

The seal of Union County, North Carolina, is a circular emblem. It features a central shield with a plow, a sheaf of wheat, and a gear. Above the shield is a banner with the year "1842". The outer ring of the seal contains the text "UNION COUNTY" at the top and "NORTH CAROLINA" at the bottom, separated by two stars. The motto "PROGRESS" is written in a smaller arc below the shield.

DRAFT
**Development
Ordinance
Update**

Module 1: Zoning District Framework

October 25, 2013

Module 1: Zoning District Framework

Module 1 of the draft development ordinance is presented in the following pages. This first piece of the development ordinance rewrite is set within an overall proposed outline and includes a first cut at the following provisions:

Article 1 | Introductory Provisions

Article 5 | Residential Districts

Article 10 | Office, Commercial and Industrial Districts

Article 15 | Overlay Districts

Article 20 | Special Purpose Districts

Article 25 | Allowed Uses

Article 30 | Supplemental Use and Building Regulations

Article 90 | Measurements

As you review this material, please keep in mind that it is an initial *draft*. Changes can and will be made as the provisions are adapted to best meet the needs of the county. Please also understand that because the draft ordinance is being delivered in pieces, there are likely to be nearly as many questions *raised* as answered. Don't hesitate to raise these sorts of questions, but please don't assume that these or other priority issues are being ignored. It is worth noting, as well, that graphics and illustrations will be added throughout, once the ordinance documents are closer to their final form.

As a general rule, many of the provisions in this module (e.g., allowed uses, applicable lot and building regulations) are very similar to those currently in place. Despite the similarities, however, there *are* substantive changes and new concepts presented in this draft. These proposed changes are identified through the use of footnotes¹ and occasional underline (new/changed material) and ~~strikethrough~~ (deleted material) text. The absence of footnotes and identified redline changes is an indication that the provisions do not constitute a substantive modification, but most all of the provisions have been edited for internal consistency and clarity.

We look forward to your review and continued involvement in the Union County development ordinance project.

¹ Where footnotes appear they will have this appearance.

Development Ordinance

| | |
|--|------|
| Article 1 Introductory Provisions | 1-1 |
| Article 5 Residential Districts | 5-1 |
| Article 10 Office, Commercial and Industrial Districts | 10-1 |
| Article 15 Overlay Districts | 15-1 |
| Article 20 Special Purpose Districts | 20-1 |
| Article 25 Allowed Uses | 25-1 |
| Article 30 Supplemental Use and Building Regulations | 30-1 |
| Article 35 Accessory Uses and Structures | 35-1 |
| Article 40 Temporary Uses and Special Events | 40-1 |
| Article 45 Parking | 45-1 |
| Article 50 Signs..... | 50-1 |
| Article 55 Landscaping and Screening | 55-1 |
| Article 60 General Development Regulations..... | 60-1 |
| Article 65 Flood Damage Prevention | 65-1 |
| Article 70 Review and Approval Procedures | 70-1 |
| Article 75 Administration..... | 75-1 |
| Article 80 Nonconformities..... | 80-1 |
| Article 85 Violations, Penalties and Enforcement..... | 85-1 |
| Article 90 Measurements..... | 90-1 |
| Article 95 Definitions | 95-1 |

Article 1 | Introductory Provisions¹

| | | |
|---------------|--|-----|
| Section 1.010 | Official Name (Title)..... | 1-1 |
| Section 1.020 | Authority | 1-1 |
| Section 1.030 | Effective Date | 1-1 |
| Section 1.040 | Applicability and Jurisdiction | 1-1 |
| Section 1.050 | Bona Fide Farm Zoning Exemption | 1-2 |
| Section 1.060 | Purposes..... | 1-2 |
| Section 1.070 | Minimum Requirements | 1-2 |
| Section 1.080 | Compliance Required | 1-3 |
| Section 1.090 | Conflicting Provisions..... | 1-3 |
| Section 1.100 | Rules of Language and Construction | 1-3 |
| Section 1.110 | Zoning Map | 1-5 |
| Section 1.120 | Transitional Provisions | 1-6 |
| Section 1.130 | Vested Rights..... | 1-7 |
| Section 1.140 | Severability..... | 1-7 |

Section 1.010 Official Name (Title)

The official name of this document is the “Unified Development Ordinance of Union County, North Carolina.” For convenience, it is referred to throughout this document as the “ordinance” or “UDO.”

Section 1.020 Authority

This ordinance is adopted pursuant to the powers granted by the North Carolina General Statutes (NCGS), specifically including Chapter 153A, Article 18.

Section 1.030 Effective Date

The provisions of this ordinance become effective on [effective date to be inserted], except as otherwise expressly stated.²

Section 1.040 Applicability and Jurisdiction

The provisions of this ordinance apply within all of Union County outside the corporate or extraterritorial jurisdiction of any municipality. The ordinance also applies within the jurisdiction of any municipality whose governing body has adopted a resolution authorizing such applicability.

¹ The provisions of this article have been edited and reorganized, but they do not represent a substantive change unless indicated.

² The “except as otherwise expressly stated” phrase is meant to cover amendments that become effective on another date (which would be specified in the text).

Section 1.050 Bona Fide Farm Zoning Exemption

- 1.050-A** As provided by NCGS 153A-340, the zoning regulations of this ordinance in no way regulate, restrict, prohibit or otherwise deter or affect property used for bona fide farm purposes, except that:
1. farm property used for non-farm purposes must comply with applicable zoning regulation; and
 2. bona fide farms and other farm properties must comply with any flood protection regulations required to be imposed by the National Flood Insurance Program.
- 1.050-B** For purposes of determining whether a property is being used for bona fide farm purposes, any one of the following constitutes sufficient evidence that the property is being used for bona fide farm purposes:
1. A farm sales tax exemption certificate issued by the Department of Revenue;
 2. A copy of the property tax listing showing that the property is eligible for participation in the present-use value program, pursuant to NCGS §105-277.3;
 3. A copy of the farm owner's or operator's most recent Schedule F federal income tax return;
 4. A forest management plan; or
 5. A farm identification number issued by the United States Department of Agriculture.

Section 1.060 Purposes

This ordinance is adopted for the purposes of:

- 1.060-A** protecting the public health, safety and general welfare; and
- 1.060-B** implementing the policies and goals of the comprehensive plan and other officially adopted plans of the county.

Section 1.070 Minimum Requirements

- 1.070-A** The provisions of this ordinance are the minimum requirements deemed necessary to carry out the ordinance's stated purpose and intent.
- 1.070-B** In addition to the requirements of this ordinance, all uses, development and construction activities must comply with other applicable ordinances, laws and regulations.
- 1.070-C** All references in this ordinance to other governmental regulations are for informational purposes only and do not necessarily constitute a complete list of such regulations. These references do not imply any responsibility for the county to enforce regulations imposed by other government authorities.

Section 1.080 Compliance Required

- 1.080-A** No person may use, occupy, or sell any land or buildings or authorize or permit the use, occupancy, or sale of land or buildings under their control except in accordance with all applicable provisions of this ordinance.
- 1.080-B** For purposes of this section, the "use" or "occupancy" of a building or land relates to anything and everything that is done to, on or in that building or land.

Section 1.090 Conflicting Provisions

1.090-A Conflict with State or Federal Regulations

If the provisions of this ordinance are inconsistent with those of the state or federal government, the more restrictive provision governs, to the extent allowed by law. The more restrictive provision is the one that imposes greater requirements or more stringent controls.

1.090-B Conflict with Other County Regulations

If the provisions of this ordinance are inconsistent with one another or if they conflict with provisions found in other adopted ordinances or regulations of the county, the more restrictive provision governs unless otherwise expressly stated. The more restrictive provision is the one that imposes greater requirements or more stringent controls.

1.090-C Conflict with Private Agreements and Covenants

This ordinance is not intended to interfere with, abrogate or annul any easement, covenant, deed restriction or other agreement between private parties. If the provisions of this ordinance impose a greater restriction than imposed by an agreement or covenant among private parties, the provisions of this ordinance govern. The county is not responsible for monitoring or enforcing agreements or covenants among private parties.

Section 1.100 Rules of Language and Construction

1.100-A Meanings and Intent

The language of this ordinance must be read literally. Regulations are no more or less strict than stated. Words and terms expressly defined in this ordinance (see, for example, [Article 95](#)) have the specific meanings assigned unless the context indicates another meaning. Words that are not expressly defined in this ordinance have the meaning given in the latest edition of Merriam-Webster's *Unabridged Dictionary*.

1.100-B Public Officials and Agencies

All employees, public officials, bodies and agencies to which references are made are those of Union County unless otherwise expressly stated.

1.100-C Delegation of Authority

Whenever a provision appears requiring the head of a department or another officer or employee of the county to perform an act or duty, that provision will be construed as authorizing the department head or officer to delegate that responsibility to others over whom they have authority. Delegation of authority is not allowed when the provisions of this ordinance expressly prohibit such a delegation.

1.100-D Computation of Time

1. References to “days” are to calendar days unless otherwise expressly stated. References to “business days” are references to regular county government working days, excluding Saturdays, Sundays and holidays observed by county government.
2. The time in which an act is required to be completed is computed by excluding the first day and including the last day. If the last day is a Saturday, Sunday or holiday observed by county government, that day is excluded.
3. A day concludes at the close of business of county administrative offices and any materials received after that time will be considered to have been received the following day.

1.100-E Tenses and Usage

1. Words used in the singular include the plural. The reverse is also true.
2. Words used in the present tense include the future tense. The reverse is also true.
3. The words “must,” “will,” “shall” and “may not” are mandatory.
4. The word “may” is permissive, and “should” is advisory, not mandatory or required.
5. When used with numbers, “up to x,” “not more than x” and “a maximum of x” all include “x.”
6. The word “person” includes a firm, association, organization, partnership, trust company or corporation, as well as an individual.
7. The words “used” and “occupied” include “intended, designed or arranged to be used or occupied.”
8. The term “lot” includes “parcel.”

1.100-F Conjunctions

Unless the context otherwise expressly indicates, conjunctions have the following meanings:

1. “and” indicates that all connected items or provisions apply; and
2. “or” indicates that the connected items or provisions may apply singularly or in combination.

1.100-G Headings and Illustrations

Headings and illustrations within this ordinance are provided for convenience and reference only and do not define or limit the scope of any provision of this ordinance. In case of any difference of meaning or implication between the text of this ordinance and any heading, drawing, table, figure or illustration with the ordinance, the text governs.

1.100-H Current Versions and Citations

All references in this ordinance to other county, state or federal regulations refer to the most current version and citation for those regulations, unless otherwise expressly indicated. When the referenced regulations have been repealed and not replaced by other regulations, ordinance requirements for compliance are no longer in effect.

1.100-I Lists and Examples

Unless otherwise expressly stated, lists of items or examples that use the terms “including,” “such as,” or similar terms or phrases are intended to provide examples only. They are not to be construed as exhaustive lists of all possibilities.

Section 1.110 Zoning Map³

1.110-A Establishment

The location and boundaries of the zoning districts established by this ordinance are shown on a geographic coverage layer that is maintained as part of a geographic information system (GIS) under the direction of the GIS department. This geographic coverage layer constitutes the county’s official zoning map. The official zoning map—together with all notations, references, data and other information shown on the map—is adopted and incorporated into this ordinance. It is as much a part of this ordinance as it would be if it were actually depicted within its pages.

1.110-B Maintenance and Updates

The zoning administrator is responsible for directing revisions to the official zoning map to reflect its amendment as soon as possible after the effective date of zoning map amendments (rezonings). No unauthorized person may alter or modify the official zoning map.

1.110-C Map Interpretations

Where any uncertainty exists about a zoning district boundary, the zoning administrator is authorized to make an administrative interpretation or refer the matter to the board of adjustment for a determination. In either case, map interpretations must be based on the best, most reliable information available to the authorized decision-maker.

1.110-D Split-zoned Lots

1. The zoning map may not be amended to classify a single lot into 2 or more base zoning districts.
2. The split zoning of any newly created lot (into more than one base zoning district classification) is prohibited.
3. When an existing lot is classified in 2 or more base zoning classifications, the following rules apply, at the owner’s option:
 - a. Each of the separate zoned areas on the lot may be treated as a separate zoning lot and developed in accordance with the zoning district regulations that apply to each respective area; or
 - b. The entire area of the lot may be deemed to be classified in a single zoning district, using the regulations applicable to the zoning district that applies to the larger portion of the lot.

³ Revised to reflect digital nature of current zoning map.

4. Building setbacks do not apply along base zoning district boundary lines that split an existing lot under single ownership.

~~(a) Whenever a single lot two acres or less in size is located within two or more different zoning districts, the district regulations applicable to the district within which the larger portion of the lot lies shall apply to the entire lot.~~

~~(b) Whenever a single lot greater than two acres in size is located within two or more different zoning districts:~~

~~(1) If each portion of the lot located within a separate district is equal to or greater than the minimum lot size for that district, then each portion of the lot shall be subject to all the regulations applicable to the district in which it is located.~~

~~If any portion of the lot located within a size separate district is smaller than the minimum lot size for that district, then such smaller portion shall be regarded as if it were in the same zoning district as the nearest larger portion to which it is attached. This section applies only to lots created before the effective date of this ordinance unless the board of adjustment in a proceeding under Section 94 to determine district boundaries, concludes that a lot established after the effective date of this ordinance was not created to bring additional lot area within a more intensive zoning district, or otherwise to take unfair or unwarranted advantage of the provisions of this section.~~

Section 1.120 Transitional Provisions⁴

The provisions of this section address the transition from the previous ordinance (the one in effect before the effective date specified in [Section 1.030](#) Section 1.020) to this ordinance.

1.120-A Applications, Permits and Approvals

1. Any building, development or structure for which a building permit was issued or a complete permit application had been accepted for processing before the effective date specified in [Section 1.030](#) may be completed in conformance with the issued building permit and other applicable permits and conditions, even if such building, development or structure does not comply with provisions of this ordinance. If the building is not commenced and completed within the time allowed under the original building permit, the building, development or structure may be constructed, completed and occupied only if it complies with the regulations of this ordinance.
2. Applications for special uses, conditional uses, temporary uses, variances, subdivision plats, site plans or other zoning or development approvals that were submitted in complete form and are pending approval on the effective date specified in [Section 1.030](#) must be reviewed wholly under the terms of the land use ordinance in effect immediately be-

⁴ New provisions.

fore the effective date specified in [Section 1.030](#)Section 1.020. Building permits for construction and development approved under such approvals may be issued in accordance with [§1.120-A3](#).

3. Building permits may be issued for construction or development approved under [§1.120-A2](#), even if such building, development or structure does not fully comply with provisions of this ordinance. If building is not commenced and completed within the time allowed under the building permit, then the building, development or structure may be constructed, completed and occupied only if it complies with the regulations of this ordinance.
4. When a use classified as a special use under this ordinance exists as an approved conditional use, special use or permitted use on the effective date specified in [Section 1.030](#)Section 1.020, that use will be considered a lawfully established special use under this ordinance. When any amendment to this ordinance changes the classification of a permitted use to a special use, any use lawfully established before such amendment will be considered a lawfully established special use after the effective date of the amendment. A lawfully established existing use that is not allowed as a special use, conditional use or permitted use in the district in which the use is now located will be considered a nonconforming use and will be subject to all applicable regulations of [Article 80](#).

1.120-B Violations Continue

1. Any violation of the previous land use ordinance will continue to be a violation under this ordinance and be subject to penalties and enforcement under [Article 85](#).
2. If the use, development, construction or other activity that was a violation under the previous land use ordinance complies with the express terms of this ordinance, enforcement action will cease, except to the extent of collecting penalties for violations that occurred before the effective date specified in [Section 1.030](#)Section 1.020.
3. The adoption of this ordinance does not affect any pending or future prosecution of, or action to abate, violations of the previous land use ordinance that occurred before the effective date specified in [Section 1.030](#)Section 1.020.

Section 1.130 Vested Rights

In accordance with the provisions of NCGS 153A-344.1, property owners may seek a vested right designation on any site-specific development plan consistent with the regulations detailed in this ordinance.

Section 1.140 Severability

If any portion of this ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, that portion is to be deemed severed from the ordinance and in no way affects or diminishes the validity of the remainder of the ordinance.

Article 5 | Residential Districts

| | | |
|---------------|------------------------------------|-----|
| Section 5.010 | General..... | 5-1 |
| Section 5.020 | Allowed Uses | 5-2 |
| Section 5.030 | Lot and Building Regulations | 5-2 |
| Section 5.040 | Other Relevant Regulations..... | 5-6 |

Section 5.010 General

5.010-A Districts

The county’s residential zoning districts are listed below. When this ordinance refers to “residential” zoning districts or “R” districts, it is referring to these districts.

1. ~~RC-80~~RA-200
2. RA-40
3. RA-20
4. R-40
5. R-20
6. R-15
7. R-10
8. R-8
9. R-6
10. R-4

5.010-B Purposes

Union County’s residential zoning districts are primarily intended to create, maintain and promote a variety of housing opportunities for individual households and to maintain and promote the desired physical character of existing and developing areas of the county. While the districts primarily accommodate residential uses, some nonresidential uses are also allowed.

~~RC-80~~⁵

~~The RC-80 (resource conservation) district allows only very low density development and is primarily intended to apply in areas containing sensitive natural resources, such as water supply watersheds.~~

1. RA-200

The RA-200 district is primarily intended to accommodate agriculture and agriculture-related uses and very low-density residential development in rural areas of the county.

⁵ There is no RC-80 zoned land in the county. District proposed for elimination.

The district is generally intended to apply in areas where ~~public~~central water and/or sewer service is not widely available.

2. RA-40

The RA-40 district is primarily intended to accommodate agriculture, agriculture-related uses, compatible agribusiness and rural business uses and low-density residential development (including most classes of manufactured housing units). The district is generally intended to apply in areas where ~~public~~central water and/or sewer service is not widely available.

3. RA-20

The RA-20 district is primarily intended to accommodate single-family residential development, including most classes of manufactured housing units, at low to moderate densities. The RA-20 district is generally intended to apply in areas characterized by a prevalence of manufactured housing.

4. R-40, R-20 and R-15

The R-40, R-20 and R-15 districts are primarily intended to accommodate low- to moderate-density single-family residential development. The R-40 district is generally intended to apply in areas where ~~public~~central water and/or sewer service is not widely available. The R-20 and R-15 districts are generally intended to apply in areas served by ~~public~~central water and sewer facilities.

5. R-10, R-8, ~~and R-6 and R-4~~

The R-8, ~~and R-6 and R-4~~ districts are primarily intended to accommodate single-family, two-family and multi-family development at densities higher than allowed in other residential districts. These districts are intended for application in areas where ~~public~~central water and sewer are available.

Section 5.020 Allowed Uses

Principal uses are allowed in R districts in accordance with [Section 25.010](#) (Table 25-1).

Section 5.030 Lot and Building Regulations

5.030-A General

This section establishes lot and building regulations for all development in R districts. The standards that apply vary based on zoning classification and sometimes by building and development type. These regulations are not to be interpreted as a guarantee that allowed densities and development yields can be achieved on every parcel. Other factors, such as central water and sewer service availability, health department requirements, other requirements of this ordinance or other factors may sometimes work to further limit development potential.

5.030-B Conventional Development

“Conventional development” is any development that is not part of an approved cluster development. The lot and building regulations of *Table 5-4* apply to all conventional development in R districts.

Table 5-4: R District Lot and Building Regulations—Conventional Development

| Regulations | <u>RA-200</u> | R-40 RA-40 | R-20 RA-20 | R-15 | R-10 | R-8 | R-6 | <u>R-4</u> |
|------------------------------------|----------------|------------------------|---------------|-----------|-------------------------|-------------------------|-------------------------|--------------|
| Minimum Lot Size | | | | | | | | |
| Area (square feet) | <u>200,000</u> | 40,000 | 20,000 | 15,000 | 10,000 | 8,000 | 6,000 | <u>4,000</u> |
| Area per dwelling unit (sq. ft.) | | | | | | | | |
| Detached House | <u>200,000</u> | 40,000 | 20,000 | 15,000 | 10,000 | 8,000 | 6,000 | <u>4,000</u> |
| Two-unit house | <u>NA</u> | 30,000 | 15,000 | 11,250 | 7,500 | 6,000 | 4,500 | <u>3,000</u> |
| <u>Townhouse</u> | <u>NA</u> | <u>NA</u> | <u>NA</u> | <u>NA</u> | <u>6,250</u> | <u>5,000</u> | <u>3,750</u> | <u>2,000</u> |
| Multi-unit building ⁶ | <u>NA</u> | <u>NA</u> ⁷ | <u>NA</u> | <u>NA</u> | 6,250 | 5,000 | 3,750 ^[1] | <u>2,000</u> |
| Width (feet) | <u>300</u> | 120 | 100 | 80 | 80 <u>70</u> | 80 <u>60</u> | 60 <u>50</u> | <u>35</u> |
| Minimum Setbacks (feet) | | | | | | | | |
| Street | <u>40</u> | 40 | 40 | 30 | 30 | 30 | 25 | <u>20</u> |
| Side ^[2] | <u>15</u> | 15 | 12 | 10 | 10 | 10 | 8 | <u>5</u> |
| Rear | <u>40</u> | 40 | 40 | 30 | 30 | 30 | 25 | <u>25</u> |
| Max. Building Height (feet) | <u>35</u> | 35 | 35 | 35 | 35 | 35 <u>50</u> | 35 <u>50</u> | <u>50</u> |

[1] Minimum lot area per unit within the corporate limits of a municipality = 3,350 square feet

[2] For townhouses, side setbacks apply to end units only.

5.030-C Cluster Development

“Cluster development” refers to a subdivision of detached houses that allows for smaller lot sizes than conventional developments but that results in greater preservation of common open space and no overall increase in residential density. Cluster development regulations require that a specified portion of each subdivision be set aside and permanently preserved as open space. Cluster development designs allow more compact and less costly networks of roads and utilities. They can also help reduce stormwater runoff and non-point source pollutant loading rates and can be used to help preserve an area’s semi-rural character. Cluster developments are intended to reduce stormwater runoff and flooding, preserve natural resources, protect water quality and encourage the provision of needed open space and recreational amenities for residents.

1. Applicability

The cluster development option established in this subsection is available for new subdivisions in RA-200, RA-40, RA-20, R-40, R-20 and R-15 districts.

2. Lot and Building Regulations

The lot and building regulations of *Table 5-5* apply to all cluster developments in R districts. Cluster developments are also subject to the supplemental regulations of this section (5.030-C).

⁶ Except as indicated, these maximum density numbers for multi-unit residential are existing (from Section 182(b) of current ordinance).

⁷ Multi-unit buildings (multi-family) are currently allowed in R-40 through R-15.

Table 5-5: R District Lot and Building Regulations—Cluster Development

| Regulations | <u>RA-200</u> | R-40 RA-40 | R-20 RA-20 | <u>R-15</u> |
|--|----------------------|---------------|---------------|---------------|
| Overall Site | | | | |
| Minimum contiguous area (acres, gross) | <u>100</u> | 25 | 25 | <u>25</u> |
| Minimum open space (% site) | See <u>§5.030-C4</u> | | | |
| Minimum Lot Size | | | | |
| Minimum Lot Area (sq. ft.) | <u>87,120</u> | 20,000 | 15,000 | <u>10,000</u> |
| Minimum Setbacks (feet) | | | | |
| Street | <u>25</u> | <u>25</u> | <u>25</u> | <u>25</u> |
| Side | <u>10</u> | <u>7.5</u> | <u>5</u> | <u>5</u> |
| Rear | <u>25</u> | <u>25</u> | <u>25</u> | <u>25</u> |
| Max. Building Height (feet) | <u>35</u> | <u>35</u> | <u>35</u> | <u>35</u> |

3. Site Area and Density

- a. Parcels split by state roadways are considered separate parcels and may not be combined to meet applicable minimum site area requirements.
- b. Density is not transferable across state roads. As required with conventional (non-cluster) subdivisions, existing and proposed road rights-of-way may not be counted as lot area for the purposes of calculating maximum site density.

4. Open Space

- a. Each cluster development must include permanently protected common open space equal to at least 10% of the gross area of the subdivision or the difference between the cumulative total lot area that would have been required under the conventional development minimum lot area requirements of §5.030-B and the actual cumulative total area provided within the cluster development, whichever results in a greater amount of open space.
- b. Required open space must be directly accessible to residents of the development.
- c. Street rights-of-way and waste water disposal fields may not be counted toward satisfying minimum common open space requirements, and no more than 50% of the required minimum open space area may consist of FEMA-regulated floodplain area.
- d. At least 50% of the common open space required to be set aside must be usable open space, meaning an area that is capable of being used and enjoyed for passive recreation and that:
 - (1) Is left in its natural or undisturbed state (as of the date development began), if wooded, except for the cutting of trails for walking or jogging (see below), if not wooded at the time of development is property vegetated and landscaped with the objective of creating a wooded area or other area that is consistent with the objective of providing passive recreational opportunities: or
 - (2) Consists of a pond, lake or other natural or human-made body of water.
- e. Common open space must be protected in perpetuity by a binding legal instrument that is recorded with the deed. The legal instrument must be one of the following:

(1) a permanent conservation easement in favor of either:

(a) a land trust or similar conservation-oriented non-profit organization with legal authority to accept such easements. The organization must be bona fide and in perpetual existence and the conveyance instruments must contain an appropriate provision for transfer in the event the organization becomes unable to carry out its functions;

(b) a governmental entity (if the entity accepting the easement is not the county, then a third right of enforcement favoring the county must be included in the easement);

(2) an open space tract protected by a permanent restrictive covenant for conservation purposes in favor of a governmental entity; or

(3) an equivalent legal tool that provides permanent protection, as approved by the county attorney.

f. The applicant must identify the owner of the open space. The designated owner and the owner's successors are responsible for maintaining the open space and any associated facilities. If a property owners association is the owner, membership in the association is mandatory and automatic for all property owners within the development and their successors.

g. The applicant must submit a management plan for the open space and all common areas. The management plan must:

(1) allocate responsibility and guidelines for the maintenance and operation of the open space and any associated facilities, including provisions for ongoing maintenance and for long-term capital improvements;

(2) estimate the costs and staffing requirements needed for maintenance, operation and insurance and outline the means by which necessary funding will be obtained or provided; and

~~(4)~~(3) describe means of enforcing the management plan.

5. Subdivision Design Improvements

Unless otherwise expressly stated, cluster developments are subject to the same infrastructure and public improvement requirements (e.g., streets, trails, street trees, street lights, etc.,) as conventional developments (subdivisions).⁸

⁸ Existing cluster provisions include separate trail and tree planting requirements. Proposed approval would make those provisions universally applicable to all subdivision types (conventional and cluster).

6. Stormwater Management

Post-development stormwater discharge rates at the property boundary may not exceed the pre-development rate for the 2- and 25-year storm events. This regulations does not apply if discharging directly into a FEMA-regulated floodplain.

7. Central Water and Sewer⁹

Cluster developments must have water service from a centralized water source or sewer service from a central sewer service provider or both central water and sewer service.

5.030-D Master Planned Developments

In addition to the conventional and cluster development options established in [§5.030-B](#) and [§5.030-C](#), respectively, alternative forms of residential, multi-use and mixed-use development may be approved in accordance with the master planned development provisions of [Section 20.020](#).

Section 5.040 Other Relevant Regulations

Uses and structures in residential zoning districts may be subject to other regulations and standards, including the following.

5.040-A Accessory Uses and Structures

See [Article 35](#).

5.040-B Temporary Uses

See [Article 40](#).

5.040-C Parking

See [Article 45](#).

5.040-D Signs

See [Article 55](#).

5.040-E Landscaping and Screening

See [Article 50](#).

5.040-F Outdoor Lighting

See [Section 60.010](#).

5.040-G Fences and Walls

See [Section 60.030](#).

5.040-H Nonconformities

See [Article 80](#).

⁹ Currently requires “public” water and/or sewer. “Central” (“centralized”) to be defined.

Article 10 | Office, Commercial and Industrial Districts

Section 10.010 General..... 10-1
 Section 10.020 Allowed Uses 10-2
 Section 10.030 Lot and Building Regulations 10-2
 Section 10.040 Other Relevant Regulations..... 10-3

Section 10.010 General

10.010-A Districts

1. List

The county’s office, commercial and industrial zoning districts are listed below. When this ordinance refers to “office,” “commercial” or “industrial” zoning districts or to “O,” “C” or “I” districts, respectively, it is referring to these districts.

Table 10-1: Office, Commercial and Industrial Zoning Districts

| Map Symbol | District Name |
|----------------|---|
| O | Office |
| B-1 | Central Business |
| B-2 | Community Business |
| B-3 | Office Business Transitional |
| B-4 | General Commercial |
| HC | Highway Corridor |
| B-6 | College Campus |
| LI | Light Industrial |
| HI | Heavy Industrial |

2. Purposes

a. O, Office

The O, Office district is primarily intended to accommodate offices, institutions and low-intensity commercial activities and to serve as transition zone between low- and high-intensity areas.

~~B-1, Central Business¹⁰~~

~~The B-1, Central Business district is designed to accommodate a wide variety of commercial activities that will result in the most intensive and attractive use of the central business district within any of the located in the county. This district shall be made applicable only to land within incorporated municipalities.~~

b. B-2, Community Business

The B-2, Community Business district is primarily intended to accommodate low-intensity commercial uses. It is generally appropriate as a transition zone or to accom-

¹⁰ No B-1 zoned land in county. District proposed for elimination.

moderate small-scale commercial development in rural areas, particularly at cross-roads or other high traffic areas that are not generally suited for residential development.

c. **B-3, Office Business Transitional**

The B-3, Business Transitional ~~Office~~ district is primarily intended to accommodate a mixture of office, research, and services uses. The B-3 district is generally appropriate for application in areas that no longer are viable as low-density residential areas because of high vehicle traffic volumes on adjacent streets or because of other market factors but that remain viable as locations for offices and services. The B-3 district may also serve as a transition or buffer zone between major arterials or more intensively developed commercial areas and residential districts.

d. **B-4, General Commercial**

The B-4, General Commercial district is designed to accommodate the widest range of commercial activities.

e. **HC, Highway Corridor**

The HC, Highway Corridor district is primarily intended to accommodate a wide variety of visually attractive commercial and light industrial uses along major transportation corridors.

~~**B-6, College Campus**¹¹~~

~~The B-6 College Campus district is intended to accommodate a variety of residential and non-residential uses developed on land owned by an institution of higher learning and associated with that institution, such as dormitories, offices, classroom buildings, athletic facilities, etc.~~

f. **LI, Light Industrial and HI, Heavy Industrial**

The LI, Light Industrial and HI, Heavy Industrial districts are primarily intended to accommodate enterprises engaged in the manufacturing, processing, creating, repairing, renovating, painting, cleaning, or assembling of goods, merchandise, or equipment. The two districts are distinguished in that certain types of industrial uses that tend to have significant adverse impacts on surrounding properties are excluded from the LI district and are allowed only in the HI district.

Section 10.020 Allowed Uses

Principal uses are allowed in office, commercial and industrial districts in accordance with [Section 25.010](#) (*Table 25-1*).

Section 10.030 Lot and Building Regulations

The lot and building regulations of *Table 15-3* apply to all principal uses and structures in office, commercial and industrial districts, except as otherwise expressly stated in this ordinance. General exceptions to lot and

¹¹ No B-6 zoned land in county. District proposed for elimination.

building regulations and rules for measuring compliance can be found in [Article 1](#). Additional regulations governing accessory uses and structures can be found in [Article 1](#).

Table 15-3: O, C and I District Lot and Building Regulations

| Regulations | O | B-2 | B-3 | B-4 | HC | LI | HI |
|------------------------------------|-----------------------|--------------|--------------|------------------|------------------|---------|---------|
| Minimum Lot Size | | | | | | | |
| Area (square feet) | No min. ¹² | No min. | No min. | No min. | No min. | No min. | No min. |
| Area per dwelling unit (sq. ft.) | <u>2,000</u> | <u>1,500</u> | <u>1,000</u> | <u>1,000</u> | <u>1,000</u> | NA | NA |
| Width (feet) | 80 | No min. | No min. | No min. | No min. | 100 | 100 |
| Minimum Setbacks (feet) | | | | | | | |
| Street | 25 | 25 | 25 | 40 | 40 | 50 | 50 |
| Side | 15 | 15 | 15 | 20 | 20 | 20 | 20 |
| Rear | 25 | 25 | 25 | 40 | 40 | 50 | 50 |
| Max. Building Height (feet) | 35 50 | 35 | 35 | 35 50 | 35 50 | 100 | 100 |

Section 10.040 Other Relevant Regulations

Uses and development in office, commercial and industrial zoning districts may be subject to other regulations and standards, including the following.

10.040-A Accessory Uses and Structures

See [Article 35](#).

10.040-B Temporary Uses

See [Article 40](#).

10.040-C Parking

See [Article 45](#).

10.040-D Signs

See [Article 55](#).

10.040-E Landscaping and Screening

See [Article 50](#).

10.040-F Outdoor Lighting

See [Section 60.010](#).

10.040-G Fences and Walls

See [Section 60.030](#).

10.040-H Nonconformities

See [Article 80](#).

¹² O district currently requires minimum 15,000-square foot minimum lot area.

Article 15 | Overlay Districts

| | | |
|----------------|--|-------|
| Section 15.010 | General..... | 15-1 |
| Section 15.020 | /AO, Airport Overlay District..... | 15-1 |
| Section 15.030 | Water Supply Watershed Overlays..... | 15-7 |
| Section 15.040 | /M, Mining Overlay..... | 15-13 |
| Section 15.050 | Planned Unit Development Overlay (Legacy District) | 15-14 |

Section 15.010 General

15.010-A Establishment

Overlay zoning districts may be established, amended or removed only in accordance with the zoning map amendment procedures of [Section 70.040](#).

15.010-B Interpretation

1. Overlay zoning district regulations apply in combination with underlying (base) zoning district regulations and all other applicable regulations of this ordinance to impose additional regulations or to modify regulations of the underlying base zoning.
2. Unless otherwise expressly stated, all applicable regulations of the underlying base zoning district apply to property in an overlay zoning district.
3. When overlay district regulations conflict with regulations that apply in the underlying, base zoning district, the regulations of the overlay zoning district govern.
- ~~4.~~ If property is classified in multiple overlay zoning districts and the regulations of one overlay district conflict with the regulations of another overlay zoning district, the more restrictive regulations (the ones that impose the more stringent requirements) govern.

Section 15.020 /AO, Airport Overlay District¹³

15.020-A Purpose

The /AO, Airport Overlay district is intended to protect the airport and its surrounding area from the encroachment of incompatible land uses that may present hazards to users of the airport as well as persons living or working in the airport vicinity. The overlay district regulations are further intended to:

1. prevent and control influences that are adverse to the airport property and to the safe conduct of aircraft in the vicinity of the Monroe Regional Airport;
2. prevent creation of conditions hazardous to aircraft operation;
3. prevent conflict with land development that may result in loss of life and property; and

¹³ Significant editing, but no substantive changes proposed.

4. encourage development that is compatible with airport use characteristics within the intent and purpose of zoning.

15.020-B Definitions

The definitions of this section apply only to the administration and enforcement of the /AO district regulations.

1. **Airport**

Monroe Regional Airport

2. **Airport Elevation**

The highest point of the airport's useable landing area measured in feet above mean sea level (679.0 feet).

3. **Approach Surface**

A surface longitudinally centered on the extended runway centerline, extending outward and upward from the end of the primary surface and at the same slope as the approach zone height limitation slope set forth in [§15.020-D](#).

4. **Approach, Transitional, Horizontal, and Conical Zones**

These zones are set forth in [§15.020-C](#).

5. **Conical Surface**

A surface extending outward and upward from the periphery of the horizontal surface at a slope of 20 to 1 for a horizontal distance of 4,000 feet.

6. **Hazard to Navigation**

An obstruction determined to have a substantial adverse effect on the safety and efficient utilization of the navigable airspace.

7. **Height**

For the purpose of measuring compliance with the height limits in all /AO district airport zones, the datum is mean the sea level elevation (679.0 feet).

8. **Horizontal Surface**

A horizontal plane 150 feet above the established airport elevation, the perimeter of which in plan view coincides with the perimeter of the horizontal zone.

9. **Larger than Utility Runway**

A runway that is constructed for and intended to be used by jet powered aircraft and propeller driven aircraft of greater than 12,500 pounds maximum gross weight.

10. **Nonprecision Instrument Runway**

A runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area type navigation equipment, for which a straight-in nonprecision instrument approach procedure has been approved or planned.

11. **Obstruction**

Any structure, growth, or other object, including a mobile object that exceeds the height limits established in [§15.020-D](#).

12. Precision Instrument Runway

A runway having an existing instrument approach procedure utilizing an instrument landing system or a precision approach radar. It also means a runway for which a precision approach system is planned and is so indicated on an approved airport layout plan or any other planning document.

13. Primary Surface

A surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends 200 feet beyond each end of that runway; for military runways or when the runway has no specially prepared hard surface, or planned hard surface, the primary surface ends at each end of that runway. The width of the primary surface is set forth ~~§15.020-C...~~ The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.

14. Runway

A defined area on an airport prepared for landing and takeoff of aircraft along its length.

15. Structure

An object, including a mobile object, constructed or installed by man, including by without limitation, buildings, towers, cranes, smokestacks, earth formations, and overhead transmission lines.

16. Transitional Surfaces

These surfaces extend outward at 90 degree angles from the runway centerline and the runway centerline extended at a slope of 7 feet horizontally for each foot vertically from the aides of the primary and approach surfaces to where they intersect the horizontal and conical surfaces. Transitional surfaces for those portions of the precision approach surfaces that project through and beyond the limits of the conical surface, extend a distance of 5,000 feet measured from the edge of the approach surface and at 90 degree angles to the extended runway centerline.

17. Tree

Any object of natural growth.

18. Utility Runway

A runway that is constructed for and intended to be used by propeller driven aircraft of no more than 12,500 pounds maximum gross weight.

19. Visual Runway

A runway intended solely for the operation of aircraft using visual approach procedures.

15.020-C Airport Zones Established and Defined

The following zones are shown on the City of Monroe zoning map. An area located in more than one of the following zones is considered to be solely in the zone with the more restrictive height limitation. The zones are established and regulated as follows:

1. Precision Instrument Runway Approach Zone (/AO-A)

The inner edge of the precision instrument runway approach zone coincides with the width of the primary surface and is 1,000 feet in width. The precision instrument runway

approach zone expands outward uniformly to a width of 16,000 feet at a horizontal distance of 50,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.

2. Nonprecision Instrument Runway Approach Zone (/AO-AN)

The inner edge of nonprecision instrument runway approach zone coincides with the width of the primary surface and is 500 feet in width. The nonprecision instrument runway approach zone expands outward uniformly to a width of 3,500 feet at a horizontal distance of 10,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.

3. Transitional Zones (/AO-T)

The transitional zones are the areas beneath the transitional surfaces.

4. Horizontal Zone (/AO-H)

The horizontal zone is established by swinging arcs of 10,000 feet radii from the center of each end of the primary surface of each runway and connecting the adjacent arcs by drawing lines tangent to those arcs. The horizontal zone does not include the approach and transitional zones.

5. Conical Zone (/AO-C)

The conical zone is established as the area that commences at the periphery of the horizontal zone and extends outward from the periphery for a horizontal distance of 4,000 feet.

15.020-D Airport Zone Height Limitations

The maximum height limitations established in this section apply to all structures and trees, provided that any tree is allowed to be up to 100 feet in height, as measured from the highest surface of the land below the tree's drip line.

1. Precision Instrument Runway Approach Zone (/AO-AP)

The maximum height plane slopes 50 feet horizontally for each foot vertically, beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 10,000 feet along the extended runway centerline. After that point, the maximum height plane slopes upward 40 feet horizontally for each foot vertically, to an additional horizontal distance of 40,000 feet along the extended runway centerline.

2. Nonprecision Instrument Runway Approach Zone (/AO-AN)

The maximum height plane slopes 34 feet horizontally for each foot vertically beginning at the end of the horizontal distance of 10,000 feet along the extended runway centerline.

3. Transitional Zones (/AO-T)

The maximum height plane slopes 7 feet horizontally outward for each foot vertically beginning at the sides of and at the same elevation as the primary surface, and extending to a height of 150 feet above the airport elevation (or 829 feet above mean sea level). In addition, there are established height limits sloping 7 feet horizontally for each foot vertically beginning at the sides of and the same elevation as the approach surface, and ex-

tending to where they intersect the conical surface. Where the precision instrument runway approach zone projects beyond the conical zone, there are established height limits sloping 7 feet horizontally for each foot vertically beginning at the side of and the same elevation as the approach surface, and extending a horizontal distance of 5,000 feet measured at 90 degree angles to the extended runway centerline.

4. Horizontal Zone (/AO-H)

The maximum height limit is established at 150 feet above the airport elevation or at a height of 829 feet above mean sea level.

5. Conical Zone (/AO-C)

The maximum height plane slopes 20 feet horizontally for each foot vertically beginning at the periphery of the horizontal zone and at 150 feet above the airport elevation and extending to a height of 350 feet above the airport elevation or at a height of 1,029 feet above mean sea level.

15.020-E Use Restrictions

Notwithstanding any other provisions of this ordinance, no use may be made of land or water within any airport zones within the /AO district in such a manner as to create electrical interference with navigational signals or radio communication between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and others, result in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport, create bird strike hazards, or otherwise in any way endanger or interfere with the landing, takeoff, or maneuvering of aircraft intending to use the airport.

15.020-F Nonconforming Uses

1. The /AO overlay district regulations do not require the removal, lowering, or other change or alteration of any structure or tree that was lawfully established before October 20, 2003.
2. Whenever the zoning administrator determines that a nonconforming tree or structure has been abandoned or more than 60% torn down, physically deteriorated or decayed, no permit may be granted that would allow such structure or tree to exceed the applicable height limit or otherwise violate the /AO district regulations of this section.
3. Notwithstanding the provisions of ~~§ 15.020-F1~~, the owner of any nonconforming structure or tree may be required to permit the installation, operation and maintenance of markers and lights as deemed necessary by the Monroe Regional Airport Authority to indicate to the operators of aircraft in the vicinity of the airport the presence of such airport obstruction. Such markers and lights must be installed, operated and maintained at the expense of the Monroe Regional Airport Authority.

15.020-G Permits

1. Future Uses

Except as expressly stated, no material change may be made in the use of land, no structure may be erected or otherwise established, and no tree may be planted in any /AO district airport zone unless a permit has been applied for and approved by the zoning

administrator. Each application for a permit must indicate the purpose for which the permit is desired, with sufficient information to allow a determination of whether the resulting use, structure or tree would conform to the /AO district regulations of this section. If such determination is in the affirmative, the permit must be granted. No permit for a use inconsistent with the /AO district regulations may be granted unless a variance has been approved.

2. Exemptions

- a. In the area lying within the limits of the horizontal zone and conical zone, no permit is required for any tree or structure less than 100 feet in height above the ground except when, because of terrain, land contour, or topographic features, such tree or structure would extend above the height limits prescribed for such zones.
- b. In areas lying within the limits of the approach zones, but at a horizontal distance of not less than 4,200 feet from each end of the runway, no permit is required for any tree or structure less than 100 feet in height above the ground, except when such tree or structure would extend above the height limits prescribed for such approach zones.
- c. In areas lying within the limits of the transition zones beyond the perimeter of the horizontal zone, no permit is required for any tree or structure less than 100 feet in height above the ground, except when, such tree or structure, because of terrain, land contour, or topographic features, would extend above the height limits prescribed for such transition zones.
- d. Nothing contained in any of the foregoing permit exemptions is intended to permit any construction or alteration of any structure in excess of any of the height limits established by this ordinance.

3. Existing Uses

No permit may be granted that would allow the establishment or creation of an obstruction or permit a nonconforming use, structure, or tree to become greater hazard to air navigation than it was on October 20, 2003 or that it is when the application for a permit is made.

15.020-H Variances

1. In order to approve a variance from the regulations of this section, the board of adjustment must find that a literal application or enforcement of the regulations will result in unnecessary hardship and relief, if granted, will not be contrary to the public interest, will not create hazard to air navigation, will do substantial justice and will be in accordance with the spirit of this ordinance.
2. The application for a variance must be accompanied by a determination from the Federal Aviation Administration as to the effect of the proposal on the operation of air navigation facilities and the safe, efficient use of navigable airspace.

3. Additionally, no application for a variance may be considered by the board of adjustment unless a copy of the application has been furnished to the director of the Monroe Regional Airport for advice as to the aeronautical effects of the requested variance. If the airport director does not respond within 30 days after receipt, the board of adjustment may act on its own to grant or deny the variance application.
4. **Obstruction Marking and Lighting**
Any permit or variance granted may, if such action is deemed advisable to effectuate the purpose of this ordinance and be reasonable in circumstances, be so conditioned as to require the owner of the structure or tree in question to install, operate, and maintain, at the owner's expense, such markings and lights as may be necessary. Such markings and lights will be at the expense of the Monroe Regional Airport Authority.

Section 15.030 Water Supply Watershed Overlays

15.030-A General

1. **Establishment of Watershed Overlay Districts**
The following water supply watershed districts have been established:
 - a. /T-CA, Lake Twitty Critical Area
 - b. /T-BW, Lake Twitty Balance of Watershed
 - c. /L-CA, Lake Lee Critical Area
 - d. /L-PA, Lake Lee Protected Area
2. **Effective Date**
The water supply watershed overlay district regulations of this section were adopted on December 6, 1993 and became effective on December 31, 1993.
3. **Jurisdiction and Applicability**
The water supply watershed overlay district regulations of this section apply within areas designated as water supply watershed overlay districts by the North Carolina Environmental Management Commission, as further identified on the zoning map.
4. **Exemptions**
 - a. Existing development is not subject to the water supply watershed overlay district regulations of this section. For the purposes of this exemption provision, "existing development" means development in existence on or before December 31, 1993 or on or before December 31, 1993 for which construction had begun on or before December 31, 1993 and projects that have established a vested right under North Carolina law as of December 31, 1993 based on at least one of the following criteria:
 - (1) having expended substantial resources (time, labor, money) based on a good faith reliance upon a valid approval to proceed with the project;
 - ~~(1)~~ (2) having an outstanding valid building permit; or

(3) having expended substantial resources (time, labor, money) and having an approved site specific development plan pursuant to [insert cross-reference to ordinance's vested rights provisions--FORTHCOMING].

- b. Expansions to structures classified as existing development must comply with the water supply watershed overlay district regulations of this section, but the built-upon area of the existing development is not required to be included in the density calculations. Any existing building or built-upon area not in conformance with the water supply watershed overlay district regulations of this section that has been damaged or removed may be repaired and/or reconstructed, but the total amount of space devoted to built-upon area may not be increased unless stormwater control that equals or exceeds the previous development is provided. There are no restrictions on single-family residential redevelopment.
- c. An existing lot owned by an individual before December 31, 1993, regardless of whether or not a vested right has been established, may be developed for single-family residential purposes without being subject to the water supply watershed overlay district regulations of this section. However, this exemption is not applicable to multiple contiguous lots under single ownership. Whenever 2 or more contiguous residential vacant lots of record are in single ownership at any time after December 31, 1993 and such lots individually have less area than the minimum requirements for the residential purposes for the watershed area in which such lots are located, such lots must be combined to create one or more lots that meet the water supply watershed overlay district regulations of this section, or if that is impossible, reduce the nonconformity of the lots to the maximum extent that is possible.

5. Threats to Public Health

- a. No activity, situation, structure or land use is allowed within a water supply watershed overlay district that poses a threat to water quality and the public health, safety and welfare. Such conditions may arise from inadequate on-site sewage systems that utilize ground absorption; inadequate sedimentation and erosion control measures; the improper storage or disposal of junk, trash or other refuse within a buffer area; the absence or improper implementation of a spill containment plan for toxic and hazardous substances; the improper management of stormwater runoff; or any other situation found to pose a threat to water quality.
- b. All uses involving the possession, storage, maintenance, or use of any quantity of any hazardous substance is prohibited on any lot located within the boundaries of a water supply watershed overlay district.
 - (1) The prohibitions on hazardous substances established in [§15.030-A5.b](#) do not apply to the following:

- (a) Gasoline, kerosene, diesel fuel, and other petroleum products when such products are held solely for the purpose of on-premises sales to retail customers; however, storage tanks for such products must be emptied no later than 60 days after sale of the products stored is discontinued;
 - (b) Hazardous substances contained in consumer products packaged and held for retail sale to the general public; and
 - (c) Hazardous substances contained in commercial products used for janitorial or maintenance purposes on the premises where stored.
- (2) The prohibitions on hazardous substances established in ~~§15.030-A5.b~~ do not apply to the possession, storage, maintenance or use of hazardous substances if and to the extent that the person in charge of such possession, storage, maintenance, or use is in possession of a currently valid "Hazardous Substances Authorization Certificate," issued by the zoning administrator, covering such hazardous substances.
- (a) An application for a Hazardous Substances Authorization Certificate must be filed on forms supplied by the county and contain the information requested on such forms. All hazardous substances stored, manufactured, or used on the premises must be listed according to the American Chemical Society standard nomenclature, and all such substances must be described in terms of quantity, form, solubility, and the manner in which such substances are stored, used, transported, and disposed of.
 - (b) A Hazardous Substances Authorization Certificate must be issued by the county if the applicant demonstrates to the reasonable satisfaction of the zoning administrator that, considering the quantity, form and solubility of the hazardous substances and the manner in which they are stored, used, transported, and disposed of, as well as other relevant factors, there is little danger of any substantially adverse impact on the watershed environment or the community water supply. A certificate may be issued regarding some but not other hazardous substances.
 - (c) A Hazardous Substances Authorization Certificate is valid for a period of one year from the date of issuance and must be renewed upon or before its expiration.

15.030-B /T-CA , Lake Twitty Watershed Areas—Critical Area

1. Allowed Uses

The following uses are allowed within the /T-CA water supply watershed overlay district:

- a. Bona fide farms, except as otherwise limited by applicable state or federal agencies. Agricultural activities conducted after January 1, 1993 must maintain a minimum 10- foot vegetative buffer, or equivalent control as determined and enforced

by the Soil and Water Conservation Commission, along all perennial waters indicated on the most recent versions of U.S.G.S. 1:24,000 (7.5 minute) scale topographic maps or as determined by local government studies.

- b. Silviculture, subject to the provisions of the Forest Practices Guidelines Related to Water Quality (15 NCAC 11.6101-.0209) as regulated by state and federal agencies.
- c. Residential development.
- d. Nonresidential development, expressly excluding: 1) the storage of toxic and hazardous substances unless a spill containment plan is implemented, 2) landfills, and 3) sites for land application of sludge/residuals or petroleum contaminated soils. (See also Union County's Land Forming Ordinance.) New industrial development is required to incorporate adequately designed, constructed and maintained spill containment structures if hazardous substances are either used, stored or manufactured on the premises.

2. Density and Built-upon Limits

The following density and built-upon limits apply within the /T-CA water supply watershed overlay district:

- a. Single-family residential development may not exceed a density of one dwelling unit per 40,000 square feet, on a project-by-project basis. No residential lot may be less than 40,000 square feet in area, except within an approved cluster development. [Note: Single Family Residential development may satisfy either the density limit of this paragraph or the 12% built-upon limit established in the following paragraph, b].
- b. All other residential and nonresidential development is subject to a maximum 12% built-upon area limit, on a project-by-project basis. For the purpose of calculating built-upon area, total project area includes the total acreage of the parcel on which the project is to be developed.

15.030-C /T-BW, Lake Twitty Watershed Area—Balance of Watershed

1. Allowed Uses

The following uses are allowed within the /T-BW water supply watershed overlay district:

- a. Bona fide farms, except as otherwise limited by applicable state or federal agencies.
- b. Silviculture, subject to the provisions of the Forest Practices Guidelines Related to Water Quality (15 NCAC 11.6101-.0209) as regulated by state and federal agencies.
- c. Residential development.
- d. Nonresidential development, expressly excluding discharging landfills and the storage of toxic and hazardous substances unless a spill containment plan is implemented. Non-discharging landfills and sludge application sites are allowed.

2. Density and Built-upon Limits

The following density and built-upon limits apply within the /T-BW water supply watershed overlay district:

- a. Single-family residential development may not exceed a density of 2 dwelling units per 40,000 square feet, on a project-by-project basis. No residential lot may be less than 20,000 square feet in area, except within an approved cluster development. [Note: Single Family Residential development may satisfy either the density limit of this paragraph or the 24% built-upon limit established in the following paragraph, b].
- b. All other residential and nonresidential development is subject to a maximum 24% built-upon area limit, on a project-by-project basis, except that up to 10% of the balance of the watershed may be developed for nonresidential uses to 70% built-upon area (on a project-by-project basis), which will be allocated on a first-come-first-serve basis. For the purpose of calculating built-upon area, total project area includes the total acreage of the parcel on which the project is to be developed.
- c. Projects must minimize built-upon surface area, direct stormwater away from surface waters and incorporate Best Management Practices to minimize water quality impacts.

15.030-D /L-CA, Lake Lee Watershed Area—Critical Area

1. Applicability

Only new development activities that require an erosion/sedimentation control plan under state law or approved local program are subject to the /L-CA regulations of this section.

2. Allowed Uses

The following uses are allowed within the /L-CA water supply watershed overlay district:

- a. Bona fide farms, except as otherwise limited by applicable state or federal agencies.
- b. Silviculture, subject to the provisions of the Forest Practices Guidelines Related to Water Quality (15 NCAC 11.6101-.0209) as regulated by state and federal agencies.
- c. Residential development.
- d. Nonresidential development, expressly excluding 1) the storage of toxic and hazardous substances unless a spill containment plan is implemented, 2) landfills and 3) sites for land application of sludge/residuals or petroleum contaminated soils. New sludge application sites and landfills are expressly prohibited. (See also Union County Land Forming Ordinance.)

3. Density and Built-upon Limits

The following density and built-upon limits apply within the /L-CA water supply watershed overlay district:

- a. Single-family residential development may not exceed a density of 2 dwelling units per 40,000 square feet, on a project-by-project basis. No residential lot may be less than 20,000 square feet in area, except within an approved cluster development. [Note: Single Family Residential development may satisfy either the density limit of this paragraph or the 24% built-upon limit established in the following paragraph, b].
- b. All other residential and nonresidential development is subject to a maximum 24% built-upon area limit, on a project-by-project basis. For the purpose of calculating built-upon area, total project area includes the total acreage of the parcel on which the project is to be developed.

15.030-E /L-PA, Lake Lee Watershed Area—Protected Area

1. Only new development activities that require an erosion/sedimentation control plan under state law or approved local program are subject to the /L-PA regulations of this section.
2. **Uses Allowed**
The following uses are allowed within the /L-PA water supply watershed overlay district:
 - a. Bona fide farms, except as otherwise limited by applicable state or federal agencies.
 - b. Silviculture, subject to the provisions of the Forest Practices Guidelines Related to Water Quality (15 NCAC 1.6101-.0209) as regulated by state and federal agencies.
 - c. Residential development.
 - d. Nonresidential development, expressly excluding the storage of toxic and hazardous substances unless a spill containment plan is implemented.
3. **Density and Built-upon Limits**
The following density and built-upon limits apply within the /L-PA water supply watershed overlay district:
 - a. Single-family residential development may not exceed a density of 2 dwelling units per 40,000 square feet, on a project-by-project basis. No residential lot may be less than 20,000 square feet in area or one-third (1/3) acre for projects without curb and gutter system, except within an approved cluster development. [Note: Single Family Residential development may satisfy either the density limit of this paragraph or the 24% built-upon limit established in the following paragraph, b].
 - b. All other residential and nonresidential development is subject to a maximum 24% built-upon area limit, on a project-by-project basis. For projects without a curb and gutter street system, development may not exceed 36% built-upon area, on a project-by-project basis. For the purpose of calculating built-upon area, total project area includes the total acreage of the parcel on which the project is to be developed.

15.030-F Cluster Development

Cluster development is allowed in all water supply watershed overlay districts subject to §5.030-C and the following regulations:

1. Built-upon area or stormwater control requirements of the project may not exceed the maximums established by the water supply watershed overlay district regulations of this section.
2. All built-upon areas must be designed and located to minimize stormwater runoff impact to the receiving waters and minimize concentrated stormwater flow.
3. The remainder of the tract must remain in a vegetated or natural state. If the development has an incorporated property owners' association, the title of the open space area must be conveyed to the association for management. Where a property owners' association is not incorporated, a maintenance agreement must be filed with the property deeds.

15.030-G Riparian Buffers

1. Within water supply watershed overlay districts, vegetative buffers with a minimum width of 30 feet must be preserved along all perennial waters indicated on the most recent versions of U.S.G.S. 1:24,000 (7.5 minute) scale topographic maps as determined by local government studies. Stream bank or shoreline stabilization is permitted within such buffers.
2. No new development is allowed in required riparian buffers except for water-dependent structures and public projects such as road crossings and greenways where no practical alternative exists. These activities must minimize built-upon surface area, direct runoff away from the surface waters and maximize use of stormwater best management practices.

Section 15.040 /M, Mining Overlay

15.040-A General

1. No land may be classified in a mining overlay district after [Insert Effective Date].
2. All mining and extraction uses within an existing mining overlay district are subject to the regulations of [Section 30.140](#).¹⁴

~~15.040-B The M, Mining overlay district is intended to be applied to areas in which mineral extraction (including quarrying, open-pit drilling, tunneling, etc.) is allowed.~~

~~An /M overlay zoning district classification must be established before any special use permit for mining or resource extraction is approved, except that activities that require issuance of~~

¹⁴ The mining overlay district is proposed for elimination. Mining and extraction uses within any existing mining districts will continue to be subject to the same regulations.

~~mining permit from state or other federal agencies but that are solely for the purpose grading a site for construction may be allowed without rezoning to a mining overlay district.~~

~~15.040-C Before an /M overlay district classification is applied to any property, the applicant for rezoning must first obtain a mining permit from the appropriate state and federal agencies. A copy of the permit together with such documents as were required to obtain such permit, including, but not limited to, any site plans, operations plans, approved reclamation plans and any maps, must be included with the petition for /M overlay district rezoning. A report prepared by a registered mining engineer must also be included.~~

~~15.040-D The following additional regulations apply within /M overlay districts:~~

- ~~1. The area covered by the state or federal mining permit must be greater than 10 acres;~~
- ~~2. Mining must be on an industrial extraction basis only and is not permitted by hobbyists or others not engaged in the mineral extraction business;~~
- ~~3. The outer limits of any extraction area where mining is allowed must be at least 50 feet from all property lines and at least 150 feet from any R-zoned lot or any lot occupied by a residential use;~~

Section 15.050 Planned Unit Development Overlay (Legacy District)

15.050-A General

No land may be classified in a planned unit development overlay district after [Insert Effective Date]. Planned unit development districts established before [Insert Effective Date] are governed by terms of the approved PUD permit and the regulations of this section.

15.050-B PUD Types and Elements

1. One element of each PUD district must be the medium density residential element. Here there are two possibilities, each one corresponding either to the R-20 or R-10 residential districts. Within that portion of the PUD district that is developed for medium density residential purposes, all development must be in accordance with the regulations applicable to the medium density residential district to which the particular PUD zoning district corresponds.
2. A second element of each PUD district must be the higher density residential element. Here there are two possibilities, each one corresponding either to the R-8 or R-6 zoning districts. Within that portion of the PUD district that is developed for higher density residential purposes, all development must be in accordance with the regulations applicable to the higher density residential district to which the PUD district corresponds.
3. A third element of each PUD district must be the commercial element. Here there are two possibilities, each one corresponding either to the B-2 or B-3 commercial district. Within that portion of a PUD district that is developed for purposes permissible in a commercial district, all development must be in accordance with the regulations applicable to the commercial district to which the PUD district corresponds.
4. A manufacturing/processing element is an optional fourth element of any PUD district. Here there are two alternatives. The first is that uses permitted within the LI district

would be permitted within the PUD district. The second alternative is that uses permitted only within the LI or HI zoning districts would not be permitted. If an LI element is included, then within that portion of the PUD district that is developed for purposes permissible in an LI district, all development must be in accordance with the regulations applicable to the LI district.

15.050-C Minimum Area

No area of less than 25 contiguous acres may be zoned as a PUD district, and then only upon the request of the owner or owners of all the property intended to be covered by the PUD district classification.

15.050-D Regulations

1. In a planned unit development, the developer may make use of the land for any purpose authorized in a particular PUD zoning district in which the land is located, subject to the provisions of this ordinance.
2. Within any lot developed as a planned unit development, not more than 35% of the total ~~lot district~~ area may be developed for higher density residential purposes (R-8 or R-6, as applicable), not more than 10% of the total ~~lot district~~ area may be developed ~~for purposes that are uses allowed permissible only~~ in a B-2 or B-3 zoning district (whichever corresponds to the PUD zoning district in question), and not more than 5% of the total ~~lot PUD district~~ area may be developed for uses ~~permissible allowed only~~ in the LI zoning district (assuming the PUD zoning district ~~expressly allows such uses at all~~).
3. The plans for the proposed planned unit development must indicate the particular portions of the ~~lot district~~ that the developer intends to develop for higher density residential purposes, lower density residential purposes, ~~purposes permissible in a commercial district purposes~~ (as applicable), and ~~industrial purposes permissible only in an LI district (as applicable)~~. For purposes of determining the substantive regulations that apply to the planned unit development, each portion of the ~~lot PUD district~~ so designated must then be treated as if it were a separate district, ~~zoned to permit, respectively, higher density residential (R-8 or R-6), lower density residential (R-20 or R-10), commercial or LI uses. However, only one permit a planned unit development permit shall be issued for the entire development.~~
4. A planned unit development permit may be approved showing one or more portions of the tract as reserved for future development of a specified type (e.g. residential, commercial, or manufacturing). ~~In such a case, n~~No construction of any land may take place within ~~such areas designed as reserved areas until the major development permit is amended to approve specific plans for such areas. Such an amendment shall be regarded as a major amendment and processed as provided in Section 64(c). an amendment to the approved PUD district has been approved by board of commissioners in accordance with the zoning map amendment procedures of Section 70.040.~~
5. The nonresidential portions of any planned unit development may be occupied only in accordance with a schedule approved ~~by the planning board that~~ at the time of approval

of the PUD or any amendment to the PUD. The schedule must relates occupancy of non-residential portions of the PUD to the completion of a specified percentage or specified number of phases or sections of the residential portions of the development. The purpose and intent of this provision is to ensure that the planned unit development procedure is not used, intentionally or unintentionally, to create nonresidential uses in areas generally zoned for residential uses except as part of an integrated and well-planned, ~~primarily residential~~ mixed-use development. In approving a proposed schedule, the ~~planning board~~ authorized decision-making body may consider, among other factors, the number of dwelling units proposed for the residential portion of the PUD, the nature and scope of the nonresidential portions of the PUD, the physical relationship of the non-residential components of the PUD to neighboring properties not within the PUD, and whether the nonresidential uses are to be located within pre-existing buildings or new construction.

Article 20 | Special Purpose Districts

Section 20.010 General..... 20-1
Section 20.020 MPD, Master Planned Development District 20-1

Section 20.010 General

20.010-A Purpose and Intent

Like overlay zoning districts, special purpose zoning districts are tools for dealing with unique issues or settings or accomplishing special planning and zoning goals. Unlike overlay districts, however, special districts are base zoning classifications; they do not “over-lay” other base zoning districts.

20.010-B Establishment

Special districts may be established, amended or removed only in accordance with the zoning map amendment procedures of [Section 70.040](#).

Section 20.020 MPD, Master Planned Development District¹⁵

20.020-A Purpose and Intent

The MPD, Master Planned Development district is established to accommodate development that would be difficult or impossible to carry out under otherwise applicable zoning regulations. Different types of MPDs will promote different planning goals. In general, however, all MPDs are intended to result in development that is consistent with the county’s adopted plans and that provides greater public benefits than could be achieved using conventional zoning regulations. MPDs are also generally intended to promote one or more of the following:

1. variety in housing types and sizes to accommodate households of all ages, sizes, incomes and lifestyle choices;
2. compact, mixed-use development patterns where residential, commercial, employment, civic, and open space areas are located in close proximity to one another;
3. a coordinated transportation system that includes an inter-connected hierarchy of appropriately designed improvements for motorized and non-motorized travel;
4. buildings and other improvements that by their arrangement, massing, design, character and site design elements establish a high-quality, livable environment;
5. sustainable development practices;

¹⁵ This is a new district—proposed as a replacement for the existing PUD (overlay) district. MPD would be a base zoning district, as opposed to an overlay.

6. incorporation of open space amenities and natural resource features into the development design;
7. low-impact development (LID) and best management practices for managing stormwater; and
8. flexibility and creativity in responding to changing social, economic and market conditions.

20.020-B Unified Control

No application for MPD zoning approval will be accepted or approved unless all of the property included in the application is under unified ownership or a single entity's control.

20.020-C Procedure

MPDs must be reviewed and approved in accordance with the procedures of [Section 70.050](#).

20.020-D Developer's Statement of Intent

Each MPD application must include a written explanation describing how the proposed development meets the purpose and intent described in [§20.020-A](#).

20.020-E Use Regulations and Lot and Building Standards

The use regulations and lot and building standards that apply within an MPD zoning district must be established at the time of development plan approval by the board of county commissioners. Allowed uses, residential densities and nonresidential intensities must be consistent with any approved plans for the area.

20.020-F Other Development Standards

Unless otherwise expressly approved by the board of county commissioners at the time of development plan approval, properties within the MPD district are subject to all other applicable provisions of this ordinance. The preliminary development plan must specify the deviations proposed from otherwise applicable public improvement standards if deviations from otherwise applicable standards are proposed.

Article 25 | Allowed Uses

Section 25.010 Allowed Uses 25-1
Section 25.020 Use Categories.....25-6

Section 25.010 Allowed Uses

25.010-A Use Classification System

Uses are listed in the first column *Table 25-1*. This ordinance classifies uses into categories and subcategories, which are defined in [Section 25.020](#).

25.010-B Permitted Uses

Uses identified with a “P” are permitted as-of-right in the subject zoning district, subject to compliance with any supplemental regulations identified in the final column of the table and with all other applicable regulations of this ordinance.

25.010-C Special Uses

Uses identified with an “S” may be allowed if reviewed and approved in accordance with the special use procedures of [Section 70.060](#). Special uses are subject to compliance with any supplemental regulations identified in the final column of *Table 25-1* and with all other applicable regulations of this ordinance.

25.010-D Prohibited Uses

Uses identified with an “-” are expressly prohibited. Uses that are not listed in the table and that cannot reasonably be interpreted to fall within one of the use categories described in [o](#) are also prohibited.

25.010-E Supplemental Regulations

The “supplemental regulations” column of *Table 25-1* identifies additional regulations that apply to some uses. Unless otherwise expressly stated, compliance with these regulations is required regardless of whether the use is permitted as-of-right or requires special use approval.

25.010-F Accessory Uses

Accessory uses, such as home occupations, are not regulated by the use table. Customary accessory uses are permitted in conjunction with allowed principal uses, subject to compliance with all applicable accessory use regulations of [Article 35](#).

Table 25-1: Table of Allowed Uses¹⁶

| USE CATEGORY | RA | RA | RA | R | R | R | R | R | R | R | O | B | B | B | H | L | H | Supplemental Regulations |
|---|--|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|-----------|-----------|-----------|--------------------------------|
| Subcategory | <u>200</u> | 40 | 20 | 40 | 20 | 15 | 10 | 8 | 6 | 4 | | 2 | 3 | 4 | C | I | I | |
| Specific use | P = use permitted as of right S = special use approval required in accordance with Section 70.060 - = prohibited use | | | | | | | | | | | | | | | | | |
| RESIDENTIAL | | | | | | | | | | | | | | | | | | |
| Household Living | | | | | | | | | | | | | | | | | | |
| Detached House | <u>P</u> | P | P | P | P | P | P | P | P | <u>P</u> | - | - | - | - | - | - | - | |
| Dwelling unit above ground-floor office/commercial use | - | - | - | - | - | - | - | - | - | - | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | - | - | |
| <u>Townhouse</u> | <u>-</u> | - | - | - | - | - | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | - | - | - | - | - | - | - | |
| Two-unit House | <u>-</u> | P | P | S | P | P | S | P | P | <u>P</u> | - | - | - | - | - | - | - | |
| Multi-unit Building | <u>-</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | P | P | P | <u>P</u> | - | - | - | - | - | - | - | Section 30.050 |
| Manufactured Housing Unit, Class A | <u>P</u> | P | P | P | P | P | P | P | - | <u>-</u> | - | - | - | - | - | - | - | Section 30.110 |
| Manufactured Housing Unit, Class B | <u>P</u> | P | P | S | S | S | - | P | - | <u>-</u> | - | - | - | - | - | - | - | Section 30.110 |
| Manufactured Housing Unit, Class C | <u>-</u> | P | P | - | - | - | - | P | - | <u>-</u> | - | - | - | - | - | - | - | Section 30.110 |
| Manufactured Housing Unit, Temporary | <u>P</u> | P | P | P | P | P | P | P | P | <u>-</u> | - | - | - | - | - | - | - | Section 30.120 |
| Manufactured Housing Park | <u>-</u> | - | - | - | - | - | - | S | - | <u>-</u> | - | - | - | - | - | - | - | Section 30.130 |
| Dependent Care Residence (Temporary) | S | S | S | S | S | S | S | S | S | S | S | - | - | - | - | - | - | Section 30.060 |
| Group Living¹⁷ (except as identified below) | <u>-</u> | S | S | S | S | S | S | S | S | <u>S</u> | S | S | S | S | S | - | - | |
| Continuing Care Facility | <u>-</u> | S | S | S | S | S | S | S | S | <u>S</u> | S | S | S | S | S | - | - | Section 30.050 |
| Family Care Home | <u>P</u> | P | P | P | P | P | P | P | P | <u>P</u> | P | P | P | P | P | - | - | |
| Fraternity/Sorority | <u>-</u> | - | - | - | - | - | S | - | - | <u>-</u> | - | - | - | - | - | - | - | |
| Group Home | <u>-</u> | S | S | <u>S</u> | S | S | S | S | S | <u>S</u> | S | S | P | P | P | - | - | |
| Nursing Home/Rehabilitation Center | <u>-</u> | S | S | S | S | S | S | S | S | <u>S</u> | S | P | P | P | P | - | - | |
| PUBLIC, CIVIC AND INSTITUTIONAL | | | | | | | | | | | | | | | | | | |
| Aviation Facility | | | | | | | | | | | | | | | | | | |
| Airport | <u>-</u> | <u>P</u> | - | <u>-</u> | - | - | - | - | - | <u>PS</u> | <u>PS</u> | |
| Airstrip | <u>S</u> | S | S | S | S | <u>S</u> | <u>S</u> | <u>S</u> | - | <u>-</u> | - | - | - | - | - | <u>-S</u> | <u>-S</u> | |
| Cemetery | <u>S</u> | S | S | S | S | S | - | - | - | <u>-</u> | - | - | - | - | <u>-S</u> | - | - | Section 30.040 |
| College or University | | | | | | | | | | | | | | | | | | |
| Campus | - | - | - | - | - | - | - | - | - | - | <u>S</u> | <u>S</u> | <u>S</u> | <u>S</u> | <u>S</u> | - | - | |
| Satellite | - | - | - | - | - | - | - | - | - | - | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | - | - | |

¹⁶ This table is based on a complete reworking/update of the use classification system.

¹⁷ The group living uses listed here represent a consolidation and modernization of the types of group living uses currently listed in the ordinance. They are not thought to represent a significant (substantive) change.

Article 25 | Allowed Uses
Section 25.010 | Allowed Uses

| USE CATEGORY | RA | RA | RA | R | R | R | R | R | R | R | O | B | B | B | H | L | H | Supplemental Regulations |
|--|------------|--------------|----------|----------|----------|----------|----------|----------|----------|----------|--------------|--------------|--------------|-----------------------|-----------------------|----------|----------|--------------------------------|
| Subcategory | <u>200</u> | 40 | 20 | 40 | 20 | 15 | 10 | 8 | 6 | 4 | O | 2 | 3 | 4 | C | I | I | |
| Specific use | | | | | | | | | | | | | | | | | | |
| P = use permitted as of right S = special use approval required in accordance with Section 70.060 - = prohibited use | | | | | | | | | | | | | | | | | | |
| Detention or Correctional Facility | - | - | - | - | - | - | - | - | - | - | - | S | S | S | S | S | S | |
| Fraternal Organization | <u>-</u> | S | - | - | - | - | - | - | - | <u>-</u> | P | P | P | P | P | - | - | |
| Governmental Service | <u>P</u> | P | P | P | P | P | P | P | P | <u>P</u> | P | P | P | P | P | P | P | |
| Hospital | - | - | - | - | - | - | - | - | - | - | S | - | - | S | P | - | - | |
| Library or Cultural Exhibit | - | - | - | - | - | - | - | - | - | - | P | P | P | P | P | - | - | |
| Natural Resource Preservation | <u>P</u> | P | P | P | P | P | P | P | P | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | |
| Parks and Recreation | | | | | | | | | | | | | | | | | | |
| Low-impact | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | - | - | |
| High-impact | <u>S</u> | S | S | S | S | S | S | S | S | <u>S</u> | P | P | P | P | P | - | - | |
| Postal Service | - | - | - | - | - | - | - | - | - | - | P | P | P | P | P | P | P | |
| Religious Assembly | <u>P</u> | P | P | P | P | P | P | P | P | <u>P</u> | P | P | P | P | P | - | - | |
| Safety Service | <u>P</u> | P | P | P | P | P | P | P | P | <u>P</u> | P | P | P | P | P | P | P | |
| School | <u>P</u> | P | P | P | P | P | P | P | P | <u>P</u> | P | P | P | P | P | P | P | |
| Utility or Public Service Facility | | | | | | | | | | | | | | | | | | |
| Minor | <u>P</u> | P | P | P | P | P | P | P | P | <u>P</u> | P | P | P | P | P | P | P | |
| Major ¹⁸ | <u>S</u> | S | S | S | S | S | S | S | S | <u>S</u> | S | S | S | S | S | S | S | P |
| COMMERCIAL | | | | | | | | | | | | | | | | | | |
| Adult Use | - | - | - | - | - | - | - | - | - | - | - | - | S | - | - | - | - | Section 30.010 |
| Animal Service | | | | | | | | | | | | | | | | | | |
| Boarding or Shelter | <u>S</u> | S | - | - | - | - | - | - | - | <u>-</u> | - | - | - | S | S | - | - | |
| Grooming or Training | <u>S</u> | S | - | - | - | - | - | - | - | <u>-</u> | P | P | - | P | P | <u>-</u> | - | |
| Supplies | <u>S</u> | S | - | - | - | - | - | - | - | <u>-</u> | - | P | - | P | P | - | - | |
| Veterinary | <u>S</u> | S | - | - | - | - | - | - | - | <u>-</u> | <u>P</u> | P | - | P <u>S</u> | P <u>S</u> | - | - | |
| Commercial Service | | | | | | | | | | | | | | | | | | |
| Building and Maintenance Service | <u>-</u> | S | - | - | - | - | - | - | - | <u>-</u> | - | P | P | P | P | P | P | |
| Business Support Service | - | - | - | - | - | - | - | - | - | - | P | P | <u>P</u> | P | P | P | P | |
| Communication Service | - | - | - | - | - | - | - | - | - | - | P | P | P | P | P | P | - | |
| Consumer Maintenance and Repair Service | <u>-</u> | S | - | - | - | - | - | - | - | <u>-</u> | - | P | <u>P</u> | P | P | P | - | |
| Personal Improvement Service | - | - | - | - | - | - | - | - | - | - | S | P | P | P | P | P | - | |
| Research Service | - | - | - | - | - | - | - | - | - | - | P | P | P | P | P | P | - | |
| Studio, Instructional or Service | - | - | - | - | - | - | - | - | - | - | S | P | P | P | P | P | - | |

¹⁸ This is a change; "county-owned/operated" facilities are currently permitted in all R districts.

Article 25 | Allowed Uses
Section 25.010 | Allowed Uses

| USE CATEGORY | RA <u>200</u> | RA 40 | RA 20 | R 40 | R 20 | R 15 | R 10 | R 8 | R 6 | R <u>4</u> | O | B 2 | B 3 | B 4 | H C | L I | H I | Supplemental Regulations |
|--|------------------|----------|----------|----------|----------|----------|--------------|----------|----------|---------------|----------|--------------|--------------|----------|----------|----------|----------|--------------------------------|
| Subcategory | <u>200</u> | 40 | 20 | 40 | 20 | 15 | 10 | 8 | 6 | <u>4</u> | O | B 2 | B 3 | B 4 | H C | L I | H I | Supplemental Regulations |
| Specific use | | | | | | | | | | | | | | | | | | |
| P = use permitted as of right S = special use approval required in accordance with Section 70.060 - = prohibited use | | | | | | | | | | | | | | | | | | |
| Day Care Center | <u>S</u> | S | S | S | S | S | S | S | S | <u>S</u> | S | P | P | P | P | <u>P</u> | - | |
| Eating Establishment | - | - | - | - | - | - | - | - | - | - | - | P | - | P | P | - | - | |
| Entertainment and Spectator Sports | | | | | | | | | | | | | | | | | | |
| Indoor, Minor | S | S | - | - | - | - | - | - | - | - | - | P | - | P | P | - | - | |
| Indoor, Major | S | S | - | - | - | - | - | - | - | - | - | S | - | P | P | - | - | |
| Outdoor, Minor | S | S | - | - | - | - | - | - | - | - | - | S | - | P | P | - | - | Section 30.080 |
| Outdoor, Major | S | S | - | - | - | - | - | - | - | - | - | - | - | S | S | S | S | Section 30.080 |
| Financial Service (except as identified below) | - | - | - | - | - | - | - | - | - | - | - | P | - | P | P | P | - | |
| Bank, Savings and Loan, Credit Union | - | - | - | - | - | - | - | - | - | - | P | P | P | P | P | - | - | |
| Funeral and Mortuary Service | - | - | - | - | - | - | - | - | - | - | S | P | P | P | P | - | - | |
| Lodging | | | | | | | | | | | | | | | | | | |
| Bed & Breakfast Inn | <u>S</u> | S | S | <u>S</u> | - | - | S | - | - | <u>=</u> | - | - | - | - | - | - | - | |
| Campground/RV Park | <u>S</u> | S | - | - | - | - | - | - | - | <u>=</u> | - | - | - | - | S | - | - | Section 30.030 |
| Campsite, Primitive | <u>P</u> | P | P | P | P | P | P | P | P | <u>=</u> | - | P | - | P | P | - | - | Section 30.030 |
| Hotel/Motel | - | - | - | - | - | - | - | - | - | - | - | S | - | S | P | - | - | |
| Office | - | - | - | - | - | - | - | - | - | - | P | P | P | P | P | P | P | |
| Parking, Non-accessory | - | - | - | - | - | - | - | - | - | - | S | S | - | S | P | P | - | |
| Retail Sales (except as identified below) ¹⁹ | - | - | - | - | - | - | - | - | - | - | - | P | <u>P</u> | P | P | - | - | |
| Flea Market | <u>=</u> | <u>=</u> | - | - | - | - | - | - | - | - | - | - | - | <u>S</u> | <u>S</u> | - | - | |
| Large-format Retail (50,000 sq. ft. or more) | - | - | - | - | - | - | - | - | - | - | - | S | - | P | P | - | - | |
| Sports and Recreation, Participant | | | | | | | | | | | | | | | | | | |
| Indoor, Minor | <u>=</u> | <u>=</u> | <u>=</u> | <u>=</u> | <u>=</u> | <u>=</u> | <u>=</u> | <u>=</u> | <u>=</u> | <u>=</u> | <u>=</u> | <u>S</u> | <u>S</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>=</u> | |
| Indoor, Major | <u>=</u> | <u>=</u> | <u>=</u> | <u>=</u> | <u>=</u> | <u>=</u> | <u>=</u> | <u>=</u> | <u>=</u> | <u>=</u> | <u>=</u> | <u>=</u> | <u>=</u> | <u>S</u> | <u>P</u> | <u>P</u> | <u>=</u> | |
| Outdoor, Minor (except as identified below) | <u>P</u> | <u>P</u> | <u>S</u> | <u>P</u> | <u>S</u> | <u>=</u> | <u>=</u> | <u>=</u> | <u>=</u> | <u>=</u> | <u>=</u> | <u>S</u> | <u>S</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>=</u> | |
| Outdoor, Major (except as identified below) | <u>S</u> | <u>S</u> | <u>=</u> | <u>S</u> | <u>=</u> | <u>=</u> | <u>=</u> | <u>=</u> | <u>=</u> | <u>=</u> | <u>=</u> | <u>=</u> | <u>=</u> | <u>=</u> | <u>P</u> | <u>P</u> | <u>=</u> | |
| Shooting Range, Outdoor | <u>S</u> | <u>=</u> | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | Section 30.160 |
| Stable or Riding Academy | <u>P</u> | P | S | P | S | - | - | - | - | <u>=</u> | - | - | - | - | - | - | - | 0 |
| Self-service Storage Facility | | | | | | | | | | | | | | | | | | |
| Type 1 | <u>=</u> | <u>=</u> | <u>=</u> | <u>=</u> | <u>=</u> | <u>=</u> | <u>=</u> | <u>=</u> | <u>=</u> | <u>=</u> | <u>P</u> | <u>S</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>=</u> | <u>=</u> | |
| Type 2 | - | - | - | - | - | - | - | - | - | - | - | S | S | S | P | <u>P</u> | - | |
| Type 3 | - | - | - | - | - | - | - | - | - | - | - | S | - | S | S | <u>P</u> | - | |

¹⁹ The existing ordinance allows art galleries, craft studios, drapery and linen shops, florists, flea markets, and landscape supply sales in the RA-40 district.

Article 25 | Allowed Uses
Section 25.010 | Allowed Uses

| USE CATEGORY | RA | RA | RA | R | R | R | R | R | R | R | | B | B | B | H | L | H | Supplemental Regulations |
|--|------------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|-----------|----------|-----------|-----------|-----------|--------------------------------|
| Subcategory | <u>200</u> | 40 | 20 | 40 | 20 | 15 | 10 | 8 | 6 | <u>4</u> | O | 2 | 3 | 4 | C | I | I | |
| Specific use | | | | | | | | | | | | | | | | | | |
| P = use permitted as of right S = special use approval required in accordance with Section 70.060 - = prohibited use | | | | | | | | | | | | | | | | | | |
| Trade School | - | - | - | - | - | - | - | - | - | - | - | S | <u>S-</u> | P | P | - | - | |
| Vehicle Sales and Service | | | | | | | | | | | | | | | | | | |
| Commercial Vehicle Repair and Maintenance | <u>=</u> | <u>S</u> | - | - | - | - | - | - | - | - | - | - | - | <u>S</u> | P | P | - | |
| Commercial Vehicle Sales and Rentals | <u>=</u> | <u>S</u> | - | - | - | - | - | - | - | - | - | - | - | <u>S</u> | P | P | - | |
| Fueling Station | <u>=</u> | <u>S</u> | - | - | - | - | - | - | - | - | - | S | - | S | P | P | - | |
| Personal Vehicle Repair and Maintenance | <u>=</u> | <u>S</u> | - | - | - | - | - | - | - | - | - | S | - | S | P | P | - | |
| Personal Vehicle Sales and Rentals | <u>=</u> | <u>S</u> | - | - | - | - | - | - | - | - | - | S | - | S | P | P | - | |
| Vehicular Equipment and Supplies | <u>=</u> | <u>S</u> | - | - | - | - | - | - | - | - | - | P | - | P | P | - | - | |
| Vehicle Body and Paint Shops | <u>=</u> | <u>S</u> | - | - | - | - | - | - | - | - | - | - | - | S | S | <u>P</u> | <u>S</u> | - |
| WHOLESALE, DISTRIBUTION & STORAGE | | | | | | | | | | | | | | | | | | |
| Equipment and Materials Storage, Outdoor | - | - | - | - | - | - | - | - | - | - | - | - | - | - | <u>S</u> | S | P | |
| Trucking and Transportation Terminals | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | S | P | |
| Warehouse | - | - | - | - | - | - | - | - | - | - | - | - | - | <u>P</u> | P | P | P | |
| Wholesale Sales and Distribution | - | - | - | - | - | - | - | - | - | - | - | - | - | <u>P</u> | P | P | P | |
| INDUSTRIAL | | | | | | | | | | | | | | | | | | |
| General Industrial | - | - | - | - | - | - | - | - | - | - | - | - | - | - | S | P | P | |
| Intensive Industrial | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | <u>S</u> | P | |
| Junk or Salvage Yard | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | S | |
| Mining/Extraction | <u>S-</u> | <u>S</u> | - | - | - | - | <u>S</u> | <u>S</u> | S | Section 15.040 |
| RECYCLING AND WASTE-RELATED | | | | | | | | | | | | | | | | | | |
| Construction and Demolition Debris Recycling Facility | <u>=</u> | <u>S</u> | - | - | - | - | - | - | - | <u>=</u> | - | - | - | <u>S</u> | <u>S</u> | S | P | |
| Recyclable Material Processing Center | <u>=</u> | <u>S</u> | - | - | - | - | - | - | - | <u>=</u> | - | - | - | <u>S</u> | <u>S</u> | P | P | |
| Landfill | | | | | | | | | | | | | | | | | | |
| Construction and Demolition Debris, On-site | <u>P</u> | P | P | P | P | P | P | P | P | <u>P</u> | P | P | P | P | P | P | P | Section 30.090 |
| Construction and Demolition Debris, Off-site | <u>=</u> | <u>S</u> | - | - | - | - | - | - | - | <u>=</u> | - | - | - | - | <u>S-</u> | <u>P-</u> | | |
| Reclamation (1 acre or less) | <u>P</u> | P | P | P | P | P | P | P | P | <u>P</u> | P | P | P | P | P | P | P | Section 30.090 |
| Reclamation (more than 1 acre) | <u>S</u> | <u>S</u> | - | <u>S</u> | - | - | - | - | - | <u>=</u> | - | - | - | - | <u>S-</u> | <u>P-</u> | | Section 30.090 |
| Sanitary (non-county-owned) | <u>=</u> | - | - | - | - | - | - | - | - | <u>=</u> | - | - | - | - | - | - | <u>S-</u> | |
| Solid Waste Convenience Center | <u>S-</u> | <u>S</u> | - | - | - | - | - | - | - | <u>=</u> | - | - | - | P | P | P | P | |
| Solid Waste Transfer Station | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | S | P | |
| AGRICULTURE & AGRICULTURE-RELATED | | | | | | | | | | | | | | | | | | |
| NON-EXEMPT | | | | | | | | | | | | | | | | | | |
| Agribusiness | <u>S-</u> | S | - | - | - | - | - | - | - | <u>=</u> | - | - | - | - | - | - | - | Section 30.160 |
| Agriculture | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | | | | | | | | | | | | | | |
| Agritourism | <u>P</u> | <u>S</u> | <u>S</u> | <u>S</u> | <u>=</u> | <u>=</u> | <u>=</u> | <u>=</u> | <u>=</u> | |
| Nursery or Greenhouse | <u>P</u> | P | P | S | - | - | - | - | - | <u>=</u> | - | P | - | P | P | P | P | |

Article 25 | Allowed Uses
 Section 25.010 | Allowed Uses

| USE CATEGORY | RA | RA | RA | R | R | R | R | R | R | R | | B | B | B | H | L | H | Supplemental Regulations |
|------------------------------------|--|----|----|----|----|----|----|---|---|----------|------------|------------|---|------------|------------|------------|------------|--------------------------------|
| Subcategory | <u>200</u> | 40 | 20 | 40 | 20 | 15 | 10 | 8 | 6 | 4 | O | 2 | 3 | 4 | C | I | I | |
| Specific use | P = use permitted as of right S = special use approval required in accordance with Section 70.060 - = prohibited use | | | | | | | | | | | | | | | | | |
| Silvicultural Operations | <u>P</u> | P | P | P | P | P | P | - | - | <u>-</u> | - | - | - | - | - | P | P | |
| OTHER | | | | | | | | | | | | | | | | | | |
| Drive-in or Drive-through Facility | - | - | - | - | - | - | - | - | - | - | <u>P</u> - | S | - | P | P | P | - | |
| Telecommunication Facility | | | | | | | | | | | | | | | | | | |
| Freestanding Tower | <u>S</u> | S | S | S | S | S | S | S | S | <u>S</u> | S | <u>S</u> P | S | <u>S</u> P | <u>S</u> P | <u>S</u> P | <u>S</u> P | Section 30.180 |
| Building or Tower-mounted Antenna | <u>P</u> | P | P | P | P | P | P | P | P | <u>P</u> | P | P | P | P | P | P | P | Section 30.180 |

Section 25.020 Use Categories²⁰

25.020-A General

1. The System

This ordinance classifies principal land uses into 8 major groupings (described in Sec. [25.020-B](#) through [25.020-H](#)). These major groupings are referred to as “use categories.” The use categories are as follows:

a. Residential

See [25.020-B](#).

b. Public, Civic and Institutional

See [25.020-C](#).

c. Commercial

See [25.020-D](#).

d. Wholesale, Distribution and Storage

See [25.020-E](#).

e. Industrial

See [25.020-F](#).

f. Recycling and Waste-Related

See [25.020-G](#).

g. Agriculture and Agriculture-Related (Non-exempt)

See [25.020-H](#).

h. Other

See [25.020-I](#).

2. Use Subcategories

Each use category is further divided into more specific “subcategories.” Use subcategories classify principal land uses and activities based on common functional, product or physical characteristics, such as the type and amount of activity, the type of customers or residents, how goods or services are sold or delivered and site conditions.

3. Specific Use Types

Some use subcategories are further broken down to identify specific types of uses that are regulated differently than the subcategory as a whole.

4. Determination of Use Categories and Subcategories

- a. The zoning administrator is authorized to classify uses on the basis of the use category, subcategory and specific use type descriptions of this article.

²⁰ This is an entirely new use classification system. All the material in this section is new, unless indicated.

- b. When a use cannot be reasonably classified into a use category, subcategory or specific use type, or appears to fit into multiple categories, subcategories or specific use types, the zoning administrator is authorized to determine the most similar and thus most appropriate use category, subcategory or specific use type based on the actual or projected characteristics of the principal use or activity in relationship to the use category, subcategory and specific use type descriptions provided in this section. In making such determinations, the zoning administrator must consider:
 - (1) the types of activities that will occur in conjunction with the use;
 - (2) the types of equipment and processes to be used;
 - (3) the existence, number and frequency of residents, customers or employees;
 - (4) parking demands associated with the use; and
 - (5) other factors deemed relevant to a use determination.
- c. If a use can reasonably be classified in multiple categories, subcategories or specific use types, the zoning administrator must categorize the use in the category, subcategory or specific use type that provides the most exact, narrowest and appropriate "fit."
- d. If the zoning administrator is unable to determine the appropriate use category for a proposed use, the zoning administrator is authorized to deny permits and certificates for establishment of the proposed use. This decision may be appealed to the board of adjustment in accordance with appeal procedures of [Section 70.080](#).

25.020-B Residential Use Category

This category includes uses that provide living accommodations for one or more persons. The residential use subcategories are as follows.

1. Household Living

Residential occupancy of a dwelling unit by a household. When dwelling units are rented, tenancy is arranged on a month-to-month or longer basis. Uses where tenancy may be arranged for a shorter period are not considered residential; they are considered a form of lodging. The following are household living specific use (building) types:

a. Detached House

A detached house is a principal residential building, other than a manufactured housing unit, used as a single dwelling unit, located on a single lot, with private yards on all sides. Detached houses are not attached to and do not abut other dwelling units.

b. Townhouse

A townhouse is a single dwelling unit that is located on its own, exclusive lot and that shares at least one common or abutting wall with another townhouse unit.

c. Two-unit House

A two-unit house is a residential building occupied by 2 dwelling units, both of which are located on a single lot. The dwelling units are attached and may be located on separate floors or side-by-side. Two-unit houses are also known as duplexes.

d. Multi-unit Building

A multi-unit building is a residential building on a single lot that is occupied by 3 or more dwelling units that share common walls and/or common floors/ceilings.

e. Manufactured Housing Unit

A manufactured housing unit is a principal residential building that is used as a single dwelling unit, located on a single lot, with private yards on all sides. Manufactured housing units are (i) not constructed in accordance with the standards set forth in the North Carolina State Building Code, (ii) composed of one or more components, each of which was substantially assembled in a manufacturing plant and designed to be transported to the lot on its own chassis, and (iii) in excess of 40 feet in length and 8 feet in width. A structure that would otherwise be characterized as a manufactured housing unit but that it is not used or held ready for use as a dwelling unit (e.g., is used as an office or some other business use) is not classified as a manufactured housing unit.

f. Manufactured Housing Unit, Class A

A manufactured housing unit constructed after July 1, 1976 that meets or exceeds the construction standards promulgated by the U.S. Department of Housing and Urban Development that were in effect at the time of construction and that satisfies each of the following additional criteria

- (1) The unit has a length not exceeding 3 times its width;
- (2) The pitch of the unit's roof has a minimum vertical rise of one foot for each five feet of horizontal run, and the roof is finished with a type of shingle that is commonly used in standard residential construction;
- (3) The exterior siding of the unit consists of wood, hardboard, or aluminum (vinyl covered or painted), comparable in composition, appearance, and durability to the exterior siding commonly used in standard (on-site, stick-built) residential construction;
- (4) The tongue, axles, transporting lights, and removable towing apparatus are removed after placement on the lot and before occupancy.

g. Manufactured Housing Unit, Class B

A manufactured housing unit that meets all of the criteria of a Class A manufactured housing unit except the length/width ratio.

h. Manufactured Housing Unit, Class C

A manufactured housing unit constructed after July 1, 1976 that meets or exceeds the construction standards promulgated by the U.S. Department of Housing and Urban Development that were in effect at the time of construction but that does not satisfy all of the criteria necessary to qualify the house either as a class A or class B manufactured housing unit.

i. Manufactured Housing Unit, Class D

Any manufactured housing unit that does meet the definitional criteria of a Class A, B, or C manufactured housing unit.

j. Manufactured Housing Park

A residential development in which more than one manufactured housing unit is located on a single lot. Sometimes referred to as “mobile home parks.”

2. Group Living

Residential occupancy of a building or any portion of a building by a group other than a household. Group living uses typically provide communal kitchen/dining facilities. Examples of group living uses include convents, monasteries, fraternity and sorority houses and the following specific use types:

a. Continuing Care Facility

~~A complex that contains a variety of residential living facilities, which may include independent living units (i.e., houses, townhouses, apartments, condominiums,) personal care and skilled nursing home facilities.~~ A facility that provides lodging together with nursing services, medical services, or other health-related services, under a contract approved by the state department of insurance, as further outlined in NCGS 58-64.

b. Family Care Home

A detached house occupied by support and supervisory personnel who provide room and board, personal care and habilitation services in a family environment for not more than 6 children or 6 persons with disabilities. Also includes uses that provide room and board for adults or children who have been abused or displaced.

c. Group Home

A residential use where 7 or more nonrelated persons reside because of age, temporary or chronic disability or domestic abuse.

d. Transitional Living Facility

A dwelling in which persons reside while receiving therapy or counseling to assist them in overcoming addiction to intemperate use of narcotics or alcohol, or in adjusting to society after or during imprisonment through such means as pre-release, work-release or probationary programs.

25.020-C Public, Civic and Institutional Use Category

This category includes public, quasi-public and private uses that provide unique services that are of benefit to the public at-large. The public, civic and institutional subcategories are as follows.

1. Aviation Facility

Facilities where fixed-wing aircraft or helicopters take off and land, including customary accessory uses and structures.

a. Airport

An area of land or water, other than an airstrip, that is designed or used on a recurring basis for the landing and take-off of aircraft.

b. Airstrip

An area of land or water, located on private property used for the landing and take-off of not more than 2 aircraft owned or leased by the owner of such property, or aircraft engaged in crop dusting of land owned or leased by the owner of the airstrip.

Uses that offer flying lessons or the rental or sale of aircraft, parts or fuel are airports, not airstrips.

2. Cemetery

Land or structures used for burial or permanent storage of the dead or their cremated remains. Typical uses include cemeteries and mausoleums. Also includes pet cemeteries.

3. College or University

Institutions of higher learning (beyond senior high school) that offer courses of general or specialized study and are authorized to grant academic degrees.

a. Campus

College of university uses consisting of multi-building campuses connected by walkways and open space areas. Campuses typically include libraries and communal dining areas.

b. Satellite

College of university uses that occupy a single office-style building.

4. Detention or Correctional Facility

An institution operated by the county, the state, the federal government or a private party under contract with the county, the state or the federal government for the confinement and punishment and treatment or rehabilitation of offenders under the jurisdiction of a court.

5. Fraternal Organization

The use of a building or lot by a not-for-profit organization that restricts access to its facility to bona fide, annual dues-paying members and their occasional guests and where the primary activity is a service not carried on as a business enterprise.

6. Governmental Service

Uses related to the administration of local, state or federal government services or functions.

7. Hospital

Uses providing medical or surgical care to patients and offering inpatient (overnight) care.

8. Library or Cultural Exhibit

Museum-like preservation and exhibition of objects in one or more of the arts and sciences, gallery exhibition of works of art or library collections of books, manuscripts and similar materials for study and reading. Includes aquariums and planetariums.

9. Natural Resources Preservation

Undeveloped land left in a natural state for specific use as visual open space or environmental purposes. Typical uses include wildlife or nature preserves, arboretums, flood management projects and reservoirs.

10. Parks and Recreation

Recreational, social or multi-purpose uses associated with public parks and open spaces, including playgrounds, playfields, play courts, community centers and other facilities typically associated with public park and open space areas. Also includes open space and

recreation facilities within subdivisions, typically managed by property owner associations.

a. Low-impact

Park and recreation facilities that do not qualify as high-impact park and recreation facilities.

b. High-impact

Park and recreation facilities that include any of the following:

- (1) more than 25 off-street parking spaces;
- (2) permanently mounted speakers for amplified sound;
- (3) concession stands;
- (4) outdoor lights mounted more than 20 feet in height above grade;
- (5) building coverage of more than 15% of the overall site area.

11. Postal Service

Facilities operated by the U.S. Postal Service, including post offices and mail sorting and distribution facilities.

12. Religious Assembly

Religious services involving public assembly that customarily occur in churches, synagogues, temples, mosques and other facilities used for religious worship.

13. Safety Service

Establishments that provide fire, police or life protection, together with the incidental storage and maintenance of necessary vehicles. Typical uses include fire stations, police stations, ambulance services and storm or civil defense shelters.

14. School

Public and private schools at the primary, elementary, junior high or high school level that provide basic, compulsory education.

15. Utility or Public Service Facility

Any above-ground structures or facilities (other than buildings, unless such buildings are used as storage incidental to the operation of such structures or facilities) owned by a governmental entity, a nonprofit organization, corporation, or any entity defined as a public utility for any purpose by Section 62-3(23) N.C.G.S. and used in connection with the production, generation, transmission, delivery, collection, or storage of water, sewage, electricity, gas, oil, or electronic signals

a. Minor

Utility or public service facilities that need to be located in or close to the area where the service is provided. Minor utilities and public service facilities generally do not have regular employees at the site and typically have few if any impacts on surrounding areas. Typical uses include water and sewer pump stations; gas regulating stations; electric transformers; water conveyance systems; stormwater facilities and conveyance systems; telephone switching equipment and emergency communication warning/broadcast facilities.

b. Major

Utility and public service facilities that are not classified as “minor.” Typical uses include but are not limited to water and wastewater treatment facilities, high-voltage electric substations, utility-scale power generation facilities (including wind, solar and other renewable and nonrenewable energy sources), and utility-scale water storage facilities, such as water towers.

25.020-D Commercial Use Category

The commercial use category includes uses that provide a business service or involve the selling, leasing or renting of merchandise to the general public. The commercial use subcategory area as follows.

1. Adult Use

Any structure, business or use of land that meets the definition of “Adult Establishment,” as outlined in N.C.G.S. 14-202.10, and including adult video stores and adult hotels and motels. This definition includes adult bookstores, adult motion picture theaters, adult mini-motion picture theaters, adult live entertainment businesses or massage businesses. These uses are further defined in N.C.G.S. 14-202.10 and the definitions are adopted by reference. Massage businesses are not considered adult uses if all employees associated with massage meet the ethical and educational requirements specified by the American Massage Therapy Association, or equivalent national or state standards.

a. Adult Motel or Hotel

A hotel, motel or similar commercial establishment that:

- (1) offers accommodations to the public for any form of consideration and, as one of its principal business purposes, provides patrons with closed-circuit television transmissions, films, motion pictures, videocassettes, slides, or other photographic reproductions that depict or describe "specified sexual activities" or "specified anatomical areas"; or
- (2) offers a sleeping room for rent for a period of time that is less than 10 hours; or
- (3) allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than 10 hours.
- (4) Adult Video Store
- (5) A commercial establishment that has as a substantial portion (over 25% of total retail space) of its-stock-in-trade and offers for sale or rent, for any form of consideration, any one or more of the following: photographs, films, motion pictures, video cassettes or video reproductions, slides, or other visual representations that depict or describe "specified sexual activities" or "specified anatomical areas."

2. Animal Service

Uses that provide goods and services for care of animals.

- a. **Boarding or Shelter**
Breeding, boarding, care or training services for dogs, cats and small animals, including boarding kennels, pet resorts/hotels, pet adoption centers, dog training centers animal rescue shelters.
 - b. **Grooming**
Grooming of dogs, cats and similar small animals, including dog bathing and clipping salons and pet grooming shops. Grooming does not include overnight boarding or outdoor animal runs or kennels.
 - c. **Stable**
Riding stables, riding academies, equestrian training facilities and similar uses.
 - d. **Supplies**
Sales of animal feed, pharmaceuticals and animal-related supplies. Typical uses include feed stores, tack shops and animal supply stores.
 - e. **Veterinary**
Animal hospitals and veterinary clinics. Any veterinary uses that involve outdoor animal runs or kennels are regulated as boarding or shelter uses.
3. **Commercial Service**
Uses that provide for consumer or business services and for the repair and maintenance of a wide variety of products.
 - a. **Building and Maintenance Service**
Uses that provide maintenance and repair services for all structural and mechanical elements of structures, as well as the exterior spaces of a premise. Typical uses include janitorial, landscape maintenance, extermination, plumbing, electrical, HVAC, window cleaning and similar services.
 - b. **Business Support Service**
Uses that provide personnel services, printing, copying, photographic services or communication services to businesses or consumers. Typical uses include employment agencies, day labor hiring services, armored car services, copy and print shops, caterers, telephone answering services and photo developing labs.
 - c. **Communication Service**
Uses that provide for audio or video production, recording or broadcasting. Typical examples include recording studios, radio and television production and broadcast facilities. Broadcast towers are classified as telecommunications facilities (see [§25.020:12](#)).
 - d. **Consumer Maintenance and Repair Service**
Uses that provide maintenance, cleaning and repair services for consumer goods on a site other than that of the customer (i.e., customers bring goods to the site of the repair/maintenance business). Typical uses include laundry and dry cleaning pick-up shops, tailors, taxidermists, dressmakers, shoe repair, picture framing shops, gunsmiths, locksmiths, vacuum repair shops, electronics repair shops and similar establishments. Business that offer repair and maintenance service technicians who visit customers' homes or places of business are classified as a "building service."

- e. Personal Improvement Service**
Uses that provide a variety of services associated with personal grooming, instruction and maintenance of fitness, health and well-being. Typical uses include barbers, hair and nail salons, day spas, health clubs and yoga and martial arts studios.
- f. Research Service**
Uses engaged in scientific research and testing services leading to the development of new products and processes. Such uses resemble office buildings or campuses and do not involve the mass production, distribution or sale of products. Research services do not produce odors, dust, noise, vibration or other external impacts that are detectable beyond the lot lines of the subject property.
- g. Studio, Instructional or Service**
Uses in an enclosed building that focus on providing instruction or training in music, dance, drama, fine arts, language or similar activities. Also includes artist studios and photography studios.
- 4. Day Care Center**
Uses providing care, protection and supervision for children or adults on a regular basis away from their primary residence for more than 2 but fewer than 24 hours per day.
- 5. Eating Establishment**
Uses that prepare and serve food and beverages for on- or off-premise consumption as their principal business. Typical uses include cafés, restaurants, cafeterias, ice cream/yogurt shops, coffee shops and similar establishments.
- 6. Entertainment and Spectator Sports**
Provision of cultural, entertainment, athletic and other events to spectators, such as typically occurs in theaters, amphitheaters, cinemas, auditoriums, fairgrounds, stadiums, arenas and racetracks.

 - a. Indoor, Minor**
Entertainment and spectator sports venues and events that are conducted entirely within buildings that have a gross floor area of no more than 20,000 square feet.
 - b. Indoor, Major**
Entertainment and spectator sports venues and events that are conducted entirely within buildings and that have a gross floor area of more than 20,000 square feet.
 - c. Outdoor, Minor**
Entertainment and spectator sports venues and event facilities that are primarily outside of a fully enclosed building and that meet all of the following criteria:

 - (1) have no more than 50 off-street parking spaces;
 - (2) do not have outdoor lights mounted more than 20 feet above grade; and
 - (3) do not have speakers for amplified sound.
 - d. Outdoor, Major**
Entertainment and spectator sports venues and event facilities that are primarily outside of a fully enclosed building and that do not meet all of the criteria established for “minor” outdoor entertainment and spectator sports facilities (see above).

7. Financial Service

Uses related to the exchange, lending, borrowing and safe-keeping of money. Typical examples are banks, credit unions, consumer loan establishments and the following types of personal credit establishments:

a. Check Cashing

An establishment that:

- (1) is not a bank or financial institution subject to federal or state regulation;
- (2) charges a fee to cash a check or have a check processed; and
- (3) provides such services to the public.

b. Pawnshop

An establishment that is engaged to any extent in any of the following business or activities:

- (1) the lending of money on the deposit or pledge of personal property, other than chosen in action, securities or written evidence of indebtedness;
- (2) the purchase of personal property either from an individual, another pawn business or any other business with an expressed or implied agreement or understanding to offer the property for sale to the public, and if that sale is unsuccessful, then to sell it back to the previous owner at a subsequent time at a stipulated price or negotiated price;
- (3) the purchase of precious metals with the intent to melt down, provided that such activity is not clearly incidental to the principal use of the establishment; or
- (4) the lending of money upon personal property, goods, wares, or merchandise pledge, stored or deposited as collateral security.

c. Payday Lender

Any person or entity that is substantially in the business of negotiating, arranging, aiding, or assisting a consumer in procuring payday loans.

d. Bail Bond

A use that provides surety and pledge money or property as bail for the appearance of persons accused in court.

8. Funeral and Mortuary Service

Uses that provide services related to the death of a human, including funeral homes, mortuaries, crematoriums and similar uses. Also includes crematoriums for pets and domestic animals.

9. Lodging

Uses that provide temporary lodging for less than 30 days where rents are charged by the day or by the week. Lodging uses sometimes provide food or entertainment, primarily to registered guests.

a. Bed and Breakfast

A detached house in which the owner offers overnight accommodations and meal service to overnight guests for compensation.

b. Hotel/Motel

An establishment, other than a bed and breakfast, in which short-term lodging is offered for compensation.

c. Campground

An establishment that provides temporary overnight accommodations for camping in recreational vehicles or camping units.

(1) Campground, Developed

A campground with 2 or more camping unit sites, accessible by vehicular traffic where sites are substantially developed and tables, refuse containers, flush toilets, bathing facilities and water.

(2) Campground, Fully Developed

A campground with 2 or more camping unit sites, accessible by vehicular traffic and provided with one or more service buildings. These sites may have individual water, sewer, and electrical connections.

(3) Campground, Semi-Developed

A campground with 2 or more camping unit sites, accessible by vehicular traffic. Roads, facilities (toilets and/or privies) are provided.

(4) Campground, Semi-Primitive

A campground accessible only by walk-in, pack-in, equestrian, or motorized trail vehicles where rudimentary facilities (privies and/or fireplaces) may be provided for the comfort and convenience of the campers.

(5) Campground, Primitive

A campground accessible only by walk-in, pack-in, or equestrian campers where no facilities are provided for the comfort or convenience of the campers.

10. Office

Uses in an enclosed building, customarily performed in an office, that focus on providing executive, management, administrative, professional or medical services. Specific use types include:

a. Business and Professional Office

Office uses for companies and non-governmental organizations. Examples include corporate office, law offices, architectural firms, insurance companies and other executive, management or administrative offices for businesses and corporations. Also included are union halls that offer only office and meeting space and insurance claims adjusters with no more than one vehicle inspection bay and no on-site repair facilities.

b. Medical, Dental and Health Practitioner

Office uses related to diagnosis and treatment of human patients' illnesses, injuries and physical maladies that can be performed in an office setting with no overnight

care. Surgical, rehabilitation and other medical centers that do not involve overnight patient stays are included in this subcategory, as are medical and dental laboratories, unless otherwise indicated. Ancillary sales of medications and medical products are allowed in association with a medical, dental or health practitioner office.

11. Parking, Non-Accessory

Parking that is not provided to comply with minimum off-street parking requirements and that is not provided exclusively to serve occupants of or visitors to a particular use, but rather is available to the public at-large. A parking facility that provides both accessory and non-accessory parking will be classified as non-accessory parking if it leases 25% or more of its spaces to non-occupants of or persons other than visitors to a particular use. The following are non-accessory parking specific use types:

a. Surface Parking, Non-Accessory

A non-accessory parking lot.

b. Structured Parking, Non-Accessory

A non-accessory parking garage.

12. Retail Sales

Uses involving the sale, lease or rental of new or used goods to the ultimate consumer. The retail sales subcategory includes retail sales uses that sell or otherwise provide:

- a. sundry goods;
- b. products for personal grooming and for the day-to-day maintenance of personal health;
- c. food or beverages for off-premise consumption, including grocery stores and similar uses that provide incidental and accessory food and beverage service as part of their primary retail sales business;
- d. wearing apparel, fashion accessories, furniture, household appliances and similar consumer goods, large and small, functional and decorative, for use, entertainment, comfort or aesthetics;
- e. goods used to repair, maintain or visually enhance a structure or premises, such as hardware stores, home improvement stores, paint and wallpaper supply stores and garden supply stores.

13. Self-service Storage Facility

An enclosed use that provides separate, small-scale, self-service storage facilities leased or rented to individuals or small businesses for dead storage. Dead storage excludes on site retail, manufacturing, or service operation and operations with on-site employees on-site or operations with on-site material handling. Self-storage facilities may include up to one caretaker's residence on-site.

a. Type 1

Class 1 self-service storage facilities are those in which individual storage spaces are accessed exclusively via interior hallways and contained within completely enclosed (typically climate-controlled) buildings.

b. Type 2

Class 2 self-service storage facilities are those in which all storage spaces are contained within completely enclosed buildings and in which some or all individual storage spaces have direct customer access from the building's exterior without use of an interior hallway.

c. Type 3

Class 3 self-service storage facilities are those that involve any outdoor storage.

14. Sports and Recreation, Participant

Provision of sports or recreation primarily by and for participants. (Any spectators are incidental and present on a nonrecurring basis). Examples include bowling centers, health clubs, skating rinks, billiard centers, golf driving ranges, miniature golf courses, shooting ranges and batting cages. Also includes public and private golf courses.

a. Indoor, Minor

Participant sports and recreation uses that are conducted entirely within buildings that have a gross floor area of no more than 20,000 square feet.

b. Indoor, Major

Participant sports and recreation uses that are conducted entirely within buildings and that have a gross floor area of more than 20,000 square feet.

c. Outdoor, Minor

Participant sports and recreation uses that are primarily outside of a fully enclosed building and that meet all of the following criteria:

- (1) have no more than 50 off-street parking spaces;
- (2) do not have outdoor lights mounted more than 20 feet above grade; and
- (3) do not have speakers for amplified sound.

d. Outdoor, Major

Participant sports and recreation uses that are primarily outside of a fully enclosed building and that do not meet all of the criteria established for "minor" Participant sports and recreation uses (see above).

e. Shooting Range, Outdoor

An outdoor facility, including its component shooting ranges, safety fans, shot fall zones, parking areas, and other associated improvements, designed for the purpose of providing a place for the discharge of various types of firearms or the practice of archery. Occasional target practice performed by individuals who own or lease the subject property is considered an accessory use and is not classified as a shooting range.

15. Trade School

Uses in an enclosed building that focus on teaching the skills needed to perform a particular job. Examples include schools of cosmetology, modeling academies, computer training facilities, vocational schools, administrative business training facilities and similar uses. Truck driving schools are classified as "trucking and transportation terminals" (wholesale, distribution and storage use category).

16. Vehicle Sales and Service

Uses that provide for the sale, rental, maintenance or repair of new or used vehicles and vehicular equipment. The vehicle sales and service subcategory includes the following specific use types:

a. Commercial Vehicle Repair and Maintenance

Uses, excluding vehicle paint finishing shops, that repair, install or maintain the mechanical components or the bodies of large trucks, mass transit vehicles, large construction or agricultural equipment, aircraft or similar large vehicles and vehicular equipment. Includes truck stops and truck fueling facilities.

b. Commercial Vehicle Sales and Rentals

Uses that provide for the sale or rental of large trucks, large construction or agricultural equipment, aircraft, or similar large vehicles and vehicular equipment.

c. Fueling Station

Uses engaged in retail sales of personal or commercial vehicle fuels, including natural gas fueling stations and rapid vehicle charging stations and battery exchange facilities for electric vehicles.

d. Personal Vehicle Repair and Maintenance

Uses, excluding vehicle paint finishing shops, that repair, install or maintain the mechanical components or the bodies of autos, small trucks or vans, motorcycles, motor homes or recreational vehicles including recreational boats or that wash, clean or otherwise protect the exterior or interior surfaces of these vehicles.

e. Personal Vehicle Sales and Rentals

Uses that provide for the sale or rental of new or used autos, small trucks or vans, trailers, motorcycles, motor homes or recreational vehicles including recreational boats. Typical examples include automobile dealers, auto malls, car rental agencies and moving equipment rental establishments (e.g., U-haul).

f. Vehicular Equipment and Supplies Sales and Rentals

Uses related to the sale, lease or rental of new or used parts, tools or supplies for the purpose of repairing or maintaining vehicles.

g. Vehicle Body and Paint Shop

Uses that primarily conduct vehicle body work and repairs or that any uses that apply paint to the exterior or interior surfaces of vehicles by spraying, dipping, flow-coating or other similar means.

25.020-E Wholesale, Distribution & Storage Use Category

This category includes uses that provide and distribute goods in large quantities, principally to retail sales, commercial services or industrial establishments. Long-term and short-term storage of supplies, equipment, commercial goods and personal items is included. The wholesale, distribution & storage subcategories are as follows.

1. Equipment and Materials Storage, Outdoor

Uses related to outdoor storage of equipment, products or materials, whether or not stored in containers.

2. Trucking and Transportation Terminals

Uses engaged in the dispatching and long-term or short-term storage of trucks, buses and other vehicles, including parcel service delivery vehicles, taxis and limousines. Minor repair and maintenance of vehicles stored on the premises is also included. Includes uses engaged in the moving of household or office furniture, appliances and equipment from one location to another, including the temporary on-site storage of those items.

3. Warehouse

Uses conducted within a completely enclosed building that are engaged in long-term and short-term storage of goods and that do not meet the definition of a “self-service storage facility” or a “trucking and transportation terminal.”

4. Wholesale Sales and Distribution

Uses engaged in the wholesale sales, bulk storage and distribution of goods. Such uses may also include incidental retail sales and wholesale showrooms. Expressly includes the following uses bottled gas and fuel oil sales, flea markets, ice distribution centers, monument sales, portable storage building, sales, vending machine sales, linen supply and dry cleaning/laundry plants with a maximum gross floor area of 5,000 square feet, auctioneers, cabinet makers, drapery services, frozen food lockers and woodworking shops.

25.020-F Industrial Use Category

This category includes uses that produce goods from extracted and raw materials or from recyclable or previously prepared materials, including the design, storage and handling of these products and the materials from which they are produced. The industrial subcategories are:

1. General Industrial

Manufacturing and industrial uses that process, fabricate, assemble, treat or package finished parts or products without the use of explosive or petroleum materials.

2. Intensive Industrial

Manufacturing and industrial uses that regularly use hazardous chemicals or procedures or produce hazardous or noxious byproducts, including the following: manufacturing of acetylene, cement, lime, gypsum or plaster-of-Paris, chlorine, corrosive acid or fertilizer, insecticides, disinfectants, poisons, explosives, paint, lacquer, varnish, petroleum products, coal products, plastic and synthetic resins and radioactive materials. This subcategory also includes petrochemical tank farms, gasification plants, smelting, animal slaughtering, oil refining, asphalt and concrete plants and tanneries. Intensive industrial uses have high potential for external impacts on the surrounding area in terms of noise, vibration, odor, hours of operation and truck/commercial vehicle traffic.

3. Junk or Salvage Yard

An area or building where waste or scrap materials are bought, sold, exchanged, stored, baled, packed, disassembled or handled for reclamation, disposal or other like purposes, including but not limited to automobiles, scrap iron and other metals, paper, rags, rubber tires and bottles. This use subcategory does not apply to property used for bona fide farm purposes, including the production and activities relating or incidental to the production

of crops, fruits, vegetables, ornamental and flowering plants, dairy, livestock, poultry, and all other forms of agricultural products having a domestic or foreign market.²¹

4. Mining/Extraction

The extraction of oil, gas, minerals, ~~top soil~~ or aggregate resources from the ground. Examples include oil and gas extraction; quarrying or dredging for sand, gravel or other aggregate materials; mining and top soil extraction. Also includes crushing, washing and grading minerals, top soil or aggregate resources; manufacture of Portland cement, concrete or asphaltic concrete, at the source of supply of crushed rock, sand, or gravel.

25.020-G Recycling and Waste-Related Use Category

This category includes uses that collect, store or process recyclable or waste material for the purpose of marketing or reusing the material in the manufacturing of new, reused or reconstituted products or for disposal of the material.

1. Construction and Demolition Debris Recycling

Establishments that receive and process general construction or demolition debris for recycling.

2. Recyclable Material Processing Center

Establishments that receive and sort, distribute or process recyclable commodities for subsequent use in the secondary market. Also includes recycling collection facilities that do not meet the definition of a "solid waste convenience center."

3. Landfills

a. Sanitary

Land and facilities used as a permanent disposal place for garbage, trash, and other types of solid wastes in accordance with N.C.G.S Chapter 130A, Article 9.

b. Construction and Demolition Debris

Land and facilities used for the disposal of materials allowed in a reclamation landfill or construction material consisting of debris associated with the construction or demolition of buildings, and industrial solid waste as defined in the ENR-Division of Waste Management Regulations effective January 9, 1997. "On-site" facilities are for those wastes produced from on-site clearing and building construction. "Off-site" facilities area for those wastes that are transported from other sites.

c. Reclamation

An operation that consists of the dumping of uncontaminated soil, sand, gravel, rocks, stumps, limbs, and leaves on a tract of land for the purpose of raising the elevation of such land.

4. Solid Waste Convenience Center

A collection point for the temporary storage of solid waste and consumer recyclable material provided for individual solid waste/recyclable material generators within the

²¹ This provision is currently handled as a use standard, in existing section 180-O.

county who choose to transport solid waste/recyclable material generated on their own property to an established point, rather than directly to a disposal or collection facility. A convenience center may not receive waste/recyclable material from collection vehicles that have collected waste/recyclable material from more than one real property owner.

5. Solid Waste Transfer Station

A facility where solid waste/recyclable materials, including yard waste, demolition materials, and household refuse, are transferred from small vehicles to large trucks for efficient transport to landfills, recycling centers, and other disposal sites.

25.020-H Agriculture and Agriculture-related (non-exempt) Use Category

This category includes agricultural uses that do not qualify as bona fide farms, which are exempt from the zoning regulations of this ordinance. It also includes uses and activities that are directly related to agriculture and that are necessary to provide service and financial support for farming and agriculture uses.

1. Agribusiness

Commercial activities offering goods and services which support production of agricultural products or processing of those products to make them marketable. Examples include, but are not limited to, soil preparation, animal and farm management, landscaping and horticultural services, specialized commercial horticulture, specialized animal husbandry, biocide services, retail sales of farm/garden products, supplies and equipment, equipment rental and repair service, tack shop, farrier, blacksmith, welding shops, facilities for animal shows, animal sales and auctions, agriculture-based clubs/meeting halls, storage of agricultural supplies and products, and processing plants for agricultural products including wineries and canneries.

2. Agriculture, Non-exempt

Production and activities relating to or incidental to the production of crops, fruits, vegetables, ornamental and flowering plants, dairy, livestock, poultry, and other forms of agricultural products having a domestic or foreign market, not including bona fide farms (see bona fide farm zoning exemption in [Section 1.050](#)).

3. Agritourism

Farm-related enterprises that operate for the enjoyment and education of the public and that combine tourism and agriculture. Agritourism uses include those that are for-profit and those that are provided free of charge to the public, including all of the following:

a. Agriculture Cultural Center

A facility established for the purpose of educating the public about agricultural activities, or the heritage and culture of agricultural activities. In addition, this use subcategory included museums dedicated solely to agriculture themes and living history farm sites.

b. Agritainment

Events and activities that allow for recreation, entertainment, and tourism in conjunction with agriculture support and services directly associated with ongoing agri-

cultural activities on-site that are for-profit. Events and activities include the following: hay rides, corn mazes, hay mazes, petting zoos (farm animals only) and agricultural festivals.

c. Corn Maze

A labyrinth utilizing an agricultural crop, such as corn, to create a system of paths.

d. Eco-Tourism Enterprise

Tourism activities and facilities that focus on visitation and observation of or education about natural history, indigenous ecosystems, native plant or animal species, natural scenery or other features of the natural environment. Eco-tourism enterprises may include cultural activities related to such activities or work projects that help conserve or safeguard the integrity of a natural feature, habitat, or ecosystem.

e. Farm Markets

An on-site, accessory use to a working or active farm that includes the sale of horticulture or agricultural products, including, perennial, annuals, bulbs, dried flowers, compost, Christmas trees, fresh produce, honey, cider, and similar agricultural products. A minimum of 50% of the products sold must be agricultural products produced on-site.

f. Farmer's Market, Community-Scale

A facility with a maximum area of less than 5,000 square feet in gross floor area or ground area that sells or provides fresh agricultural products directly to the consumer in a market setting. Farmer's markets may include multiple vendors who offer homegrown produce raised by the vendor or produce bought by the vendor on consignment, for retail sale.

g. Farmer's Market, Regional-Scale

A facility that is 5,000 square feet in gross floor area or ground area that sells or provides fresh agricultural products directly to the consumer in a market setting. Farmer's markets may include multiple vendors who offer homegrown produce raised by the vendor or produce bought by the vendor on consignment, for retail sale.

h. Restaurant, Farm-based

Restaurants on parcels occupied by a working farm that serve food and beverages primarily to customers seated at tables or counters located within a building or designated outdoor seating areas. At a minimum, 50% of the food served at this type of restaurant must be grown on-site, or on parcels that are part of the subject farm.

i. Participatory Farms

Farm-based, tourism-driven enterprises where individuals or groups pay to participate on a working farm or dude ranch.

j. Rural Retreat

An establishment that is part of a working farm that provides temporary overnight accommodations for individuals or groups engaged in supervised training or per-

sonal improvement activities. Examples include corporate retreat facilities, educational retreat facilities and working farm learning centers. Restaurants are an allowed accessory use.

k. Wine Tasting Room

A facility in which wine products grown or processed on the owner's property may be tasted and sold. This definition may include the following as ancillary uses: gift/retail sales, assembly areas and meeting rooms.

l. Winery

A manufacturing facility or establishment engaged in the processing of grapes to produce wine or wine-like beverages.

25.020-l Other Use Category

This category includes uses that do not fit the other use categories.

1. Drive-in or Drive-through Facility

Any use with drive-through windows or drive-through lanes or that otherwise offer service to the occupants of motor vehicles. Typical uses include drive-through restaurants, drive-through pharmacies and drive-in restaurants. Note: drive-in or drive-through facilities are allowed only in conjunction with uses that are expressly allowed. A drive-through restaurant (eating place) is allowed, for example, only in those zoning districts that allow both eating places and drive-in/drive-through facilities.

2. Telecommunications Facility

Towers, antennas, equipment, equipment buildings and other facilities used in the provision of radio, television, cellular telephone and similar wireless communication services. The following are telecommunications facility use types:

a. Freestanding Towers

A structure intended to support equipment that is used to transmit and/or receive telecommunications signals including monopoles and guyed and lattice construction steel structures.

b. Building or Tower-Mounted Antennas

The physical device that is attached to a freestanding tower, building or other structure, through which electromagnetic, wireless telecommunications signals authorized by the Federal Communications Commission are transmitted or received.

Article 30 | Supplemental Use and Building Regulations

| | | |
|----------------|--|-------|
| Section 30.010 | Adult Uses | 30-1 |
| Section 30.020 | Agribusinesses | 30-2 |
| Section 30.030 | Campsites, Campgrounds and RV Parks | 30-3 |
| Section 30.040 | Cemeteries | 30-6 |
| Section 30.050 | Continuing Care Facilities | 30-6 |
| Section 30.060 | Dependent Care Residence (Temporary) | 30-6 |
| Section 30.070 | Driving Ranges and Par-3 Golf Courses..... | 30-6 |
| Section 30.080 | Entertainment and Spectator Sports..... | 30-8 |
| Section 30.090 | Landfills..... | 30-9 |
| Section 30.100 | Livestock and Poultry | 30-10 |
| | Except where livestock or poultry are kept on a bona fide farm that is exempt from regulations under this ordinance, all areas where livestock or poultry are housed must be set back at least 150 feet from all lot lines. This setback is not required from lot lines abutting a lot that is under the same ownership as the subject lot. | 30-10 |
| Section 30.110 | Manufactured Housing Units | 30-10 |
| Section 30.120 | Manufactured Housing Units, Temporary..... | 30-11 |
| Section 30.130 | Manufactured Housing Parks..... | 30-11 |
| Section 30.140 | Mining/Extraction Uses | 30-13 |
| Section 30.150 | Recyclable Material Processing Center | 30-14 |
| Section 30.160 | Shooting Range | 30-15 |
| Section 30.170 | Stables and Riding Academies | 30-16 |
| Section 30.180 | Telecommunications Towers and Facilities..... | 30-16 |

Section 30.010 Adult Uses

30.010-A Purpose

The purpose of the adult use regulations of this section is to provide areas in which adult entertainment or sexually oriented business may be established. Because of their very nature, these adult uses/establishments, adult hotel/motels, adult video stores, and adult lingerie modeling studios, are recognized as having serious objectionable operational characteristics upon adjacent neighborhoods and residential or institutional uses. It has been demonstrated that the establishment of adult businesses often creates problems for law enforcement agencies, by the very nature of these businesses and the difficulty often experienced in trying to determine if the operations are of a legal nature. Special regulation of these establishments is necessary to insure that these adverse effects will not contribute to a de facto downgrading or blighting of surrounding neighborhoods and uses. It is the intent of this section to restrict the concentration of these uses and to separate these uses from residential and institutional uses or areas.

30.010-B Regulations

1. General

All adult uses/establishments, adult hotel/motels, adult video stores, and adult lingerie modeling studios must obtain a special use permit and comply with all of the supplementary regulations of this section. In addition, a site plan and vicinity map along with any other information as required by this ordinance, must be submitted to the Zoning administrator to verify compliance.

2. Advertisements and Sound

No printed material, slide, video, photograph, written text, live show, or other visual presentation format shall be visible from outside the walls of any adult use/ establishment, adult hotel/motel, adult video store, or adult lingerie modeling studio. No live or recorded voices, music, or sound shall be audible from outside the walls of the adult/use establishment, adult hotel/motel, adult video store, or adult lingerie modeling studio.

3. Over-concentration

No more than one adult use/establishment, adult hotel/motel, adult video store, or adult lingerie modeling studio may be located within a 2,000-foot radius. This is determined by straight line and not street distance to any portion of the adult use/establishment, adult hotel/motel, adult video store, or adult lingerie modeling studio structure or parking area.

4. Proximity to Other Uses

No adult use/establishment, adult hotel/motel, adult video store, or adult lingerie modeling studio may be located within a 1,000-foot radius of any residential zoning district; dwelling unit; church, synagogue, temple or other place of worship; school; day care; or public park or playground. This is determined by straight line and not street distance to any portion of the adult use/establishment, adult hotel/motel, adult video store, or adult lingerie modeling studio structure or parking area.

5. Other

- a. Except for an adult hotel/motel, no adult use/establishment, adult video store, or adult lingerie modeling studio may have sleeping quarters or private rooms.
- b. There may not be more than one adult use/establishment, adult hotel/motel, adult video store, or adult lingerie modeling studio on the same property or in the same building or structure.
- c. The maximum gross floor area of any allowed adult use/establishment, adult hotel/motel, adult video store, or adult lingerie modeling studio may not exceed 5,000 square feet.

Section 30.020 Agribusinesses

Agribusiness uses in the RA-40 district are subject to all of the following regulations:

- 30.020-A** The lot where the agribusiness use is located must have sufficient frontage along an arterial street so that the principal means of ingress and egress for the use comes along such street.

- 30.020-B** No building or structure that houses any part of the agribusiness use may be located within 500 feet of any existing dwelling unit (other than a residence owned by the applicant) that is occupied, held ready for occupancy, or under construction on the date the permit is issued.
- 30.020-C** An opaque screen must be installed on all sides of the property containing the agribusiness use (except a side that borders a public street) to provide visual screening for adjacent properties. The required screen must comply with [cross-reference to be inserted].
- 30.020-D** Agribusiness uses may not have truck pick-up or delivery traffic before 7:00a.m. or after 7:00 p.m.
- 30.020-E** In order to approve the special use permit, the board of adjustment must find that the proposed use will not substantially injure the value of adjoining or neighboring properties. A petition signed by all owners of properties entitled to receive notice of the special use permit hearing, and stating that such property owners believe their property values will not be adversely affected by the proposed use, constitutes sufficient evidence for the board to make this required finding, but does not obligate the board of adjustment to approve the special use permit. Other types of evidence may also be considered by the board of adjustment.

Bed and Breakfast Inns²²

~~In the R-10 zoning district, a dwelling unit may not be expanded by more than 10% of its original floor area, nor may guest rooms be added to or created within accessory buildings.~~

Section 30.030 Campsites, Campgrounds and RV Parks²³

30.030-A Required Reviews

Campsites, campgrounds and RV parks require review and approval by ~~the county health department~~ authorized local and state agencies in addition to reviews and approvals required under this ordinance.

30.030-B Permanent Residency Prohibited

1. No camping space or camping unit may be used as a permanent residence. Continuous occupancy extending beyond 3 months in any 12-month period will be presumed to constitute permanent residency.
2. The wheels of a recreational vehicle may not be removed except for temporary purposes of repair.

30.030-C Minimum Land Area

1. Primitive campsites require a minimum land area of 2 acres.
2. Modern campgrounds and RV parks require a minimum land area of 25 acres.

²² Use regulations propose eliminating B&Bs as allowed use in R-10 (currently a special use in R-10)

²³ The provisions were formerly included in Appendix G.

3. Each camping site must have a minimum area of 2,500 square feet with a minimum width of 40 feet.
4. Where cabins are to be used, a minimum of 20,000 square feet of area must be provided per cabin. Clustering is allowed provided the minimum site area is allotted.

30.030-D Spacing of Camping Units

Camping units must be separated from one other and from other structures by a minimum distance of at least 10 feet. No part of a recreational vehicle or other unit placed on a camping unit site may be closer than 5 feet to a site line.

30.030-E Water, Sewer and Sanitation

1. Water supply, sewage disposal, sewage collection, other sanitary facilities and insect and rodent control plans and specifications must be approved by the ~~Union County Health Department—Environmental Health Division or appropriate state agency~~ authorized local and state agencies.
2. Sanitary facilities such as a toilet, lavatory, and bathing facilities must be provided in the following minimum numbers:
 - a. Every campground must have at least one toilet for each sex, except that in isolated campgrounds limited to infrequent or casual use and where access is by foot, horseback, or trail vehicles, one privy or toilet may be utilized by both sexes.
 - b. A water supply must be provided by a hand pump or water spigot.
 - c. Where a campground is designed and operated for exclusive use by independent or self-contained camping vehicles only, at least one toilet and one lavatory must be provided for each sex at the rate of one for every 100 camping unit sites or fraction thereof.
 - d. Where a campground accepts or accommodates dependent camping vehicles and camping equipment campers, at least one toilet and one lavatory must be provided for each sex at the rate of one each for every 15 camping unit sites or fraction thereof, and at least one shower must be provided for each sex for every 30 camping unit sites or fraction thereof. Lavatories must be provided at each building containing toilet facilities.
3. One recreational vehicle disposal station must be provided for each 100 recreational vehicles, or fraction thereof, that are not equipped with individual sewer and water connections. Each station must be level, have convenient access from the service road, and provide easy ingress and egress. Sanitary disposal stations must be constructed according to specifications approved by ~~the Union County Health Department—Environmental Health Division~~ authorized local and state agencies.
4. Pads must be provided for all trash and recycling containers. Such container pads must be designed to prevent containers from being tipped, to minimize spillage and container deterioration, and to facilitate cleaning of surrounding areas. Dumpsters must be designed in accordance with INSERT X-REF.

30.030-F Accessory Uses

Accessory uses, such as management headquarters, recreational facilities, toilets, dumping stations, showers, coin-operated laundry facilities, and other uses and structures customarily incidental to the operation of a campground are permitted as accessory uses.

30.030-G Common Open Area

A minimum of 8% of the gross site area of the campground must be set aside as common use areas for open or enclosed recreation.

30.030-H Streets

1. Streets and driveways may be private, but must be constructed with a stabilized travel way (marl, shell, paving or other county-approved material) and meet the following minimum stabilized travel way width requirements:

| Street/Drive Design | Minimum Width (feet) |
|--|-----------------------------|
| One-way, no parking | 11 feet |
| One-way with parking on one side, or two-way with no parking | 18 feet |
| Two-way with parking on one side | 27 feet |
| Two-way with parking on both sides | 34 feet |

2. Street name signs and traffic control signs must be placed throughout the campground, where appropriate.

30.030-I Parking Spaces

1. At 1.5 parking spaces must be provided in the campground per camping unit site. At least one parking space must be provided at each site. Additional off-street parking may be provided in common areas or on individual sites.
2. Parking spaces must have a stabilized surface of shell, marl, paving, or other county-approved material.

30.030-J Road Access; Ingress and Egress

1. All campgrounds must be provided with safe and convenient vehicular access from an improved public road. The North Carolina Department of Transportation must approve all access and entrance locations and improvements before the issuance of a permit.
2. Entrances and exits to campgrounds must be designed for safe and convenient movement of traffic into and out of the campground and to minimize conflicts with free movement of motorized and nonmotorized travel on adjacent streets and sidewalks. All traffic into and out of the campground must be through such entrances and exits. Entrances or exits that require a turn at an acute angle for vehicles moving in the direction intended are prohibited. Radii of curbs and pavements at intersections must facilitate easy movements for recreational vehicles.

30.030-K Buffers

A minimum 50-foot buffer area must be provided between any camping unit site and adjoining property lines and public streets. These buffers must remain as vegetated open space and may be counted toward meeting common open area requirements.

30.030-L Fire Safety

Fireplaces, fire pits, charcoal braziers, wood burning stoves, or other cooking facilities must be located, constructed, maintained and used to minimize fire hazard and smoke nuisance in the campground and the neighborhood properties.

Section 30.040 Cemeteries

Burial plots must be set back at least 40 feet from all cemetery lot lines and street rights-of-way.

Section 30.050 Continuing Care Facilities

30.050-A When used as a continuing care facility, the density and number of units permitted may be doubled in the RA-200, RA-40, R-40, RA-20, R-20, R-15, and R-10 zoning districts.

30.050-B Whenever the ~~density~~ gross floor area of a continuing care facility is more than 20,000 square feet or a lot is less than 20,000 square feet, the development must be served by ~~public~~ central water and sewer.

~~A continuing care facility is allowed as or right as an accessory use to a major residential subdivision of 50 or more acres.~~

Section 30.060 Dependent Care Residence (Temporary)

30.060-A ~~In all residential districts and the HC district, not more than one Class C manufactured housing unit may be permitted in a rear yard on a temporary basis, provided~~ In order to approve a temporary dependent care residence, the Board of Adjustment ~~must~~ issues a special use permit after finding that a personal hardship situation ~~exists~~ justifying such a special use exists. ~~Such~~ The hardship must involve the need to care for elderly ~~parents~~ family members or other dependents of the family occupying the principal ~~building~~ dwelling. Reasons justifying the need for separate quarters ~~shall be~~ include incompatibility, contagious disease, illness, or lack of ~~adequate~~ suitable space within the principal ~~building~~ dwelling. A monetary hardship does not qualify as a personal hardship.

30.060-B Special use permits authorizing temporary dependent care residences ~~the use~~ may be issued ~~in such cases~~ for a maximum of 6 months, but may be renewed for successive 6-month periods for so long as the hardship continues to exist. Application for renewal of the permit must be made at least 30 days before the expiration date.

30.060-C Temporary dependent care ~~All such manufactured residences housing units~~ must ~~have~~ be served by access to approved water and sewer systems and ~~such manufactured housing units must be~~ maintained so as not to create nuisance conditions or adversely affect the visual character of the surrounding residential area.

30.060-D Authorized Temporary dependent care residences ~~authorized under this section shall~~ are not counted in calculating ~~be subject to the~~ density limitations set forth in Article XII but ~~shall~~ are ~~be~~ subject to applicable setback and building height regulations ~~requirements~~.

Section 30.070 Driving Ranges and Par-3 Golf Courses

30.070-A Lighting must be directed away from residential areas or otherwise shielded to prevent glare on neighboring properties.

- 30.070-B** An opaque (Type A) screen must be installed on all sides of the property that do not border public streets.
- 30.070-C** Vehicular access to lots in R zoning districts must be provided from a collector street or higher road classification. Access from local streets is prohibited.
- 30.070-D** Snack bars, club houses, pro shops and similar accessory uses must be set back at least 300 feet from lots occupied by residential uses or platted for residential use. Parking must be set back at least 200 feet from lots occupied by residential uses or platted for residential use.
- 30.070-E** Netting must be installed to keep golf balls within the golf driving range area.
- 30.070-F** Putting greens must be set back at least 100 feet from lots occupied by residential uses or platted for residential use.
- 30.070-G** The depth of a golf driving range (along the driving axis) must be at least 350 yards, measured from the location of the tees. The width must be at least 200 yards, measured at a distance of 350 yards from the tees.
- 30.070-H** Driving ranges and par-3 golf courses require a minimum site area of 10 acres when located in R districts.

Fueling Stations and Car Washes²⁴

The following regulations apply to fueling stations and car washes in the RA-40 district:

- ~~**30.070-I** Fuel sales and car washes are only allowed in combination with a convenience store.~~
- ~~**30.070-J** The principal building occupied by the use must be located in compliance with both of the following restrictions:
 - ~~1. at least part of the building must be located within 500 feet of the point formed by the intersection of the centerlines of 2 state maintained roads or within a distance of 50 feet of a building on the subject site that is used or has at some time since January 1, 1975, been used as a retail store; and~~
 - ~~2. no part of the building may be located within 500 feet of any existing residential dwelling unit other than a dwelling unit occupied by the owner/operator of the rural business use.~~~~
- ~~**30.070-K** Structures or buildings constructed in connection with fuel sales or car wash operations must be located to comply with both of the following restrictions:
 - ~~1. at least part of each such structure or building must be located within 50 feet of the convenience store; and~~
 - ~~2. no part of such building or structure located within 500 feet of any existing residential dwelling unit other than a dwelling unit occupied by the owner/operator of the rural business use.~~~~

²⁴ Use proposed for elimination in RA-40.

~~30.070-L30.070-I~~ ~~The total combined gross floor area of any fueling stations or car washes may not exceed 6.25% of the subject lot area.²⁵~~

Section 30.080 Entertainment and Spectator Sports²⁶

Entertainment and spectator sports uses are subject to the following regulations, as indicated.

30.080-A Minor Outdoor Entertainment and Spectator Sports

Proposed minor outdoor entertainment and spectator sports uses proposed to be located in R districts must be separated by a distance of at least 200 feet from any other R-zoned lot.

30.080-B Major Outdoor Entertainment and Spectator Sports

1. Proposed major outdoor entertainment and spectator sports uses proposed to be located in R districts must be separated by a distance of at least 500 feet from any other R-zoned lot.
2. Major outdoor entertainment and spectator sports uses require special use approval in accordance with [Section 70.060](#). The special use application must be accompanied by a development and operating plan that includes all of the following:
 - a. A site plan drawn to scale depicting public assembly and activity areas, site improvements, road access, driveways, parking areas and sanitary facilities;
 - b. A description of facilities for any animals involved in the planned activities;
 - c. The methods proposed to control dust, erosion, odor, noise, glare, waste disposal (manure, trash, etc.) and traffic congestion;
 - d. A transportation impact study and a traffic management plan;
 - e. A lighting plan demonstrating compliance with the outdoor light regulations of XREF
 - f. The hours of operation;
 - g. The projected number of people on the property during activities;
 - h. A description of all items for sale during event activities, such as food, beverages and souvenirs; and
 - a.i. Additional information as may be required by the zoning administrator to enable competent review of the required special use permit.

²⁵ Existing sign regulation has been removed (maximum one sign, 32 square feet) has been removed and will be relocated to sign regulations.

²⁶ These regulations are entirely new

Greenhouses

~~In the R-40 zoning district, greenhouses with on-premise sales must be located on lots fronting on arterial or higher classification streets.~~

Section 30.090 Landfills

30.090-A Demolition and Reclamation Landfills

Reclamation landfills not exceeding one acre in area and on-site demolition landfills are permitted as of right in all zoning districts, subject to the following regulations:

1. Solvents, chemicals, liquid paint, asbestos, food or food by products or any infectious or hazardous substance are prohibited.
2. Operators must maintain valid permits and comply with all applicable regulations of ~~the county health department and the state~~ authorized local and state agencies.
3. The landfills may be operated for a maximum period of 24 months, after which time it must be closed in an approved fashion. On-site demolition landfills located in an industrial zoning district are exempt from the 24-month closing requirement, provided that no portion of the site is located within 100 feet of any R-zoned lot or within 100 feet of lots occupied by residential use or platted for residential use.
4. The location of any landfill site must be indicated on the final subdivision plat. If no subdivision plat is required, the landfill site must be identified by a legal description as part of the deed for the lot or parcel and/or be recorded by a plat map. A zoning compliance permit may not be issued until proof of recordation is presented to the zoning administrator.

30.090-B Other Landfills

All landfills over one acre in area (except for reclamation landfills not exceeding one acre and on-site demolition landfills) are subject to the following regulations:

1. **Setback Requirements**
Unless a written waiver is granted by the abutting property owner, no portion of any landfill may be located within 100 feet of any lot line. This includes, but is not limited to, structures, offices, equipment storage, parking areas and fill areas, except that access drives may cross this area. Operation within 100 feet of an exposed body of water or mine shaft opening is prohibited, with no exceptions.
2. **Screening**
Existing trees and vegetation must be maintained within 100 feet of abutting lot lines and any public street right-of-way. Where the natural growth within 100 of abutting lot lines and street rights-of-way does not comply with the semi-opaque or Type B screening standards of XREF to effectively screen the landfill site from the view from abutting properties and rights-of-way, then natural screening in accordance with the requirements of XREF must be provided. Access to the site may cross this 100-foot screening buffer.
3. **Hours of Operation**
Landfills may only operate from 8:00 a.m. until sunset. Sunday operation is prohibited.

4. Access

Vehicular access to the landfill site must be provided from a state-maintained arterial or higher classification road. Access from the state-maintained arterial or higher classification road must be paved with asphalt or concrete for the first 25 feet and to a minimum width of 20 feet. If a shared easement, right-of-way, or driveway provides access, such roadway must be surfaced with asphalt or concrete to a minimum width of 20 feet in order to provide protection against potholes, erosion and dust, and must be maintained by the landfill operator up to such landlocked parcel. Although not required to be paved, all other roads within the landfill site must be maintained to minimize dust and airborne particles. A metal fence and gate, sufficient to block access to the site, must be located at all entrances to the landfill site and must be locked when the landfill is not in operation. An attendant must be on-site during all hours of operation.

5. Flood Area

Filling of any type is prohibited in any portion of a ~~regulatory floodway~~ special flood hazard area.

6. Closure

The landfill site must be permanently closed when the reclamation area or landfill site has been filled or reached capacity.

7. Sedimentation/Erosion Control

Before any permit is issued or any work commences, the operator must file with the zoning administrator a copy of the approved sedimentation/erosion control plan and letter of approval from authorized local and state agencies (e.g., the North Carolina Department of Environment, Health, and Natural Resources).

8. Health Permits

Landfill operations must maintain a valid permit from and comply with all applicable regulations of ~~the county health department and the state~~ authorized local and state agencies.

9. Site Recordation

A plat map and/or metes and bounds legal description designating the lot and landfill boundary area must be recorded in the register of deeds office before the issuance of a zoning compliance permit by the zoning administrator.

Section 30.100 Livestock and Poultry

Except where livestock or poultry are kept on a bona fide farm that is exempt from regulations under this ordinance, all areas where livestock or poultry are housed ~~or kept~~ must be set back at least 150 feet from all lot lines. This setback is not required from lot lines abutting a lot that is under the same ownership as the subject lot.

Section 30.110 Manufactured Housing Units

30.110-A All manufactured housing units, whether located inside or outside of manufactured housing parks, must have a continuous curtain wall, unpierced except for required ventilation and access, installed under the home after placement on the lot and before occupancy.

- 30.110-B** All manufactured housing units located outside of manufactured housing parks must be sited on the lot so that the front door of the unit is parallel or substantially parallel to the road upon which the lot fronts.
- 30.110-C** Class A and class B manufactured housing units located outside of manufactured housing parks must have a permanent masonry curtain wall, but if stucco is used, it may be applied to a masonry foundation only. In all other circumstances, a curtain wall or skirting composed of vinyl, masonite, fiberglass, treated lumber, or similar weather-resistant material is acceptable. Stucco alone does not meet these requirements.
- 30.110-D** If a special use permit is required, the board of adjustment may not approve the special use permit unless the board makes an affirmative finding that the proposed use will not substantially injure the value of adjoining or neighboring properties. A petition signed by all owners of properties entitled to receive notice of the special use permit hearing, and stating that such property owners believe their property values will not be adversely affected by the proposed use, constitutes sufficient evidence for the board to make this required finding, but does not obligate the board of adjustment to approve the special use permit. Other types of evidence may also be considered by the board of adjustment.

Section 30.120 Manufactured Housing Units, Temporary

- 30.120-A** Temporary residences used on construction sites of nonresidential premises must be removed immediately upon the completion of the project.
- 30.120-B** Permits for temporary residences to be occupied pending the construction, repair, or renovation of the permanent residential building on a site expire 9 months after the date of issuance, except that the administrator may renew such permit for one additional period not to exceed 3 months if the zoning administrator determines that renewal is reasonably necessary to allow the proposed occupants of the permanent residential building to complete the construction, repair, renovation or restoration work necessary to make such building habitable.
- 30.120-C** Temporary residences must be a Class A, B, or C manufactured housing unit; travel trailers or campers do not qualify. The applicant must obtain or have a valid residential dwelling building permit for the principal structure on the lot when applying for a permit for a temporary residence on the same lot.

Section 30.130 Manufactured Housing Parks²⁷

30.130-A Required Reviews

Manufactured housing parks are subject to review and approval by authorized local and state agencies ~~the county health department~~ in addition to reviews and approvals required under this ordinance.

²⁷ The provisions were formerly included in Appendix F. All other provisions from that appendix are proposed for elimination.

30.130-B Minimum Land Area

Manufactured housing parks require a minimum land area of 2 acres and must include sites for at least 5 manufactured housing units.

30.130-C Building Additions

No living compartment or structure other than a Florida room, or other prefabricated structure, specifically designed for manufactured housing unit use or extension, may be added to any manufactured housing unit. Porches covered with a roof and open on at least 3 sides are also allowed.

30.130-D Offices

~~Within a manufactured home park, one manufactured home may be used as an administrative office.~~ An administrative office is allowed within the manufactured housing park, provided it complies with the North Carolina building code and all county development regulations.

30.130-E Setbacks

~~Zoning district S setback requirements apply to each manufactured housing unit site requirements of the subject zoning district must be met, except in the R-8 district, where a minimum street setback of 20 applies.~~

30.130-F Accessory Structures

One accessory structure per site may be constructed or placed in the rear yard area. Such structure may not exceed 100 square feet in area and must be set back at least 10 feet from all lot lines.

30.130-G Circulation and Parking

1. Streets must be paved and constructed in accordance with North Carolina Department of Transportation standards.
2. Maintenance of street within the park must be provided by the owners of the park, unless dedication is made and accepted by the state for adding to the state road system.
3. All manufactured home park sites must be serviced by interior streets. Park sites may not take direct driveway access to a state-maintained road.
4. Street name signs and traffic control signs must be placed throughout the manufactured housing park, where appropriate.
5. A minimum of 2 off-street vehicle parking spaces paved or surfaced with at least 4 inches of gravel, must be provided adjacent to each manufactured housing unit space. Required parking may not be located on streets or drives within the park.
6. One driveway servicing not more than 2 sites may be created for every 25 sites that are serviced by interior streets.

30.130-H Refuse and Recycling Area

Pads must be provided for all trash and recycling containers. Such container pads must be designed to prevent containers from being tipped, to minimize spillage and container deterioration, and to facilitate cleaning of surrounding areas. Dumpsters must be designed in accordance with INSERT X-REF.

30.130-I Open Space and Recreational Areas

1. Adequate and suitable open space and recreation areas to serve the anticipated population of the park must be provided and consist of at least 10,000 square feet of land area per 25 manufactured home sites or fraction thereof.
2. Required recreational facilities and open space areas may not be placed in an area utilized for septic tank filter fields.

Planned Residential Developments

Rural Businesses

The following regulations apply to all uses identified as being subject to the "rural business" regulations of this section (indicated by a reference to this [Section 30.160](#) in the use table of [Section 25.010](#))

~~30.130-J~~ All uses subject to these rural business regulations must be set back at least 500 feet from all existing or approved residential dwelling units other than a dwelling unit occupied by the owner/operator of the rural business use.

~~30.130-K~~ A Type A opaque screen must be installed to shield neighboring property and any public street from the view of any building or parking area used for the rural business.

~~30.130-L~~ Rural business uses may not have truck pick-up or delivery traffic before 7:00a.m. or after 7:00 p.m.

~~30.130-M~~ The total gross floor area of any buildings occupied by one or more rural business uses may not exceed 2,000 square feet.

~~30.130-N~~ Vehicle service uses (e.g., repair or body shops) may not have outdoor storage of motor vehicles or motor vehicle parts or equipment.

In order to approve a special use permit for a rural business use, the board of adjustment must find, based on evidence provided by the applicant that the proposed use will not result in substantially diminution of the value of adjoining or neighboring properties. This finding is not required if the applicant presents a petition, signed by the owners of all property owners entitled to receive notice of the hearing on the application stating that the subject property owners believe their property values will not be adversely affected by the proposed use.

Manufacturing/Processing Uses in Commercial Districts²⁸

Section 30.140 Mining/Extraction Uses²⁹

30.140-A All mining and extraction uses require review and approval in accordance with the special use procedures of [Section 70.060](#).

²⁸ Provisions formerly located in Section 173; eliminated.

²⁹ These standards are taken from the existing mining overlay district, which is proposed for elimination. Mining and extraction uses within existing mining overlay districts will be subject to these regulations.

30.140-B Before ~~an /M overlay district classification is applied to~~ special use approval is granted to any property, the applicant ~~for rezoning~~ must first obtain a mining permit from the appropriate state and federal agencies. A copy of the permit together with such documents as were required to obtain such permit, including, but not limited to, any site plans, operations plans, approved reclamation plans and any maps, must be included with the special use application-petition for /M overlay district rezoning. A report prepared by a registered mining engineer must also be included.

30.140-C The following additional regulations apply to mining and extraction uses~~within /M overlay districts~~:

1. The area covered by the state or federal mining permit must be greater than 10 acres;
2. Mining must be on an industrial extraction basis only and is not permitted by hobbyists or others not engaged in the mineral extraction business; and
3. The outer limits of any extraction area where mining is allowed must be at least 50 feet from all property lines and at least 150 feet from any R-zoned lot or any lot occupied by a residential use.

Section 30.150 Recyclable Material Processing Center³⁰

The regulations of this section apply to all recyclable material processing centers.

30.150-A Recyclable material processing facilities may not accept or process construction or demolition debris.

30.150-B All putrescible waste must be processed and stored within completely enclosed buildings.

30.150-C The material recycling facility must be operated in a safe, sanitary, and litter-free manner that protects human health and the environment.

30.150-D Dust, odors, noise, and other nuisances resulting from the operation of the material recycling facility must be minimized to the greatest extent practicable.

30.150-E Unauthorized entry into recyclable material processing facilities must be prevented.

1. Measures to prevent unauthorized entry include appropriate signs located at entrances and other locations in a sufficient number and size to be seen from any approach to the facility and may include fencing where appropriate.
2. If recyclable commodities are accepted directly from the public:
 - a. A designated and clearly identified public consumer recyclable commodities acceptance area that minimizes the potential for accidents and unauthorized entry into non-public areas of the recyclable material processing facility must be provided; and

³⁰ These proposed regulations are new.

b. The types of consumer recyclable commodities accepted from the public and the containers in which they are accepted must be clearly identified.

30.150-F If the material processing facility is located on a site where activities other than the recycling of consumer recyclable commodities occur, the recycling of consumer recyclable commodities must be kept separate from all other activities at the site.

30.150-G Outdoor storage must be screened from view with a solid fence or wall at least 6 feet and no more than 8 feet in height. Stored material may not exceed the height of the fence or wall.

Section 30.160 Shooting Range³¹

The regulations of this section apply to all outdoor shooting ranges.

30.160-A A site plan sealed by a North Carolina registered engineer must be submitted attesting that the proposed shooting range plan complies with all applicable safety and design standards for outdoor firing range provisions and live fire shoot houses set out in Section 4, Outdoor Range Design; Section 6, Live Fire Shoot House; and Attachments 1-2 through 120, of the Range Design Criteria (June 2012) as published by the U.S. Department of Energy's Office of Health, Safety and Security for the type of shooting range proposed; except that Section 4.b(10), the words "or administrative" in the first sentence of Section 4.c(7), the second sentence of Section 4.c(7) and Section 6.a(1) do not apply to outdoor shooting ranges under this ordinance.

30.160-B The detailed site plan must show the boundary of the subject property in its entirety and depict all discernible, existing uses and structures within 300 feet of the subject property's boundary.

30.160-C Surface danger zones must be located entirely on the subject property and must be designed to contain all projectiles and debris caused by the type of ammunition, targets and activities to be used or to occur on the property. The layout of the proposed range with the accompanying safety fans must be delineated on the required site plan. All firing stations must be set back at least 180 feet from all boundaries of the subject property.

30.160-D A minimum 60-foot buffer, undisturbed except for fence installation and vegetative planting, must be provided around the entire perimeter of the subject property and be delineated on the site plan.

30.160-E Shooting ranges must have direct access to a state-maintained road.

30.160-F Unauthorized access to the shooting range facility must be controlled while firearms are being discharged.

30.160-G The developer/operator of the shooting range facility must provide to the zoning administrator at the time of application for permits or final inspection, a certification prepared by a

³¹ These proposed regulations are entirely new.

North Carolina registered engineer that the shooting range facility has an environmental stewardship plan, which may include semi-annual soil and water sampling, regular liming of the soil to prevent lead migration, reclamation and recycling of the lead and is compliant with the Best Management Practices, specifically relating to lead management, as specified by the Environmental Protection Agency's *Best Management Practices for Lead at Outdoor Shooting Ranges*.

Section 30.170 Stables and Riding Academies

Stables and riding academies are subject to the following regulations:

30.170-A Stables and riding academies may not keep more than one horse per acre of land area on the subject lot. Colts or fillies less than 6 months of age are not counted for purpose of this animal density regulation. The number of horse stalls may not exceed the number of horses allowed by these regulations

30.170-B Barns and similar structures used to house horses must be set back in accordance with the following minimum requirements:

1. 50 feet from lot lines; and
2. 100 feet from lots occupied by residential uses; ~~and~~
3. ~~30 feet from the principal structure.~~

30.170-C Barns and similar structures used to house horses must be located in the rear yard when accessory to a residential structure and when located d on lots of less than 4 acres in area.

~~Equestrian-Oriented Subdivisions~~

~~Street Vendors~~

Section 30.180 Telecommunications Towers and Facilities

RESERVED—Revised regulations forthcoming

~~Utility or Public Service Facility~~

~~30.180-A Electric Substations~~

1. ~~All structures must be set back at least 100 feet from road rights-of-way, measured from the required fence enclosing the structure.~~
2. ~~The design of structures must conform as closely as possible to the character of the neighborhood in which they are located.~~
3. ~~Fences and other devices designed to prevent unauthorized access must be installed and maintained around electric substations.~~
4. ~~Screening must be provided as specified in XREF.~~

~~30.180-B Natural Gas Regulator Stations~~

1. ~~All structures must be set back at least 100 feet from road rights-of-way, measured from the required fence enclosing the structure.~~

- ~~2. Fences and other devices designed to prevent unauthorized access must be installed and maintained around electric substations.~~
- ~~3. Screening must be provided as specified in XREF.~~

~~Vehicle Sales and Service~~

~~In the B-1 zoning district, vehicle sales and service uses are only allowed on lots with frontage on a U.S. highway.~~

~~Uses on Periphery of B-6 District~~

Article 90 | Measurements

| | | |
|----------------|--------------------------|------|
| Section 90.010 | Lot Area | 90-1 |
| Section 90.020 | Lot Area per Unit..... | 90-1 |
| Section 90.030 | Lot Width | 90-1 |
| Section 90.040 | Street Frontage..... | 90-1 |
| Section 90.050 | Setbacks..... | 90-1 |
| Section 90.060 | Impervious Coverage..... | 90-4 |
| Section 90.070 | Building Height | 90-4 |

Section 90.010 Lot Area

Lot area is measured as the total ground-level surface area contained within the lot lines of a lot.

Section 90.020 Lot Area per Unit

Lot area per unit is a measure of residential density. It governs the amount of lot area required for each dwelling unit on the subject lot. In the case of cluster developments, lot area per unit governs the amount of site area required for each dwelling unit in the subject cluster development. To determine the number of dwelling units allowed on a lot (or site), divide the area of the lot (or site) by the minimum lot-area-per-unit requirement, and round any fractional result down to a whole number. If, for example, a minimum lot-area-per-unit requirement of 1,750 feet is applied to a 10,000 square foot lot (or site), a maximum of 5 units would be allowed on that lot (5.71 rounded down to 5).

Section 90.030 Lot Width

Lot width is measured between the side lot lines of a lot at the minimum required street setback. On cul-de-sacs and other irregularly shaped lots, the minimum lot width requirement may be met and measured at the front building line.

Section 90.040 Street Frontage

Street frontage is measured between side lot lines of a lot along the lot line that abuts the street.

Section 90.050 Setbacks

90.050-A Measurement

Setbacks are measured from the referenced lot line to the closest point of the building or structure.

1. Street setbacks are measured from the lot line that abuts a street. If the street right-of-way line is readily determinable (by reference to a recorded map, set irons, or other means), the street setback is measured from that street right-of-way line. If the right-of-way line is not so determinable, the street setback is measured from the street centerline and the street setback distance must be increased by 15 feet plus one-half the width of the paved or traveled portion of the street.
2. Side (interior) setbacks are measured from a side lot line that does not abut a street.

3. Rear setbacks are measured from the rear lot line. On double-frontage lots, street setbacks apply from both opposing lot lines that abut the street, Rear setback standards do not apply.
4. The purposes of setback regulations and measurements, the term "building" includes any substantial structure that 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. Without limiting the generality of the foregoing, the following structures are subject to setback requirements, as indicated:
 - a. Gas pumps, overhead canopies or roofs are subject to a minimum 20-foot street setback, with no variances allowed. Where an addition, replacement, or new canopy is proposed to cover existing gas pumps a minimum street setback of 5 feet is required. The addition of new or relocation of any existing gas pumps is prohibited unless constructed in conformance with the minimum 20-foot street setback.
 - b. Opaque or substantially opaque fences exceeding 6 feet in height that are located in street yard areas.

90.050-B Permitted Obstructions

Setbacks must be unobstructed and unoccupied from the ground to the sky except as indicated in *Table 95-1*:

Table 95-1: Permitted Setback Obstructions

| Obstruction/Projection into Required Setback ⁴² | Street | Side | Rear |
|---|--------|------|------|
| Accessory buildings (see also Insert XREF) | No | No | Yes |
| Air conditioning/heating units and | No | Yes | Yes |
| Arbors and trellises | Yes | Yes | Yes |
| Awnings, canopies, light shelves and architecturally integrated solar shading devices projecting no more than 4 feet into the setback | Yes | Yes | Yes |
| Barbeque pits and outdoor fireplaces | No | No | Yes |
| Bay windows that project no more 4 feet into the setback | Yes | Yes | Yes |
| Chimneys and flues that project up to 4 feet into the setback | Yes | Yes | Yes |
| Clotheslines | No | Yes | Yes |
| Decks, patios, and other features and structures less than 12 inches in height above grade | Yes | Yes | Yes |
| Eaves and gutters that project up to 4 feet into the setback | Yes | Yes | Yes |
| Fences and walls (see also Section 60.030) | Yes | Yes | Yes |
| Fire escapes that project up to 4 feet into the setback | Yes | Yes | Yes |
| Flagpoles and similar features | Yes | Yes | Yes |
| Geothermal heat pumps and heat exchange equipment up to 4 feet in height above grade | No | Yes | Yes |
| Green houses and hoop houses | No | No | Yes |
| Insulation added to the outside of the exterior wall of an existing building | Yes | Yes | Yes |
| Plants and cold frames | Yes | Yes | Yes |
| Porches that are open on at least 3 sides and that project no more than 4 feet into the setback | | | |
| Rainwater harvesting equipment that projects no more than 4 feet into the setback | Yes | Yes | Yes |
| Recreational equipment (e.g., swing sets and playground equipment) | No | Yes | Yes |
| Satellite dish antennas, not exceeding 1 meter (39.37 inches) in diameter | Yes | Yes | Yes |

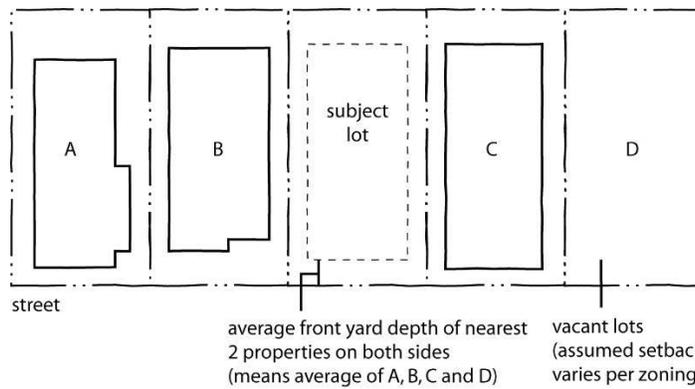
⁴² This represents an expanded list of allowed setback obstructions/encroachments.

| Obstruction/Projection into Required Setback ⁴² | Street | Side | Rear |
|---|--------|------|------|
| Satellite dish antennas, over 1 meter but not exceeding 2.4 meters (94.49 inches) in diameter | No | No | Yes |
| Signs (see also Article 50) | Yes | Yes | Yes |
| Sills, belt courses, cornices and similar architectural features that project up to 4 feet into the setback | Yes | Yes | Yes |
| Solar or wind energy systems, building-mounted | No | Yes | Yes |
| Solar or wind energy systems, ground-mounted | No | No | Yes |
| Swimming pools and tennis courts | No | No | Yes |
| Wheelchair lifts and ramps that meet federal, state and local accessibility standards | Yes | Yes | Yes |

90.050-C Contextual Setbacks⁴³

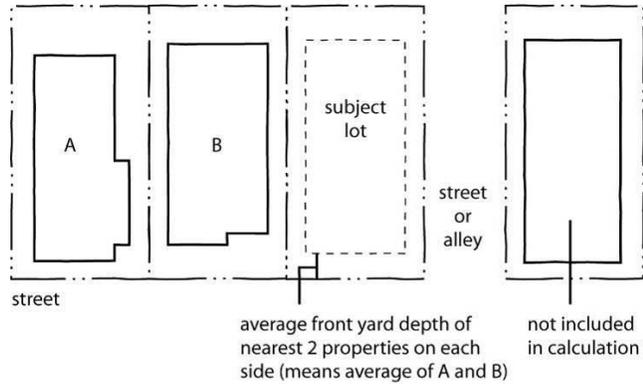
When existing buildings on one or more abutting lots are closer to the street (front or street side) lot line than the otherwise required setback, additions to existing buildings or construction of new buildings on the subject lot may comply with the average street yard depth that exists on the nearest 2 lots on either side of the subject lot instead of complying with the zoning district’s minimum street setback requirement.

1. If one or more of the lots required to be included in the averaging calculation is vacant, that vacant lot will be deemed to have a street yard depth equal to the minimum street setback requirement of the subject zoning district.

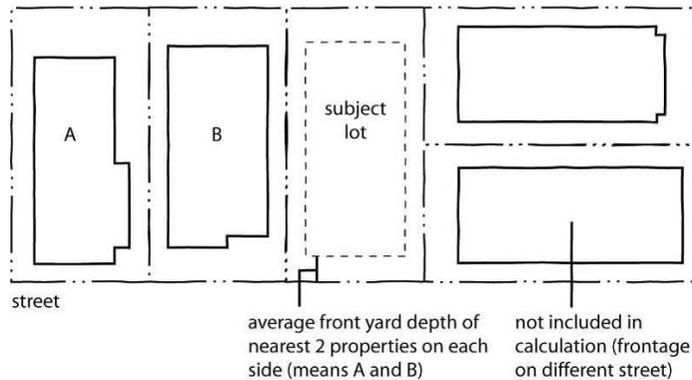


2. Lots with frontage on a different street than the subject lot or that are separated from the subject lot by a street or alley may not be used in computing the average.

⁴³ This is a clarification of existing section 184(e).



3. When the subject lot is a corner lot, the average street yard depth will be computed on the basis of the nearest 2 lots with frontage on the same street as the subject lot.



4. When the subject lot abuts a corner lot with frontage on the same street, the average front yard depth will be computed on the basis of the abutting corner lot and the nearest 2 lots with frontage on the same street as the subject lot.
5. These contextual setback provisions may not be used to reduce the setback of a street-facing garage door to less than 20 feet.

Section 90.060 Impervious Coverage

Impervious coverage is the total area of a lot covered by all buildings, structures, paved and gravel areas, such as paved driveways, walkways and parking spaces.

Section 90.070 Building Height

90.070-A Measurement

Building height is measured as vertical distance from grade to the highest point of coping of a flat roof or to the deck line of a mansard roof or to the average height of the highest gable of a pitch or hip roof.

~~The height of a building is measured as the vertical distance between the mean elevation of finished grade at the front of the building to the lowest eave.~~

- ~~1. A point of access to a roof shall be the top of any parapet wall or the lowest point of a roof's surface, whichever is greater. Roofs with slopes greater than seventy five percent are regarded as walls.~~

90.070-B Exceptions

~~The following are not subject to zoning district building height limits.~~

- ~~1. Chimneys, church spires, elevator shafts, and similar structural features not intended for human occupancy or storage (but parapets and similar structural features are not exempt);~~
- ~~2. Flagpoles and similar devices;~~
- ~~3. Heating and air conditioning equipment, solar collectors, and similar equipment, fixtures and devices.~~

1. General

The following features are not counted in the measurement of building height and may exceed maximum zoning district height limits:

- Antennas and towers, but subject to any height limits expressly established for antennas or towers;
- Chimneys;
- Parapet walls;
- Skylights;
- Steeple;
- Flag poles;
- Smokestacks;
- Elevator bulkheads;
- Monuments;
- Water towers;
- Ornamental towers and spires;
- Mechanical appurtenances or penthouses to house mechanical appurtenances; and
- Power plants and electric substations

2. Solar Energy Systems

Building-mounted solar energy systems may extend up to 3 feet above maximum zoning district height limits, provided they do not extend more than 5 feet above the roof line.