

AN ORDINANCE AMENDING  
THE “LANDIS DEVELOPMENT ORDINANCE”  
OF THE TOWN OF LANDIS, NORTH CAROLINA

Ordinance Number ZTA-2023-12-11

WHEREAS, on May 10, 2021, the Town Board of Aldermen’s newly adopted Landis Development Ordinance, also known as the LDO, became fully effective; and,

WHEREAS, the amendment of the LDO to incorporate up-to-date standards and specifications is both consistent with the adopted *Town Plan 2040* by continuing to meet the adopted goals of *Town Plan 2040* emphasizing Goal 7, Objective 7.2, Strategy 1; then,

THEREFORE, BE IT ORDAINED by the Town Board of Aldermen that the Landis Development Ordinance be amended as follows:

**PART 1. “Article 8, Table 8.1, Section 1 – General Uses” is hereby amended to 1) revise the Main Street (MS) District uses to add conditions noted as “A (10.1-38)” where such entries appear below and 2) delete the symbol “L” for current listed uses where the MS column is left blank for uses as indicated by a yellow highlight without any symbols appearing therein as follows:**

*(This space left blank intentionally)*

Table 8.1 - Table of Uses L=listed use S=special use A=use listed with additional standards Section 1 - General Uses of the following:		Main Street (MS)
Bed & Breakfast (incl. Tourist Home, Boarding House except when "Residential Tourist/temporary residence")	A (10.1-8) & A(10.1-38)	
Communication or Broadcasting Facility, without Tower	A(10.1-38)	
Dance School	A(10.1-38)	
Day Care Center for Children or Adults (6 or more)	A (10.1-14) & A(10.1-38)	
Day Care Center, Home Occupation for less than 6 children	A (10.1-15) & A(10.1-38)	
Event and Wedding Venue	A(10.1-38)	
Funeral Home without Crematorium	A(10.1-38)	
Furniture Framing	A(10.1-38)	
Group Care Facility	S (10.2-8) A (10.1-38)	
Home Occupation	A (10.1-21) & A(10.1-38)	
Hotel or Motel	A(10.1-38)	
Laboratory, Medical or Dental	A(10.1-38)	
Medical, Dental or Related Office	A(10.1-38)	
Nursing Home, Assisted Living	A (10.1-25) & A(10.1-38)	
Office Uses		
Accounting, Auditing or Bookkeeping Services	A(10.1-38)	
Administrative or Management Services	A(10.1-38)	
Advertising Agency	A(10.1-38)	
Architect, Engineer or Surveyor's Office	A(10.1-38)	
Dental, Medical or Related Office	A(10.1-38)	
Employment Agency, Personnel Agency	A(10.1-38)	
Finance or Loan Office	A(10.1-38)	
Home Occupation	A (10.1-21) & A(10.1-38)	
Insurance Agency (w/on-site claims inspections)	A(10.1-38)	
Insurance Agency (without on-site claims inspections)	A(10.1-38)	
Law Office	A(10.1-38)	
Medical, Dental or Related Office	A(10.1-38)	
Office Uses Not Otherwise Classified	A(10.1-38)	
Real Estate Office	A(10.1-38)	
Stock, Security or Commodity Broker	A(10.1-38)	
Travel Agency	A(10.1-38)	
Residential Uses (Dwellings)		
Dwelling, Accessory Unit	A(10.1-38)	
Dwelling, Attached House (incl. term "Townhouse")	A(10.1-38)	
Dwelling, Multifamily 8 Units or Less	A (10.1-24) & A(10.1-38)	
Dwelling, Multifamily (apartments or condominiums)	A (10.1-24) & A(10.1-38)	
Dwelling, Single-Family Detached, including Duplex (2-family), may also include Modular Construction		
Temporary Family Health Care Structure (per G.S. 160D-914(a)(5))		
Retreat Center	A(10.1-38)	
Vocational, Business or Secretarial School	A(10.1-38)	

**PART 2. “Article 10, Section 10.1-38” is hereby established to read as follows:**

**10.1-38 Certain Uses in Main Street (MS) District**

(A.) Within the Main Street (MS) Zoning District all uses bearing the symbol “A(10.1-38)” in Table 8.1, appearing in Article 8 of this Ordinance are listed; however, all properties of the MS district located within the blocks bounded by Central Avenue and Chapel Street between East Garden Street and East Ridge Avenue shall be subject to the additional standards appearing in Sub-section 10.1-38(B) below.

(B.) Standards applicable within the MS district located within the blocks bounded by Central Avenue and Chapel Street between East Garden Street and East Ridge Avenue:

- (1.) **Certain** uses appearing in Article 8, Table 8.1 with the symbol “A(10.1-38)” as a use listed with additional standards shall meet the following standards:
  - (a.) Secondary use shall be situated on second or higher floor above adjacent grade as determined by the *Planning, Zoning & Subdivision Administrator*, whose determination shall be final.
  - (b.) Uses occupying basement and/or floors below grade may be principal and/or accessory uses to the principal use occupying the first floor above grade.
  - (c.) Secondary use shall have separate access to second or higher floor and distinguishable from principal use occupying first floor, not including basements and/or floors below grade.
  - (d.) Secondary use may utilize first floor for access to include, but not be limited to, lobby/reception, elevator(s), stairwell(s), etc. provided only security and reception personnel only may occupy the first floor above grade, provided that no such limited occupancy of the first floor shall exceed 600 sq. ft.
- (2.) Projects establishing secondary use occupancy in accordance with these standards shall provide a copy of the terms of occupancy and use when multiple tenants occupy the same building when making application for a *Zoning Compliance Permit* in accordance with Article 7 of this Ordinance.
- (3.) The permitted use provisions of this Article are not eligible for variance by the Board of Adjustment in accordance with NCGS 160D-705(d).

**PART 3. “Article 10, Section 10.2-8(B)” is hereby amended to add a new provision 10.2-8(B)(4) to read as follows:**

- (4.) Provisions of 10.1-38 shall apply to properties within the MS District.

**PART 4. This Ordinance shall be effective at 12:01 AM EST on December 12, 2023.**

**ADOPTED on this the 11<sup>th</sup> day of December 2023.**

s/ \_\_\_\_\_

**Meredith Bare Smith, Mayor**

s/ \_\_\_\_\_

**Madison Stegall, Town Clerk**