

C-UDO-86

AN ORDINANCE AMENDING CHAPTERS A, B, C and D OF THE *UNIFIED DEVELOPMENT ORDINANCES*

Be it ordained by the Village Council of the Village of Clemmons, North Carolina, that the *Unified Development Ordinances* is hereby amended as follows:

Section 1. Chapter A, Article II

Article II Definitions

EASEMENT, SIGHT. An easement which grants the right to maintain unobstructed view across property located at a street intersection. Per G.S. 160A-306(b)(3), measurements for sight distances at street intersections, including sight triangles, must begin at the edge of pavement of a proposed or existing street.

Section 2. Chapter B, Article II, Section 2-5.44(B) Manufactured Home, Class A

2-5.44 MANUFACTURED HOME, CLASS A

Each Class A manufactured home shall meet the following criteria in all districts in which it is permitted, except the MH District:

- (B) Foundation...The manufactured home shall be set up in accordance with the standards established by the North Carolina Department of Insurance. In addition, a continuous, permanent, masonry foundation or masonry curtain wall constructed in accordance with the standards of the State Residential Building Code, unpierced except for required ventilation and access, shall be installed under the perimeter. Per G.S. 160D-910(g), in situations where the manufactured home is located on land leased to the homeowner, masonry foundation or masonry curtain wall is not required and the following shall apply:
- (1) Material...Skirting shall be of noncombustible material or material that will not support combustion. Skirting material shall be durable and suitable for exterior exposures.
 - (2) Wood Framing...Any wood framing used to support the skirting shall be of approved moisture resistant treated wood.
 - (3) Venting...The skirting shall be vented in accordance with State requirements.
 - (4) Installation...Skirting manufactured specifically for this purpose shall be installed in accordance with the manufacturer's specifications.
 - (5) Within Sixty (60) Days...Skirting shall be installed no later than sixty (60) days after the setup of the home.
 - (6) Maintenance...Skirting shall be properly maintained.

Section 3. Chapter B, Article IX, Section 9-2.1 Enforcement Procedures

9-2.1(B) Stop Work Orders

- (2) Except as provided by G.S. 160D-1112 and G.S. 160D-1208, a stop work order ~~may~~ shall be appealed pursuant to section B.6-2.11 Appeals and Interpretations. No further work or activity shall take place in violation of a stop work order pending a ruling on the appeal. Violation of a stop work order pertaining to unsafe buildings shall constitute a Class 1 misdemeanor.

Section 4. Chapter B, Article IX, Section 9-2.2 Criminal Penalties

~~9-2.2 Criminal Penalties~~

- ~~(A) Any person, firm, or corporation violating any provisions of this Ordinance shall be guilty of a class 3 misdemeanor excluding section B.9-2.1(B) Work Stop Orders.~~
- ~~(B) Upon conviction thereof, such violator shall be subjected to a fine not to exceed five hundred dollars (\$500.00) or imprisoned not more than thirty (30) days except that no such violation shall be punishable until the expiration of ten (10) days after notice shall have been issued by the Zoning Officer and served upon such violator.~~
- ~~(C) Each and every day beyond the initial ten (10) day notice period during which such violation continues shall be deemed a separate offense.~~

Section 5. Chapter B, Article IX, Section 9-2.3 Civil Penalties

9-2.3~~2~~ Civil Penalties

- (A) Assessment of Civil Penalties
- (1) ~~In addition to criminal penalties, any~~ Any person, firm, or corporation violating any provisions of this Ordinance shall be subject to a civil penalty of one hundred dollars (\$100.00) to be recovered by the jurisdiction in a civil action in the nature of a debt.

Section 6. Chapter B, Article IX, Section 9-2.4 through 9-2.6

9-2.4~~3~~ Injunctive or Other Relief

9-2.5~~4~~ Special Use District and Special Use Permits

9-2.6~~5~~ Revocation of Approvals

Section 7. Chapter C, Article III, Section 3-1.5 Exceptions to Applicability

3-1.5 EXCEPTIONS TO APPLICABILITY

- (A) Nothing contained herein shall repeal, modify, or amend any federal or State law or regulation, or any ordinance or regulation pertaining thereto except any ordinance which these regulations specifically replace; nor shall any provision of this Ordinance amend, modify, or restrict any provisions of the Code of Ordinances of the Village of Clemmons; however, the adoption of this Ordinance shall and does amend any and all ordinances, resolutions, and regulations in effect in Clemmons at the time of the adoption of this Ordinance that may be construed to impair or reduce the effectiveness of this Ordinance or to conflict with any of its provisions.
- (B) It is not intended that these regulations interfere with any easement, covenants or other agreements between parties. However, if the provisions of these regulations impose greater restrictions or higher standards for the use of a building or land, then the provisions of these regulations shall control.
- (C) Existing development, as defined in this Ordinance, is not subject to the requirements of this Ordinance. Expansions to structure classified as existing development must meet the requirements of this Ordinance; however, the built-upon area of the existing development is not required to be included in the built-upon area calculations.
- (D) This Ordinance shall not apply to any lot or subdivision established prior to May 17, 1993 provided the same is developed for single family residential purpose.
- (E) This Ordinance shall not apply to development or redevelopment that cumulatively disturbs less than one acre and is not part of a larger common plan of development or sale.
- (F) Per G.S. 143-214.5(d3), The Village of Clemmons shall allow an applicant to exceed the allowable density under the applicable water supply watershed rules if all of the following circumstances apply:
- (1) The property was developed prior to the effective date of the local water supply watershed program.
 - (2) The property has not been combined with additional lots after January 1, 2021.
 - (3) The property has not been a participant in a density averaging transaction under 3-3.6.3.1 Paired-Average-Density Development of *this Ordinance*.
 - (4) The current use of the property is nonresidential.
 - (5) In the sole discretion, and at the voluntary election, of the property owner, the stormwater from all of the existing and new built-upon area on the property is treated in accordance with all applicable local government, State, and federal laws and regulations.
 - (6) The remaining vegetated buffers on the property are preserved in accordance with the local water supply watershed protection program requirements.

Note: Redevelopment projects that result in no net increase in built-upon area and provide equal or greater stormwater control than the previous development shall be considered in compliance with requirements of this Ordinance.

Additionally, activities exempt from permit requirements of Section 404 of the federal Clean Water Act, as specified in 40 CFR 232 (primarily, ongoing farming and forestry activities) are exempt from the provisions of this Ordinance.

Section 8. Chapter D, Section 1 General Provisions and Administration

1 General Provisions and Administration

- (F) Penalties for Transferring Lots in Unapproved Subdivisions ... ~~No~~Any person who, being the owner or agent of the owner of any land located within the planning and development regulation jurisdiction of the Village of Clemmons, shall thereafter subdivide the land in violation of the regulation or transfers or sells land by reference to, exhibition of, or any other use of a plat showing a subdivision of the land before the plat has been properly approved under the *Subdivision Ordinances* and recorded in the office of the appropriate register of deeds. ~~guilty of a Class 1 misdemeanor~~ The description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring land does not exempt the transaction from this penalty. The local government may bring an action for injunction of any illegal subdivision, transfer, conveyance, or sale of land, and the court shall, upon appropriate findings, issue an injunction and order requiring the offending party to comply with the subdivision regulation. Building permits required pursuant to G.S. 160D-1110 may be denied for lots that have been illegally subdivided. In addition to other remedies, a local government may institute any appropriate action or proceedings to prevent the unlawful subdivision of land, to restrain, correct, or abate the violation, or to prevent any illegal act or conduct.
- (K) Appeal Denial of a Subdivision... The decision whether to approve or deny a preliminary or final subdivision plat is administrative and ~~may~~ shall be appealed to the Board of Adjustment. Appeal requirements shall be the same requirements specified in Chapter B Zoning Ordinances Article VI Administrative Provisions of the Clemmons Unified Development Ordinances.

Section 9. Chapter D, Section 4(B)(1)(n) Major Subdivisions

- (n) All new subdivisions will have triangular sight distance easements shown in dashed lines at all street intersections and so noted on the final plat map. These easements will remain free of all structures, trees, shrubbery, driveways, and signs, except utility poles, fire hydrants, and traffic control signs. Sight easements shall be ten (10) feet by seventy (70) feet ~~running from the intersection along the right-of-way of the pertinent street~~ beginning at the edge of pavement of a proposed or existing street per G.S. 160A-306(b)(3).

Section 10. This ordinance shall be effective upon adoption

Approval this _____ day of _____, 2022.

Michael Rogers, Mayor

Attest:

Lisa Shortt, Village Clerk