

ORDINANCE AMENDING CHAPTER 94
ZONING REGULATIONS OF THE VILLAGE OF WALNUT CREEK, NC.

WHEREAS the Village Council of the Village of Walnut Creek has reviewed the amendments to the Zoning Ordinance as set forth in this ordinance and found these amendments to be consistent with the Village's adopted land use plan.

Be it Resolved by the Village Council of the Village of Walnut Creek as follows:

CHAPTER 94 ZONING REGULATIONS is amended by making the deletions and additions as hereinafter set forth. Deletions are shown with a line through the words and numbers to be deleted and the additions are shown by underlining the word and numbers to be added:

1. §94.51 R-35 RESIDENTIAL DISTRICT

(B) (13) No house trailer, mobile home, basement (unless basement is part of the dwelling erected at the same time the dwelling is erected), tent, shack, barn, or modular unit including a modular unit for use as an outbuilding or accessory building shall be erected, placed or stored on any property within the village. Outbuildings that enhance the beauty of the overall permanent landscaping and blend with the permanent home structure may be built upon issuance of a special use permit from the Village Council. Before issuing a special use permit, the Village Council shall review the design for the proposed outbuilding or storage facility submitted by the property owner to ensure compliance with this chapter. All boats, trailers, and campers, shall be stored behind the minimum front building setback line for each lot as defined in §93.48. Nothing herein shall prohibit the construction of a dog house that is in compliance with this chapter.

(D) Special use. The following uses are permitted if the Village Council issues a special use permit allowing it in accordance with the requirements in §94.58:

1. The excavation of more than 200 cubic yards, or addition of more than 200 cubic yards of dirt, soil, earth, or other fill material.
2. Outbuildings that will be in harmony with the character of the neighborhood and the Village of Walnut Creek, and enhance the beauty of the overall permanent landscaping and blend with the permanent home structure, provided however, in considering the issuance of a special use permit the Village Council may not consider building design elements as defined in NCGS 160D-702 but may consider the height, bulk, orientation or location on the lot, the use of buffering or screening to minimize visual impacts or to mitigate impacts of light and noise or to protect privacy of neighbors.

2. §94.51a R-30 RESIDENTIAL DISTRICT

(B) (13) No house trailer, mobile home, basement (unless basement is part of the dwelling erected at the same time the dwelling is erected), tent, shack, barn, or modular unit including a modular

unit for use as an outbuilding or accessory building shall be erected, placed or stored on any property within the village. Outbuildings that enhance the beauty of the overall permanent landscaping and blend with the permanent home structure may be built upon issuance of a special use permit from the Village Council. Before issuing a special use permit, the Village Council shall review the design for the proposed outbuilding or storage facility submitted by the property owner to ensure compliance with this chapter. All boats, trailers, and campers, shall be stored behind the minimum front building setback line for each lot as defined in §93.48. Nothing herein shall prohibit the construction of a dog house that is in compliance with this chapter.

(D) Special use. The following uses are permitted if the Village Council issues a special use permit allowing it in accordance with the requirements in §94.58:

1. The excavation of more than 200 cubic yards, or addition of more than 200 cubic yards of dirt, soil, earth, or other fill material.
2. Outbuildings that will be in harmony with the character of the neighborhood and the Village of Walnut Creek, and enhance the beauty of the overall permanent landscaping and blend with the permanent home structure, provided however, in considering the issuance of a special use permit the Village Council may not consider building design elements as defined in NCGS 160D-702 but may consider the height, bulk, orientation or location on the lot, the use of buffering or screening to minimize visual impacts or to mitigate impacts of light and noise or to protect privacy of neighbors.

3. §94.52 R-25 RESIDENTIAL DISTRICT

(O) No house trailer, mobile home, basement (unless basement is part of the dwelling erected at the same time the dwelling is erected), tent, shack, modular unit including a modular unit for use as an outbuilding or accessory building, or barn shall be erected, placed or stored on any property within the village. Outbuildings that enhance the beauty of the overall permanent landscaping and blend with the permanent home structure may be built upon issuance of a special use permit from the Village Council. Before issuing a special use permit, the Village Council shall review the design for the proposed outbuilding or storage facility submitted by the property owner to ensure compliance with this chapter. All boats, trailers, and campers, shall be stored behind the minimum front building setback line for each lot as defined §93.48. Nothing herein shall prohibit the construction of a dog house that is in compliance with this chapter.

(T) Special use. The following uses are permitted if the Village Council issues a special use permit allowing it in accordance with the requirements in §94.58:

1. The excavation of more than 200 cubic yards, or addition of more than 200 cubic yards of dirt, soil, earth, or other fill material.
2. Outbuildings that will be in harmony with the character of the neighborhood and the Village of Walnut Creek, and enhance the beauty of the overall permanent landscaping and blend with the permanent home structure, provided however, in considering the issuance of a special use permit the Village Council may not consider building design elements as defined in NCGS 160D-702 but may consider the height, bulk, orientation or location on the lot, the use of

buffering or screening to minimize visual impacts or to mitigate impacts of light and noise or to protect privacy of neighbors.

4. §94.04 (27) MODULAR UNIT

A factory-fabricated, pre-fabricated or transportable building including outbuildings designed to be used by itself or to be incorporated with similar units at a building site into a structure, including but not limited to what is commonly known as shed, storage shed, carport or barn kits that are assembled either on or off the site.. The term is intended to apply to major assemblies and does not include prefabricated panels, trusses, plumbing trees, and other prefabricated sub-elements which are to be incorporated into a structure at the site.

5. This ordinance shall become effective upon its adoption.

This the _____ day of _____, 2021.

Danny Jackson, Mayor

ATTEST:

Jacqui Whitmire, Village Clerk