melinda N. Prusa, Town Clerk

Dennis T. Barbour

Dennis T. Barbour, Mayor