Union County, North Carolina

LAND USE ORDINANCE

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The Board of County Commissioners approved the Land Use Ordinance on May 7, 2001 which is the effective date of the ordinances.

CODIFIED through August 31, 2008

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ARTICLE I. GENERAL PROVISIONS

Section 1 Short Title.

This ordinance shall be known and may be cited as the Union County Land Use Ordinance.

These regulations shall be designed to promote the public health, safety, and the general welfare. To that end, the regulations may address, among other things, the following public purposes: to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to lessen congestion in the streets; to secure safety from fire, panic, and dangers; and to facilitate the efficient and adequate provision of transportation, water, sewerage, schools, parks, and other public requirements. The regulations shall be made with reasonable consideration as to, among other thing, the character of the district and its peculiar suitability for particular uses, and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the county. In addition, the regulations shall be made with considerations of expansion and development of any cities within the county, so as to provide for the orderly growth and development.

Section 2 Authority.

(a) This ordinance is adopted pursuant to the authority contained in North Carolina General Statutes Chapter 153A, Article 18 (Planning and Regulation of Development); Chapter 143, Article 21, (Watershed and Floodway Regulation), Chapter 113A, Article 4 (Sedimentation Pollution Control), and 1987 Session Laws, Chapter 604.

(b) Whenever any provision of this ordinance refers to or cites a section of the North Carolina General Statutes and that section is later amended or superseded, the ordinance shall be deemed amended to refer to the amended section or the section that most nearly corresponds to the superseded section.

Section 3 Jurisdiction.

This ordinance shall be effective:

(a) Everywhere throughout the county outside the corporate limits of any incorporated municipality except for any areas that lie within the extra-territorial planning areas now or hereafter established by any such municipality; and

(b) Everywhere within the corporate limits of any municipality that has adopted a resolution authorizing the ordinance to be applicable within such municipality.

Section 4 Bona Fide Farms Exempt.

(a) The provisions of this ordinance shall not apply to bona fide farms, except that:

(1) farm property used for non-farm purposes shall not be exempt from regulation; and

(2) the provisions of Article XXIV regulating development in floodways and floodplains, as required for participation in the National Flood Insurance Program, shall apply to bona fide farms.

(b) For purposes of this ordinance, a bona fide farm is any tract (or tracts of land under common ownership or control) ten acres in size or greater on which a party is actively engaged in a substantial way in the commercial production or growing of crops, plants, livestock or poultry.

Section 5 Effective Date.

The provisions in this ordinance were originally adopted on August 3, 1987 and became effective on September 1, 1987.

Section 6 Relationship to Existing Zoning, Subdivision and Flood Control Ordinances.

To the extent that the provisions of this ordinance are the same in substance as the previously adopted provisions that they replace in the county's zoning, subdivision, or flood control ordinances, they shall be considered as continuations thereof and not as new enactment unless otherwise specifically provided. In particular, a situation that did not constitute a lawful nonconforming situation under the previously adopted land use ordinance does not achieve lawful nonconforming status under this ordinance merely by the repeal of the land use ordinance.

Section 7 Relationship to Land Development Plan.

It is the intention of the Board that this ordinance implements the planning policies adopted by the Board for the county as reflected in the land development plan and other planning documents. However, if and to the extent that there may be any inconsistency between this Ordinance (including the Official Zoning Map) or any amendment to it and the land development plan or other planning documents, this ordinance shall take precedence, and the land development plan and other planning documents shall be deemed to be amended accordingly to eliminate such inconsistency.

Section 8 No Use or Sale of Land or Buildings Except in Conformity With Ordinance Provisions.

(a) Subject to Article VIII of this ordinance (Nonconforming Situations), 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 his control except in accordance with all of the applicable provisions of this ordinance.

(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 9 Fees.

(a) Reasonable fees sufficient to cover the costs of administration, inspection, publication of notice and similar matters may be charged to applicants for zoning permits, sign permits, major development permits, special use permits, conditional use permits, subdivision plat approval, zoning amendments, variances and other administrative relief. The amount of the fees charged shall be as set forth in the county's budget or as established by resolution of the Board filed in the office of the county clerk.

(b) Fees established in accordance with subsection (a) shall be paid upon submission of a signed application or notice of appeal.

Section 10 Severability.

It is hereby declared to be the intention of the Board that the sections, paragraphs, sentences, clauses, and phrases of this ordinance are severable, and if any such section, paragraph, sentence, clause, or phrase is declared unconstitutional or otherwise invalid by any court of competent jurisdiction in a valid judgment or decree, such unconstitutionality or invalidity shall not affect any of the remaining sections, paragraphs, sentences, clauses, or phrases of this ordinance since the same would have been enacted without the incorporation into this ordinance of such unconstitutional or invalid section, paragraph, sentence, clause or phrase.

Section 11 Computation of Time.

Whenever the zoning administrator or other person is required to take certain action (e.g., mailing or publishing a notice) on or before a specified number of days prior to the occurrence of an event (e.g., a public hearing), then in computing such period, the day of the event shall not be included but the day of the action shall be included. For example, if notice of a public hearing is required to be published at least ten days before the hearing, then notice published on the first of the month would be satisfactory for a hearing on the eleventh.

Section 12 Miscellaneous.

(a) As used in this ordinance, words importing the masculine gender include the feminine and neuter.

(b) Words used in the singular in this ordinance include the plural and words used in the plural include the singular.

Sections 13 and 14 Reserved.

ARTICLE II. BASIC DEFINITIONS AND INTERPRETATIONS

Section 15 Definitions of Basic Terms.

Unless otherwise specifically provided, or unless clearly required by the context, the words and phrases defined in this section shall have the meaning indicated when used in this ordinance.

Abandoned: The intentional or unintentional cessation of use, or maintenance of a building, structure or lot.

Accessory Dwelling Unit: A dwelling that exists as part of a principal dwelling or on the same lot as the principal dwelling and is subordinate to the principal dwelling.

Accessory Use/Structure: A use or structure that exists on the same lot with the principal use or structure and is customarily subordinate to or incidental to the principal use.

Active Recreation: Leisure activities usually of an organized nature, often performed with others and often requiring equipment, taking place at prescribed places, sites, or fields.

Adjacent: See “Adjoining Property”

Adjoining Property: When used in connection with a notice requirement under this ordinance (See Sections 22(e), 102(b), and 323(c)), this term shall refer to any tract having a border that touches at any point the border of the property that is the subject of a proposed permit, appeal, variance or rezoning, as well as any tract that would have such a common border point with the subject property if one were to disregard (i) any intervening street or other public or utility right-of-way, and (ii) any intervening property that is under the same ownership as the subject property.

Administrator, Land Use: Primary responsibility for administering and enforcing this ordinance may be assigned to one or more individuals by the County Manager. The person or persons to whom these functions are assigned shall be referred to in this ordinance as the "land use administrator" or "administrator." The term "staff" is sometimes used interchangeably with the term "administrator."

Adult Establishment: Any structure, business or use of land which 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. However, certain massage businesses are exempt from this definition where the employees associated with massage meet the ethical and educational requirements specified by the American Massage Therapy Association, or equivalent national or state standards.

Adult Motel or Hotel: -a hotel, motel or similar commercial establishment that:

(a) 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

(b) offers a sleeping room for rent for a period of time that is less than 10 hours; or

(c) 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.

Adult Video Store: 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".

Agency: A sales or service establishment dealing in services or intangible commodities, or commodities not on site, such as a broker's office, travel agency, temporary employee agency, etc.

Agribusiness: A commercial operation that (i) involves the processing or distribution of farm products or the sale or repairs of farm machinery, equipment, or supplies, and (ii) is not otherwise specifically listed in the Table of Uses. (See Section 168 for standards). Without limiting the generality of the foregoing, a temporary collection facility for the disposal of dead fowl shall be considered an agribusiness use.

Agricultural Uses: The commercial production of plants and animals useful to man, including but not limited to: forages and sod crops; grains and seed crops; dairy animals and dairy products, poultry and poultry products; rheas, ostrich, emu, livestock, including beef cattle, sheep, swine, llamas, horses*, ponies*, [*horses and ponies must be raised commercially on a horse farm for the purpose of sale to qualify as an "agricultural use", as distinct from riding stables or boarding facilities, which do not qualify as an "agricultural use"], mules, or goats or any mutations or hybrids thereof, including the breeding and grazing of any or all of such animals; bees and apiary products; fur animals; trees and forest products; fruits of all kinds, including nuts; vegetables; nursery, floral and ornamental products; or lands devoted to a soil conservation or forestry management program. Also land used as pasture or in the commercial production of fish hatcheries or aqua-culture.

Also for the purposes of this ordinance, the keeping of livestock for commercial or noncommercial purposes is defined as an agricultural use. Livestock includes but is not limited to poultry and hoofed animals such as cattle, horses, swine, goats, and sheep. Also included in this definition of agricultural uses are agricultural accessory buildings, and sales of agricultural products grown or raised on the premises. Not included in this definition are the commercial slaughtering of animals for marketing and farm tenant dwellings. Other uses which shall not be deemed as "agricultural uses" include (i) zoos, (ii) kennels, and (iii) riding stables and academies.

For the purposes of this Ordinance, Agricultural Uses are divided into two classes:

(a) Agricultural Uses, Class I. Agricultural uses not exempt as bona fide farms, excluding livestock, with the exception of horses.

(b) Agricultural Uses, Class II. Agricultural uses not exempt as bona fide farms, including livestock, horses, and poultry (e.g. turkeys, chickens, ducks, geese, rheas, emus, ostrich, or other domestic fowl), hog and rabbit meat production centers on 10 acre minimum tracts.

Aircraft: Any contrivance used or designed for navigation of or flight in the air by one or more persons.

Airport: An area of land or water that is designed or used on a recurring basis for the landing and take-off of aircraft, except that an airstrip shall not be considered an airport.

Airport Overlay (AO): The Airport Overlay (AO) District is intended to protect the airport environment from the encroachment of incompatible land uses which present hazards to users of the airport as well as to persons residing or working in their airport vicinity. It is the intent of this Ordinance to restrain influences which are adverse to the airport property and safe conduct of aircraft in the vicinity of the Monroe Regional Airport, to prevent creation of conditions hazardous to aircraft operations, to prevent conflict with land development which may result in loss of life and property, and to encourage development which is compatible with airport use characteristics within the intent and purpose of zoning. To this end, AO designation, when overlaid to a basic district classification, is intended to coordinate the purpose and intent of the Ordinance with other regulations duly established by the City of Monroe, whose primary intent is to further the purpose set out above. (Approved by the BCC on Monday, October 20, 2003)

Airstrip: An area of land or water, located on private property, which the owner of such land uses or authorizes the use of) for the landing and take-off of (i) not more than two aircraft owned or leased by the owner of such property, or (ii) aircraft engaged in crop dusting of land owned or leased by the owner of the airstrip and which airstrip is not used in connection with flying lessons or the rental or sale of aircraft, parts, or fuel.

Alteration: A change in the size, configuration, or location of a structure; or a change in the use of a structure or lot from a previously approved or legally existing size, configuration, location, or use.

Amusement Arcade: A commercial facility providing recreational activities that typically include coin-operated amusement machines such as pinball machines, electronic video games and skeet ball machines. A facility shall be deemed an amusement arcade if it has eight (8) or more of such machines.

Amusement/Fun Park: A permanent, outdoor, pedestrian-oriented facility containing a cluster of structures and facilities which house devices for entertainment, including but not limited to rides, booths for the conduct of games, food and souvenir stands, buildings for shows and entertainment (movies), video games, go-carts, remote control cars track, and miniature golf.

Animal Grooming Facility: An indoor facility where household pets, primarily dogs and cats are bathed, clipped, and styled. No overnight care is given and no outside runs or kennels are permitted.

Animal Hospital (Indoor): A place where animals are given medical or surgical treatment and the boarding of animals is incidental to the hospital use. All facilities associated with an animal hospital shall be located indoors.

Animal Hospital (with Outdoor Runs): A place where animals are given medical or surgical treatment and the boarding of animals is incidental to the hospital use. Outdoor runs are permitted.

Animal Kennel: A commercial operation that: i) provides food and shelter and care of animals for purposes not primarily related to medical care (a kennel may or may not be run by or associated with a veterinarian), or (ii) engages in the breeding of animals for sale. Occasional breeding and offering the resultant litter for sale shall not constitute the operation of a kennel.

Animal Shelter: A public, non-profit or not-for-profit facility at which dogs, cats, and other domesticated animals are kept (primarily outdoors) for purposes of distribution to the general public.

Animal Supply Store: A retail establishment whose business is limited to the sale of supplies (e.g., feeds and pharmaceutical) and equipment (e.g., bridles, barbed wire) related to the keeping of horses and farm animals.

Animal Unit: A unit of measurement developed by the U.S. Environmental Protection Agency that is used to compare different types of animal operations.

Antenna: Equipment designed to transmit or receive electronic signals, including but not limited to directional antennae, such as panels, microwave dishes, and satellite dishes, and omni-directional antennas, such as whip antennas.

Antique Tractor Pull: Tractor must be at least 30 years old or older by year or serial number. All original major parts must be intact: hoods, radiators, fenders, front ends, etc. Original type carburetor that came with tractor. Gas, diesel or LP fuel only. No alcohol or nitrous oxide fuels. Tractors manufactured to use diesel fuel only cannot be converted to gas or LP. No fuel injection or gas under pressure is allowed unless factory equipped. Electric fuel pumps are allowed with a needle and seat in carburetor. No turbos. No external engine modification is allowed (i.e. external oilers, hemi heads, and spacer blocks. Limited to 10% over factory RPM specifications. Tire size not-to-exceed "their" tractor rim and tire size. Antique Tractor Pull, not to exceed 6 events in any one calendar year, shall be reviewed under **Section 161 Special Events**.

Applicant: A person seeking an action or approval under provisions of this ordinance.

Art Gallery: A commercial establishment where individual pieces of art are sold to the general public on a retail basis.

Auction House: A facility which is used for the purpose of having auctions on a regularly established basis

Automobile Body Shop: Any building, premises and land in which or upon which a business is conducted that primarily involves the painting of vehicles or external repairing of damaged vehicles.

Automobile Broker: A business dealing with the trading of automobiles without the use of a sales lot.

Automobile Car Wash (Self-Service Car Wash or Automatic): A commercial establishment primarily engaged in the washing of automobiles, motorcycles, and pick-up and panel trucks. Such washing shall be done manually by the customer or by fully automated machines, or by using a combination of personnel and automated systems to wash the vehicle. The retail sale of fuels and related automotive goods as well as vacuuming facilities may also be provided on-premises on an accessory basis.

Automobile Detailing Shop: An establishment primarily engaged in the hand-cleaning and waxing of automobiles. Such activities may take place both indoors and outdoors. Such facilities are distinguished from "Auto Washes" in that there is typically no automated equipment involved with the cleaning and waxing of vehicles.

Automobile Parts Supply Store: An establishment which sells new and/or rebuilt automobile parts and accessories but does not include junk yards, used auto parts sales, or the installation of such parts.

Automobile Repair Shop: Any building, premises and land in which or upon which the primary use of land is a business which involves the maintenance or servicing of vehicles.

Automobile Service Station: A use where vehicular fuels are sold at the retail level and where the installation of such automotive items as lubricants, tires, batteries and similar accessories takes place and where minor automobile repair and maintenance work is conducted.

Automobile Towing and Wrecking Service: An establishment primarily engaged in the towing of motor vehicles and vehicular storage associated with vehicle accidents and violations. This shall not include vehicular salvaging operations nor the sale of salvaged vehicular parts. This use is not to be construed as a junkyard nor an automobile salvage yard.

Awning: A structure made of cloth, metal, or other material affixed to a building in such a manner that the structure may be raised or retracted from a building to a flat position against the building, but not to include a canopy.

Bakery (Retail): The use of a structure or building for the production of bakery products including, but not limited to, breads, cakes, pastries, and doughnuts. When identified in this Ordinance as a retail use, the bakery products produced are for the direct sale to the consumer with no wholesale production or sales.

Balance of Watershed: The area in a WS-III classification watershed outside of the critical area.

Bank Teller Machine: A machine which dispenses cash and allows the user to make bank transactions without personal contact and without entering a bank or other financial institution. Use of machines is generally not limited to specific hours of operation. Unit may be associated with a financial institution or free-standing either outdoor or within a building.

Banner: A sign intended to be hung either with or without a frame, possessing characters, letters, illustrations, or ornamentation's applied to plastic or fabric of any kind, excluding flags and emblems of political, professional, religious, educational, or corporate organizations.

Basement: The lowest level or story which has its floor sub-grade on all sides.

Bed and Breakfast: A use (i) that takes place within a building that, before the effective date of this ordinance, was designed and used as a single-family detached dwelling, (ii) that consists of a single dwelling unit together with the rental of one or more dwelling rooms on a daily or weekly basis to tourists, vacationers, or similar transients, (iii) where the provision of meals, if provided at all, is limited to the breakfast meal, and (iv) where the bed and breakfast operation is conducted primarily by persons who reside within the dwelling unit, with the assistance of not more than the equivalent of one, full-time employee.

Berm: A mound of earth or the act of pushing earth into a mound.

Best Management Practices (BMP): A structural or nonstructural management-based practice used singularly or in combination to reduce non-point source inputs to receiving waters in order to achieve water quality protection goals.

Billboard: An off-premises sign owned by a person, corporation, or other entity that engages in the business of selling the advertising space on that sign.

Blood Relative: For the purposes of this ordinance, a blood relative(s) shall be the great grandparents, grandparents, parents, children, brothers, sisters and their spouses and the parents-in-law of the owner/occupant of the principal structure.

Board: The Board of Commissioners of Union County.

Boarding House: A residential use (i) that consists of at least one dwelling unit together with more than two rooms that are rented out or are designed or intended to be rented but which rooms, individually or collectively, do not constitute separate dwelling units, (ii) where the rooms are occupied by longer term residents (at least month-to-month tenants) as opposed to overnight or weekly guests, and (iii) where the dwelling unit is occupied by the owners or operators of the boarding house.

Bookstore: A commercial establishment where books are the primary item sold. An establishment which sells books and meets the definition of "adult uses", as herein defined, shall not be considered a book store.

Buffer(As used in this Ordinance with the exception of Article XVI, which has a separate and different definition): A strip of land with natural or planted vegetation located between a structure and a side or rear property line intended to separate and partially obstruct the view of

two adjacent land uses or properties from one another. A buffer area may include any required screening for the site.

Buffer (As used in Article XVI, as the term "buffer" related to the Water Supply Watershed Overlay District): An area of natural or planted vegetation through which stormwater runoff does not become channeled and which provides for infiltration of the runoff and filtering of pollutants. The buffer is measured land-ward from the normal pool elevation of impounded structures and from the bank of each side of streams or rivers.

Building: A temporary or permanent structure having a roof supported by exterior walls or constructed columns and which can be used for residence, business, industry, or other public or private purposes or accessory thereto. The term "building" shall be construed as if followed by the words "or parts thereof".

Building, Accessory: A minor building that is located on the same lot as a principal building and that is used incidentally to a principal building or that houses an accessory use. (See Section 150).

Building Front: The side of the building closest to and most nearly parallel with the street which provides access to the lot. In the case of a corner lot or through lot, the street line forming the least frontage shall be deemed the front of the lot except where the two (2) street lines are equal. When the two (2) street lines are of equal length, the final plat shall be reviewed to determine which side was designated as the "front" by the original sub-divider. If the plat does not provide this information, then the property owner shall be required to specify which is the front when requesting a zoning permit, and the setbacks shall be set accordingly.

Building Height: The vertical distance from the mean elevation of the finished grade along the front of the building to the highest point of a flat roof, or to the deck line of a mansard roof, or to the mean height level between eaves and ridges for gable, hip and gambrel roofs.

Building and Home Materials Center (i.e. hardware stores): A retail establishment which may sell various household goods, paints, building and hardware products, household animal supplies, nursery and yard goods, and durable goods (e.g. lawn mowers, appliances, etc.).

Building Line: The edge of a building closest to the street.

Building, Principal: The primary building on a lot or a building that houses a principal use.

Building Setback Line: A line establishing the minimum allowable distance between the nearest portion of any building (or any attached appurtenance thereof), and the nearest edge of the street right-of-way.

Built-upon area: Built-upon areas shall include that portion of a development project that is covered by impervious or partially impervious cover including buildings, pavement, gravel roads, recreation facilities (e.g. tennis courts), etc. (Note: Wooden slatted decks and the water area of a swimming pool are considered pervious.)

Bulletin Board: A sign used to announce meetings or programs to be held on the premises of a church, school, auditorium, library, museum, community recreation center, or similar noncommercial places of public assembly.

Bus Terminal, Passenger: Any premises for the transient housing or parking of motor-driven buses and the loading and unloading of passengers going on inter-city bus trips.

Business Identification Sign: A sign that directs attention to a business, profession, or industry located upon the premises where the sign is displayed; to the type of products sold, manufactured or assembled; and/or to services or entertainment offered on said premises, but not a sign pertaining to the preceding if such activity is only minor and incidental to the principal use of the premises.

Business Park: A development on a tract of land which contains two (2) or more separate office buildings, constructed and managed in an integrated and coordinated basis. A business park may also be cited as an "office park".

Bulk Storage: Storage material in containers or tanks for sale to retail dealers, distributors, or outlets or for storage prior to disposal.

Business Services: Establishments primarily engaged in rendering services (which are not listed elsewhere in this ordinance) to business establishments on a contract or fee basis. These services include but are not limited to: advertising, claims adjusters, and computer software development.

Camping and Recreational Vehicle Park: Land containing two or more campsites which are located, established, or maintained for occupancy by people in temporary living quarters, such as tents, recreation vehicles, or travel trailers which are solely used for recreation or vacation purposes. A “manufactured home park” shall not be deemed a “camping and recreational vehicle park”.

Campsite: Any plot of ground within a campground intended for the exclusive occupancy by a cabin, recreational vehicle, or tent.

Canopy: A permanent structure other than an awning made of cloth, metal or other material attached or unattached to a building for the purpose of providing shelter to patrons or automobiles, or as a decorative feature on a building wall. A canopy is not a completely enclosed structure.

Carnival: A traveling enterprise offering outdoor amusements, games, rides and shows for entertainment purposes.

Cemetery: Property used for the interment of the dead, which use may include the commercial sale and location of burial lots, crypts, or vaults for use exclusively on the subject property. A cemetery shall not be used for the preparation or embalming of bodies or the cremation of bodies. Setback for cemeteries shall be measured from the nearest structure or gravesite. This definition shall be construed to include bona fide pet cemeteries.

Center Line of Street: The center line of a right of way, as defined or surveyed by the North Carolina Department of Transportation.

Certificate of Compliance: A statement, signed by an administrative officer, setting forth that a building, structure, or use complies with the Land Use Ordinance and Building Codes and that the same may be used for the purposes stated on the permit.

Certificate of Occupancy: A certificate allowing the occupancy or use of a building and certifying that the structure or use has been constructed or will be used in compliance with this Ordinance and all other applicable regulations.

Certify: Whenever this ordinance requires that some agency certify the existence of some fact or circumstance to the county, the county may require that such certification be made in any manner that provides reasonable assurance of the accuracy of the certification. By way of illustration, and without limiting the foregoing, the county may accept certification by telephone from some agency when the circumstances warrant it, or the county may require that the certification be in the form of a letter or other document.

Changeable Copy: The display area of a sign where characters, letters, or illuminations can be changed or rearranged without altering the face or surface of the sign.

Charitable Organizations: Nonprofit organizations which are supported primarily by charity and whose principal function is the performance of charitable works or religious activities. This definition shall include but not be limited to: churches, mosques, synagogues or other religious institutions. Not included in this definition are social organizations and clubs.

Child Care Home: A home for not more than six orphaned, abandoned, dependent, abused, or neglected children, together with not more than two adults who supervise such children, all of whom live together as a single housekeeping unit.

Child Care Institution: An institutional facility housing more than six orphaned, abandoned, dependent, abused, or neglected children.

Church (or Other House of Worship): A building or structure, or group of buildings or structures, which by design and construction are primarily intended for conducting organized religious services whose site may include an accessory area for the interment of the dead.

Circulation Area: That portion of the vehicle accommodation area used for access to parking or loading areas or other facilities on the lot. Essentially, driveways and other maneuvering areas (other than parking aisles) comprise the circulation area.

Clinic: Establishments where humans receive treatment of illnesses or pregnancy, or examinations by a doctor, dentist, optician, psychologist, or other similar medical professional on an out patient basis.

Club or Lodge: A building or site used by a non-profit membership organization for recreational or social purposes.

Cluster Development: (See Sec. 187) The grouping of buildings in order to conserve land resources and provide for innovation in the design of the project and includes a component of permanent open space. This term includes non-residential development as well as single-family residential subdivisions and multi-family developments that do not involve the subdivision of land.

College Or University: An institution other than a trade school that provides full-time or part-time education beyond high school. This includes associated facilities such as dormitories, office buildings, athletic fields, sororities, and fraternities.

Co-Location: Co-location means the location of wireless telecommunications antennae/equipment from more than one provider on one common tower or structure.

Columbarium: A structure or building substantially exposed above ground intended to be used for the interment of the cremated remains of a deceased person or animal.

Combination Use: A use consisting of a combination on one lot of two or more principal uses separately listed in the Table of Uses, Appendix I. (Under some circumstances, a second principal use may be regarded as accessory to the first, and thus a combination use is not established. See Section 150. In addition, when two or more separately owned or separately operated enterprises occupy the same lot, and all such enterprises fall within the same principal use classification, this shall not constitute a combination use.)

Commercial Vehicle Storage and/or Operations Center: A facility specifically designated for routine storing and/or servicing of six (6) or more commercial vehicles operated by the same entity.

Common Open Space: Land and/or water areas within the site designated for development, which are designed and intended for the common use or enjoyment of the residents of the development but not including any lands occupied by streets, street rights-of-way, or off-street parking.

Common Open Space, Improved: Common open space which has been improved with recreational areas and amenities such as, but not limited to, ball fields, tennis courts, swimming pools, nature trails, clubhouses, etc.

Community Center: A building used for recreational, social, educational and cultural activities, usually owned and operated by a public or non-profit group or agency.

Conditional Use Permit: A special authorization for a conditional use which may be subject to any specific restrictions or conditions on its size, location, intent, character of use, etc. as determined by the County Commissioners.

Condominium: A form of property ownership whereby the owner gains ownership of an interior space within a building. The building structure, the land under the building, and all of the surrounding land is commonly owned by all the inhabitants on a proportional basis.

Construction Trailer: A structure standing on wheels towed or hauled by another vehicle and used for neither overnight nor year-round occupancy at the construction site on a temporary basis for office purposes.

Continuing Care Facility: A residential complex which contains a variety of living facilities which may include independent living units (i.e., apartments, condominiums, cottages), assisted living (domiciliary care) facilities and/or nursing home beds. Residents of such a facility may either pay rent or purchase their living quarters. If the unit is occupant-owned, the unit normally reverts to the development owner upon the death of the resident or to a surviving spouse.

Contractors: General contractors and builders or specialized contractors who engage in the construction or remodeling of buildings, either residences or commercial structures including but not limited to heating, air conditioning, painting, plumbing, and roofing. Also included are heavy construction contractors engaged in activities such as paving, highway construction, and utility construction.

Convenience Store/Mini Mart/Express Fuel: A retail store designed and stocked to sell primarily fuel, food, beverages, and other household supplies to customers who purchase only a relatively few items in contrast to a "food store". It is designed to attract and depends upon a large volume of "stop and go" traffic. Illustrative examples of convenience stores are "Fast Fare", "7-11", and "Pantry" chains.

Correctional Facility: A public or privately operated facility used for 1) the temporary incarceration and or housing of persons serving sentences or 2) incarceration or housing of persons serving criminal sentences.

Country Club: A land area and buildings containing recreational facilities, clubhouses, and usual accessory uses, open to members and their guest which is privately operated. Uses at a country club frequently include golf courses, swimming pools (outdoors), and club houses. Meal service may be available, but is generally limited to members and their guests. A country club may be developed as a free standing entity or as part of a residential community or planned residential development.

County: Union County.

Craft Studio: An establishment where works of art are individually crated on-premises by no more than five artisans and which are sold at the same location to the general public. Artisans shall include sculptors, potters, wood and leather craftsmen, glass blowers, weavers, silversmiths, designers of ornamental and precious jewelry, screen printers, and air brushers.

Critical Area: The area adjacent to a water supply intake or reservoir where risk associated with pollution is greater than from the remaining portions of the watershed. The critical area is defined as extending either one-half mile from the normal pool elevation of the reservoir in which the intake is located or to the ridge line of the watershed (whichever comes first); or one-half mile upstream from the intake located directly in the stream or river (run-of-the-river), or the ridge line of the watershed (whichever comes first).

Day Care Center: Any child care arrangement that provides day care on a regular basis for more than four (4) hours per day for more than five (5) children of pre-school age, as well as a center providing day care for more than two (2) hours per day for more than five (5) school age children, adults or senior citizens.

Day Care Center associated with Place of Worship or School: A day care center run by a church or school where day care is provided to children, handicapped persons, or senior citizens. The day care center may be located on the grounds of the church or school; located on a piece of property owned by the church or school which lies within five-hundred (500) linear feet of the lot containing the church or school; or, on a lot owned by the church or school where religious or educational activities are regularly conducted.

Density, Gross: A ratio expressed as the number of dwelling units per gross acre. The ratio is derived by dividing the total number of dwelling units by the total land area (in acres) used or proposed to be used for purposes such as buildings, roads, public facilities, and open spaces.

Developer: A person who is responsible for any undertaking that requires a zoning permit, special use permit, conditional use permit, major development permit or sign permit.

Development (as used in this Ordinance, with the exception of Article XVI, which has a separate and different definition): That which is to be done pursuant to a zoning permit, special use permit, conditional use permit, major development permit, or sign permit.

Development (as used in Article XVI): Any land disturbing activity which adds to or changes the amount of impervious or partially impervious cover on a land area or which otherwise decreases the infiltration of precipitation into the soil.

Development Permit: See Major Development Permit.

Development Site Plan: A type of plan which becomes part of the zoning for a property. The plan depicts site characteristics and development information as specified in this ordinance.

Diet House or Diet Facility: A facility housing a dietary treatment program supervised by trained professionals which may also contain temporary living quarters for clients.

Dimensional Nonconformity: A nonconforming situation that occurs when the height, size, or minimum floor space of a structure or the relationship between an existing building or buildings and other buildings or lot lines does not conform to the regulations applicable to the district in which the property is located.

Discharging Landfill: A facility with liners, monitoring equipment and other measures to detect and/or prevent leakage from entering the environment and in which the leakage is treated on site and discharged to a receiving stream.

Doctor's Office: An office facility containing space for patient waiting rooms and laboratory space for medical doctors (M.D.'s), osteopaths, chiropractors, dentists, podiatrists, acupuncturists, or psychologists, licensed nurse/midwife, licensed physical therapist, licensed respiratory therapist or optometrist.

Drive Thru or Drive Up Window Establishment: A window or other opening in the wall of a principal or accessory building through which goods or services are provided directly to customers in motor vehicles by means that eliminate the need for such customers to exit their motor vehicles.

Driveway: That portion of the vehicle accommodation area that consists of a travel lane bounded on either side by an area that is not part of the vehicle accommodation area.

Drugstore: See "Pharmacy".

Dry Cleaning and Laundry Plant: A commercial facility at which clothes are brought to be dry cleaned and/or laundered from individual dry cleaning services. Such a facility may be free-standing or combined with a dry cleaning service facility.

Dry Cleaning Services Outlet: An establishment engaged in providing laundry, dry cleaning, and other related services on a pick up and drop off basis to individual customers. The actual laundering and/or dry cleaning of clothes may only take place at a "dry cleaning and laundry plant".

Duplex: See Dwelling, Duplex.

Dwelling, Attached: A single-family dwelling attached to two or more one-family dwellings by common vertical walls.

Dwelling, Detached: A dwelling unit that is developed with open yards on all sides. This shall include modular homes but shall not include manufactured homes.

Dwelling, Duplex: A two-family residential use in which the dwelling units share a common wall (including without limitation the wall of an attached garage or porch) and in which each dwelling unit has living space on the ground floor and a separate, ground floor entrance.

Dwelling, Multi-Family: A residential use consisting of a building containing three or more dwelling units. For purposes of this definition, a building includes all dwelling units that are enclosed within that building or attached to it by a common floor or wall (even the wall of an attached garage or porch).

Dwelling, Multi-Family Apartments: A multi-family residential use other than a multi-family conversion or multi-family townhouse.

Dwelling, Multi-Family Conversion: A multi-family residence containing not more than four dwelling units and resulting from the conversion of a single building containing at least 2000 square feet of gross floor area that was in existence on the effective date of this ordinance and that was originally designed, constructed and occupied as a single-family residence.

Dwelling, Multi-Family Townhomes: A multi-family residential use in which each dwelling unit shares a common wall (including without limitation the wall of an attached garage or porch)

with at least one other dwelling unit and in which each dwelling unit has living space on the ground floor and a separate, ground floor entrance.

Dwelling, Patio Home: A one-family dwelling unit on a separate lot with open space setbacks on three sides and with a court. Patio homes may be attached to similar units on adjacent lots and still meet this definition, and are therefore known as zero lot line homes.

Dwelling, Primary with Accessory Apartment: A residential use having the external appearance of a single-family residence but in which there is located a second dwelling unit that comprises not more than twenty-five percent of the gross floor area of the building nor more than a total of 750 square feet.

Dwelling, Single-Family Detached, More Than One Dwelling Per Lot: A residential use consisting of two or more single-family detached dwelling units on a single lot.

Dwelling, Single-Family Detached, One Dwelling Unit Per Lot: A residential use consisting of a single detached building containing one dwelling unit and located on a lot containing no other dwelling units.

Dwelling, Two Family: A residential use consisting of a building containing two dwelling units. If two dwelling units share a common wall, even the wall of an attached garage or porch, the dwelling units shall be considered to be located in one building.

Dwelling, Two-Family Apartment: A two-family residential use other than a duplex, two-family conversion, or primary residence with accessory apartment.

Dwelling, Two-Family Conversion: A two-family residence resulting from the conversion of a single building containing at least 2000 square feet of gross floor are that was in existence on the effective date of this ordinance and that was originally designed, constructed and occupied as a single-family residence.

Dwelling Unit: An enclosure containing sleeping, kitchen, and bathroom facilities designed for and used or held ready for use as a permanent residence by one family.

Effective Date of This Ordinance, Article, Section: Whenever this article refers to the effective date of this ordinance, the reference shall be deemed to include the effective date of any amendments to this ordinance if the amendment, rather than this ordinance as originally adopted, creates a nonconforming situation.

Existing Development: Those projects that are built or those projects that at a minimum have established a vested right in accordance with Sec. 62.

Existing Lot (Lot of Record): A lot which is part of a subdivision, a plat of which has been recorded in the Office of the Register of Deeds prior to the adoption of this Article, or a lot described by metes and bounds, the description of which has been so recorded prior to the adoption of this Article.

Expenditure: A sum of money paid out in return for some benefit or to fulfill some obligation. The term also includes binding contractual commitments to make future expenditures, as well as any other substantial changes in position.

Extraterritorial Planning Jurisdiction: That portion of an incorporated municipality's planning jurisdiction that lies outside the corporate limits of the municipality.

Fairgrounds: An area where outdoor fairs, circuses, or exhibitions are held.

Family: One or more persons living together as a single housekeeping unit.

Family Care Home: (See Handicapped, Aged, Infirm Home).

Farm: (See Agricultural Uses)

Farm Supply Store: An establishment where feed, seed, animal and agricultural supplies are primarily sold in bulk quantities.

Farmer's Market: An outdoor market open to no greater than fifty (50) vendors at which locally grown fruits and vegetables, bakery items, condiments, flowers, plants and craft goods are sold on a retail basis. Vehicles used to transport the products to be sold shall be limited to cars, vans and trucks of no greater than three-quarter (3/4) ton in weight capacity.

Fence: A devise made of chain links, posts, wires, or boards designed to serve as a barrier or otherwise to mark off the boundaries of a piece of property, or portion thereof. A fence is not a structure.

Finance Company: A commercial establishment which makes short and long term loans to individuals.

Financial Institution: A commercial bank, a mortgage bank, a savings bank, a saving and loan association, or a credit union any of which are licensed, insured or chartered by the United States of America or the State of North Carolina.

Flag: A piece of durable fabric of distinctive design attached to a permanent pole, that is used as a symbol or decorative feature.

Flag Lot: An irregularly shaped lot where the buildable portion of the lot is connected to its street frontage by an arm of the lot that is less than fifty percent of the presumptive minimum required lot width as set forth in Section 183 (or if no minimum lot width is specified therein, is less than the lesser of (i) fifty percent of the width of the buildable portions of the lot, or (ii) fifty feet).

Flea Market: A market held on pre-established dates in an open area or structure where individual sellers offer goods for sale to the public. Such sellers may set up temporary stalls or tables for the sale of their products. Such sales may involve new and/or used items and may include the sale of fruits, vegetables and other eatable items. The individual sellers at the flea market need not be the same each time the market is in operation.

Flex Space: Buildings designed and marketed as suitable for offices but with space available that is able to accommodate bulk storage, showroom manufacturing, assembly or similar operations. Generally, flex space has storefront type windows in the office area of the space.

Flood or Flooding: A general and temporary condition of partial or complete inundation of normally dry land areas from:

(1) the overflow of inland or tidal waters; and

(2) the unusual and rapid accumulation of runoff of surface waters from any source.

Floodplain: This area shall comprise the floodplain overlay zoning district established in Section 139.

Floodway: This area shall comprise the floodway overlay zoning district established in Section 139.

Floor: The top surface of an enclosed concrete slab construction or top of wood flooring in frame construction. The term does not include the floor of a garage used solely for parking vehicles.

Florida Room: A prefabricated room designed and manufactured specifically for manufactured homes.

Florist, Retail: A retail commercial establishment where flowers or ornamental plants are sold indoors.

Food Catering Facility: A facility at which a pre-arranged amount and type of food is prepared for consumption off-premises or in a meeting room on-premises. A food catering facility differs from a restaurant in that food is not offered for sale to the general public on a retail basis.

Food Store or Grocery Store: An establishment which may sell a wide variety of fresh produce, canned and packaged food items, small household goods and similar items which are consumed and used off premises. In addition, the store may contain a delicatessen section in which prepared foods are sold and may be consumed on premises in a specially designed sit-down area. Sales of grocery items are highly dependent on comparison shopping.

Fortune Teller/Astrologer: A commercial establishment where people go to have their fortunes predicted through the use of astrology, card reading, numerology, etc. If located in a residential zoning district, it may only take place as a customary home occupation only.

Fraternal and Service Organization Meeting Facility (Non-Profit and Not-For-Profit): A facility operated by an association of persons for activities which include, but are not limited to social, literary, political, educational, fraternal, charitable, or labor activities, but which are not operated for profit or to render a service which is customarily conducted as a business.

Freestanding/Self-Supporting Tower: All telecommunications towers which are placed on an independent base and erected without support from other structures. Mono-poles and lattice towers are types of freestanding towers

Frontage: The dimension of a property or portion of a property that is adjacent to a street; side yards of corner lots are excluded.

Fuel Station (Gas Station): A fuel dispensing pump, which may contain more than one fuel nozzle, designed to accommodate one or two vehicles at a time. If two vehicles are accommodated at the same time, fuel nozzles serving the two vehicles shall be located on opposite sides of the fuel pump.

Funeral Home: A facility used for the preparation of the deceased for burial and the display of the deceased and ceremonies connected therewith before burial or cremation. Also a facility where funeral services are held, funeral vehicles are stored, and caskets and other funeral supplies are sold.

Game Room/Video Arcade: An indoor commercial facility providing recreational and entertainment activities that typically include coin-operated amusement machines such as pinball machines, electronic video games and skeet ball machines. A facility shall be deemed a video arcade if it has eight (8) or more of such machines. If three (3) or more pool tables are provided, the facility shall also be deemed a “Billiard Parlor”. The facility could include food and beverage services, but incidental to the games.

Garage Sale: See "Yard Sale"

Garden Supply and Seed Store: A retail establishment at which animal feed, crop seeds and related products are sold. The milling and grinding of feed or flour at such establishments shall be prohibited as shall the storage of milled products. The sale of agricultural chemicals shall be limited to general retail use (as distinguished from an "animal supply store" where large quantities of agricultural chemicals are sold for agricultural purposes).

Golf Course: A tract of land for playing golf, improved with tees, fairways, hazards and which may include clubhouses and shelters.

Governmental Uses: Any government use by Union County, North Carolina which is permitted or required by law.

Grade of Street: The height of the top of the curb, or if no curb exists, the height of the edge of pavement in the lane of travel adjacent to the side of the street at which grade is being measured.

Greenhouse: A building whose roof and sides are made largely of glass or other transparent or translucent material and in which the temperature and humidity can be regulated for the cultivation of delicate or out-of-season plants for subsequent sale.

Greenhouse, Commercial: An establishment whose primary business is the growing of plants through the use of one or more on-premises greenhouses.

Gross Density: The quotient of the total number of dwelling units divided by the total gross acreage of a site.

Gross Floor Area: The total area of a building measured by taking the outside dimensions of the building at each floor level intended for occupancy or storage.

Gross Tract Area or Gross Acreage: The total area of a project including rights-of-way, open space, and dedicated public properties.

Ground Covers: Low growing plants such as grasses, ivies, creeping bushes and similar decorative plantings. Where required by this Ordinance, ground covers shall have the capability of soil stabilization and erosion control.

Group Development: A group of two (2) or more principal structures built on a single lot, tract or parcel of land not subdivided into the customary streets and lots and which will not be so subdivided, and designed for occupancy by separate families, businesses, or other enterprises. Examples of a group development include: cluster-type subdivisions, row houses, apartment complexes, housing projects, school and hospital campuses and shopping centers, business parks, etc.

Group Care Facility/Group Home: (See Handicapped, Aged, Infirm Institutions).

Halfway House: A home for not more than five persons who have demonstrated a tendency toward antisocial or criminal conduct, or who have been released from incarceration or from a juvenile detention facility, or some other type of similar facility, together with not more than two persons providing supervision and other services to such persons, all of whom live together as a single housekeeping unit.

Handicapped, Aged or Infirm Home/ Family Care Home: A residence within a single dwelling unit, for not more than six persons, with support and supervisory personnel that provides room and board, personal care and rehabilitation services in a family environment for not more than six resident persons, who because of age, illness, handicap or specialized program, require personalized services or a supervised living arrangement in order to assure their safety and comfort, as defined by NCGS, 168-21(2). In addition, not more than two persons providing care or assistance to such persons, may live on the premises. Persons residing in such homes principally need residential care rather than medical treatment.

All family care home facilities shall be regulated by the State of North Carolina.

Handicapped, Aged or Infirm Institution/Independent Living Center/Group Care Facility/Group Home: An institutional facility or a residential building, housing and providing care or assistance for more than six persons with support and supervisory personnel that provides room and board, personal care, or rehabilitation services in a family environment for not more than thirty (30) individuals who as a result of age, illness, handicap or some specialized program, require personalized services or a supervised living arrangement in order to assure their safety and comfort. Persons residing in such homes, including the aged or disabled, principally need

residential care rather than medical treatment. Congregate meals may be provided at such facilities.

All group home facilities shall be regulated by the State of North Carolina. Additional requirements may be imposed by the North Carolina Building Code.

Handicapped Person: A person with a temporary or permanent physical, emotional, or mental disability including but not limited to mental retardation, cerebral palsy, epilepsy, autism, hearing and sight impairments, emotional disturbances and orthopedic impairments but not including mentally ill persons who are dangerous to others as defined in G.S. 122C-3(11)b.

Hazardous Substance: Any substance which may pose a danger to the public health or safety if contained in the public water supply, as determined by the administrator. A list of all such substances shall be compiled by the administrator and maintained in the inspections department. All substances included in the U. S. Environmental Protection Agency's listing of Hazardous substances and Priority Pollutants (developed pursuant to the Clean Water Act of 1977) shall be deemed hazardous substances and included on the list compiled by the administrator, but other substances may be included as the administrator, in his informed judgment, deems necessary.

High Volume Traffic Generation: All uses associated with merchandise sales or service uses other than low volume traffic generation uses.

Home Decorating Center: A commercial establishment which sells decorating items (e.g. paint, wallpaper, carpet, linoleum, tile, etc.) and may also supply in-house professional home decorating assistance.

Home Occupation: A commercial activity that: (i) is conducted by a person on the same lot (in a residential district) where such person resides, and (ii) is not so insubstantial or incidental or is not so commonly associated with the residential use as to be regarded as an accessory use (see Section 150), but that can be conducted without any significantly adverse impact on the surrounding neighborhood.

Without limiting the generality of the foregoing, in order to be regarded as having an insignificantly adverse impact on the surrounding neighborhood, a use must comply with the regulations found in Section 180J.

The following is a non-exhaustive list of examples of enterprises that may be home occupations if they meet the foregoing definitional criteria: (i) the office or studio of a physician, dentist, artist, musician, lawyer, architect, engineer, teacher, or similar professional, (ii) workshops, greenhouses, or kilns, (iii) dressmaking or hairdressing studios. Uses such as automobile repair shops, body shops and garages shall not be regarded as home occupations.

Home School: A home school in which one or more children of not more than two families or households receive academic instruction from parents or legal guardians, or from a member of either household. A home school shall be considered a Home Occupation.

Hospital: An institution providing physical and mental health services primarily for human in-patient medical or surgical care for the sick or injured, including related facilities such as

laboratories, out-patient services, training facilities, central service facilities, emergency services, and staff offices.

Hotels and Motels: A building or group of buildings wherein temporary lodging is provided on a regular basis to persons who seek to rent rooms or dwelling units on a day-to-day basis, except that the following are excluded from this definition: (i) tourist homes, (ii) bed and breakfast establishments, (iii) single-family and two-family residences, regardless of the basis on which they are rented, (iv) multi-family residences, unless at least ten percent of the dwelling units within a multi-family development are regularly rented or offered for rent on a day-to-day basis.

Household: A family living together in a single dwelling unit, with common access to and common use of all living and eating areas and all areas and facilities for the preparation and serving of food within the dwelling unit.

Industrial Park: A development that (i) labeled as such, is constructed on a tract of at least fifty (50) contiguous acres, (ii) contains an internal road network suitable for trucks and employee traffic, and provides adequate water and sewer utilities, (iii) consists of permitted or conditional uses as designated by the Use Table, and (iv) where outside storage is requested, shall be subject to the provisions of subsection 154(c).

Interior Decorator: A commercial establishment from where professional home interior decorating services are provided. The on-site retail sale of furniture and other home furnishings to the general public shall not be offered, however, cloth, wallpaper, and paint samples may be provided.

Intermediate Care Home: A facility maintained for the purpose of providing accommodations for not more than six occupants needing medical care and supervision at a lower level than that provided in a nursing care institution but at a higher level than that provided in institutions for the handicapped or infirm.

Intermediate Care Institution: An institutional facility maintained for the purpose of providing accommodations for more than six persons needing medical care and supervision at a lower level than that provided in a nursing care institution but at a higher level than that provided in institutions for the handicapped or infirm.

Intermittent Stream: A stream or portion of a stream that flows only in direct response to precipitation. It receives little or no water from springs and only temporary supply from melting snows or other sources. It is dry for a large part of the year.

Kennel: See Animal Kennel.

Lake or Watercourse: Any stream, river, brook, swamp, creek, run, branch, waterway, reservoir, lake, or pond, natural or impounded, in which sediment may be moved or carried in suspension and which could be damaged by accumulation of sediment and pollutants.

Landfill: A facility for the disposal of solid waste on land in a sanitary manner in accordance with Chapter 130A, Article 9 of the N.C. General Statutes. For the purpose of Article XVI this term does not include reclamation landfills (i.e. composting facilities).

Landfill, Demolition: An operation which consists of the dumping of materials allowed in a reclamation landfill and/or construction material consisting of debris associated with the construction or demolition of housing or buildings, and Industrial Solid Waste as defined in the ENR-Division of Waste Management Regulations effective January 9, 1997. In no event shall such debris include solvents, chemicals, liquid paint, asbestos, food or food by products or any infectious or hazardous substance. On-sight disposal is for those wastes produced from on-sight clearing and building construction. Off-sight disposal is for those wastes which are transported from other sights. See Section 180 for development restrictions.

Landfill, Reclamation: An operation which 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.

Landfill, Sanitary: A tract of land used as a permanent dumping place for garbage, trash, and other types of solid wastes, whether or not such wastes are biodegradable, where the principal purpose of such landfill is to provide a disposal site for such wastes rather than to raise the elevation of the land.

Lattice Tower: A free standing and self-supporting structure consisting of connected sections of metal supports used to support telecommunications equipment. These towers can be either three or four-legged steel girded structures designed typically to support multiple telecommunications users.

Laundromat: A commercial facility open to the general public where coin-operated washing and drying machines are available for use.

Loading and Unloading Area: That portion of the vehicle accommodation area used to satisfy the requirements of Section 300.

Loading Space, Off-Street: An off-street space or berth on the same lot with a building or contiguous to a group of buildings for the temporary parking of commercial vehicles while loading or unloading merchandise or materials.

Lot: A parcel of land whose boundaries have been established by some legal instrument such as a recorded deed or a recorded map and which is recognized as a separate legal entity for purposes of transfer of title. If a public body or any authority with the power of eminent domain condemns, purchases, or otherwise obtains fee simple title to or a lesser interest in a strip of land cutting across a parcel of land otherwise characterized as a lot by this definition, or a private road is created across a parcel of land otherwise characterized as a lot by this definition, and the interest thus obtained or the road so created is such as effectively to prevent the use of this parcel as one lot, then the land on either side of this strip shall constitute a separate lot. Subject to Section 123, the permit-issuing authority and the owner of two or more contiguous lots may agree to regard the lots as one lot if necessary or convenient to comply with any of the requirements of this ordinance.

Lot Area: The total area circumscribed by the boundaries of a lot, except that: (i) when the legal instrument creating a lot shows the boundary of the lot extending into a public street right-of-way, then the lot boundary for purposes of computing the lot area shall be the street right-of-way

line, or if the right-of-way line cannot be determined, a line running parallel to and thirty feet from the center of the traveled portion of the street, and (ii) in a residential district, when a private road that serves more than three dwelling units is located along any lot boundary, then the lot boundary for purposes of computing the lot area shall be the inside boundary of the traveled portion of that road.

Lot, Corner: A lot which occupies the interior angle at the intersection of two (2) street lines which make an angle of more than forty-five (45) degrees and less than one hundred and thirty-five (135) degrees with each other. The street line forming the least frontage shall be deemed the front of the lot except where the two (2) street lines are equal. When the two (2) street lines are of equal length, the final plat shall be reviewed to determine which side was designated as the "front" by the original sub-divider. If the plat does not provide this information, then the property owner shall be required to specify which is the front when requesting a zoning permit.

Lot Depth: The mean horizontal distance between the front and rear lot lines.

Lot, Interior: A lot other than a corner lot.

Lot Line: A line of record bounding a lot which separates one lot from another lot or separates that lot from a public or private street or any other public space.

Lot Line, Front: The lot line separating a lot from a street right-of-way.

Lot Line House: A single-family detached dwelling unit which is placed against one of the side lot lines. Such dwelling unit has a front and rear yard but only one side yard.

Lot Line, Interior: A lot line which does not have street frontage.

Lot Line, Rear: The lot line opposite and most distant from the front lot line.

Lot Line, Side: Any lot line abutting another lot and which is not a front or rear lot line.

Lot of Record: A lot which is part of a subdivision, a plat of which has been recorded in the office of the Register of Deeds of Union County or a lot described by metes and bounds, the description of which has been so recorded.

Lot, Through: A lot which fronts upon two parallel streets, or which fronts upon two streets which do not intersect at the boundaries of the lot.

Lot Width: The distance between side lot lines measured at the building setback line.

Lounge/Bar: An establishment (e.g. bar, tavern) used primarily for the serving of alcoholic beverages to patrons and where the sale of prepared food if provided, is accessory to the primary use. Any lounge which provides facilities or services which satisfy any portion of the definition of "adult establishment" per G.S. 14.202.10 shall be considered an "adult establishment".

Low Density Option: Any development which does not contain engineered stormwater control devices (i.e., wet detention ponds) approved by Union County.

Low Volume Traffic Generation: Uses such as furniture stores, carpet stores, major appliance stores, etc., that sell items that are large and bulky, that need a relatively large amount of storage or display area for each unit offered for sale, and that therefore generate less customer traffic per square foot of floor space than stores selling smaller items.

Lowest Floor: The lowest floor of the lowest enclosed area (including basement). An unfurnished or flood resistant enclosure, usable solely for parking vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance.

Machine Shop: A workshop in which work is machined to size and assembled.

Main Traveled Roadway: The principal traveled way of a highway on which through traffic is carried. In the case of a divided highway, the traveled way of each of the separate roadways for traffic in opposite directions is a main traveled roadway. Not included are such facilities as arterial access streets.

Major Development Permit: A permit issued by the planning board that authorizes the recipient to make use of property in accordance with the requirements of this ordinance.

Major Map Amendment: An amendment to the Zoning Map initiated by the Board of Commissioners, Planning Board, or planning staff that addresses a zoning reclassification action directly affecting more than 50 properties, owned by a total of at least 50 different property owners.

Manufactured Goods, Class 1: Manufacturing, refining, processing, or assembly of goods or products subject to the following limitations (Note: The term "SIC" shall refer to the Standard Industrial Classification System as set forth in the SIC Manual published by the United States of America, Executive Office of the President, Office of Management and Budget and unless a use is defined in this Ordinance, the SIC Manual shall be used to define, clarify or more specifically identify the uses and groups of uses listed. While the SIC Manual uses the term "establishments primarily engaged in" in defining types of manufacturing operations, this Ordinance shall be construed to mean that if the activity is conducted at all within the use and that activity is listed as needing a “special use permit” then the entire use shall be deemed to need a "special use permit" as opposed to a "permitted use".):

All manufacturing industries not listed in Manufactured Goods, Class 2 [as identified by their SIC Group Number, Division or Industry Number(s)] are considered to be Class 1 uses. Please refer to the definition of Manufactured Goods, Class 2.

Manufactured Goods, Class 2: Manufacturing, refining, processing, or assembly of goods or products subject to the following limitations (Note: The term "SIC" shall refer to the Standard Industrial Classification System as set forth in the SIC Manual published by the United States of America, Executive Office of the President, Office of Management and Budget and unless a use is defined in this Ordinance, the SIC Manual shall be used to define, clarify or more specifically identify the uses and groups of uses listed. While the SIC Manual uses the term "establishments primarily engaged in" in defining types of manufacturing operations, this Ordinance shall be

construed to mean that if the activity is conducted at all within the use and that activity is listed as needing a special use permit, then the entire use shall be deemed to need a special use permit as opposed to a "permitted use"):

The following uses are subject to the issuance of a special use permit, and are classified as Class 2 uses:

(a) Meat packing plants and poultry dressing plants, sausage and other prepared meat products (SIC #2011, 2013, 2015)

(b) Pickled fruits and vegetables (SIC #2035)

(c) Flour and other grain mill products, sugar refining (SIC #2041, 2061, 2062, 2063)

(d) Animal feeds and pet foods (SIC #2047, 2048)

(e) Fats and oils (SIC Group #207)

(f) Beer/malt beverages, wines, brandy, distilled and blended liquor, roasted coffee (SIC #2082, 2083, 2084, 2085, 2095)

(g) Processing and packing of canned, cured, fresh, or frozen fish and seafood (SIC #2091, 2092)

(h) The following manufacturing listed under SIC #2099:

(1) Yeast

(2) Molasses and sweetening syrups

(3) Vinegar

(i) Tobacco products (SIC Major Group #21)

(j) Dying and finishing textiles, except wool fabrics and knit goods (SIC Group #226) and under SIC #2231, 2253, 2252, 2251, the dying and finishing of wool and similar animal fibers

(k) Coated fabrics, rubberized and not rubberized; canvas and related products (SIC #2295, 2394, 3069)

(l) Sawmills and planing mills, general (SIC #2421)

(m) Wood building and mobile homes (SIC Group #245)

(n) Wood preserving; reconstituted wood products; pulp mills; paper mills; paperboard mills (SIC #2491, 2493; SIC Group #261; SIC Group 262; SIC Group 263)

(o) Industrial inorganic chemicals; Plastic materials, synthetic resins and rubber, cellulosic and other manmade fibers, except glass (SIC Group #281; SIC Group #282)

(p) Soaps, detergents, and cleaning preparations; perfumes, cosmetics, and other toilet preparations (SIC Group #284)

(q) Paints, varnishes, lacquers, enamels and allied products (SIC Group #285)

(r) Industrial organic chemicals; agricultural chemicals (fertilizers, pesticides, etc.) (SIC Group #286; SIC Group #287)

(s) Miscellaneous chemical products (all products listed under SIC Group #289) (e.g., adhesives, sealants, explosives, printing ink, carbon black, and "other chemical and chemical preparations" listed in SIC #2899)

(t) Petroleum refining (SIC Group #291)

(u) Asphalt paving and roofing materials (SIC Group #295)

(v) Lubricating oils and greases (SIC #2992)

(w) Products of petroleum and coal classified under SIC #299

(x) Tires and inner tubes (SIC Group #301)

(y) Plastic products found under SIC Group #308 when resins are made at the same facility Leather tanning and finishing (SIC Group #311)

(z) Leather tanning and finishing (SIC Group #311)

(aa) Flat glass; glass and glassware;(SIC Group #321; SIC Group #322)

(bb) Cement, hydraulic (SIC Group #324)

(cc) Structural clay products (SIC Group #325)

(dd) Pottery and related products (SIC Group #326) except handmade pottery and arts and crafts operations involving no more than 1,000 cubic feet of kiln space

(ee) Concrete gypsum and plastic products; cut stone and stone products (SIC Group #327; SIC Group #328)

(ff) Abrasive products; asbestos products; mineral wool; (SIC #3291; SIC #3292; SIC #3296)

(gg) Minerals and earths, ground or otherwise treated (SIC #3295)

(hh) Non-clay refactories (SIC #3297)

(ii) Miscellaneous nonmetallic mineral products listed under SIC Code #3299

(jj) Steel works, blast furnaces, and rolling and finishing mills; iron and steel foundries; primary and secondary smelting and refining of nonferrous metals; rolling, drawing and extruding of nonferrous metals; nonferrous foundries; (SIC Group #331; SIC Group #332; SIC Group #333 and 334; SIC Group #335; SIC Group #336)

(kk) Metal heat treating; metal forging-iron, steel and nonferrous; coating and engraving of metals and allied services (SIC #3398, SIC #3462 and #3463; SIC Group #347)

(ll) Manufacture of other primary metal products listed under SIC #3399

(mm) Manufacture of ordnance (arms, ammunition, etc.) and accessories except vehicles and guided missiles (SIC Group #348)

(nn) Power, distribution and specialty transformers (SIC #3612)

(oo) Electrical industrial carbon and graphic products (SIC #3624)

(pp) Storage batteries; primary batteries, dry and wet (SIC #3691; SIC #3692)

(qq) Motor vehicles; truck, bus and passenger car bodies; truck trailers; motor homes; (SIC #3711, 3713; SIC #3715; SIC #3716)

(rr) Railroad equipment (SIC #3743)

(ss) Motorcycles (SIC #3751) except bicycles and bicycle parts

(tt) Aircraft; guided missiles and space vehicles and parts (SIC #3721; SIC Group #376)

(uu) Under SIC #3792 - camping trailers

(vv) (Military) tanks (and related armored vehicles) (SIC #3795) but not tank components

(ww) Under SIC #3861 - all photographic supplies but not photographic equipment

(xx) Under SIC #3952 all inks, paints, oils, enamels, and crayons

(yy) Carbon paper and inked ribbons (SIC #395

(zz) Linoleum, asphalt - felt-base, and other hard surface floor covering listed under SIC #3996)

(aaa) Mining (all of SIC Division B)

(bbb) Incinerator Operations (SIC #4953)

Manufactured Home: A dwelling unit that: (i) is not constructed in accordance with the standards set forth in The North Carolina State Building Code, and (ii) is composed of one or more components, each of which was substantially assembled in a manufacturing plant and designed to be transported to the home site on its own chassis, and (iii) exceeds forty feet in length and eight feet in width. A structure that would otherwise be characterized as a manufactured home except 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) shall not be regarded as a manufactured home.

NOTE: FOR PURPOSES OF ARTICLE XVI, THE FOLLOWING DEFINTION SHALL APPLY TO THE TERM "MANUFACTURED HOME":

Manufactured Home. A structure, transportable in one or more sections, which is built on permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include park trailers, travel trailers, recreational vehicles, SUV's, and other similar vehicles. Within the text of this ordinance, when the term single family dwelling is used it shall not include a manufactured home.

Manufactured Home, Class A: A manufactured home 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:

(a) The home has a length not exceeding three times its width;

(b) The pitch of the home'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;

(c) The exterior siding consists of wood, hardboard, or aluminum (vinyl covered or painted), comparable in composition, appearance, and durability to the exterior siding commonly used in standard residential construction;

(d) The tongue, axles, transporting lights, and removable towing apparatus are removed after placement on the lot and before occupancy.

Manufactured Home, Class B: A manufactured home that meets all of the criteria of a Class A manufactured home except the length/width ratio.

Manufactured Home, Class C: A manufactured home 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 home.

Manufactured Home, Class D: Any manufactured home that does meet the definitional criteria of a Class A, B, or C manufactured home.

Manufactured Home Park: A residential use in which more than one manufactured home is located on a single lot.

Manufactured Home Park or Subdivision, Existing: As used in Article XVI, a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

Manufactured Home Park or Subdivision, Expansion To: As used in Article XVI, the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

Manufactured Home Park or Subdivision, New: As used in Article XVI, a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed, (including at a minimum, the installation of utilities, the construction of streets and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.

Manufactured Home Space: Any premises within a manufactured home park used or intended to be used or occupied by one manufactured home, together with automobile parking space, utility structures, and other required facilities incidental thereto.

Manufactured Home Subdivision: A recorded subdivision containing residential lots for individual sale and occupancy by Class A or B or C manufactured homes.

Medical Center: A facility housing the offices of three (3) or more doctors where out patient medical services are routinely provided to the general public. Overnight stays of patients at such facilities shall not be allowed.

Memorial Sign or Plaque: A sign designating names of buildings and/or date of erection and other items such as architect, contractor, or others involved in a building's creation, cut into or attached to a building surface.

Miniature Golf Course: A commercial enterprise consisting of a golf course open to the general public where each hole is enclosed in a contained area.

Mini-Mart, Express Fuel: (See Convenience Store)

Mini-Warehouse, Class 1: A structure containing separate storage spaces of varying sizes leased or rented on an individual basis. No outdoor storage shall be allowed in conjunction with the facility. Storage shall be limited to dead storage. Dead storage excludes on site retail, manufacturing, or service operation. Dead storage also excludes operations with employees on-site or operations with material handling on site. A single caretaker's residence may be included.

Mini-Warehouse, Class 2: A structure containing separate storage spaces of varying sizes leased or rented on an individual basis. Outdoor storage shall be allowed in conjunction with the facility. Storage shall be limited to dead storage. Dead storage excludes on site retail, manufacturing, or service operation. Dead storage also excludes operations with employees on-site or operations with material handling on site. A single caretaker's residence may be included.

Minor Map Amendment: An amendment to the Zoning Map that addresses a zoning reclassification action involving less than 50 properties which are owned by less than 50 different property owners.

Modular Home: A dwelling unit constructed in accordance with the standards set forth in The North Carolina State Building Code and composed of components substantially assembled in a manufacturing plant and transported to the building site for final assembly on a permanent foundation. Among other possibilities, a modular home may consist of two sections transported to the site in a manner similar to a manufactured home (except that the modular home meets The North Carolina State Building Code), or a series of panels or room sections transported on a truck and erected or joined together on the site.

Monopole Tower: A free-standing and self-supporting single pole structure that supports telecommunication equipment.

Motor Vehicle: Every self propelled vehicle designed to run upon the highways and every vehicle designed to run upon the highways that is pulled by a self propelled vehicle.

Multi-Family Development/Multi-Family Dwellings: A tract of land under individual, corporate, firm, partnership or association ownership, or under common control evidenced by duly recorded contracts or agreements; planned and developed as an integral unit in a single development operation or in a definitely programmed series of development operations. Such development shall consist of two or more duplex buildings, or three (3) or more dwelling units sharing one (1) or more common walls. The development shall have a unified or coordinated design of buildings and a coordinated organization of service areas and common open space area.

Net Floor Area: Floor area of all floors, as measured from the inside surfaces of the walls enclosing the part of a building occupied by a single occupant or shared by a distinct group of occupants, excluding therefrom common halls, stairwells, sanitary facilities and storage and other areas to which patrons do not have regular access.

Net Tract Area or Net Acreage: The residual acreage of a project after the amount of rights-of-way, open space, and public property have been deducted from the "Gross Tract Area".

Night Club: An establishment that stays open after 10:00 p.m. on weekends or on more than an occasional basis that offers food and beverages or entertainment or amusements. This definition includes but is not limited to establishments that serve beverages to persons aged 21 or older, dance halls, discotheques, and similar establishments. Excluded from this definition are restaurants that meet both the requirements established by definition in this ordinance and in NCGS 18B-1000(6), clubs used by nonprofit organizations, lodges used by nonprofit organizations, theaters, health and athletic facilities.

Noncommercial Copy: A sign message through pictures, illustrations, symbols and/or words, or any combination thereof, which does not contain any reference to a business or product but displays a substantive message, statement or expression that is protected by the First Amendment to the Constitution of the United States.

Nonconforming Lot: A lot existing at the effective date of this ordinance (and not created for the purposes of evading the restrictions of this ordinance) that does not meet the minimum area requirement of the district in which the lot is located, except that such a lot created pursuant to a provision of this or any prior ordinance allowing the creation of lots smaller than normal minimums shall not constitute a nonconforming lot.

Nonconforming Project: Any structure, development, or undertaking that is incomplete on the effective date of this ordinance and would be inconsistent with any regulation applicable to the district in which it is located if completed as proposed or planned.

Nonconforming Sign: A sign that on the effective date of this ordinance does not conform to one or more of the regulations set forth in this ordinance, particularly Article XVII, Signs.

Nonconforming Situation: A situation that occurs when, on the effective date of this ordinance, an existing lot or structure or use of an existing lot or structure does not conform to one or more of the regulations applicable to the district in which the lot or structure is located. Among other possibilities, a nonconforming situation may arise because a lot does not meet minimum acreage requirements, because structures exceed maximum height limitations, because the relationship between existing buildings and the land (in such matters as density and set-back requirements) is not in conformity with this ordinance, because signs do not meet the requirements of Article XVII of this ordinance, or because land or buildings are used for purposes made unlawful by this ordinance.

Nonconforming Use: A nonconforming situation that occurs when property is used for a purpose or in a manner made unlawful by the use regulations applicable to the district in which the property is located. (For example, a commercial office building in a residential district may be a nonconforming use.) The term also refers to the activity that constitutes the use made of the property. (For example, all the activity associated with running a bakery in a residentially zoned area is a nonconforming use.)

Non-residential Development: All development other than residential development, agriculture and silvi-culture.

Nursery: A commercial enterprise conducted on land where flowers, shrubs and similar horticultural products are raised and sold to general public. Nurseries may include the use of greenhouses for growing purposes. See Agriculture Uses, Class II.

Nursery Products Sales, Retail and Wholesale: A commercial enterprise where flowers, shrubs and plants are raised for sale on the retail or wholesale level. Nurseries may use greenhouses for the raising of such entitles. See Agricultural Uses, Class II.

Nursing Care Home: A facility maintained for the purpose of providing skilled nursing care and medical supervision at a lower level than that available in a hospital to not more than six persons.

Nursing Care Institution: An institutional facility maintained for the purpose of providing skilled nursing care and medical supervision at a lower level than that available in a hospital to more than six persons.

Office: A room or group of rooms used for the conduct of a business, profession, service, industry or government where retail trade is not conducted.

Office Building: A building used primarily for conducting the affairs of a business, profession, service, industry or government, or like activity, that may include ancillary services for office workers such as a restaurant, coffee shop, newspaper or candy stand.

Office Park: A development on a tract of land containing two or more office buildings, supporting uses and open space designed, planned and constructed and managed on an integrated and coordinated basis.

Open Space: Areas of development that allow for light, air, wildlife habitat, and for scenic and recreational use. Also included are areas designed to enhance the privacy or general appearance of a development. Private open space is open space that is owned by a corporation, individual, or homeowner's association. Public open space is open space owned by a governmental jurisdiction.

Open Storage: A unroofed storage area, whether fenced or not.

Outparcel: A parcel of land associated with and located within a shopping center or multi-tenant non-residential development, which is designated on an approved site plan as a location for a structure with an intended use such as, but not limited to banks, savings and loans, dry cleaners, service stations, vehicle repair garages, offices, restaurants, retail establishments, or combination of uses thereof.

Owners: See "Property Owners."

Package Treatment Plant: A small self-contained sewage treatment facility built to serve developed areas which lie beyond the service area of sanitary sewers.

Parapet: That portion of a building wall or false front that extends above the roofline.

Parking Area Aisles: That portion of the vehicle accommodation area consisting of lanes providing access to parking spaces.

Parking Bay: A parking module consisting of one or more sets of one or two rows of parking spaces and the aisle from which motor vehicles enter and leave.

Parking Space: A portion of the vehicle accommodation area set for the parking of one vehicle.

Passive Recreation: Recreational activities that generally do not require a developed site. This generally includes such activities as hiking, horseback riding, and picnicking.

Patio Home: See Dwelling, Patio Home.

Pawn Shop: A shop where money is lent on the security of personal property pledged. Such property may then later be sold at the shop.

Perennial Stream: A stream that flows continuously during most or all of the year.

Permit, Building: Written permission issued for the construction, repair, alteration or addition to a structure.

Person: An individual, trustee, executor, other fiduciary, corporation, firm, partnership, association, organization, or other entity acting as a unit.

Personal Service Establishments: An establishment where the primary purpose is providing for the care of physical components of a person or personal apparel. Examples are: beauty shops, cleaners, and shoe repair shops.

Pharmacy: A retail store which sells prescription drugs and which may also sell other items at the retail level. A pharmacy may have a maximum gross floor area of fifteen thousand (15,000) square feet. Prescription drugs may also be sold in department stores, variety stores and food stores but such a store shall not be deemed to be a "pharmacy".

Place of Worship: A building primarily used by a non-profit organization for organized religious services and supporting uses.

Planned Industrial Development: A development that (i) is constructed on a tract of at least fifty contiguous acres under single ownership located within a planned industrial district, (ii) is developed in accordance with a comprehensive and unified scheme of development covering the entire tract, (iii) consists of a single principal use or a combination of principal uses consisting of wholesale sales or manufacturing uses (class 1) and (iv) is otherwise developed according to building height, setback and other regulations applicable to the LI zoning district. (See Subsection 137(b)).

Planned Residential Development: A development constructed on a tract of at least five acres under single ownership, planned and developed as an integral unit, and consisting of single-family detached residences combined with either two-family residences or multifamily residences, or both, all developed in accordance with Section 158.

Planned Unit Development: A development constructed on a tract of at least twenty-five acres under single ownership, planned and developed as an integral unit, and consisting of a combination of residential and nonresidential uses on land within a P.U.D. district (see Section 138) in accordance with Section 159.

Plat: A map or plan of a parcel of land which is to be, or has been subdivided.

Poultry, Hog and Rabbit Meat Production Centers: A commercial enterprise where poultry (e.g., turkeys, chickens, ducks, geese, ostrich, rhea, emu, and or other domestic fowl), hogs, llama or rabbits are raised in large numbers (exceeding on a regular basis twenty-five hogs or rabbits or fifty fowl), usually in relatively confined quarters, for sale as meat.

Premises: A parcel of real property with a separate and distinct number or designation shown on a recorded plat, record of survey, parcel map or subdivision map. When a lot is used together with one or more contiguous lots for a single use or planned development, all of the lots so used, including any lots used for off-street parking, shall be considered a single premises for purposes of these regulations.

Private Road: See "Road."

Produce Stand: The sale of any form of agricultural or horticultural products at a retail stand on the property under the same ownership as the lot upon which the produce is grown.

Property Owners: Those listed as owners of property on the records of the Union County Assessor's Office.

Protected Area: The area adjoining and upstream of the critical area in a WS-IV water supply in which protection measures are required. The boundaries of the protected areas are defined as extending five (5) miles upstream and draining to water supply reservoirs (measured from the normal pool elevation) or to the ridge line of the watershed (whichever comes first); or ten (10) miles upstream and draining to the intake located directly in the stream or river (run-of-theriver), or to the ridge line of the watershed (whichever comes first). Local government may extend the protected area. Major landmarks such as highways or property lines may be used to delineate the outer boundary of the protected area if these landmarks are immediately adjacent to the appropriate outer boundary of five (5) or ten (10) miles. In some cases the protected area will encompass the entire watershed.

Public Safety Station: A facility operated by a public agency, a private contractor thereof, or by a private non-profit volunteer organization and used for the base of operations and/or housing of equipment or personnel for the provision of dispatched public safety services including law enforcement, fire protection, rescue services, and/or emergency medical services. Such a facility may contain living quarters for on-duty personnel. It may also contain up to four holding cells for the temporary custody of persons under arrest. Facilities for the maintenance of equipment housed at the operation site are also permitted.

Public Water Supply System: Any water supply system furnishing potable water to ten or more dwelling units or businesses or any combination thereof.

Racetrack, Outdoor: An outdoor facility where motor vehicles of any size, model aircraft and similar reduced-scale objects, or animals are raced for speed and/or endurance at which seating space and accessory food stands may be provided.

Racetrack, Indoor: An indoor facility where reduced-scale cars or airplanes are raced. Other entertainment or recreation activities may also be provided such as video games, or pool tables and where food may be provided.

Receive-Only Earth Station: An antenna and attendant processing equipment for reception of electronic signals from satellites. (As indicated in Subsection 150(c)(5), receive only earth stations are generally regarded as accessory uses to residential uses).

Recreation Center, Indoor: Public or private health or exercise clubs, tennis or racquet ball courts, swimming pools, YMCA's, YWCA's or similar uses which constitute principal uses and are enclosed in buildings and are operated on a fee or membership basis primarily for the use of persons who do not reside on the same lot as that on which the recreational use is located. "Indoor recreation" structures may include accessory uses, such as snack bars, pro shops, and locker rooms, which are designed and intended primarily for the use of patrons of the principal recreational use.

Recreational Facility, Outdoor: A tract of land, owned and operated by a public entity, designated and used by the general public for active and/or passive recreation, primarily conducted outdoors. An example of such a facility shall include a public park. The term shall not include the terms, "race track", "outdoor firing range", "stadiums", "amphitheaters", "amusement park", "baseball hitting ranges", "country club" or "golf course".

Recreational Uses, Accessory: A recreational facility (e.g. swimming pool, tennis court) accessory to a principal use such as a hotel, multi-family development, single-family residence, country club, etc.

Recreation Vehicle: A vehicle which is (1) built on a single chassis; (2) 400 square feet or less when measured at the largest horizontal projections; (3) designed to be self-propelled or permanently towable by a light duty truck; and (4) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Recycling Station: A center located either within or outside a principal structure at which household goods such as newspapers, glass, aluminum cans or clothing are deposited. All such deposited goods shall be stored within the principal building or accessory structure. No outside storage of such goods shall be allowed.

Rental Center, Class 1: A commercial establishment whose primary use is the rental of household items and goods (as distinguished from an establishment which deals in goods primarily for use by industrial establishments) are offered for rent (and eventual sale) to the general public. This shall include the rental of prosthetics and medical supplies. Storage and display of all items shall be indoors.

Rental Center, Class 2: A commercial establishment primarily engaged in the rental of commercial and/or industrial supplies and equipment. Storage of rental items may be indoors or outdoors.

Residential Development: Buildings for residence such as attached and detached single-family dwellings, apartment complexes, condominiums, townhouses, cottages, etc. and their associated outbuildings such as garages, storage buildings, gazebos, etc. and customary home occupations.

Residency Hotel/Motel: A building or group of buildings containing ten (10) or more guest rooms for transient or permanent residents. Transients are generally daily or weekly rentals and permanent are generally weekly or monthly rentals. Occupancy shall not exceed two people per guestroom. Registration facilities, 24-hour on site management and housekeeping services shall

be provided. Accessory uses may include restaurants, laundry facilities, or other services for occupants. These are often called an "apartment hotel" or "single room occupancy housing".

Restaurant: A commercial establishment other than a drive-through or fast food restaurant where food and drink are prepared, served and consumed primarily within the principal building.

Restaurant, Fast Food: An establishment whose principal business is the sale of prepared or rapidly prepared food directly to the customer in a ready-to-consume state for consumption either within the restaurant building, on the restaurant premises or off-premises. Orders for food may be placed either within the restaurant building or from a centrally-located outdoor calling station.

Restaurant, Drive-Through: An establishment whose principal business is the sale of prepared or rapidly prepared food directly to the customer in a ready-to-consume state for consumption on the restaurant premises or off-premises. Unlike a fast food restaurant, a drive-through restaurant does not contain any indoor customer dining areas. Unlike a drive-in restaurant, orders are taken from customers from centrally located drive-in windows rather than from individual calling stations.

Retail Establishment: A building, property, use or activity, the principal purpose of which is the sale of goods, products or merchandise directly to the consumer. Any use that could be classified as a Retail Establishment but also could be classified as another use within the Table of Uses (e.g., Variety Store) and that has a total floor area of at least 25,000 square feet shall be considered solely a Retail Establishment and not such other use (e.g., Variety Store) when determining whether that use is permitted in a particular zoning district.

Riding Stable/ Academy: A commercial facility where horses are sheltered which may also contain grounds for the riding of horses. Horse racing shall not be allowed to take place on the grounds. Horseback riding lessons may also be provided.

Road: All private ways used to provide motor vehicle access to (i) two or more lots or (ii) two or more distinct areas or buildings in un-subdivided developments.

Road, Frontage: A road which is in close proximity to and parallels a limited access road and is designed to provide access to roads which abut said limited access road.

Rooming House: A single-family dwelling, a portion of which is provided by the resident owner to no more than four (4) lodgers and where separate bathroom and kitchen facilities are not provided for any lodger. See also "Boarding House".

Roof Line: The highest point of a flat roof and mansard roof and the lowest point of a pitched roof, excluding any cupolas, chimneys or other minor projections.

Satellite Dish: A device incorporating a reflective surface that is solid, open mesh, or bar-configured and is in the shape of a shallow dish, cone, horn, or cornucopia. Such device shall be used to transmit and/or receive radio or electronic waves between terrestrially and/or orbitally based uses. This definition is meant to include but not be limited to what are commonly referred to as satellite earth stations, TVRO's and satellite microwave antennas.

School, Vocational: A secondary or higher education facility primarily teaching usable skills that prepares students for jobs in a specific trade or vocation upon graduation.

Schools for Arts, Etc: A school where classes in the various arts (e.g., dance, painting, sculpting, singing) are taught. As differentiated from a "vocational school", such schools are usually attended by persons of all ages where professional placement after graduation is not of significant importance.

Scrap Materials, Salvage Yards, Junkyards, and Automobile Graveyards: The use of any lot for the storage, keeping, or abandonment of junk, including scrap metals, or other scrap materials or for the dismantling, demolition, or abandonment of automobiles or other vehicles or machinery or parts thereof, and any salvage yards or junkyards, or any additional such usage as defined under Standard Industrial Classification 5015 and 5093.

Screening: A fence, wall, hedge, landscaping, earth berm, buffer area or any combination of these provided to create a visual and/or physical separation between certain land uses. Screening may be located on the property line or elsewhere on the site.

Second-Hand Shop: A retail establishment where clothes, furniture, and other household goods are sold to the general public on a consignment, retail or not-for-profit basis. A "pawn shop" shall not be considered as being a "second-hand shop".

Septic Tank Disposal Operating Service: (See Commercial Vehicle Storage and Operations Center)

Setback: A distance measured inward from a property line which shall remain unoccupied and unobstructed upward except as may be permitted elsewhere in this Ordinance.

Setback, Front: That portion of the front yard which shall remain unoccupied and unobstructed from the ground upward except as may be permitted elsewhere in this Ordinance.

Setback, Rear: That portion of the rear yard which shall remain unoccupied and unobstructed from the ground upward except as may be permitted elsewhere in this Ordinance.

Setback, Side: That portion of the side yard which shall remain unoccupied and unobstructed from the ground upward except as may be permitted in this Ordinance.

Setback, Sign: The shortest horizontal distance from the property line or right-of-way to the nearest point (leading edge) of the sign or its supporting member whichever is nearest to the property line or right-of-way.

Sewer, Community: See "Public Sewer"

Sewer, Public: Any package treatment plant or other sewage treatment facility serving two or more sources not connected to individual or public systems and having a design capacity of greater than 3,000 gallons daily and/or a discharge to surface water, as permitted by the State of North Carolina. In addition the definition shall include all connections to such a system.

Shopping Center: A group of two (2) or more retail uses constructed and developed in one (1) or more phases with customer and employee parking and merchandise and other loading facilities provided on-site. A shopping center may be located and developed on one (1) or more lots and may include one (1) or more principal buildings.

Sight Distance Triangle: The triangular area formed by a diagonal line connecting two points located on intersecting property lines (or a property line and the curb or a driveway), each point being fifteen (15) and seventy-five (75) feet from the point of intersection.

Sign: Any object, display or structure, or part thereof, situated outdoors, which is used to advertise, identify, display, direct, or attract attention to an object person, institution, organization, business, product, service, event or location by any means, including words, letters, figures, design, symbols, fixtures, colors, illumination, or projected images. The term "sign" does not include the flag or emblem of any nation, organization of nations, state, political subdivision thereof, or any fraternal, religious or civic organization; works of art which in no way identify a product or business; scoreboards located on athletic fields; or religious symbols.

Sign, Advertising: A sign, other than a directional sign which directs attention to or communicates information about a business, commodity, service, or event that exists or is conducted, sold, offered, maintained or provided at a location other than the premises where the sign is located. Any advertising sign allowed under this Ordinance may display either a commercial or noncommercial copy. See also "Signs, Off-Premise".

Sign Area: The entire face of a sign including the advertising surface and any framing, trim, or molding, but not including the supporting structure. In computing area, only one side of a double-faced sign shall be considered.

Sign, Campaign or Election: A sign that advertises a candidate or issue to be voted upon on a definite election day.

Sign, Canopy and Awning: A sign attached to or painted or printed onto a canopy or awning. For the purposes of the Ordinance, the permitted size of a canopy or awning sign will be calculated on the basis of the size of the building wall to which the canopy is attached. It will, for measuring purposes, be considered a wall sign.

Sign Construction: A sign placed at a construction site identifying or announcing the project or the name of the architect, engineer, contractor, financier, or others involved in the development of the project.

Sign, Directional: A sign fronting on a road containing only the name of the principal use, directional arrow and mileage to the principal use. Such principal use shall not be visible to the motorist at the location at which the sign is placed.

Sign, Directory: A sign on which the names and locations of occupants or the use of a building or property is identified.

Sign, Flashing: A sign that uses an intermittent or flashing light or message to attract attention or is otherwise designed or constructed to have intermittent, flashing or scrolled light emitted from it.

Sign, Freestanding: A sign that is attached to, erected on, or supported by some structure (such as a pole, mast, frame, or other structure) that is not itself an integral part of a building or other structure whose principal function is something other than the support of a sign. A sign that stands without supporting elements, such as "sandwich sign," is also a freestanding sign. If the message is removed from a structure that was originally designed and used as a sign, this structure shall still be considered a sign.

Sign, Government: Any sign which extends from the ground or which has supports which place the bottom thereof less than three and one-half feet from the ground directly beneath the sign.

Sign, Ground: Any sign which extends from the ground or which has supports which places the bottom thereof less than three and one-half feet from the ground directly beneath the sign.

Sign, Identification: A sign which displays only the name, address, and/or crest, or insignia, trademark, occupation or professional of an occupant or the name of any building on the premises.

Sign, Incidental: A sign used in conjunction with equipment or other functional elements for a use or operation. These shall include, but not be limited to drive through window menu boards, and signs on automatic teller machines, gas pumps, vending machines, or newspaper delivery boxes.

Sign, Illuminated: A sign either internally or externally illuminated.

Sign, Instructional: An on-premises sign designed to guide vehicular and/or pedestrian traffic by using such words as "Entrance", "Exit", "Parking", “One Way", or similar directional instruction, but not including any advertising message. The name or logo of the business or use to which the sign is giving direction may also be included on the sign.

Sign, Internally Illuminated: A sign where the source of the illumination is inside the sign and light emanates through the message of the sign, rather than being reflected off the surface of the sign from an external source. Without limiting the generality of the foregoing, signs that consist of or contain tubes that (i) are filled with neon or some other gas that glows when an electric current passes through it and (ii) are intended to form or constitute all or part of the message of the sign, rather than merely providing illumination to other parts of the sign that contain the message, shall also be considered internally illuminated signs.

Sign, Lighted: A sign illuminated only by light cast upon the sign from an external light source.

Sign, Luminous: A sign lighted by or exposed to artificial lighting either by lights on or in the sign.

Sign, Monument: A nonmetallic sign in which the bottom of the sign is flush with the ground and the vertical dimension is greater than the horizontal dimension.

Sign, Nonconforming: A sign that, on the effective date of this ordinance, does not conform to one or more of the regulations set forth in this ordinance, particularly those contained in this article.

Signs, Off-Premises: A sign that draws attention to or communicates information about a business, service, commodity, accommodation, attraction, or other enterprise or activity that exists or is conducted, sold, offered, maintained or provided at a location other than the premises where the sign is located. A sign that draws attention to a cause or advocates or proclaims a political, religious or other non-commercial message shall also be an off-premises sign unless such sign is excluded from regulation under Section 271 or is subject to regulation under Subsection 272(a)(4).

Sign, On-Premise: A sign that draws attention to or communicates information about a business, service, commodity, accommodation, attraction, or other enterprise or activity that exists or is conducted, sold, offered, maintained, or provided on the premises where the sign is located.

Sign Permit: A permit issued by the land use administrator that authorizes the recipient to erect, move, enlarge, or substantially alter a sign.

Sign, Pole: A detached sign erected and maintained on a free-standing frame, mast, or pole and not attached to any building but not including ground-mounted or monument signs. The bottom of such sign shall be greater than three and one-half (3-1/2) feet from the ground directly beneath the sign.

Sign, Portable: Any freestanding sign that is not permanently affixed to the ground, or other permanent structure, or a sign designed to be transported including but not limited to, signs designed to be transported by means of wheels, signs converted to A- or T-frames; menu and sandwich board signs; balloons used as signs; and umbrellas used for advertising. A sign is permanently affixed to the ground if its supporting elements are set in a concrete base in the ground or the sign is otherwise securely fastened to the ground in such a manner as manifestly to indicate that the sign is intended to remain in one location for an indefinite period. Without limiting the generality of the foregoing, portable signs shall include any sign mounted on a trailer or on wheels.

Sign, Projecting: Any sign other than a wall, awning, canopy, or marquee sign, which is affixed to a building and is supported only by the wall on which the sign is mounted.

Sign, Public Interest: A sign on private property that displays information pertinent to the safety or legal responsibilities of the general public such as "Warning" and "No Trespassing" signs.

Sign, Real Estate: A sign that is used to offer for sale, lease, or rent the premises upon which such sign is placed.

Sign, Roof: A sign erected or maintained in whole or in part upon or over the roof or parapet of a building.

Sign, Temporary: A sign that (i) is used in connection with a circumstance, situation, or event that is designed, intended, or expected to take place or to be completed within a reasonably short or definite period after the erection of such sign, or (ii) is intended to remain on the location where it is erected or placed for a period of not more than fifteen days. If a sign display area is permanent but the message displayed is subject to periodic changes, that sign shall not be regarded as temporary.

Sign, Vehicular: Signs on parked vehicles visible from the public right-of-way where the primary purpose of the vehicle is to advertise a product or to direct people to a business or activity located on the same or nearby property, and said vehicles are not used in the normal day to day operations of said business. For the purposes of this Ordinance, vehicular signs shall not include business logos, identification or advertising on vehicles primarily used for other transportation purposes.

Sign, Wall: Any sign directly attached to an exterior wall of a building or dependent upon a building for its support with its exposed face parallel or approximately parallel to the plane of the building or structure on which the sign is affixed. Signs directly painted on walls shall be considered wall signs.

Special Events: Circuses, fairs, carnivals, festivals, or other types of special events that (i) require more than one day from the time of set-up to final break-down, but no longer than two weeks, (ii) are intended to or likely to attract substantial crowds, and (iii) are unlike the customary or usual activities generally associated with the property where the special event is to be located.

Special Use Permit: A permit issued by the board of adjustment that authorizes the recipient to make use of property in accordance with the requirements of this ordinance as well as any additional requirements imposed by the board of adjustment.

Stealth Tower: Man-made trees, clock towers, bell steeples, light poles and similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers. Typically, the telecommunications equipment is incorporated into the supporting structure and assumes the color, texture, and appearance of the supporting structure.

Storage, Open-Air: The storage of goods, bulk materials or discarded items in the open or under a structure containing a roof but no walls.

Stream: A body of water flowing in a natural surface channel. Flow may be continuous or only during wet periods.

Street: A public street or a street with respect to which an offer of dedication has been made.

Street, Arterial: A street whose principal function is to carry large volumes of traffic at higher speeds through the county or from one part of the county to another or to circulate traffic into, out of, or around the municipalities within the county.

Street, Arterial Access: A street that is parallel to and adjacent to an arterial street and that is designed to provide access to abutting properties so that these properties are somewhat sheltered

from the effects of the through traffic on the arterial street and so that the flow of traffic on the arterial street is not impeded by direct driveway access from a large number of abutting properties.

Street, Collector: A street whose principal function is to carry traffic between local streets and arterial streets but that may also provide direct access to abutting properties. It generally serves or is designed to serve, directly or indirectly, more than one hundred dwelling units and is designed to be used or is used to carry more than eight hundred trips per day.

Street, Cul-de-sac: A street that terminates in a vehicular turn-around.

Street, Local: A street whose primary function is to provide access to abutting properties. It generally serves or is designed to serve less than 100 dwelling units and handles less than 800 trips per day.

Street, Loop: A street that has its beginning and ending points on the same road.

Street, Major Arterial: An arterial that is part of the State's primary road system, including the following highways: 16, 74, 75, 84, 200, 205, 207, 218, 522, 601, 742.

Street, Minor Arterial: All arterials other than major arterials.

Street Property Line: The line which separates a lot or parcel of land from a street right-of-way created by dedication resulting from the recording of the lot.

Street Right-of-Way: An area of land occupied or intended to be occupied by a public street, for such purpose, areas claimed by a municipality or the State of North Carolina for such purposes, or actually used for such purposes.

Structure: Anything constructed or erected.

Structure, Accessory: A structure separate and subordinate to the principal structure on the same lot as the principal structure used for purposes customarily incidental to the principal structure. An accessory structure may also be referred to as an "accessory building".

Structure, Principal: A structure containing the principal use which takes place on the lot. A principal structure may also be referred to as a "principal building".

Subdivision: All divisions of a tract of land into two or more lots, building sites, or other divisions when any one or more of those divisions are created for the purpose of sales or building development (whether immediate or future) and including all divisions of land involving the dedications of a new street or a change in existing streets; however, the following shall not be included within this definition and is not subject to any regulations of this ordinance applicable strictly to subdivisions: (1) the combination or recombination of portions of previously platted lots where the total number of lots is not increased and the resultant lots are equal to or exceed the minimum standards set forth in this ordinance; (2) the division of land into parcels greater than ten acres where no street right-of-way dedication is involved; or (3) the public acquisition by purchase of strips of land for widening or opening streets; or (4) the division of a tract in a

single ownership whose entire area is no greater than two acres into not more than three lots, where no street right-of-way dedication is involved and where the resultant lots are equal to or exceed the minimum standards set forth in this ordinance.

Subdivision, Architecturally Integrated: A subdivision in which approval is obtained not only for the division of land into lots but also for a configuration of principal buildings to be located on such lots. The plans for an architecturally integrated subdivision shall show the dimensions, height and location of all such buildings to the extent necessary to comply with the purpose and intent of architecturally integrated subdivisions as set forth in Section 188.

Subdivision, Major: Any subdivision other than a minor subdivision.

Subdivision, Minor: Any subdivision that does not result in the creation of more than five lots out of a single tract since February 14, 1978 as well as any subdivision (regardless of the number of lots) with respect to which this ordinance does not require the construction of new streets, roads, public water or sewer facilities, sidewalks, or similar facilities.

Telecommunications Equipment Building: The buildings in which the electronic receiving and relay equipment for a telecommunication facility is housed.

Telecommunication Tower and Facilities: A telecommunications facility consists of the equipment and structure(s) (including any accessory structures required to house transmitting or maintenance equipment) designed to support antennae used for transmitting or receiving communications and data transmissions.

Towers, antennas, or similar structures installed in or attached to tops of buildings, water tanks, or similar facilities as "stealth" locations, shall be included in this definition, as well as towers which are camouflaged to resemble trees (not flagpoles). This definition also includes accessory buildings and related equipment required for the telecommunications facility. This definition does not include ham radio operations, radiobroadcast towers or television broadcast towers. Examples of telecommunications towers include monopoles and lattice construction steel structures.

Temporary Emergency, Construction, or Repair Residence: A residence (which may be a Class A, B, or C manufactured home) that is: (i) located on the same lot as a residence made uninhabitable by fire, flood, or other natural disaster and occupied by the persons displaced by such disaster, or (ii) located on the same lot as a residence that is under construction or undergoing substantial repairs or reconstruction and occupied by the persons intending to live in such permanent residence when the work is completed; or (iii) located on a nonresidential construction site and occupied by persons having construction or security responsibilities over such construction site. (See Section 160 and 149 for limitations on the duration of temporary residences).

Tourist Home: A use (i) that consists of at least one dwelling unit together with one or more rooms that are rented out on a daily or weekly basis (with or without board) to tourists, vacationers, or similar transients, but which rooms, individually or collectively, do not constitute separate dwelling units, (ii) where the dwelling unit is occupied by the owners or operators of the tourist home business.

Tower: Any structure whose principal function is to support an antenna.

Toxic Substance: Any substance or combination of substances (including disease causing agents), which after discharge and upon exposure, ingestion, inhalation, or assimilation into any organism, either directly from the environment or indirectly by ingestion through food chains, has the potential to cause death, disease, behavioral abnormalities, cancer, genetic mutations, physiological malfunctions (including malfunctions or suppression in reproduction or growth) or physical deformities in such organisms or their off spring or other adverse health effects.

Tract: A lot (see definition 59). The term tract is used interchangeably with the term lot, particularly in the context of subdivisions, where one "tract" is subdivided into several "lots."

Travel Trailer: A motor vehicle that is designed for temporary use as sleeping quarters but that does not satisfy one or more of the definitional criteria of a manufactured home.

Truck Stop: A facility typically offering multiple services to the traveling public which are particularly designed to serve the need of freight trucks and their drivers. Such facilities typically include fuel stations (dispensing fuel for trucks and, perhaps, for automobiles), one or more eating establishments and/or sale of prepared food, sales of convenience and sundry items, and overnight lodging facilities. Not all such facilities are provided at all truck stops. The foregoing definition distinguishes a "truck stop" from (i) a convenience store, (ii) mini-mart, express fuel, (iii) shopping center, and (iv) planned multi-tenant development.

Truck Terminal: A facility where cargo is stored and where trucks load and unload cargo on a regular basis.

Use: The activity or function that actually takes place or is intended to take place on a lot.

Use, Principal: The primary or predominant use of any lot.

Utility Facilities: 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) of the North Carolina General Statutes and used in connection with the production, generation, transmission, delivery, collection, or storage of water, sewage, electricity, gas, oil, or electronic signals. Excepted from this definition are utility lines and supporting structures listed in Subsection 151(2).

Utility Facilities, Community or Regional: All utility facilities other than neighborhood facilities.

Utility Facilities, Neighborhood: Utility facilities that are designed to serve the immediately surrounding neighborhood and that must, for reasons associated with the purpose of the utility in question, be located in or near the neighborhood where such facilities are proposed to be located.

Variance: A grant of permission by the board of adjustment that authorizes the recipient to do that which, according to the strict letter of this ordinance, he could not otherwise legally do.

Vehicle Accommodation Area: That portion of a lot that is used by vehicles for access, circulation, parking and loading and unloading. It comprises the total of circulation areas, loading and unloading areas, and parking areas (spaces and aisles).

Vehicle, Commercial: A truck or any type used or maintained primarily to transport material or to operate a power attachment or tool. Any vehicle with advertising or business designation affixed to it shall be considered a commercial vehicle, except for passenger vehicles having such affixations.

Vehicle, Inoperable: A vehicle that for a period of more than seventy-two (72) hours has been in a state of disrepair and is incapable of being moved under its own power.

Vehicle, Passenger: An automobile, van, or pick-up truck used exclusively as a passenger vehicle and/or for hauling property of the owner. Pick-up trucks may qualify as passenger vehicles only when used exclusively as passenger vehicles or for hauling property of the owner and not equipped as a camper or a commercial vehicle.

Wall, Building: The entire surface area, including windows and doors, of an exterior wall of a building. For the purposes of this Ordinance, the area of a wall will be calculated for a maximum of fifty (50) feet in height of a building.

Warehouse: A building or group of buildings for the storage of goods or wares belonging either to the owner of the facility or to one or more lessees of space in the facility or both, with access to contents only through management personnel.

Water Dependent Structure: Any structure for which the use requires access to or proximity to or citing within surface waters to fulfill its basic purpose, such as boat ramps, boat houses, docks and bulkheads. Ancillary facilities such as restaurants, outlets for boat supplies, parking lots and commercial boat storage areas are not water dependent structures.

Watercourse: See Lake.

Watershed: The entire land area contributing surface drainage to a specific point (e.g. the water supply intake.) Watersheds for Union County consist of Lake Lee and Lake Twitty.

Wholesale Sales: On-premises sales of goods primarily to customers engaged in the business of reselling the goods.

Wholesale Sales Operation: A place of business primarily engaged in selling merchandise to retailers, to industrial, commercial, institutional or professional business users, or to other wholesalers. The majority of all sales of such businesses shall be for resale purposes. The Zoning Enforcement Officer may require proof of this through sales tax reports. Wholesale clubs and similar membership warehouses, where membership is easily available to the consuming public, and similar businesses shall not be deemed "wholesale sales operations".

Wooded Area: An area of contiguous wooded vegetation where trees are at a density of at least one six-inch or greater caliper tree per 325 square feet of land and where the branches and leaves form a contiguous canopy.

Yard: An open space on the same lot with a principal building, unoccupied and unobstructed from the ground upward.

Yard, Front: An area measured between the edge of the public street right-of-way line, and the front of a building, projected to the side lot lines. On corner lots, the front yard shall be measured perpendicular from the street lot line having the shortest linear footage. If both street lot lines have equal linear footage, the property owner shall determine the location of the front yard where no principal structure is located. If a principal structure is located on such a lot, the front yard shall be based on the architectural orientation of the house.

Yard, Rear: An open, unoccupied space extending the full width of the lot and situated between the rear line of the lot and the rear line of the building projected to the side lines of the lot.

Yard, Side: A space extending from the front yard to the rear yard between the principal building and the side lot line as measured perpendicular from the side lot line to the closest point of the principal building.

Yard Sale: An outdoor sale of merchandise conducted entirely upon a residentially or institutionally developed lot by one or more households or civic groups where goods sold are limited primarily to used merchandise donated by the yard sale participants.

Zero Lot Line: A development in which one or more detached or attached dwelling units abut at least one property line (the unit has a zero (0) foot side setback). This definition does not include townhouses.

Zoning Permit: A permit issued by the land use administrator or his designee that authorizes the recipient to make use of property in accordance with the requirements of this ordinance.

Section 16 Lots Divided by District Lines.

(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.

(2) 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.

(c) This section applies only to lots created on or 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.

Sections 17 through 20 Reserved.

ARTICLE III. ADMINISTRATIVE MECHANISMS

Part I. Planning Board

Section 21 Appointment and Terms of Planning Board Members.

(a) There shall be a planning board consisting of seven regular members and two alternates, all appointed at large by the board of commissioners. All members, whether regular or alternate members, must reside within the county and no more than two members shall reside within the same municipality.

(b) Planning board regular members as well as alternates shall be appointed for three year staggered terms, but members may continue to serve until their successors have been appointed.

(c) Members are limited to two successive terms.

(d) Regular and alternate planning board members may be removed by the Board at any time for failure to attend three consecutive meetings or for failure to attend thirty percent or more of the meetings within any twelve month period or for any other good cause related to performance of duties. Upon request of the member proposed for removal, the Board shall hold a hearing on the removal before it becomes effective.

(e) If a regular or alternate planning board member moves outside the county, that shall constitute a resignation from the planning board.

(f) Alternates may sit in lieu of any regular member and shall, when so seated, have the same powers and duties as any regular member.

Section 22 Meetings of the Planning Board.

(a) The planning board shall establish a regular meeting schedule and shall meet frequently enough so that it can take action in conformity with Section 66 (Applications to be Processed Expeditiously).

(b) Since the planning board does not exercise the broad, quasi-judicial, discretionary authority characteristic of the board of adjustment, it need not conduct its meetings strictly in accordance with the quasi-judicial procedures set forth in Articles IV, V, and VI of this ordinance. However, it shall conduct its meetings so as to obtain necessary information and to promote the full and free exchange of ideas.

(c) Minutes shall be kept of all board proceedings.

(d) All board meetings shall be open to the public, and whenever feasible the agenda for each board meeting shall be made available in advance of the meeting.

(e) Whenever the board is called upon to make recommendations concerning minor zoning map amendment proposals, the staff may:

(1) Post on or near the subject property, at least seven days prior to the meeting at which the matter is to be considered, one or more notices that are sufficiently conspicuous in terms of size, location, and content to provide reasonably adequate notice to potentially interested persons of the matter that will appear on the board's agenda at a specified date and time; and

(2) At least ten days prior to the meeting at which the matter is to be considered, send by certified mail to the owner of each property that is the subject of the proposed zoning amendment, as well as the owners of all adjoining properties, a notice that reasonably describes the proposed action and informs the recipient where and when the matter will be considered by the planning board.

(f) The notice described in subsection (e) is intended as an accommodation to the owners of property affected by matters before the planning board, and failure to provide such notice shall not invalidate any action taken by the planning board or the board of county commissioners.

Section 23 Quorum and Voting.

(a) A quorum for the planning board shall consist of four members (including alternates sitting in lieu of regular members). A quorum is necessary for the board to take official action.

(b) All actions of the planning board shall be taken by majority vote, a quorum being present.

(c) Once a member is physically present at a board meeting, any subsequent failure to vote shall be recorded as an affirmative vote unless the member has been excused in accordance with subsection (d) or has been allowed to withdraw from the meeting in accordance with subsection (e).

(d) A member may be excused from voting on a particular issue by majority vote of the remaining members present under the following circumstances:

(1) If the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member.

(2) If the matter at issue involves the member’s own official conduct; or

(3) If a member has such close personal ties to the applicant that the member cannot reasonably be expected to exercise sound judgment in the public interest.

(e) A member may be allowed to withdraw from the entire remainder of a meeting by majority vote of the remaining members present for any good and sufficient reason other than the member's desire to avoid voting on matters to be considered at that meeting.

(f) A motion to allow a member to be excused from voting or excused from the remainder of the meeting is in order only if made by or at the initiative of the member directly affected.

(g) A roll call vote shall be taken upon the request of any member.

Section 24 Planning Board Officers.

(a) Each year during the first meeting at which newly appointed members are seated, the planning board shall elect one of its regular members to serve as the chairman and preside over the board meetings and one regular member to serve as vice chairman. The person so designated shall serve in these capacities until new officers are elected the following year. Officer elections shall follow the seating of newly appointed members. At this first meeting prior to the election of a chairman, the Planning Division Director shall temporarily preside over the meeting until the chairman takes office.

(b) Vacancies in either office shall be filled for the unexpired term. Voluntary resignation by an officer, upon written notification to the Planning Division Directory and/or a resignation declaration during an ongoing board meeting, shall require a new election at the next regularly scheduled board meeting following the procedures specified in section (a).

(c) All regular and alternate members of the board may nominate and vote for board officer candidates, but only regular board members shall be nominated and elected.

(d) The chairman may take part in all deliberations and vote on all issues.

Section 25 Powers and Duties of Planning Board.

(a) The planning board may:

(1) Make studies and recommend to the Board plans, goals and objectives relating to the growth, development and redevelopment of the county.

(2) Develop and recommend to the Board policies, ordinances, administrative procedures and other means for carrying out plans in a coordinated and efficient manner.

(3) Make recommendations to the Board concerning proposed zoning map changes.

(4) Hear and decide applications for major development permits.

(5) Perform any other duties assigned by the Board.

(b) The planning board may adopt rules and regulations governing its procedures and operations not inconsistent with the provisions of this ordinance.

Section 26 Advisory Committees.

(a) From time to time, the board of commissioners may appoint one or more individuals to assist the planning board to carry out its planning responsibilities with respect to a particular subject area. By way of illustration, without limitation, the Board may appoint advisory committees to consider the thoroughfare plan, housing plans, economic development plans, etc.

(b) Members of such advisory committees may sit as nonvoting members of the planning board when such issues are being considered and lend their talents, energies, and expertise to the planning board. However, all formal recommendations to the board of commissioners shall be made by the planning board.

(c) Nothing in this section shall prevent the Board from establishing independent advisory groups, committees, or commissions to make recommendations on any issue directly to the Board.

(d) The planning board may appoint such standing or ad hoc subcommittees of its own members to consider particular issues or types of issues and may also appoint ad hoc advisory committees consisting of non-planning board members to assist it in its work.

Section 27

(a) Upon adoption by the board of commissioners on March 16, 2009, of an amendment revising Section 21 of the Land Use Ordinance to decrease membership on the planning board from nine to seven regular members appointed at large, the terms of sitting planning board members, both regular and alternate, shall expire at the time of such adoption and all positions shall be deemed vacant. Notwithstanding Section 21(b) of the Land Use Ordinance, such members shall not continue to serve until their successors have been appointed. In order to achieve staggered terms upon filling these vacancies, the board of commissioners shall appoint new members as follows: (i) three regular members for a term of three years; (ii) two regular members and one alternate for a term of two years; and (iii) two regular members and one alternate for a term of one year. During the first meeting of these newly appointed members at which a quorum is present, the planning board shall elect one of its regular members to serve as chairman and

preside over the board meetings and one regular member to serve as vice chairman. Prior to the election of a chairman at such first meeting, the Planning Division Director shall temporarily preside over the meeting until the chairman takes office. The officers so elected shall serve until new officers are elected the following calendar year pursuant to Section 24 (a).

(b) While a geographic representation of members on the planning board is desirable, the planning board is appointed at large to allow for the selection of the best talents, ideas, and experience in the county.

Section 28 Reserved.

Part II. Board of Adjustment

Section 29 Appointment and Terms of Board of Adjustment.

(a) There is hereby established a board of adjustment consisting of five regular members and two alternates, all appointed by the board of commissioners. All regular members and alternates shall reside within the county.

(b) Board of adjustment regular members and alternates shall be appointed for three-year staggered terms, but both regular members and alternates may continue to serve until their successors have been appointed. In order to achieve staggered terms upon initial appointment following establishment of the board of adjustment, (i) two regular members shall be appointed for a term of three years; (ii) two regular members and one alternate shall be appointed for a term of two years; and (iii) one regular member and one alternate shall be appointed for a term of one year.

(c) Members are limited to two successive three-year terms.

(d) Regular board of adjustment members may be removed by the Board at any time for failure to attend three consecutive meetings or for failure to attend thirty percent or more of the meetings within any twelve month period or for any other good cause related to performance of duties. Alternate members may be removed for repeated failure to attend or participate in meetings when requested to do so in accordance with regularly established procedures. Upon request of the member proposed for removal, the Board shall hold a hearing on the removal before it becomes effective.

(e) If a regular or alternate member moves outside the county, that shall constitute a resignation from the board.

(f) An alternate member may serve on the board in the absence or temporary disqualification of any regular member or to fill a vacancy pending appointment of a member. When so seated, alternates shall have the same powers and duties as the regular member they replace.

(g) Within one year of appointment, each new member of the board of adjustment, whether a regular member or alternate, shall undergo training pursuant to a course of study approved by the Planning Division Director. Failure to attend such training shall be grounds for removal for cause pursuant to subsection (d).

(h) While a geographic representation of members on the board of adjustment is desirable, the board of adjustment is appointed at large to allow for the selection of the best talents, ideas, and experience in the county.

Section 30 Meetings of the Board of Adjustment.

(a) The board of adjustment shall establish a regular meeting schedule and shall meet frequently enough so that it can take action in conformity with Section 66 (Applications to be Processed Expeditiously).

(b) The board shall conduct its meetings in accordance with the quasi-judicial procedures set forth in Articles IV, V, and VI.

(c) All meetings of the board shall be open to the public, and whenever feasible the agenda for each board meeting shall be made available in advance of the meeting.

Section 31 Quorum.

(a) A quorum for the board of adjustment shall consist of three members (including alternates sitting in lieu of regular members). A quorum is necessary for the board to take official action.

(b) A member who has withdrawn from the meeting without being excused as provided in Section 32 shall be counted as present for purposes of determining whether a quorum is present.

Section 32 Voting.

(a) All actions of the board of adjustment shall be taken by majority vote, a quorum being present.

(b) Once a member is physically present at a board meeting, any subsequent failure to vote shall be recorded as an affirmative vote unless the member (i) is unable to vote for the reasons stated in subsection (c), or (ii) has been allowed to withdraw from the meeting in accordance with subsection (d).

(c) A member shall recuse himself or herself and shall not participate in or vote on any quasi-judicial matter in a manner that would violate affected persons' constitutional rights to an impartial decision maker. Impermissible conflicts include, but are not limited to, a member having a fixed opinion prior to hearing the matter that is not susceptible to change, undisclosed ex parte communications, a close familial, business, or other associational relationship with an affected person, or a financial interest in the outcome of a matter. If an objection is raised

to a member's participation and that member does not recuse himself or herself, the remaining members shall by majority vote rule on the objection.

(d) A member may be allowed to withdraw from the entire remainder of a meeting by majority vote of the remaining members present for any good and sufficient reason other than the member's desire to avoid voting on matters to be considered at that meeting or the impermissible conflicts described in subsection c.

(e) A roll call vote shall be taken upon the request of any member.

Section 33 Board of Adjustment Officers.

(a) Each year during the first meeting at which newly appointed members are seated, the board of adjustment shall elect one of its members to serve as a chairman and preside over the board's meetings and one member to serve as vice-chairman. The persons so designated shall serve in these capacities until new officers are elected the following year. Vacancies in these offices may be filled for the unexpired terms only.

At the first meeting of the board of adjustment following the effective date of this ordinance or following abolition and re-establishment of the board of adjustment pursuant to Sections 35 and 29, respectively, the board of adjustment shall hold elections for the offices of chairman and vice-chairman. Prior to the election of a chairman at such first meeting, the board of adjustment's attorney shall temporarily preside over the meeting until the chairman takes office. The officers so elected shall serve as chairman and vice-chairman until new officers are elected the following calendar year.

(b) The chairman or any member temporarily acting as chairman may administer oaths to witnesses coming before the board.

(c) The chairman may take part in all deliberations and vote on all issues.

Section 34 Powers and Duties of Board of Adjustment.

(a) The board of adjustment shall hear and decide:

(1) Appeals from any order, decision, requirement, or interpretation made by the administrator, as provided in Section 91.

(2) Applications for special use permits, as provided in Subsection 46(a)(3).

(3) Applications for variances, as provided in Sections 92 and 93.

(4) Any other matter the board is required to act upon by any other county ordinance.

(b) The board may adopt rules and regulations governing its procedures and operations not inconsistent with the provisions of this ordinance.

(c) The board of adjustment may subpoena witnesses and compel the production of evidence. If a person fails or refuses to obey a subpoena issued pursuant to this subsection, the board of adjustment may apply to the General Court of Justice for an order requiring that its order be obeyed, and the court shall have jurisdiction to issue these orders after notice to all proper parties. No testimony of any witness before the board of adjustment pursuant to a subpoena issued in exercise of the power conferred by this subsection may be used against the witness in the trial of any civil or criminal action other than a prosecution for false swearing committed on the examination. Any person who, while under oath during a proceeding before the board of adjustment, willfully swears falsely, is guilty of a Class 1 misdemeanor.

Section 35.

Upon adoption by the board of commissioners of an amendment to repeal in its entirety subsection (a) of Section 29, Appointment and Terms of Board of Adjustment, the board of adjustment in existence at the time of such adoption shall be immediately abolished.

Section 36 Reserved.

Part III. Land Use Administrator and Planning Division Director.

Section 37 Land Use Administrator.

Except as otherwise specifically provided, primary responsibility for administering and enforcing this ordinance may be assigned to one or more individuals by the county manager. The person or persons to whom these functions are assigned shall be referred to in this ordinance as the "land use administrator" or "administrator." The term "staff" is sometimes used interchangeably with the term "administrator."

Section 38 Planning Division Director.

(a) The planning division director is the administrative head of the planning department. As provided in Section 78, the planning division director is authorized to approve minor subdivision final plats.

(b) Unless otherwise directed by the county manager, the planning division director may delegate any power or function assigned to him under this ordinance to a subordinate employee. Therefore, the term "planning division director" as used in this ordinance shall be taken to mean the planning division director or his designee.

Section 39 Reserved.

Part IV. Board of Commissioners

Section 40 The Board of Commissioners.

(a) The powers and duties of the Board of Commissioners are as follows:

(1) Initiate Zoning map or land use ordinance amendments including the calling of public hearings and/or the placement of such items on the Planning Board agenda

(2) Make final decisions on any proposed zoning map or text amendments.

(3) Make appointments to the Planning Board and Board of Adjustment.

(4) Assign tasks to the Administrator or to the Planning Department staff with regard to planning and land use related issues.

(5) Create land-use related study committees and appoint persons to such committees.

(6) Refer items to the Planning Board for study.

(b) In considering proposed changes in the text of this ordinance or in the zoning map, the Board acts in its legislative capacity and must proceed in accordance with the requirements of Article XX.

(c) In considering the approval of conditional use permits, the Board of Commissioners shall act in a quasi-judicial capacity and shall proceed in accordance with Section 54B.

(d) Unless otherwise specifically provided in this ordinance, in acting upon applications for conditional use permits or in considering amendments to the text of this ordinance or the zoning map, the Board shall follow the quorum, voting, and other requirements set forth in G.S. Chapter 153(a) and other provisions of law.

Sections 41 through 45 Reserved.

ARTICLE IV. PERMITS, CONDITIONAL, USE REZONING, AND FINAL PLAT APPROVAL

Part I. Zoning Permits, Major Development Permits, Special Use Permits, Conditional Use Permits, and Variances

Section 46 Permits Required.

(a) Subject to Section 273 (Sign Permits), the use made of property may not be substantially changed (see Section 152), substantial clearing, grading or excavation may not be commenced if such activity is undertaken for purposes of preparing a lot for development other than a single-family detached residence, and buildings or other substantial structures may not be constructed, erected, moved, or substantially altered except in accordance with and pursuant to one of the following permits:

(1) A zoning permit issued by the administrator or his designee;

(2) A major development permit issued by the planning board;

(3) A special use permit issued by the board of adjustment.

(4) A conditional use permit issued by the Board of Commissioners.

(b) Zoning permits, major development permits, special use permits, conditional use permits and sign permits are issued under this ordinance only when a review of the application submitted, including the plans contained therein, indicates that the development will comply with the provisions of this ordinance if completed as proposed. Such plans and applications as are finally approved are incorporated into any permit issued, and except as otherwise provided in Section 64, all development shall occur strictly in accordance with such approved plans and applications.

(c) Physical improvements to land to be subdivided may not be commenced except in accordance with a major development permit issued by the planning board for major subdivisions or after final plat approval by the planning division director for minor subdivisions (see Part II of this article).

(d) A zoning permit, major development permit, special use permit, conditional use permit, or sign permit shall be issued in the name of the applicant (except that applications submitted by an agent shall be issued in the name of the principal), shall identify the property involved and the proposed use, shall incorporate by reference the plans submitted, and shall contain any special conditions or requirements lawfully imposed by the permit-issuing authority. All special and conditional use permits and major development permits (except permits for single-family and two-family residential uses) shall be recorded by the permit

recipient in the Union County Registry after execution by the record owner as provided in Section 63.

Section 47 No Occupancy, Use, or Sale of Lots Until Requirements Fulfilled.

Issuance of a special use, conditional use, major development, or zoning permit authorizes the recipient to commence the activity resulting in a change in use of the land or, (subject to obtaining a building permit), to commence work designed to construct, erect, move, or substantially alter buildings or other substantial structures or to make necessary improvements to a subdivision. However, except as provided in Sections 60 and 61, the intended use may not be commenced, no building may be occupied, and in the case of subdivisions, no lots may be sold until all of the requirements of this ordinance and all additional requirements imposed pursuant to the issuance of a special or conditional use permit have been complied with.

Section 48 Who May Submit Applications.

(a) Applications for zoning, major development, special use, conditional use, or sign permits or subdivision final plat approval or variances will be accepted only from persons having the legal authority to take action in accordance with the permit, or the plat approval. By way of illustration, in general this means that applications should be made by the owners or lessees of property, or their agents, or persons who have contracted to purchase property contingent upon their ability to acquire the necessary permits under this ordinance, or the agents of such persons (who may make application in the name of such owners, lessees, or contract vendees).

(b) The administrator may require an applicant to submit evidence of his authority to submit the application in accordance with subsection (a) whenever there appears to be a reasonable basis for questioning this authority.

Section 49 Applications To Be Complete.

(a) All applications for zoning permits, major development permits, special use permits, conditional use permits, sign permits, or variances must be complete before the permit issuing authority is required to consider the application.

(b) Subject to subsection (c), an application is complete when it contains all of the information that is necessary for the permit issuing authority to decide whether or not the development, if completed as proposed, will comply with all of the requirements of this ordinance.

(c) Detailed or technical design requirements and construction specifications relating to various types of improvements (streets, sidewalks, etc.) are set forth in one or more of the appendices to this ordinance. A site specific development plan shall be submitted only with a conditional use permit application. Other applications (zoning, special use, variance) do not require the application to contain the type of detailed construction drawings that would be necessary to determine compliance with these appendices, so long as the plans provide sufficient information to allow the permit issuing authority to evaluate the application in the light of the

substantive requirements set forth in the text of this ordinance. However, whenever this ordinance requires a certain element of a development to be constructed in accordance with the detailed requirements set forth in one or more of these appendices, then no construction work on such element may be commenced until detailed construction drawings have been submitted to and approved by the administrator. Failure to observe this requirement may result in permit revocation, denial of final subdivision plat approval, or other penalty as provided in Article VII.

(d) The presumption established by this ordinance is that all of the information set forth in Appendix A is necessary to satisfy the requirements of this section. However, it is recognized that each development is unique, and therefore the permit issuing authority may allow less information or require more information to be submitted according to the needs of the particular case. For applications submitted to the planning board or board of commissioners or board of adjustment, the applicant may rely on the recommendations of the planning division director or the land use administrator as to whether more or less information than that set forth in Appendix A should be submitted.

(e) The planning division director and the land use administrator shall make every effort to develop application forms, instructional sheets, checklists, or other techniques or devices to assist applicants in understanding the application requirements and the form and type of information that must be submitted. In classes of cases where a minimal amount of information is necessary to enable the planning division director and the land use administrator to determine compliance with this ordinance, such as applications for zoning permits to construct single-family houses or applications for sign permits, the administrator shall develop standard forms that will expedite the submission of the necessary plans and other required information.

Section 50 Staff Consultation Before Formal Application.

(a) To minimize development planning costs, avoid misunderstanding or misinterpretation, and ensure compliance with the requirements of this ordinance, pre-application consultation between the developer and the staff is encouraged or required as provided in this section.

(b) Before submitting an application for a major development permit authorizing a development that consists of or contains a major subdivision or an application for a conditional use permit, the developer shall submit to the planning division director a sketch plan of such subdivision, drawn to scale. The developer shall submit the number of sketch plan copies (not to exceed ten) that the planning division director deems reasonably necessary to facilitate the sketch plan review process. The sketch plan shall contain:

(1) Vicinity Map. A sketch vicinity map showing the location of the subdivision in relation to neighboring tracts, subdivisions, roads and waterways.

(2) Boundaries. The boundaries of the tract and the portion of the tract to be subdivided.

(3) Acreage. The total acreage to be subdivided.

(4) Use of Land. The existing and proposed uses of the land within the subdivision and adjoining it.

(5) Street and Lot Layout. The proposed street and lot layout with lot sizes and widths.

(6) Owner Information. The name, address and telephone number of owner(s).

(7) Zoning. The zoning classification(s) of the tract and of adjacent properties.

(8) Property Identification Number (PIN), as provided by the Union County Tax Office.

(9) Demarcation of the 100-year floodplain, as derived from the most up-to-date floodplain maps produced by FEMA.

(10) Any other information the developer believes necessary to obtain the informal opinion of the planning staff as to the proposed subdivision's compliance with the requirements of this ordinance.

(c) Following a review of the sketch plan and other materials by the planning staff, the Union County Health Department, the Union County Schools System, the Union County Public Works Department, and the Union County Stormwater Engineer, the planning staff shall advise the developer of the results of this review. The application for a major development permit for a project requiring sketch plan review may not be submitted until after the staff has provided the developer with its comments and recommendations based upon this review.

(d) Before submitting an application for any other permit, developers are strongly encouraged to consult with the staff concerning the application of this ordinance to the proposed development.

Section 51 Staff Consultation After Application Submitted.

(a) Upon receipt of a formal application for a zoning permit, special use permit, conditional use permit, or major development permit, or minor subdivision plat approval, or a variance the administrator or planning division director, as applicable, shall review the application and confer with the applicant to ensure

that he understands the staff's interpretation of the applicable requirements of this ordinance, that he has submitted all of the information that he intends to submit, and that the application represents precisely and completely what he proposes to do.

(b) If the application is for a special use permit or conditional use permit or major development permit or variance, the administrator or planning division director, as applicable, shall place the application on the agenda of the appropriate board when the applicant indicates that the application is as complete as he intends to make it. However, as provided in Section 56, if the administrator or planning division director believes that the application is incomplete, he shall recommend to the appropriate board that the application be denied on that basis.

Section 52 Zoning Permits.

(a) A completed application form for a zoning permit shall be submitted to the administrator by filing a copy of the application with the administrator in the inspections department.

(b) The administrator shall issue the zoning permit unless he finds, after reviewing the application and consulting with the applicant as provided in Section 50, that:

(1) The requested permit is not within his jurisdiction according to the Table of Uses; or

(2) The application is incomplete; or

(3) If completed as proposed in the application, the development will not comply with one or more requirements of this ordinance (not including those requirements concerning which a variance has been granted or those the applicant is not required to comply with under the circumstances specified in Article VIII Nonconforming Situations).

Section 53 Major Development Permits.

(a) A completed application form for a major development permit shall be submitted to the planning board by filing a copy of the application with the planning department. At such time as the major development permit is filed (major subdivision only), two informational signs shall be provided at cost to the developer by the Planning Department. The developer shall be required to place these signs in prominent, visible locations. Only one sign posting shall be required per development as submitted in the sketch plan. Signs should be posted on subject property, at least 10 days prior to the Planning Board Meeting, at which the major subdivision is to be considered. The posting of signs described in subsection (a) is intended as an accommodation to the owners of property possibly affected by the major subdivision, and failure to provide such posted notice shall not invalidate any action taken by the Planning Board. All major

subdivision preliminary plans shall be provided in digital format. Digital information shall be submitted in a format specified by the Union County Information Systems Division and Union County Tax Services.

(b) The planning board shall issue the major development permit unless it finds after reviewing the application that:

(1) The requested permit is not within its jurisdiction according to the Table of Uses; or

(2) The application is incomplete; or

(3) If completed as proposed in the application, the development will not comply with one or more requirements of this ordinance (not including those the applicant is not required to comply with under the circumstances specified in Article VIII, Nonconforming Situations).

Section 54 Special Use Permits.

(a) An application for a special use permit shall be submitted to the board of adjustment by filing a copy of the application with the administrator in the inspections department.

(b) Subject to subsection (c), the board of adjustment shall issue the special use requested permit unless it concludes, based upon the information submitted at the hearing, that:

(1) The permit is not within its jurisdiction according to the table of uses; or

(2) The application is incomplete; or

(3) If completed as proposed in the application, the development will not comply with one or more requirements of this ordinance (not including those the applicant is not required to comply with under the circumstances specified in Article VIII, Nonconforming Situations).

(c) Even if the board of adjustment finds that the application complies with all other provisions of this ordinance, it may still deny the permit if it concludes, based upon the information submitted at the hearing, that if completed as proposed, the development, more probably than not:

(1) Will materially endanger the public health or safety; or

(2) Will substantially injure the value of adjoining or abutting property; or

(3) Will not be in harmony with the area in which it is to be located; or

(4) Will not be in general conformity with the land development plan, thoroughhfare plan, or other plan.

Section 54A Parallel Conditional Use Zoning Districts.

(a) Some land uses are of such a nature or scale that they have significant impacts on either the immediate surrounding area and/or on larger areas in the County that cannot be predetermined and controlled by general zoning district standards. There are also circumstances in which a general district designation would not be appropriate for a particular property even though a particular use itself allowed in that district, if properly planned, would be appropriate for that location. The process established herein provides for the accommodation of such uses by re-classification of property to a "parallel conditional use" district.

(b) In order for a property owner to secure privileges for developing property under the parallel conditional use process, a two-step process must be followed. The property owner must first have his property rezoned by the Board of Commissioners to a parallel conditional use district in accordance with Article XX. A site specific plan shall also be submitted as part of the rezoning application, detailing the proposed use of the property.

(c) The Board of Commissioners must then approve a conditional use permit (in accordance with Section 54(b) that may contain fair and reasonable conditions to assure conformance with this Ordinance, other plans adopted by the Board and compatibility with surrounding properties.

(d) The Board of Commissioners can advertise and hold a combined public hearing regarding 1) the rezoning of the property to a CUD district and 2) the issuance of the conditional use permit. Since testimony and evidence will be provided throughout the public hearing, the Chairman shall swear in all witnesses and speakers at the beginning of the public hearing. The decision to approve or disapprove the conditional use permit shall be undertaken in a quasi-judicial manner, according to State Statutes.

(e) Any use permitted under this process must also conform to the development regulations for the corresponding general zoning district. Thus, if a property were rezoned to a "CUD B-4" Conditional Use District, and a conditional use permit approved authorizing the development of a particular use, that use must (1) be a use allowed in the B-4 district, (2) meet all dimensional, screening and related requirements of the B-4 district, (3) meet any listed supplemental requirements for that particular use in the B-4 zoning district, and (4) meet any additional requirements placed by the Board of Commissioners on the conditional use permit.

(f) Rezoning of property to any CUD parallel conditional use district is a voluntary procedure on the part of the property owner and is intended for firm development

proposals. It is not intended or suited for securing early zoning for a tentative proposal that may be undertaken at some unknown time in the future.

(g) In order for a property owner to secure development privileges in accordance with the regulations contained in this Article, the board of commissioners must first rezone said property to a particular CUD district and then must issue a conditional use permit allowing the particular development to take place. Unlike requests for rezoning to a general zoning district, applications for CUD zoning (and associated approval for a conditional use permit) may only be filed by the owner of the property(ies) in question or the owner's authorized agent.

No CUD parallel conditional use district and associated conditional use permit shall be established until the owner(s) of the property(ies) in question (or his authorized agent) proposing the district has submitted an application for the rezoning of the property and a conditional use permit, and the Board of Commissioners has approved the application in accordance with the procedures stated in Article XX and this Article.

(h) The following CUD parallel conditional use districts are hereby established and the board of commissioners shall have the authority to rezone property to any of these districts, in accordance with the procedures set forth in this Ordinance:

CUD RC-80	CUD O
CUD RA-40	CUD B1
CUD RA-20	CUD B-2
CUD R-40	CUD B-3
CUD R-20	CUD B-4
CUD R-15	CUD HC
CUD R-10	CUD B-6
CUD R-8	CUD-LI
CUD R-6	CUD HI
	CUD PUD 1-16

<u>Section 54B Conditional Use Permits.</u>

(a) An application for a conditional use permit shall be submitted to the board of commissioners by filing a copy of the application with the planning division director in the planning department. There may be one public hearing for the board of commissioners to decide on the conditional use rezoning application and the conditional use permit. However, the hearing regarding the parallel conditional use rezoning shall be conducted in accordance with Article XX, while the issuance of the conditional use permit shall be conducted in accordance with the quasi-judicial procedures set forth in this Section.

(b) The board of commissioners shall issue the conditional use permit, along with any fair and reasonable conditions to assure conformance with this Ordinance, other plans adopted by the board of commissioners, and compatibility with surrounding

properties. All additional conditions imposed by the board shall be agreed upon by the applicant prior to final consideration. The board shall not issue the conditional use permit if it concludes, based on the evidence submitted at the hearing, that:

(1) The permit is not within its jurisdiction according to the table of uses; or

(2) The application is incomplete; or

(3) If completed as proposed in the application, the development will not comply with one or more requirements of this ordinance (not including those the applicant is not required to comply with under the circumstances specified in Article VIII, Nonconforming Situations).

(c) Even if the board of commissioners finds that the application complies with all other provisions of this ordinance, it may still deny the permit if it concludes, based upon the information submitted at the hearing, that if completed as proposed, the development, more probably than not will fail to meet even one of the following findings:

(1) Will materially endanger the public health or safety; or

(2) Will substantially injure the value of adjoining or abutting property; or

(3) Will not be in harmony with the area in which it is to be located; or

(4) Will not be in general conformity with the land development plan, thoroughfare plan, or other plan.

(d) Major alterations or amendments to an approved site plan must be resubmitted for full review by the Planning Board and County Commissioners. Minor changes or alterations not involving a significant impact on the site plan may be administratively approved by the Planning Division Director.

Section 55 Burden of Presenting Evidence; Burden of Persuasion.

(a) The burden of presenting a complete application (as described in Section 49) shall be upon the applicant. However, unless the permit issuing board informs the applicant at the hearing in what way the application is incomplete and offers the applicant an opportunity to complete the application (either at that meeting or at a continuation hearing), the application shall be presumed to be complete.

(b) Once a completed application has been submitted, the burden of presenting competent, substantial evidence to the respective Board to conclude that the application should be denied for any reasons stated in Sections 52, 53, 54 54A and 54B shall be upon the party or parties urging this position, unless the information presented by the applicant in his application and at the public hearing is sufficient to justify a reasonable conclusion that a reason exists to so deny the application.

(c) The burden of persuasion on the issue of whether the development, if completed as proposed, will comply with the requirements of this ordinance remains at all times on the applicant. The burden of persuasion on the issue of whether the application should be turned down for any of the reasons set forth in this Ordinance rests on the party or parties urging that the requested permit should be denied.

Section 56 Recommendations on Major Development Applications, Special Use Permit Applications, Conditional Use Permit Applications, and Variance Applications.

(a) When a complete application for a special use permit, conditional use permit, major development permit or variance is submitted, it shall be accompanied by a report setting forth the planning division director's or the land use administrator's proposed findings concerning the application's compliance with Section 49 (Application To Be Complete) and the other requirements of this ordinance, as well as any recommendations for additional requirements to be imposed by the board of adjustment or Board of Commissioners.

(b) If the planning division director or land use administrator proposes a finding or conclusion that the application fails to comply with Section 49 or any other requirement of this ordinance, it shall identify the requirement in question and specifically state supporting reasons for the proposed findings or conclusions.

Section 57 Planning Board Action on Major Development Permits.

(a) In considering whether to approve an application for a major development permit, the planning board shall proceed according to the following format:

(1) The planning board shall consider whether the application is complete. If no member moves that the application be found incomplete (specifying either the particular type of information lacking or the particular requirement with respect to which the application is incomplete) then this shall be taken as an affirmative finding by the board that the application is complete.

(2) The board shall consider whether the application complies with all of the applicable requirements of this ordinance. If a motion to this effect passes, the board need not make further findings concerning such requirements. If such a motion fails or is not made then a motion shall be made that the application be found not in compliance with one or more of the requirements of this ordinance. Such a motion shall specify the particular requirements the application fails to meet. Separate votes may be taken with respect to each requirement not met by the application. It shall be conclusively presumed that the application complies with all requirements not found by the board to be unsatisfied through this process.

(3) If the board concludes that the application fails to comply with one or more requirements of this ordinance, the application shall be denied. If

the board concludes that all such requirements are met, it shall issue the permit.

(b) In response to questions, suggestions or recommendations by the planning board, the applicant may agree to modify his application to include fair and reasonable conditions as suggested by the Planning Board. Unless such modifications are so substantial or extensive that the board cannot reasonably be expected to perceive the nature and impact of the proposed changes without revised plans before it, the board may approve the application with the stipulation that the permit will not be issued until plans reflecting the agreed upon changes are submitted to the planning staff.

Section 58 Action on Special Use Permits and Conditional Use Permits.

In considering whether to approve an application for a special use permit or a conditional use permit, the permit issuing board shall proceed in the following manner:

(a) The board shall consider whether the application is complete. If the board concludes that the application is incomplete and the applicant refuses to provide the necessary information, the application shall be denied. A motion to this effect shall specify either the particular type of information lacking or the particular requirement with respect to which the application is incomplete. If a motion to this effect is not made, this shall be taken as an affirmative finding by the board that the application is complete.

(b) The board shall consider whether the application complies with all of the applicable requirements of this ordinance. If a motion to this effect passes, the board need not make further findings concerning such requirements. If such a motion fails or is not made, then a motion shall be made that the application be found not in compliance with one or more requirements of this ordinance. Such a motion shall specify the particular requirements the application fails to meet. A separate vote may be taken with respect to each requirement not met by the application. It shall be conclusively presumed that the application complies with all requirements not found by the board to be unsatisfied through this process. If the board concludes that the application fails to meet one or more of the requirements of this ordinance, the application shall be denied.

(c) If the board concludes that all such requirements are met, it shall issue the permit unless it adopts a motion to deny the application for one or more of the reasons set forth in Section 52, 53, 54, 54A, 54B. Such a motion shall propose specific findings, based upon the evidence submitted, justifying such a conclusion.

Section 59 Additional Requirements on Special Use Permits and Conditional Use Permits.

(a) Subject to subsection (b), in granting a special use or conditional use permit, the permit issuing board may attach to the permit such reasonable requirements in

addition to those specified in this ordinance as will ensure that the development in its proposed location:

(1) Will not endanger the public health or safety;

(2) Will not injure the value of adjoining or abutting property;

(3) Will be in harmony with the area in which it is located; and

(4) Will be in conformity with the land development plan, thoroughfare plan, or other plan officially adopted by the Board.

(b) The permit issuing board may not attach additional conditions that modify or alter the specific requirements set forth in this ordinance unless the development in question presents extraordinary circumstances that justify the variation from the specified requirements.

(c) Without limiting the foregoing, the permit issuing board may attach to a permit a condition limiting the permit to a specified duration.

(d) All additional conditions or requirements shall be entered on the permit.

(e) All additional conditions or requirements authorized by this section are enforceable in the same manner and to the same extent as any other applicable requirement of this ordinance.

(f) A vote may be taken on application conditions or requirements before consideration of whether the permit should be denied for any of the reasons set forth in Subsections 54(b) or (c).

Section 60 Authorizing Use, Occupancy, or Sale Before Completion of Development.

(a) In cases when, because of weather conditions or other factors beyond the control of the zoning, special use, conditional use, or major development permit recipient (exclusive of financial hardship), it would be unreasonable to require the permit recipient to comply with all of the requirements of this ordinance before commencing the intended use of the property commencement of the intended use or the occupancy of buildings (insofar as the requirements of this ordinance are concerned) if the permit recipient provides a performance guarantee from the range of options specified by the county in Section 60 (b) (1). For any specific development, the type of performance guarantee from the range specified by the county shall be at the election of the developer. The amount of such security shall be equal to 1.25 times the cost of installing all required improvements. Such amount, furnished by the subdivider, shall be verified by the appropriate County staff.

(b) When the board of adjustment imposes additional requirements upon the permit recipient in accordance with Section 59 or when the developer proposes in the

plans submitted to any permit issuing authority (administrator, planning board, or board of adjustment) to install amenities beyond those required by this ordinance, the permit issuing authority or the administrator may authorize the permittee to commence the intended use of the property or to occupy any building before the additional requirements are fulfilled or the amenities installed if it or he specifies a date by which or a schedule according to which such requirements must be met or each amenity installed and if it or he concludes that compliance will be ensure as the result of any one or more of the following:

(1) A letter of credit, using a form prescribed by the Planning Department; cash; cashier's check on a bank or trust company insured by the Federal Deposit Insurance Corporation; or certified check on a bank or trust company insured by the Federal Deposit Corporation is furnished. For any specific development, the type of performance guarantee from the range specified by the county shall be at the election of the developer. The amount of such security shall be equal to 1.25 times the cost of installing all required improvement. Such amount, furnished by the subdivider, shall be verified by the appropriate County staff.

(2) The nature of the requirements or amenities is such that sufficient assurance of compliance is given by Section 114 (Penalties and Remedies For Violations) and Section 115 (Permit Revocation).

(c) With respect to subdivisions in which the developer is selling developed lots (i.e. lots with buildings on them), the Planning Department (for major subdivisions) or the planning division director (for minor subdivisions) may grant final plat approval and authorize the sale of lots before the completion of all improvements required by this ordinance if it or he concludes that (i) completion of such improvements has been delayed because of weather conditions or other factors beyond the control of the developer and (ii) it would be unreasonable to require the completion of such improvements before granting final plat approval, and if the developer provides a performance guarantee from the range of options specified by the county in Section 60 (b) (1) to ensure that all such improvements are completed within a reasonable period (not to exceed six months) after final plat approval. The amount of such performance guarantee shall be equal to 1.25 times the cost of installing all required improvements. Such amount, furnished by the subdivider, shall be verified by the appropriate County staff; or

(d) With respect to subdivisions in which the developer is selling only undeveloped lots, the Planning Department (for major subdivisions) or the planning division director (for minor subdivisions) may grant final plat approval and authorize the sale of lots before all the requirements of this ordinance are fulfilled if the subdivider provides a performance guarantee from the range options specified by the county in Section 60 (b) (1) to ensure that all of these requirements will be fulfilled within not more than forty-eight months after final plat approval. The amount of such security shall be equal to 1.25 times the cost of installing all

required improvements. Such amount, furnished by the subdivider, shall be verified by all appropriate County staff; or

(e) A performance guarantee provided under this section shall not be acceptable if it expires less than one (1) year after the date of issuance. Once it is determined that all improvements have been made and approved as provided for in this ordinance, any request to release such performance guarantee shall be subject to approval by two of the following Planning Division Director and/or his assignees.

Section 61 Completing Developments in Phases.

(a) If a development is constructed in phases or stages in accordance with this section, then, subject to subsection (c), the provisions of Section 47 (No Occupancy, Use, or Sale of Lots Until Requirements Fulfilled) and Section 60 (exceptions to Section 47) shall apply to each phase as if it were the entire development.

(b) As a prerequisite to taking advantage of the provisions of subsection (a), the developer shall submit plans that clearly show the various phases or stages of the proposed development and the requirements of this ordinance that will be satisfied with respect to each phase or stage.

(c) If a development that is to be built in phases or stages includes improvements that are designed to relate to, benefit, or be used by the entire development (such as a swimming pool or tennis courts in a residential development) then, as part of his application for development approval, the developer shall submit a proposed schedule for completion of such improvements. The schedule shall relate completion of such improvements to completion of one or more phases or stages of the entire development. Once a schedule has been approved and made part of the permit by the permit issuing authority, no land may be used, no buildings may be occupied, and no subdivision lots may be sold except in accordance with the schedule approved as part of the permit, provided that:

(1) If the improvement is one required by this ordinance then the developer may utilize the provisions of Sections 60(a), (c) or (d);

(2) If the improvement is an amenity not required by this ordinance or is provided in response to a condition imposed by the board of adjustment, then the developer may utilize the provisions of Section 60(b).

(3) Modifications in approved phasing schedules may be approved in the same manner as other permit modifications (see Section 64).

Section 62 Expiration of Permits.

(a) Zoning, special use, conditional use, and sign permits shall expire automatically if, within one year after (four years for permits issued on or subsequent to October 1, 1991) the issuance of such permits:

(1) The use authorized by such permits has not commenced, in circumstances where no substantial construction, erection, alteration, excavation, demolition, or similar work is necessary before commencement of such use; or

(2) Less than ten percent of the total cost of all construction, erection, alteration, excavation, demolition, or similar work on any development authorized by such permits has been completed on the site. With respect to phased development (see Section 61), this requirement shall apply only to the first phase.

(b) If, after some physical alteration to land or structures begins to take place, such work is discontinued for a period of one year, then the permit authorizing such work shall immediately expire; provided, however, that no permit shall expire pursuant to this subsection (b) within the applicable period provided in subsection (a). Expiration of the permit shall not affect the provisions of Section 63.

(c) The permit issuing authority may extend for a period up to six months the date when a permit would otherwise expire pursuant to subsections (a) or (b) if it concludes that (i) the permit has not yet expired, (ii) the permit recipient has proceeded with due diligence and in good faith, and (iii) conditions have not changed so substantially as to warrant a new application. Successive extensions may be granted for periods up to six months upon the same findings. All such extensions may be granted without resort to the formal processes and fees required for a new permit.

(d) For purposes of this section, the permit within the jurisdiction of the planning board or the board of adjustment is issued when such board votes to approve the application and issue the permit. A permit within the jurisdiction of the administrator is issued when the earlier of the following takes place:

(1) A copy of the fully executed permit is delivered to the permit recipient, and delivery is accomplished when the permit is hand delivered or mailed to the permit applicant; or

(2) The administrator notifies the permit applicant that the application has been approved and that all that remains before a fully executed permit can be delivered is for the applicant to take certain specified actions, such as having the permit executed by the property owner so it can be recorded if required under Section 64(b).

(e) Notwithstanding any of the provisions of Article VIII Nonconforming Situations, this section shall be applicable to permits issued prior to the date this section becomes effective.

Section 63 Effect of Permit on Successors and Assigns.

(a) Zoning, special use permits, conditional use permits, and sign permits authorize the permittee to make use of land and structures in a particular way. Such permits are transferable. However, so long as the land or structures or any portion thereof covered under a permit continues to be used for the purposes for which the permit was granted, then:

(1) No person (including successors or assigns of the person who obtained the permit) may make use of the land or structures covered under such permit for the purposes authorized in the permit except in accordance with all the terms and requirements of that permit; and

(2) The terms and requirements of the permit apply to and restrict the use of land or structures covered under the permit, not only with respect to all persons having any interest in the property at the time the permit was obtained, but also with respect to persons who subsequently obtain any interest in all or part of the covered property and wish to use it for or in connection with purposes other than those for which the permit was originally issued, so long as the persons who subsequently obtain an interest in the property had actual or record notice (as provided in subsection (b)) of the existence of the permit at the time they acquired their interest.

(b) Whenever a special use permit, conditional use permit or major development permit is issued to authorize development (other than single-family or two-family residences) no building permit may be issued until the record owner of the property has signed a written acknowledgment that the permit has been issued and the permit has been recorded by the permit recipient in the Union County Registry and indexed under the record owner's name as grantor.

Section 64 Amendments to and Modifications of Permits.

(a) Insignificant deviations from the permit (including approved plans) issued by the planning board, the board of adjustment, the board of commissioners, or the administrator are permissible and the land use administrator may authorize such insignificant deviations to all permits except major development permits or conditional use permits. Insignificant deviations to major development permits and conditional use permits may be authorized by the planning division director. A deviation is insignificant if it has no discernible impact on neighboring properties, the general public, or those intended to occupy or use the proposed development.

(b) Minor design modification in permits (including approved plans) are permissible with the approval of the land use administrator, or the planning division director, as applicable. Such permission may be obtained without a formal application,

public hearing, or payment of any additional fee. For purposes of this section, minor design modifications are those that have no substantial impact on neighboring properties, the general public, or those intended to occupy or use the proposed development.

(c) All other requests for changes in approved plans will be processed as new applications. If such requests are required to be acted upon by the board of adjustment, or the board of commissioners, new conditions may be imposed in accordance with Section 59, but the applicant retains the right to reject such additional conditions by withdrawing his request for an amendment and may then proceed in accordance with the previously issued permit.

(d) The land use administrator or the planning division director, as applicable, shall determine whether amendments to and modifications of permits fall within the categories set forth above in subsections (a), (b), and (c).

(e) A developer requesting approval of changes shall submit a written request for such approval to the land use administrator or the planning division director and such request shall identify the changes. Approval of all changes must be given in writing.

Section 65 Reconsideration of Board Action.

(a) Whenever (i) the planning board disapproves a major development permit application, or (ii) the board of adjustment disapproves an application for a special use permit or variance on any basis other than the failure of the applicant to submit a complete application, such action may not be reconsidered by the respective board for a period of twelve (12) months from the date of board action unless the applicant clearly demonstrates that:

(1) Circumstances affecting the property that is the subject of the application have substantially changed; or

(2) New information is available that could not with reasonable diligence have been presented with the previous application. A request to be heard on this basis must be filed with the administrator within the time period specified for an appeal from the board's decision (See Sections 91 and 116). However, such a request does not extend the period within which an appeal must be taken.

(b) Notwithstanding subsection (a), the planning board or board of adjustment may at any time consider a new application affecting the same property as an application previously denied. A new application is one that differs in some substantial way from the one previously considered.

(c) Whenever the board of commissioners disapproves an application for a conditional use permit or a text or map amendment on any basis other than the failure of the applicant to submit a complete application, such action may not be

reconsidered by the respective board for a period of twelve (12) months from the date of board action unless the board of commissioners finds that there have been substantial changes in conditions or circumstances bearing on the application. The county shall not accept for consideration a petition if the requirements of Section 321(d) apply.

Section 66 Applications to be Processed Expeditiously.

Recognizing that inordinate delays in acting upon appeals or applications may impose unnecessary costs on the appellant or applicant, the county shall make every reasonable effort to process appeals and permit applications as expeditiously as possible, consistent with the need to ensure that all development conforms to the requirements of this ordinance.

Section 67 Maintenance of Common Areas, Improvements, and Facilities Not Dedicated.

(a) The recipient of any zoning, special use, conditional use, major development, or sign permit, or his successor, shall be responsible for maintaining all common areas, improvements or facilities required by this ordinance or any permit issued in accordance with its provisions, except those areas, improvements or facilities with respect to which an offer of dedication to the public has been accepted by the appropriate public authority. As illustrations, and without limiting the generality of the foregoing, this means that private roads and parking areas, water and sewer lines, and recreational facilities must be properly maintained so that they can be used in the manner intended, and required vegetation and trees used for screening, landscaping, or shading must be replaced if they die or are destroyed. (See also Section 83 for provisions requiring security to ensure maintenance of streets and other facilities offered for dedication).

(b) A developer may create a homeowners association or similar legal entity to succeed to it responsibilities under this section, so long as such homeowners association is established in such a manner that:

(1) Provision for the creation of the association or similar entity is made before any lot in the development is sold or any building occupied;

(2) The association or similar legal entity has clear legal authority to maintain and exercise control over the common areas and facilities that must be maintained under this section; and

(3) The association or similar legal entity has the power to compel contributions from residents of the development to cover their proportionate shares of the costs associated with the maintenance and upkeep of such common areas and facilities.

Sections 68 through 75 Reserved.

Part II. Major and Minor Subdivisions

Section 76 Regulation of Subdivisions.

Major subdivisions are subject to a two step approval process. Physical improvements to the land to be subdivided are authorized by a major development permit as provided in Part I of Article IV of this ordinance, and sale of lots is permitted after final plat approval as provided in Section 79. Minor subdivisions only require a one step approval process: final plat approval (in accordance with Section 78).

Section 77 No Subdivision Without Plat Approval.

(a) No person may subdivide his land except in accordance with all of the provisions of this ordinance. In particular, no person may subdivide his land unless and until a final plat of the subdivision has been approved in accordance with the provisions of Section 78 or Section 79 and recorded in the Union County Registry.

(b) As provided in G.S. 153A-332, the Union County Register of Deeds may not record a plat of any subdivision within the county outside the corporate limits and extraterritorial planning area of any municipality unless the plat has been approved in accordance with the provisions of this ordinance.

Section 78 Minor Subdivision Approval.

(a) The planning division director or his designee shall have the authority to approve or disapprove minor subdivision final plats in accordance with the provisions of this section.

(b) The applicant for minor subdivision plat approval, before complying with subsection (c), may submit a sketch plan to the planning division director for a determination of whether the approval process authorized by this section can be and should be utilized. The planning division director may require the applicant to submit whatever information is necessary to make this determination, including, but not limited to, a copy of the tax map showing the land being subdivided and all lots previously subdivided from that tract of land since February 14, 1978.

(c) Before granting minor subdivision approval, the planning division director shall refer the application to the county health director for a recommendation as to the proposed water supply and sewage treatment systems as well as the other appropriate county departments and agencies for their review. All such agencies shall be given a reasonable period to submit their recommendations to the planning division director.

(d) Before an application is reviewed by the planning division director, applicants for minor subdivision approval shall submit to the planning division director a copy

of a plat conforming to the requirements set forth in Sections 79(b) and (c) (as well as three prints of such plat), and containing the endorsements set forth in Sections 80(b), 80(c), and (if road or street improvements are involved) 80(d), and 80(e), 80(f), 80(g), as well as the following Certificate of Approval:

Certificate of Approval

I hereby certify that the minor subdivision shown on this plat is in all respects in compliance with the Union County Land Use Ordinance, and that therefore this plat has been approved by the Union County planning division director, subject to its being recorded in the Office of the Union County Register of Deeds within ninety days of the date below.

_____ _____

Date Planning Division Director

(e) If the subdivision involves the installation of improvements, the minor subdivision approval process may not be used if the subdivision results in the creation of more than a total of five lots out of one tract since February 14, 1978, regardless of whether the lots were created at one time or over an extended period of time.

(f) The planning division director shall approve the proposed subdivision unless the subdivision is not a minor subdivision as defined in Section 15 or the application or the proposed subdivision fails to comply with subsection (e) or any other applicable requirement of this ordinance.

(g) If the subdivision is disapproved, the planning division director shall promptly furnish the applicant with a written statement of the reasons for disapproval.

(h) Approval of any plat is contingent upon the plat being recorded within ninety days after the date the Certificate of Approval is signed by the planning division director and/or his designees.

(i) All minor subdivision plats containing greater than four (4) lots shall be provided in digital format. Digital information shall be submitted in a format specified by the Union County Information Systems Division and Union County Tax Services.

Section 79 Major Subdivision Final Plan Approval Process.

(a) The Planning Department is hereby designated the Planning Agency for the purpose of approving or disapproving major subdivision final plats in accordance with the provisions of this section. The Planning Division Director and/or the senior planners shall review and approve or disapprove each major subdivision final plat. The final plat shall be signed by two of the above officials before recording in the Register of Deeds Office.

(b) The applicant for major subdivision final plat approval shall submit to the Planning Department a final plat, drawn to scale and otherwise acceptable to the Union County Register of Deed's Office for recording purposes. When more than one sheet is required to include the entire subdivision, all sheets shall be made of the same size and shall show appropriate match marks on each sheet and appropriate references to other sheets of the subdivision. The applicant shall also submit six prints of the plat. All major subdivision plats shall also be provided in digital format. Digital information shall be submitted in a format specified by the Union County Information Systems Division and Union County Tax Services.

(c) In addition to the appropriate endorsements, as provided in Section 80, the final plat shall contain the following information:

(1) A vicinity map;

(2) The name of the subdivision, which name shall not duplicate the name of any existing subdivision as recorded in the Union County Registry;

(3) The name of the subdivision owner or owners;

(4) The township, county and state where the subdivision is located;

(5) The name of the surveyor and his registration number and the date of survey;

(6) The scale according to which the plat is drawn in feet per inch or scale ratio in words or figures and bar graph;

(7) The date of the survey and plat preparation;

(8) The location of all rights-of-way, easements and areas to be dedicated to public use with the purpose of each stated;

(9) The lots numbered consecutively throughout the entire subdivision regardless of phase or section; and

(10) The number of square feet or acreage of each lot shown on the plat;

(11) All of the additional information required by G.S. 47-30(f).

(12) Delineation of any on-site waste disposal areas.

(13) The location of all existing buildings on the tract to be subdivided.

(14) If the subdivision is located in a drinking water supply watershed, the appropriate statement required per Section 339.

(15) The property identification number (PIN), as provided by the Union County Tax Office.

(d) The Planning Department shall approve the proposed plat unless it finds that the plat or the proposed subdivision fails to comply with one or more of the requirements of this ordinance or that the final plat differs substantially from the plans and specification approved in conjunction with the compliance permit that authorized the development of the subdivision.

(e) If the final plat is disapproved by the Planning Department the applicant shall be furnished with a written statement of the reasons for the disapproval.

(f) Approval of a final plat is contingent upon the plat being recorded within ninety days after the approval certificate is signed by the Planning Department.

Section 80 Endorsements on Major Subdivision Plats.

All major subdivision plats shall contain the endorsements listed below in substantially the format indicated.

(a) Certificate of Approval

I hereby certify that all streets shown on this plat are within Union County, all streets and other improvements shown on this plat have been installed or completed or that their installation or completion (within forty-eight months after the date below) has been assured by the posting of a performance bond or other sufficient surety, and that the subdivision shown on this plat is in all respects in compliance with the Union County Land Use Ordinance, and therefore this plat has been approved by the Union County Planning Department subject to its being recorded in the Union County Registry within ninety days of the date below.

_____ _____

Date

_____

(b) Certificate of Ownership and Dedication

I (We) hereby certify that I (we) am/are the owner of the property described hereon, which property is located within the subdivision regulation jurisdiction of Union County, that I hereby freely adopt this plan of subdivision and hereby establish all lots, with minimum building setback lines, and dedicate to public use all areas shown on this plat as streets, alleys, walks, parks, open space, and easements, except those specifically indicated as private, and that I will maintain all such areas until the offer of dedication is accepted by the appropriate public authority. All property shown on this plat as dedicated for a public use shall be deemed to be dedicated for any other public use authorized by law when such other use is approved by Board of Commissioners in the public interest.

_____ _____

Date Owner

(Note: All current owners must sign. Please include signature and date lines for all owners)

(c) Certificate of Survey and Accuracy

I hereby certify that this map (drawn by me) (drawn under my supervision) from (an actual survey made by me) (an actual survey made under my supervision) (a deed description recorded in Book_____, Page_____of the_____County Registry)(other); that the ratio of precision as calculated is 1:____; that the boundaries not surveyed are shown as broken lines plotted from information found in Book_____, Page_____, and that this plat was prepared in accordance with G.S. 47-30, as amended. Witness my original signature, registration number and seal this___day of_____,20____.

Seal or Stamp _____

Professional Land Surveyor

_____

Registration Number

I, a notary public of County, North Carolina, certify that , a professional land surveyor personally appeared before me this day and acknowledged the execution of the foregoing instrument.

Witness my hand and official seal this _____ day of _____, 20____

My commission expires _____

SEAL OR STAMP

_____

NOTARY PUBLIC

(d) NCDOT Construction Standards Certificate

I hereby certify that the streets on this plat designated as public are or will be in accordance with the minimum right-of-way and construction standards established by the board of transportation for acceptance on the state highway system.

Or

I hereby certify that the streets on this plat designated as private do not satisfy the minimum right-of-way and construction standards established by the Board of Transportation and will not be accepted on the state highway system.

_____ _____
District Engineer Date

(e) Certificate of Registration.

The foregoing certificates of _____, a Notary (or notaries) Public of Union County, are certified to be correct. Filed for registration on the _____day of _____, and duly recorded in the Office of the Register of Deeds in Book of Deeds Number _____, Page _____.

_____ By_____
Register of Deeds Deputy

(f) This section reserved for future reference.

(g) Certificate of Subdivision Type.

It is the duty of the surveyor, by a certificate, to certify to one of the following on the face of the plat:

(1) That the survey creates a subdivision of land within the area of Union County that is regulated by the Union County Land Use Ordinance, that regulates the subdivision of parcels of land;

(2) That the survey is of an existing parcel or parcels of land;

(3) That the survey is of another category, such as recombination of existing parcels, a court-ordered survey, or other exception to the definition of subdivision;

(4) That the information available to the surveyor is such that the surveyor is unable to make a determination to the best of his/her professional ability as to the provisions contained in (1) through (3) above.

(h) Watershed Status Certificates (See Section 339 for Certificates to be placed on all subdivision plats).

Section 81 Plat Approval Not Acceptance of Dedication Offers.

Approval of a plat does not constitute acceptance by the county or other public agency of the offer of dedication of any streets, sidewalks, parks or other public facilities shown on a plat. However, the county or other public agency may, to the extent of its statutory authority, accept such offer of dedication by resolution of the governing body or by actually exercising control over and maintaining such facilities.

Section 82 Protection Against Defects.

The county shall not accept the offer of dedication of any facilities or improvements unless and until a competent professional has certified to the county that such improvements or facilities have been constructed in accordance with the requirements of this ordinance and any other applicable county standards. This certification may be made by a county employee or by an architect or engineer retained by the developer.

Section 83 Maintenance of Dedicated Areas Until Acceptance.

(a) Subject to subsection (c), all facilities and improvements with respect to which the owner makes an offer of dedication to public use shall be maintained by the owner until such offer of dedication is accepted by the appropriate public authority.

(b) The developer of any development containing streets intended for public dedication shall post a performance bond or other sufficient surety to guarantee that such streets will be properly maintained until the offer of dedication is accepted by the North Carolina Department of Transportation. The amount of the security shall generally constitute about fifteen percent of the cost of the improvements. The developer shall provide information sufficient to determine the cost of the improvements.

(c) The Board may relieve the developer of the requirements of this section if it determines that a property owners association has been established for the development in accordance with Section 67(b) and that this association has assumed and is capable of performing the obligations set forth in subsection (a).

(d) Once the appropriate public authority has accepted the dedication to public use, any request to release such security shall be subject to approval by two of the following: Planning Division Director and/or the director's assignees.

Sections 84 through 90 Reserved.

ARTICLE V. APPEALS, VARIANCES, INTERPRETATIONS

Section 91 Appeals.

(a) An appeal from any final order or decision of the planning division director or the land use administrator may be taken to the board of adjustment by any person aggrieved. An appeal is taken by filing with the administrator or the planning division director and the board of adjustment a written notice of appeal specifying the grounds therefore. A notice of appeal shall be considered filed with the administrator or the planning division director and the board of adjustment when delivered to the inspections department or the planning department and the date and time of filing shall be entered on the notice by the respective staff.

(b) An appeal must be taken within thirty days after the date of the decision or order appealed from.

(c) Whenever an appeal is filed, the administrator or planning division director shall forthwith transmit to the board of adjustment all the papers constituting the record relating to the action appealed from.

(d) An appeal stays all actions by the administrator or planning division director seeking enforcement of or compliance with the order or decision appealed from, unless the administrator or planning division director certifies to the board of adjustment that (because of facts stated in the certificate) a stay would, in his opinion, cause imminent peril to life or property. In that case, proceedings shall not be stayed except by order of the board of adjustment or a court, issued on application of the party seeking the stay, for due cause shown, after notice to the administrator or planning division director.

(e) The board of adjustment may reverse or affirm (wholly or partly) or may modify the order, requirement or decision or determination appealed from and shall make any order, requirement, decision or determination that in its opinion ought to be made in the case before it. To this end, the board shall have all the powers of the officer from whom the appeal is taken.

Section 92 Variances.

(a) An application for a variance shall be submitted to the office of the land use administrator. Applications shall be handled in conformity with the provisions of Sections 48, 49, 51, and 56.

(b) A variance may be granted by the board of adjustment if it concludes that strict enforcement of the ordinance would result in practical difficulties or unnecessary hardships for the applicant and that, by granting the variance, the spirit of the ordinance will be observed, public safety and welfare secured, and substantial justice done. It may reach these conclusions if it finds that:

(1) If the applicant complies strictly with the provisions of the ordinance, he can make no reasonable use of his property;

(2) The hardship of which the applicant complains is one suffered by the applicant rather than by neighbors or the general public;

(3) The hardship relates to the applicant's land, rather than personal circumstances.

(4) The hardship is unique, or nearly so, rather than one shared by many surrounding properties;

(5) The hardship is not the result of the applicant's own actions; and

(6) The variance will neither result in the extension of a nonconforming situation in violation of Article VIII nor authorize the initiation of a nonconforming use of land.

(c) Without limiting the generality of the provisions of subsection (b), and subject to the provisions of Article VIII, a variance may not be granted authorizing the construction, erection, or placement of a sign that does not meet the requirements of this ordinance.

(d) In granting variances, the board of adjustment may impose such reasonable conditions as will ensure that the use of the property to which the variance applies will be as compatible as practicable with the surrounding properties.

(e) A variance may be issued for an indefinite duration or for a specified duration only.

(f) The nature of the variance and any conditions attached to it shall be entered on the face of the zoning permit, or the zoning permit may simply note the issuance of the variance and refer to the written record of the variance for further information. All such conditions are enforceable in the same manner as any other applicable requirement of this ordinance.

Section 94 Interpretations.

(a) The Land Use Administrator is authorized to interpret the zoning map and to pass upon disputed questions of lot lines or district boundary lines and similar questions. If such questions arise in the context of an appeal from a decision of the administrator, they shall be handled as provided in Section 91.

(b) An application for a map interpretation shall be submitted to the Land Use Administrator. The application shall contain sufficient information to enable the Administrator to make the necessary interpretation.

(c) Where uncertainty exists as to the boundaries of districts as shown on the Official Zoning Map, the following rules shall apply:

(1) Boundaries indicated as approximately following the centerlines of alleys, streets, highways, streams, or railroads shall be construed to follow such centerlines;

(2) Boundaries indicated as approximately following lot lines, city limits or extraterritorial boundary lines, shall be construed as following such lines, limits or boundaries;

(3) Boundaries indicated as approximately parallel to the centerlines of streets or other rights-of-way shall be construed as being parallel thereto and at such distance there from or indicated on the zoning map.

(4) Boundaries indicated as following shorelines shall be construed to follow such shorelines, and in the event of change in the shoreline shall be construed as following such shorelines;

(5) Where a district boundary divides a lot or where distances are not specifically indicated on the Official Zoning Map, the boundary shall be determined by measurement, using the scale of the Official Zoning Map (see Section 16, Lots Divided by District Lines);

(6) Where any street or alley is hereafter officially vacated or abandoned, the regulations applicable to each parcel of abutting property shall apply to that portion of such street or alley added thereby virtue of such vacation or abandonment.

(d) Interpretations of the location of floodway and floodplain boundary lines may be made by the administrator as provided in Section 395.

Section 95 Requests to be Heard Expeditiously.

As provided in Section 66, the board of adjustment shall hear and decide all appeals, variance requests, and requests for interpretations as expeditiously as possible, consistent with the need to follow regularly established agenda procedures, provide notice in accordance with Article VI, and obtain the necessary information to make sound decisions.

Section 96 Burden of Proof in Appeals and Variances.

(a) When an appeal is taken to the board of adjustment in accordance with Section 91, the administrator shall have the initial burden of presenting to the board sufficient evidence and argument to justify the order or decision appealed from. The burden of presenting evidence and argument to the contrary then shifts to the appellant, who shall also have the burden of persuasion.

(b) The burden of presenting evidence sufficient to allow the board of adjustment to reach the conclusions set forth in Section 92(b), as well as the burden of persuasion on those issues, remains with the applicant seeking the variance.

Section 97 Board Action on Appeals and Variances.

(a) With respect to appeals, a motion to reverse, affirm, or modify the order, requirement, decision, or determination appealed from shall include, insofar as practicable, a statement of the specific reasons or findings of facts that support the motion. If a motion to reverse or modify is not made or fails to receive the votes necessary for adoption (see Section 32), then a motion to uphold the decision appealed from shall be in order.

(b) Before granting a variance, the board must take a separate vote and vote affirmatively on each of the six required findings stated in Section 92(b). Insofar as practicable, a motion to make an affirmative finding on each of the requirements set forth in Section 92(b) shall include a statement of the specific reasons or findings of fact supporting such motion.

(c) A motion to deny a variance may be made on the basis that any one or more of the six criteria set forth in Section 92(b) are not satisfied or that the application is incomplete. Insofar as practicable, such a motion shall include a statement of the specific reasons or findings of fact that support it.

Sections 93 and 98 through 100 Reserved.

ARTICLE VI. HEARING PROCEDURES FOR APPEALS AND APPLICATIONS

Section 101 Hearing Required on Appeals and Applications.

(a) Before making a decision on an appeal or an application for a variance, special use permit, conditional use permit, a petition from the inspections staff to revoke a special use permit, or a petition from the planning division director to revoke a conditional use permit, the permit issuing board shall hold a hearing on the appeal or application.

(b) Subject to subsection (c), the hearing shall be open to the public and all persons interested in the outcome of the appeal or application shall be given an opportunity to present evidence and arguments and ask questions of persons who testify.

(c) The permit issuing board may place reasonable and equitable limitations on the presentation of evidence and arguments and the cross examination of witnesses so that the matter at issue may be heard and decided without undue delay.

(d) The permit issuing board may continue the hearing until a subsequent meeting and may keep the hearing open to take additional information up to the point a final decision is made. No further notice of a continued hearing need be published unless a period of six weeks or more elapses between hearing dates.

(e) At the beginning of each initial hearing held to consider application for a special use permit, or a conditional use permit, the chairman or presiding officer of the permit issuing board shall inquire as to whether any interested party desires to continue the hearing until the next regular meeting of the board. If in response to the presiding officer's inquiry an interested party communicates such preference, then the board shall continue the hearing until its next regular meeting.

Section 102 Notice of Hearing.

The land use administrator shall give notice of any hearing on appeals, variances, or special use permits required by Section 101; the planning division director shall give notice of any hearing on conditional use permits required by Section 101 as follows:

(a) Notice shall be given to the appellant or applicant and any other person who makes a written request for such notice by mailing to such persons a written notice not later than ten days before hearing.

(b) At least ten days before the meeting at which the matter is to be considered, the land use administrator or the planning division director shall mail a notice to the owner of each property that is the subject of the appeal or application (if such owner is not notified under subsection (1) above) as well as the owners of all adjoining properties.

(c) Notice shall be given to other interested parties by posting a notice on or near the subject property at least ten days before the hearing. Such posted notice shall comprise sign surface area of not less than six (6) square feet.

(d) The notice required by this section shall state the date, time and place of the hearing, reasonably identify the lot that is the subject of the application or appeal, and give a brief description of the action requested or proposed.

Section 103 Evidence.

(a) The provisions of this section apply to all hearings for which a notice is required by Section 101.

(b) All persons who intend to present evidence to the permit issuing board, rather than arguments only, shall be sworn.

(c) All findings and conclusions necessary to the issuance or denial of the requested permit or appeal (crucial findings) shall be based upon reliable evidence. Competent evidence (evidence admissible in a court of law) shall be preferred whenever reasonably available, but in no case may crucial findings be based solely upon incompetent evidence unless competent evidence is not reasonably available, the evidence in question appears to be particularly reliable, and the matter at issue is not seriously disputed.

Section 104 Modification of Application at Hearing.

(a) In response to questions or comments by persons appearing at the hearing or to suggestions or recommendations by the permit issuing board, the applicant may agree to modify his application, including the plans and specifications submitted.

(b) Unless such modifications are so substantial or extensive that the board cannot reasonably be expected to perceive the nature and impact of the proposed application with the stipulation that the permit will not be issued until plans reflecting the agreed upon changes are submitted to the inspections staff.

Section 105 Record.

(a) Accurate minutes shall be kept of all such proceedings required in Section 101 for at least two years.

(b) Whenever practicable, all documentary evidence presented at a hearing as well as all other types of physical evidence shall be made a part of the record of the proceedings and shall be kept by the county for at least two years.

Section 106 Written Decision.

(a) Any decision made by the board of adjustment or board of commissioners regarding an appeal or variance or issuance or revocation of a special use permit

or a conditional use permit shall be reduced to writing and served upon the applicant or appellant and all other persons who make a written request for a copy.

(b) In addition to a statement of the board's ultimate disposition of the case and any other information deemed appropriate, the written decision shall state the board's findings and conclusions, as well as supporting reasons or facts, whenever this ordinance requires the same as a prerequisite to taking action.

Sections 107 through 110 Reserved.

ARTICLE VII. ENFORCEMENT AND REVIEW

Section 111 Complaints Regarding Violations.

Whenever the administrator receives a written, signed complaint alleging a violation of this ordinance, he shall investigate the complaint, take whatever action is warranted, and inform the complainant in writing what actions have been or will be taken.

Section 112 Persons Liable.

The owner, tenant, or occupant of any building or land or part thereof and any architect, builder, contractor, agent or other person who participates in, assists, directs, creates, or maintains any situation that is contrary to the requirements of this ordinance may be held responsible for the violation and suffer the penalties and be subject to the remedies herein provided.

Section 113 Procedures Upon Discovery of Violations.

(a) If the administrator finds that any provision of this ordinance is being violated, he shall send a written notice to the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it. Additional written notices may be sent at the administrator's discretion.

(b) The final written notice (and the initial written notice may be the final notice) shall state what action the administrator intends to take if the violation is not corrected and shall advise that the administrator's decision or order may be appealed to the board of adjustment in accordance with Section 91.

(c) Notwithstanding the foregoing, in cases when delay would seriously threaten the effective enforcement of this ordinance or pose a danger to the public health, safety, or welfare, the administrator may seek enforcement without prior written notice by invoking any of the penalties or remedies authorized in Section 114.

Section 114 Penalties and Remedies for Violations.

(a) Violations of the provisions of this ordinance or failure to comply with any of its requirements including violations of any conditions and safeguards established in connection with grants of variances or special use permits, or conditional use permits shall constitute a misdemeanor, punishable by a fine of up to five hundred dollars or a maximum thirty days imprisonment as provided in G.S. 14-4.

(b) Any act constituting a violation of the provisions of this ordinance or a failure to comply with any of its requirements, including violations of any conditions and safeguards established in connection with the grants of variance or special or conditional use permits, shall be subject to penalties. The following penalties are hereby established:

Warning Citation – Correct Violation Within 10 days
First Citation - $50.00
Second Citation - $200.00
Third and Subsequent Citations For Same Offense - $500.00

If the offender fails to pay this penalty within ten days after being cited for a violation, the penalty may be recovered by the county in a civil action in the nature of debt. A civil penalty may not be appealed to the board of adjustment if the offender was sent a final notice of violation in accordance with Section 113 and not take an appeal to the board of adjustment within the prescribed time.

(c) This ordinance may also be enforced by any appropriate equitable action.

(d) Each day that any violation continues after notification by the administrator that such violation exists shall be considered a separate offense for purposes of the penalties and remedies specified in this section.

(e) In addition, pursuant to North Carolina Statute 160A-175, the County may seek a mandatory or prohibitory injunction and an order of abatement commanding the offender to correct the unlawful condition upon or cease the unlawful use of the subject premises.

(f) Building permits may be denied for lots that have been illegally subdivided.

(g) In addition to other remedies, a county may institute any appropriate action or proceedings to prevent the unlawful subdivision of land, to restrain, correct, or abate the violation, or to prevent any illegal act or conduct.

(h) Any one, all or any combination of the foregoing penalties and remedies may be used to enforce this ordinance.

Section 115 Permit Revocation.

(a) A zoning, sign, special use, conditional use, or major development permit may be revoked by the permit issuing authority (in accordance with the provisions of this section) if the permit recipient fails to develop or maintain the property in accordance with the plans submitted, the requirements of this ordinance, or any additional requirements lawfully imposed by the permit issuing board.

(b) Before a special use permit or conditional use permit may be revoked, all of the notice and hearing and other requirements of Article VI shall be complied with. The notice shall inform the permit recipient of the alleged grounds for the revocation.

(1) The burden of presenting evidence sufficient to authorize the permit issuing authority to conclude that a permit should be revoked for any of the reasons set forth in subsection (a) shall be upon party advocating that position. The burden of persuasion shall also be upon that party.

(2) A motion to revoke a permit shall include, insofar as practicable, a statement of the specific reasons or findings of fact that support the motion.

(c) Before a zoning, sign, conditional use, or major development permit may be revoked, the permit recipient shall be given ten days written notice of intent to revoke the permit. The notice shall inform the recipient of the alleged reasons for the revocation and of his right to obtain an informal hearing on the allegations, before the administrator, planning board, or board of commissioners, as applicable. If the permit is revoked, the administrator shall provide to the permittee a written statement of the decision and the reasons therefore.

(d) No person may continue to make use of land or buildings in the manner authorized by any zoning, sign, special use, conditional use or major development permit after such permit has been revoked in accordance with this section.

Section 116 Judicial Review.

(a) Every final decision of (i) the board of adjustment or (ii) the planning board regarding an application for a major development permit or (iii) the board of commissioners regarding a conditional use permit shall be subject to review by the Superior Court of Union County by proceedings in the nature of certiorari.

(b) The petition for the writ of certiorari must be filed with the Union County Clerk of Court within 30 days after the later of the following occurrences:

(1) A written copy of the board's decision (see Section 106) has been filed in the office of the inspections department (for decisions on the board of adjustment), or in the office of the planning department (for decisions of the planning board or board of commissioners); and

(2) A written copy of the board's decision (see Section 106) has been delivered, by personal service or certified mail, return receipt requested, to the applicant or appellant and every other aggrieved party who has filed a written request for such copy at the hearing of the case.

(c) A copy of the writ of certiorari shall be served upon Union County.

Section 117 Enforcement and Review of Floodplains and Floodways

This article shall not apply to Article XXIV. Article XXIV contains separate enforcement and review procedures as outlined in Section 396.

Sections 118 through 120 Reserved.

ARTICLE VIII. NONCONFORMING SITUATIONS

Section 121 Definitions.

Unless otherwise specifically provided or unless clearly required by the context, the words and phrases defined in this section shall have the meaning indicated when used in this article.

Definitions pertaining to nonconforming situations (e.g., "nonconforming lot", "nonconforming project", etc.) are found in Section 15 of this Ordinance.

Section 122 Continuation of Nonconforming Situations and Completion of Nonconforming Projects.

(a) Unless otherwise specifically provided in this ordinance, and subject to the restrictions and qualifications set forth in Sections 123 through 128, nonconforming situations that were otherwise lawful on the effective date of this ordinance may be continued.

(b) Nonconforming projects may be completed only in accordance with the provisions of Section 128.

Section 123 Undeveloped Nonconforming Lots.

(a) When a nonconforming lot can be used in conformity with all of the regulations (other than the area and width requirements) applicable to the district in which the lot is located, then the lot may be used as proposed just as if it were conforming. However, no use (e.g., a two-family residence) that requires a greater lot size than the established minimum lot size for a particular zone is permissible on a nonconforming lot.

(b) When the use proposed for a nonconforming lot is one that is conforming in all other respects but the applicable setback requirements (Section 184) cannot reasonably be complied with, then the entity authorized by this ordinance to issue a permit for the proposed use (the administrator, board of adjustment, or planning board) may allow deviations from the applicable setback requirements if it finds that:

(1) The property cannot reasonably be developed for the use proposed without such deviations;

(2) These deviations are necessitated by the size or shape of the nonconforming lot; and

(3) The property can be developed as proposed without any significantly adverse impact on surrounding properties or the public health or safety.

(c) For purposes of subsection (b), compliance with applicable building setback requirements is not reasonably possible if a building that serves the minimal needs of the use proposed for the nonconforming lots cannot practicably be constructed and located on the lot in conformity with such setback requirements. However, mere financial hardship does not constitute grounds for finding that compliance is not reasonably possible.

(d) This section applies only to undeveloped nonconforming lots. A lot is undeveloped if it has no substantial structures upon it. A change in use of a developed nonconforming lot may be accomplished in accordance with Section 126.

(e) Refer to Section 331 (d), for nonconforming lots within Classes III and IV Water Supply Watersheds.

Section 123A Developed Nonconforming Lots

Where two or more uses existed on a lot before the enactment of this ordinance and said lot cannot be subdivided to meet all minimum dimensional and lot area requirements, a subdivision may be permitted as long as minimum standards are adhered to as closely as possible. As an example, in an R-40 district, if two single-family residences occupy a 40,000 square foot lot, two 20,000 square foot lots may be created in order to facilitate the transfer of title for each home. If this is not feasible, a rezoning to a R-20 district would be needed to make the structures conforming with regard to lot size.

Section 124 Extension or Enlargement of Nonconforming Situations.

(a) Except as specifically provided in this section, no person may engage in any activity that causes an increase in the extent of nonconformity of a nonconforming situation.

(b) A nonconforming use may be extended throughout any portion of a completed building that, when the use was made nonconforming by this ordinance, was manifestly designed or arranged to accommodate such use. However, a nonconforming use may be extended to additional buildings or to land outside the original building only in accordance with subsection (e) or Section 128 (Nonconforming Projects).

(c) A nonconforming use of open land may not be extended to cover more land than was occupied by that use when it became nonconforming only in accordance with subsection e) or Section 128 (Nonconforming Projects).

(d) The volume, intensity, or frequency of use of property where a nonconforming situation exists may be increased and the equipment or processes used at a location where a nonconforming situation exists may be changed if these or similar changes amount only to changes in the degree of activity rather than changes in kind and no violations of other paragraphs of this section occur.

(e) Subject to subsection (f), the board of adjustment may issue a special use permit to allow:

(1) A structure within which a nonconforming use is conducted to be enlarged; or

(2) Additional structures to be built on the lot where the nonconforming use is located, within which structures the nonconforming use can be enlarged; or

(3) A nonconforming use of land to be extended beyond geographical bounds in which it has been conducted.

(f) The board of adjustment may issue the permit described in subsection (e) only if it finds that:

(1) The action authorized would not adversely affect the health or safety of persons residing or working in the neighborhood of the nonconforming use; and

(2) The action authorized would not substantially impair the value of nearby properties; and

(3) No useful purpose would be served by the strict application of the provisions or requirements of this ordinance to which the use does not conform; and

(4) The permittee will comply with the provision of Section 125(d)(2).

(g) Not withstanding subsection (a), any structure used for single-family residential purposes and maintained as a nonconforming use may be enlarged or replaced with a similar structure of a larger size, so long as the enlargement or replacement does not create new nonconformities or increase the extent of existing nonconformities with respect to such matters as setback and parking requirements. In particular, a manufactured home may be replaced with a larger manufactured home, and a "single-wide" manufactured home may be replaced with a "double-wide". This paragraph is subject to the limitations stated in Section 127 (abandonment and discontinuance of nonconforming situations).

(h) Not withstanding subsection (a), whenever: (i) there exists a lot with one or more structures on it; and (ii) a change in use that does not involve any enlargement of a structure is proposed for such lot; and (iii) the parking or loading requirements of Article XVIII that would be applicable as a result of the proposed change cannot be satisfied on such lot because there is not sufficient area available on the lot that can practicably be used for parking or loading, then the proposed use shall not be regarded as resulting in an impermissible extension or enlargement of a nonconforming situation. However, the applicant shall be required to comply with all applicable parking and loading requirements that can be satisfied without

acquiring additional land, and shall also be required to obtain satellite parking in accordance with Section 297 if: (i) parking requirements cannot be satisfied on the lot with respect to which the permit is required; and (ii) such satellite parking is reasonably available. If such satellite parking is not reasonably available at the time the permit is granted, then the permit recipient shall be required to obtain it if and when it does become reasonably available. This requirement shall be a continuing condition of the permit.

(i) Not withstanding any other provision of this ordinance, additional right-of-way along an existing street may be condemned, and a property owner may at the request of the County or State dedicate additional right-of-way even if such condemnation or dedication results in the creation or exacerbation of a nonconforming situation.

Section 125 Repair, Maintenance and Reconstruction.

(a) Minor repairs to and routine maintenance of property where nonconforming situations exist are permitted and encouraged. Major renovation, i.e., work estimated to cost more than twenty-five percent of the appraised valuation of the structure to be renovated may be done only in accordance with a permit issued pursuant to this section.

(b) If a structure located on a lot where a nonconforming situation exists is damaged to an extent that the costs of repair or replacement would exceed twenty-five percent of the appraised valuation of the damaged structure, then the damaged structure may be repaired or replaced only in accordance with a permit issued pursuant to this section. This subsection does not apply to structures used for single-family residential purposes, which structures may be reconstructed pursuant to a zoning permit just as they may be enlarged or replaced as provided in Section 124(g). Nor does this subsection apply to structures used in connection with poultry, hog, and rabbit meat production centers that are nonconforming because they are located on tracts of less than ten acres in size, which structures may, if damaged or destroyed, be repaired or replaced (without enlargement) without need to obtain any permit under this section.

(c) For purposes of subsections (a) and (b):

(1) The "cost" of renovation or repair or replacement shall mean the fair market value of the materials and services necessary to accomplish such renovation, repair, or replacement.

(2) The "cost" of renovation or repair or replacement shall mean the total cost of all such intended work, and no person may seek to avoid the intent of subsections (a) or (b) by doing such work incrementally.

(3) The "appraised valuation" shall mean either the appraised valuation for property tax purposes, updated as necessary by the increase in the

consumer price index since the date of the last valuation, or the valuation determined by a professionally recognized property appraiser.

(d) A permit issued under this section may be issued by the permit issuing authority (administrator, planning board, board of adjustment) that would issue the permit for the development in question if no nonconforming situation were involved. (If the applicant also seeks to enlarge structures used for nonconforming purposes pursuant to Sections 124(e) and (f), then the permit issuing authority under this section shall be the board of adjustment.) The permit issuing authority shall issue the permit authorized by this section upon finding that, in completing the renovation, repair or replacement work:

(1) No violation of Section 124 will occur; and

(2) The permittee will comply to the extent reasonably possible with all provisions of this ordinance applicable to the existing use (except that the permittee shall not lose his right to continue a nonconforming use or maintain a nonconforming level of density). Compliance with a requirement of this ordinance is not reasonably possible if compliance cannot be achieved without adding additional land to the lot where the nonconforming situation is maintained or moving a substantial structure that is on a permanent foundation. Mere financial hardship caused by the cost of meeting such requirements as paved parking does not constitute grounds for finding that compliance is not reasonably possible.

Section 126 Change in Use of Property Where a Nonconforming Situation Exists.

(a) A change in use of property (where a nonconforming situation exists) that is sufficiently substantial to require a new zoning, special use, or major development use permit in accordance with Section 46 may not be made except in accordance with subsections (b) through (d). However, this requirement shall not apply if only a sign permit is needed.

(b) If the intended change in use is to a principal use that is permissible in the district where the property is located, and all of the other requirements of this ordinance applicable to that use can be complied with, permission to make the change must be obtained in the same manner as permission to make the initial use of a vacant lot. Once conformity with this ordinance is achieved, the property may not revert to its nonconforming status.

(c) If the intended change in use is to a principal use that is permissible in the district where the property is located, but all of the requirements of this ordinance applicable to that use cannot reasonably be complied with, then the change is permissible if the entity authorized by this ordinance to issue a permit for that particular use (the administrator, board of adjustment, or planning board) issues a permit authorizing the change. This permit may be issued if the permit issuing

authority finds, in addition to any other findings that may be required by this ordinance, that:

(1) The intended change will not result in a violation of Section 124; and

(2) All of the applicable requirements of this ordinance that can reasonably be complied with will be complied with. Compliance with a requirement of this ordinance is not reasonably possible if compliance cannot be achieved without adding additional land to the lot where the nonconforming situation is maintained or moving a substantial structure that is on a permanent foundation. Mere financial hardship caused by the cost of meeting such requirements as paved parking does not constitute grounds for finding that compliance is not reasonably possible. And in no case may an applicant be given permission pursuant to this subsection to construct a building or add to an existing building if additional nonconformities would thereby be created, unless a permit to do so is granted by the board of adjustment under Section 124(e)

(d) If the intended change in use is to another principal use that is also nonconforming, then the change is permissible if the entity authorized by this ordinance to issue a permit for that particular use(administrator, board of adjustment, or planning board) issues a permit authorizing the change. The permit issuing authority may issue the permit if it finds, in addition to other findings that may be required by this ordinance, that:

(1) The use requested is one that is permissible in some zoning district with either a zoning, special use, conditional use, or major development permit; and

(2) All of the conditions applicable to the permit authorized in subsection (c) of this section are satisfied; and

(3) The proposed development will not have more of an adverse impact on those most affected by it and will not be less compatible with the surrounding neighborhood than the use in operation at the time the permit is applied for.

(e) If a nonconforming use is changed to any use other than a conforming use without obtaining a permit pursuant this section, that change shall constitute a discontinuance of the nonconforming use, with consequences as stated in Section 127.

Section 127 Abandonment and Discontinuance of Nonconforming Situations.

(a) Subject to subsection (b) when a nonconforming use is discontinued for a consecutive period of 180 days, the property involved may thereafter be used only for conforming purposes.

(b) The board of adjustment may issue a special use permit to allow the reinstatement of a nonconforming use that has otherwise lost its right to continue under subsection (a) if it finds that:

(1) The nonconforming use has been discontinued for more than 180 days but less than two years on the date an application is submitted under this subsection; and

(2) The discontinuance resulted from factors that, for all practical purposes, were beyond the control of the person that would otherwise have continued the nonconforming use.

(c) If the principal activity on property where a nonconforming situation other than a nonconforming use exists is (i) discontinued for a consecutive period of 180 days, or (ii) discontinued for any period of time without a present intention of resuming that activity, then that property may thereafter be used only in conformity with all of the regulations applicable to the preexisting use unless the entity with authority to issue a permit for the intended use issues a permit to allow the property to be used for this purpose without correcting the nonconforming situations. This permit may be issued if the permit issuing authority finds that eliminating a particular nonconformity is not reasonably possible (i.e., cannot be accomplished without adding additional land to the lot where the nonconforming situation is maintained or moving a substantial structure that is on a permanent foundation). The permit shall specify which nonconformities need not be corrected.

(d) For purposes of determining whether a right to continue a nonconforming situation is lost pursuant to this section, all of the buildings, activities, and operations maintained on a lot are generally to be considered as a whole. For example, the failure to rent one apartment in a nonconforming apartment building for 180 days shall not result in a loss of the right to rent that apartment or space thereafter so long as the apartment building as a whole is continuously maintained. But if a nonconforming use is maintained in conjunction with a conforming use, discontinuance of a nonconforming use for the required period shall terminate the right to maintain it thereafter.

(e) When a structure or operation made nonconforming by this ordinance is vacant or discontinued at the effective date of this ordinance, the 180-day period for purposes of this section begins to run on the effective date of this ordinance.

Section 128 Completion of Nonconforming Projects.

(a) All nonconforming projects with respect to which a zoning, special use, conditional use, major development, or sign permit has been issued before the effective date of the ordinance making the project nonconforming may be constructed in accordance with the terms of such permit, so long as such permit remains un-expired and unrevoked. If a project is intended to be constructed in

phases or sections, this authorization shall apply only to the phases or sections for which a permit has been issued.

(b) All nonconforming projects with respect to which a completed application has been filed before the effective date of the ordinance making the project nonconforming but with respect to which a permit has not been issued before such effective date shall be reviewed as if the ordinance making the project nonconforming had not yet been adopted, so long as the a applicant diligently pursues the requested permit.

(1) If a project is intended to be constructed in phases or sections, this authorization shall apply only to the phases or sections with respect to which a completed application has been submitted on such effective date.

(2) For purposes of this subsection, an application shall be considered completed if the application fee has been paid and the application is in appropriate form and contains sufficient information so that it would normally be accepted for processing by the county.

(3) If a permit is validly denied, or if no final action is taken on a permit application within one year of the application date due to lack of diligence on the part of the applicant, or if a permit is issued but later expires or is revoked, then all future applications regarding the subject property shall be reviewed under the standards set forth in the ordinance then in effect.

Section 129 Amortization of Nonconforming Situations.

Within thirty days after an amendment to this ordinance, any violation of Section 149(c)(3) or Appendix I – Scrap Materials, Salvage Yards, Junkyards, and Automobile Graveyards shall cease, and thereafter any situation in violation of that Section shall no longer be treated as a lawful nonconforming situation.

Section 130 Special Provision Regarding Manufactured Homes.

(a) Notwithstanding any other provision of this ordinance, if on the effective date of this ordinance there are existing manufactured home parks that contain one or more classes of manufactured homes that are not shown in the table of permissible uses as permissible within a manufactured home park in that district, then manufactured homes of the lowest classification that are then located within the park) may continue to move into such park (subject to maximum density requirements as determined by other provisions of this ordinance).

(b) Subject to the limitations stated in Section 127, a nonconforming manufactured home may be replaced with a home that is of the same or a higher classification (see definitions of classes of manufactured homes in Section 15) except that in no case may a class E home replace any other home.

(c) Not withstanding any other provision of this ordinance whenever a manufactured home that was not in compliance with the provisions of Section 162(a) (curtain wall or skirting requirement) is replaced, the replacement home shall comply with such provisions.

Sections 131 through 134 Reserved.

ARTICLE IX. ZONING DISTRICTS AND ZONING MAP

Part 1. Zoning Districts

Section 135 Residential Districts Established.

(a) The following residential districts are hereby established: RC-80, RA-40, RA-20, R-40, R-20, R-15, R-10, R-8, and R-6. Each of these districts is designed and intended to secure for the persons who reside there a comfortable, healthy, safe, and pleasant environment in which to live, sheltered from incompatible and disruptive activities. Other objectives of some of these districts are explained in the remainder of this section.

(b) The RC-80 (resource conservation) district is designed to be applied to areas, such as water supply watersheds, where it is particularly important development be allowed to occur only at relatively lower densities.

(c) The RA-40 district is designed to encourage the perpetuation of agricultural uses and compatible agribusiness uses and to accommodate low density residential development (including most classes of manufactured homes) in areas not experiencing strong growth pressures and not served by public water or sewer.

(d) The R-40 and R-20 districts are the primary residential districts and are designed to accommodate single-family residential and planned residential developments at low to medium densities. The R-40 district is located mainly in areas that are not served by public water or sewer facilities and that are not yet appropriate for development at higher densities. The R-20 district is located mainly in areas served by public water and sewer facilities.

(e) The RA-20 district is designed to accommodate single family residential development, including most classes of manufactured homes, at low to medium densities in areas characterized by a prevalence of manufactured homes.

(f) The R-15 and R-10 districts are designed to accommodate single-family detached residential and planned residential uses at medium densities in areas served by public water and sewer facilities.

(g) The R-8 and R-6 districts are designed to accommodate single-family, two-family and multi-family development at higher densities in areas where public water and sewer are available. Manufactured home parks are allowed in the R-8 district.

Section 136 Commercial Districts Established.

(a) The following commercial districts are hereby established: B-1, B-2, B-3, B-4, HC and B-6. These districts are created to accomplish the purposes and serve the objectives set forth in the remainder of this section.

(b) 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.

(c) The B-2 (community business) district is designed to accommodate commercial development on a scale that is less intensive than that permitted in a B-1 district. A lesser intensity of development is achieved through setback, height, and minimum lot size requirements that are more restrictive than those applicable to the B-1 zone. The B-2 thus may provide a transition in some areas between a B-1 zone and a residential zone or may allow for smaller scale commercial development in rural areas, particularly at crossroads or other high traffic areas that are not generally suited for residential development.

(d) The B-3 (office) district is designed to accommodate a mixture of office, clerical, research, and services uses. It is intended that this zoning classification be applied primarily in areas that no longer are viable as single family residential areas because of high traffic volumes on adjacent streets or because of other market factors but remain viable as locations for offices and services. Such areas will also generally constitute transition or buffer zones between major arterials or more intensively developed commercial areas and residential districts.

(e) The B-4 (general commercial) district is designed to accommodate the widest range of commercial activities.

(f) The HC (highway corridor mixed use) district is intended to accommodate a wide variety of commercial and light industrial uses along major transportation corridors, subject to performance standards designed to (i) ensure the viability of the highway as a carrier of high volumes of traffic, (ii) recognize and preserve the value of land along the corridor as the site of significant non-residential development, and (iii) protect the viability of residential neighborhoods adjacent to the corridor. It is intended that developments that occur within this district in particular be sensitive to the need to preserve a high degree of aesthetic appeal along major transportation corridors.

(g) 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.

(h) The O (office district) is to provide areas which are Conducive to the establishment and operation of offices, institutions, and commercial activities not involving the sale of merchandise. Standards are designed so that this district, in some instances, may serve as transitional use between residential districts and other commercial districts.

Section 137 Manufacturing Districts Established.

(a) The LI (light industrial) and HI (heavy industrial) districts are hereby established primarily 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 within the HI district. These uses are defined in Section 15.

(b) There is also established a planned industrial development (PID) zoning district. The purpose of this district is to provide for the possibility of well planned and large scale industrial development in otherwise undeveloped areas that have not previously been zoned for industrial use. The district is thus a "floating zone," i.e., it is not applied to particular property except in response to a petition submitted by or on behalf of the owner or owners of all of the property intended to be covered by such zone. The district is subject to the following requirements:

(1) The area to be zoned PID must be at least fifty contiguous acres in size and have at least 100 feet of frontage along a major arterial (See subsection 210(b)(7)).

(2) A planned industrial development is the only permissible use in a PID zoning district.

(3) Subject to subsection (2) of this subsection, and consistent with the restrictions contained in the definition of a planned industrial development (see subsection 15, land within a PID zone may be used in a manner that would be permissible if the land were zoned LI, except that the only permissible uses are (i) wholesale sales and (ii) manufacturing, processing, creating, repairing, renovating, painting, cleaning, assembling of goods, merchandise and equipment as long as all operations are conducted entirely within a fully enclosed building.

Section 138 Planned Unit Development Districts Established.

(a) There are hereby established sixteen different planned unit development (P.U.D.) districts as described in this section. Each P.U.D. district is designed to combine the characteristics of at least three and possibly four zoning districts.

(1) One element of each P.U.D. district shall be the medium density residential element. Here there are two possibilities, each one corresponding either to the R-20 or R-10 residential districts described in Section 135. Within that portion of the P.U.D. zone 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 P.U.D. zoning district

corresponds (except that planned residential developments shall not be permissible).

(2) A second element of each P.U.D. district shall be the higher density residential element. Here there are two possibilities, each one corresponding either to the R-8 or R-6 zoning districts described in Section 135. Within that portion of the P.U.D. 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 P.U.D. district corresponds.

(3) A third element of each P.U.D. district shall be the commercial element. Here there are two possibilities, each one corresponding either to the B-2 or B-3 commercial district identified in Section 136. Within that portion of a P.U.D. 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 P.U.D. district corresponds.

(4) A manufacturing/processing element may be a fourth element of any P.U.D. district. Here there are two alternatives. The first is that uses permitted within the LI district would be permitted within the P.U.D. 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 P.U.D. 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.

(b) In accordance with the description set forth in subsection (a), the sixteen P.U.D. districts shall carry the following designations to indicate their component elements:

(1) R-20 / R-8 / B-2 / LI
(2) R-20 / R-8 / B-2
(3) R-20 / R-8 / B-3 / LI
(4) R-20 / R-8 / B-3
(5) R-20 / R-6 / B-2 / LI
(6) R-20 / R-6 / B-2
(7) R-20 / R-6 / B-3 / LI
(8) R-20 / R-6 / B-3
(9) R-10 / R-8 / B-2 / LI
(10) R-10 / R-8 / B-2
(11) R-10 / R-8 / B-3 / LI
(12) R-10 / R-8 / B-3
(13) R-10 / R-6 / B-2 / LI
(14) R-10 / R-6 / B-2
(15) R-10 / R-6 / B-3 / LI

(16) R-10 / R-6 / B-3

(c) No area of less than twenty-five contiguous acres may be zoned as a P.U.D. district, and then only upon the request of the owner or owners of all the property intended to be covered by such zone.

(d) As indicated in the Table of Uses (Appendix I), a planned unit development is the only permissible use of a P.U.D. zone and planned unit developments are permissible only in such zones.

(e) Planned unit developments are subject to the requirements set forth in Section 159.

Section 139 Floodplain and Floodway Overlay Districts.

The floodplain (FP) and floodway (FW) overlay districts are hereby established. The land so classified may be used in a manner permitted in the underlying district only if and to the extent such use is also permitted in the applicable overlay district. The floodplain and floodway districts are further described in Article XXIV of this ordinance.

Section 140 Water Supply Watershed Overlay District.

(See ARTICLE XXI)

Section 141 Mining Overlay District.

(a) The mining (M) overlay district is hereby established as a "floating zone" since the precise location of areas within which mineral extraction (including quarrying, open-pit drilling, tunneling, etc.) should be encouraged cannot generally be predetermined. Within this district, the applicant may use property in accordance with the regulations applicable to the underlying zoning district, except that the property may also be used for mining purposes upon issuance of a special use permit by the board adjustment (see Section 171). If the nature of an activity is such that it requires a mining permit from State or other Federal agencies but the purpose of the activity is to grade a site for building construction, then the grading activity may be conducted, and the fill material sold, without rezoning to a mining overlay district. The State or Federal mining permit, if required, shall be provided to the land use administrator prior to commencement of any such grading activity.

(b) Before the mining overlay district classification is applied to any property, the applicant for rezoning shall first have obtained a mining permit from the appropriate state and federal agencies. A copy of such 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, shall be attached to the petition for rezoning. Also attached to the petition for rezoning shall be a written report from a registered mining engineer to the effect that there are minerals located on the property of such a nature and in quantity as to justify commercial extraction.

(c) Additional regulations are contained in Section 171 of this Ordinance.

Section 142 Airport Overlay District

(See ARTICLE XXII)

Part II. Zoning Map

Section 143 Official Zoning Map.

(a) There shall be a map known and designated as the Official Zoning Map, which shall show the boundaries of all zoning districts within the county where this land use ordinance is being enforced and show any amendments to the map duly adopted by the Board of Commissioners. This map shall be drawn on acetate or other durable material from which prints can be made, shall be dated, and shall be kept in the planning department.

(b) The Official Zoning Map was adopted August 3, 1987, effective September 1, 1987 and is incorporated herein by reference. Amendments to this map shall be made and posted in accordance with Section 143.

(c) Should the Official Zoning Map be lost, destroyed, or damaged, the administrator may have a new map drawn on acetate or other durable material from which prints can be made. No further Board authorization or action is required so long as no district boundaries are changed in this process.

Section 144 Amendments to Official Zoning Map.

(a) Amendments to the Official Zoning Map are accomplished using the same procedures that apply to other amendments to this ordinance, as set forth in Article XX.

(b) The planning division director shall update the Official Zoning Map as soon as possible after amendments to it are adopted by the Board. Upon entering any such amendment on the map, the planning division director shall change the date of the map to indicate its latest revision. New prints of the updated map may then be issued.

(c) No unauthorized person may alter or modify the Official Zoning Map.

(d) The planning department shall keep copies of superseded prints of the zoning map for historical reference.

Section 145 Reserved.

ARTICLE X. PERMISSIBLE USES

Section 146 Table of Uses

(See Appendix I).

The Table of Uses should be read in close conjunction with the definitions of terms set forth in Section 15 and the other interpretative provisions set forth in this Article, and Article XI, Supplementary Use Regulations.

Section 147 Use of the Designations Z, Zs, S, Ss, D, Ds in Table of Uses.

(a) Uses are permitted in certain zoning districts in the Table of Uses depending on whether there is an "Z", "Zs", "S" "Ss", "D", and "Ds" is shown in the table, next to the use described in the first column:

(1) "Z" A use shall be permitted in a certain zoning district if it is accordingly designated in the Table of Uses with a "Z"

(2) "Zs" A use permitted subject to certain pre-established specifications which would not be applicable to other uses is designated by a "Zs". Supplementary regulations are found in the second column of the Table.

(3) "S" A use that is subject to the issuance of a special use permit is indicated by a "S".

(4) "Ss" If additional supplemental requirements, pertain to a certain special use, this is indicated by a "Ss". Supplementary regulations are found in the second column of the Table.

(5) "D" If a use has a "D" in the table, it is subject to the issuance of a major development permit by the planning board.

(6) "Ds" If additional supplemental requirements pertain to the issuance of a major development permit by the planning board, this is indicated by a "Ds" in the table. Supplementary regulations are found in the second column of the Table.

If a use does not have a "Z", "Zs", "S", "Ss", "D", or "Ds" designation in a particular zoning district, that use shall not be allowed in that zoning district.

(b) Reserved for future reference

(c) Reserved for future reference.

(d) Use of the designation "Z", "Zs", "S", "Ss", "D", and "Ds" for combination uses is explained in Section 153.

Section 148 Board of Adjustment Jurisdiction Over Uses Otherwise Permissible With a Zoning Permit.

Notwithstanding any other provisions of this article, whenever the Table of Uses (interpreted in the light of Section 147 and the other provisions of this article) provides that a use in a nonresidential zone or a nonconforming use in a residential zone is permissible with a zoning permit, a special use permit shall nevertheless be required if the land use administrator finds that the proposed use would have an extraordinary impact on neighboring properties or the general public. In making this determination, the administrator shall consider, among other factors, whether the use is proposed for an undeveloped or previously developed lot, whether the proposed use constitutes a change from one principal use classification to another, whether the use is proposed for a site that poses peculiar traffic or other hazards or difficulties, and whether the proposed use is substantially unique or is likely to have impacts that differ substantially from those presented by other uses that are permissible in the zoning district in question.

Section 149 Permissible Uses and Specific Exclusions.

(a) The Table of Uses lists numerous uses that are permissible within at least one zoning district within the county. However, there are some uses which were not listed, which may have uses with similar impacts to a use already listed. In such circumstances, and where appropriate, the Land Use Administrator has the discretion to deem a new use to be similar to another listed use, and allow the new use to be permitted in the appropriate zoning district(s).

(b) All uses that are not listed in the Table of Uses and that do not have impacts deemed by the land use administrator to be similar to those of the listed uses are prohibited. The Table of Uses found in Appendix I shall not be interpreted to allow a use in one zoning district when the use in question is more closely related to another specified use that is permissible only in other zoning districts.

(c) Without limiting the generality of the foregoing provisions, the following uses are specifically prohibited in all districts:

(1) Any use that involves the manufacture, handling, sale, distribution, or storage of any highly combustible or explosive materials in violation of a fire prevention code adopted by any incorporated municipality within the county.

(2) Use of a travel trailer as a temporary or permanent residence outside of a campground, and use of a travel trailer as a permanent residence within a campground.

(3) Use of a motor vehicle parked on a lot as a structure in which, out of which, or from which any goods are sold or stored for commercial purposes, any commercial services are performed, or other business is

conducted. (Situations that do not comply with this subsection on the effective date of this ordinance are required to conform within thirty days. See Section 129.)

(4) A manufactured home shall only be used as a residential dwelling, and shall not be used as an accessory structure or as a storage building. This does not apply to modular storage buildings not constructed as a residence.

Section 150 Accessory Uses.

(a) **The Table of Uses (Appendix I)** classifies different principal uses according to their different impacts. Whenever an activity (which may or may not be separately listed as a principal use in this table) is conducted in conjunction with another principal use and the former use (i) constitutes only an incidental or insubstantial part of the total activity that takes place on a lot, or (ii) is commonly associated with the principal use and integrally related to it, then the former use may be regarded as accessory to the principal use and may be carried on underneath the umbrella of the permit issued for the principal use.

(b) For purposes of interpreting subsection (a):

(1) A use may be regarded as incidental or insubstantial if it is incidental or insubstantial in and of itself or in relation to the principal use;

(2) To be "commonly associated" with a principal use, it is not necessary for an accessory use to be connected with such principal use more times than not, but only that the association of such that there is common acceptance of their relatedness.

(3) The total square footage of all accessory use buildings(s) on any one lot shall not exceed the total square footage of the principal building on the same lot.

(c) Without limiting the generality of subsections (a) and (b), the following activities are specifically regarded as accessory to residential principal uses so long as they satisfy the general criteria set forth above:

(1) Offices or studios within an enclosed building and used by an occupant of a residence located on the same lot as such building to carry on administrative or artistic activities of a commercial nature, so long as such activities do not fall within the definition of a home occupation.

(2) Hobbies or recreational activities of a non-commercial nature.

(3) The renting out of one or two rooms within a single family residence (which one or two rooms do not themselves constitute a separate dwelling unit) to not more than two persons who are not part of the family that resides in the single family dwelling.

(4) Yard sales or garage sales, so long as such sales are not conducted on the same lot for more than three days (whether consecutive or not) during any ninety day period.

(5) Satellite dish antenna designed to receive direct broadcast satellite service, including direct-to-home satellite services that are one meter (39.37") or less in diameter shall not require a permit of any type.

(6) Satellite dish antenna that are less than two meters (78.74 inches) in diameter, and located in a commercial (B-1, B-2, B-3, B-4, HC, B-6) or industrial (LI, HI) zoning district shall not require a permit of any type.

(7) Satellite dish antenna that are between one meter in diameter to 14' in diameter in the Residential districts (RC-80, RA-40, RA-20, R-40, R-20, R15, R-10, R-8, and R-6) and between two meters in diameter to 14' in the Commercial (B-1, B-2, B-3, B-4, HC, B-6) and Industrial (LI, HI) zoning districts, will require a permit, as long as:

(a) Placement of the satellite dish will be in the rear yard unless unsatisfactory reception is incurred.

(b) All satellite dishes will meet the setback requirements for accessory structures.

(c) Satellite dishes shall be screened as follows:

(i) it will be screened from the road right-of-way to the front of the lot with Type B screen if the satellite dish can be viewed from the road right-of-way, except to the extent that screening would interfere with satellite reception.

(ii) in the event that the unit is not placed on a roof, it will be screened with a Type B screen from adjacent residential dwelling units except to the extent that screening would interfere with satellite reception in the area.

(8) In RC-80, RA-40, R-40, RA-20, R-20 and R-15 districts only, the keeping of horses shall be considered an accessory use, so long as the following requirements are complied with:

(a) The tract must contain at least one acre for every horse kept thereon, provided that if this density figure is exceeded as a result of a mare giving birth, the colt or filly may remain for weaning purposes for a period not to exceed six months;

(b) The structure that houses a horse must meet the following minimum setback requirements (1) 50 feet from adjacent property lines; (2) 100 feet from pre-existing adjacent residences; and (3) 30

feet from the principal structure when the structure that houses a horse is accessory to a residential structure. In addition, the structure that houses a horse must be located in the rear yard when accessory to a residential structure and the tract is less than four (4) acres.

(d) Without limiting the generality of the foregoing, the sale of agricultural products (either in a "roadside stand" or on a "pick your own" basis) from property where such products were grown or from land that is all part of the same farm or farming operation as the land where such products were grown shall be regarded as accessory to an agricultural operation (See Section 272(a)(6) for sign regulations applicable to the uses described in this subsection.)

(e) The following activities shall not be regarded as accessory to a residential principal use and are prohibited in residential districts.

(1) Storage outside of a substantially enclosed structure of any motor vehicle that is neither licensed nor operational.

Section 151 Permissible Uses Not Requiring Permits.

Notwithstanding any other provisions of this ordinance, no zoning, special use, conditional use, or major development permit is necessary for the following uses:

(a) Streets.

(b) Electric power, telephone, telegraph, cable television, gas, water, and sewer lines, wires or pipes, together with supporting poles or structures, located within a public right of way.

(c) Neighborhood utility facilities located within a public right of way with the permission of the owner (state or town) of the right of way.

Section 152 Change in Use.

(a) A substantial change in use of property occurs whenever the essential character or nature of the activity conducted on a lot changes. This occurs whenever:

(1) The change involves a change from one principal use category to another.

(2) If the original use is a combination of uses or planned unit development, the relative proportion of space devoted to the individual principal uses that comprise the combination use or planned unit development use changes to such an extent that the parking requirements for the overall use are altered.

(3) If the original use is a combination use or planned unit development use, the mixture of types of individual principal uses that comprise the combination use or planned unit development use changes.

(4) If the original use is a planned residential development, the relative proportions of different types of dwelling units change.

(5) If there is only one business or enterprise conducted on the lot (regardless of whether that business or enterprise consists of one individual principal use or a combination use), that business or enterprise moves out and a different type of enterprise moves in (even though the new business or enterprise may be classified under the same principal use or combination use category as the previous type of business). For example, if there is only one building on a lot and a florist shop that is the sole tenant of that building moves out and is replaced by a clothing store, that constitutes a change in use. However, if the florist shop were replaced by another florist shop, that would not constitute a change in use since the type of business or enterprise would not have changed. Moreover, if the florist shop moved out of a rented space in a shopping center and was replaced by a clothing store, that would not constitute a change in use since there is more than one business on the land and the essential character of the activity conducted on that lot (shopping center-combination use) has not changed.

(b) A mere change in the status of property from unoccupied to occupied or vice-versa does not constitute a change in use. Whether a change in use occurs shall be determined by comparing the two active uses of the property without regard to any intervening period during which the property may have been unoccupied, unless the property has remained unoccupied for more than 180 consecutive days or has been abandoned.

(c) A mere change in ownership of a business or enterprise or a change in the name shall not be regarded as a change in use.

Section 153 Combination Uses.

(a) When a combination use comprises two or more principal uses that require different types of permits (zoning, special use, conditional use, or major development), then the permit authorizing the combination use shall be:

(1) A major development use permit if any of the principal uses combined requires a major development permit.

(2) A special use permit if any of the principal uses combined requires a special use permit but none requires a major development permit.

(3) A zoning permit in all other cases. This is indicated in the Table of Uses by the designation "Z, Zs, S, Ss, D, Ds" in each of the columns adjacent to the listed use.

(b) When a combination use consists of a single-family detached residential subdivision that is not architecturally integrated (see Section 188) and two-family or multi-family uses, the total density permissible on the entire tract shall be determined by having the developer indicate on the plans the portion of the total lot that will be developed for each purpose and calculating the density for each portion as if it were a separate lot.

(c) When a combination use consists of a single-family detached, architecturally integrated subdivision and two-family or multi-family uses, then the total density permissible on the entire tract shall be determined by dividing the area of the tract by the minimum square footage per dwelling unit specified in Section 182.

Sections 154 through 157 Reserved.

ARTICLE XI. SUPPLEMENTARY USE REGULATIONS

Section 158 Planned Residential Developments.

(a) Planned residential developments (P.R.D.'s) are permissible only on tracts of at least five acres located within the R-40, RA-40, and R-10 zoning districts.

(b) The overall density of a tract developed as a P.R.D. shall be determined as provided in Section 182.

(c) Permissible types of residential uses within a P.R.D. include single-family detached dwellings, two-family residences and multi-family residences. At least fifty percent of the total number of dwelling units must be single-family detached residences on lots of at least 7000 square feet.

(d) A P.R.D. shall be an architecturally integrated subdivision (see Section 188).

(e) To the extent practicable, the two-family and multi-family portions of a P.R.D. shall be developed more toward the interior rather than the periphery of the tract so that the single-family detached residences border adjacent properties.

(f) In a planned residential development, the screening requirements that would normally apply where two-family or multi-family development adjoins a single-family development shall not apply within the tract developed as a planned residential development, but all screening requirements shall apply between the tract so developed and adjacent lots.

(g) The two-family and multi-family portions of any planned residential development may be occupied only in accordance with a schedule approved by the planning board that relates occupancy of such portion of the PRD to the completion of a specified percentage or specified number of phases or sections of the single-family portions of the development. The purpose and intent of this provision is to ensure that the planned residential development procedure is not used, intentionally or unintentionally, to create two-family and multi-family uses in areas generally zoned primarily for single-family residential uses except as part of a well conceived planned residential development. In approving a proposed schedule the planning board may consider, among other factors, the number of dwelling units proposed for the single-family portions of the PRD, the nature and scope of the two-family and multi-family components of the PRD and the physical relationship of the two-family and multi-family components of the PRD to neighboring properties not within the PRD.

Section 159 Planned Unit Developments.

(a) In a planned unit development, the developer may make use of the land for any purpose authorized in a particular P.U.D. zoning district in which the land is

located, subject to the provisions of this ordinance. Section 138 describes the various types of P.U.D. zoning districts.

(b) Within any lot developed as a planned unit development, not more than thirty-five percent of the total lot area may be developed for higher density residential purposes (R-8 or R-6, as applicable), not more than ten percent of the total lot area may be developed for purposes that are permissible only in a B-2 or B-3 zoning district (whichever corresponds to the P.U.D. zoning district in question), and not more than five percent of the total lot area may be developed for uses permissible only in the LI zoning district (assuming the P.U.D. zoning district allows such uses at all).

(c) The plans for the proposed planned unit development shall indicate the particular portions of the lot that the developer intends to develop for higher density residential purposes, lower density residential purposes, purposes permissible in a commercial district (as applicable), and 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 so designated shall 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.

(d) 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, no construction of any land may take place within such 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).

(e) The nonresidential portions of any planned unit development may be occupied only in accordance with a schedule approved by the planning board that relates occupancy of such 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 development. In approving a proposed schedule, the planning board 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 nonresidential 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.

Section 160 Temporary Emergency, Construction or Repair Residences.

(a) Temporary residences used on construction sites of nonresidential premises shall be removed immediately upon the completion of the project.

(b) Permits for temporary residences to be occupied pending the construction, repair, or renovation of the permanent residential building on a site shall expire within nine months after the date of issuance, except that the administrator may renew such permit for one additional period not to exceed three months if he determines that such 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.

(c) Temporary residences shall be a Class A, B, or C manufactured home; 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 161 Special Events.

(a) In deciding whether a permit for a special event should be denied for any reason specified in Section 54(c), or in deciding what additional conditions to impose under Section 59, the board of adjustment shall ensure that, (if the special event is conducted at all):

(1) The hours of operation allowed shall be compatible with the uses adjacent to the activity.

(2) The amount of noise generated shall not disrupt the activities of adjacent land uses.

(3) The applicants shall guarantee that all litter generated by the special event be removed at no expense to the county or any municipality.

(4) The board of adjustment shall not grant the permit unless it finds that the parking generated by the event can be accommodated without undue disruption to or interference with the normal flow of traffic or with the right of adjacent and surrounding property owners to the beneficial use and enjoyment of their property.

(b) In cases where it is deemed necessary, the Board may require the applicant to post a bond to ensure compliance with the conditions of the special use permit.

(c) If the permit applicant requests the county or an incorporated municipality to provide extraordinary services or equipment or if the county or a town otherwise determines that extraordinary services or equipment should be provided to protect the public health or safety, the applicant shall be required to pay to the county or the town as appropriate a fee sufficient to reimburse the county or town for the

costs of these services. This requirement shall not apply if the event has been anticipated in the budget process and sufficient funds have been included in the budget to cover the costs incurred.

Section 162 Manufactured Homes.

(a) All manufactured homes, whether located inside or outside of manufactured home 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. With respect to class A and class B manufactured homes located outside of manufactured home parks, a permanent masonry curtain wall shall be required, however if stucco is used, it shall 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 shall be acceptable; however stucco alone is unacceptable

(b) As indicated on the Table of Permissible Uses, class D manufactured homes are not allowed in any zoning district (except as a legitimate, nonconforming use).

(c) The Table of Permissible Uses indicates that certain classes of manufactured homes and manufactured home parks are permissible within certain districts only pursuant to a special use permit. Not withstanding the provisions of Sections 54 and 55, the board of adjustment may not issue a special use permit for such uses unless it makes an affirmative finding that the proposed use will not substantially injure the value of adjoining or neighboring properties. The burden of proof on this issue lies with the applicant. However, if the applicant presents a petition, signed by the owners of all properties entitled to receive notice of the hearing on the application pursuant to Section 102(b), and stating that such property owners believe their property values will not be adversely affected by the proposed use, this shall be sufficient evidence from which the board may make the required finding.

Section 163 Reserved.

Section 164 Manufactured Goods (Class 1 and Class II), Automobile Repair Shops, Automobile Body Shops, Craft Studios, Machine Shops, Printing, Publishing and Reproducing Establishments, and Welding Shops With all Operations Conducted Within an Enclosed Building.

As indicated in the Table of Uses, Manufactured Goods (Class I) , Automobile Repair Shops, Automobile Body Shops, Craft Studios, Machine Shops, Printing, Publishing and Reproducing Establishments, and Welding Shops require a special use permit in the RA-40 zoning district. When located in the RA-40 zoning district, the above uses shall meet the following supplementary regulations:

(a) No existing or proposed residential buildings shall be located within 500 feet of the proposed buildings (other than a residence owned by the applicant).

(b) An opaque (Type A) screen shall be installed to shield neighboring property and any public street from the view of any building or parking area used for the proposed business.

(c) The proposed use will not require and will not allow truck pick-up or delivery traffic before 7:00a.m. or after 7:00 p.m.

(d) The total gross floor area of any buildings that house the proposed use may not exceed 2,000 square feet.

(e) The maximum square footage of sign surface area advertising the proposed use shall be sixteen square feet, and not more than one freestanding sign may be erected.

(f) There shall be no outside storage of motor vehicles or parts thereof in connection with any Automobile Repair Shop or Automobile Body Shop.

(g) The proposed use will not substantially injure the value of adjoining or neighboring properties, and the burden of proof on this issue lies with the applicant. However, if the applicant presents a petition, signed by the owners of all properties entitled to receive notice of the hearing on the application pursuant to Section 102(b), and stating that such property owners believe their property values will not be adversely affected by the proposed use, this shall be sufficient evidence from which the board may make the required finding.

Section 165 Automobile Service Stations, Automobile Car Wash (Class I and II), Convenience Stores (With or Without Retail Fuel Sales) and Mini-Marts, Express Fuels in the RA-40 District.

Automobile Service Stations, Automobile Car Wash (Class I and II), Convenience Stores (with or without retail fuel sales) and Mini-Marts, Express Fuels are allowed with a special use permit in the RA-40 zoning district. When located in the RA-40 district, the above uses shall meet the following supplementary regulations:

(a) Gas sales and car washes are permissible only in combination with a convenience store.

(b) The principal building that houses the use must be located so that (i) at least part of the building lies within a distance of 500 feet from the point formed by the intersection of the centerlines of two state maintained streets and/or within a distance of 50 feet of a building on that site that is used or has at some time since January 1, 1975, been used as a retail store, (ii) no part of the building lies within 500 feet of any pre-existing residence (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.

(c) Structures or buildings constructed in connection with gas sales or car wash operations must be located so that (i) at least part of each such structure or

building lies within 50 feet of the convenience store and (ii) no part of such building or structure lies within 500 feet of any pre-existing residence (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.

(d) An opaque (Type A) screen shall be installed on all sides of the property that do not border public streets to the extent necessary to protect adjacent properties from any of the uses authorized herein.

(e) The total gross floor area of any buildings that house the foregoing uses may not exceed the number of square feet equal to 0.0625 times the square footage of the lot on which the buildings are located.

(f) The maximum square footage of sign surface area advertising the proposed use shall be thirty-two (32) square feet and not more than one free standing sign may be erected.

Section 166 Hazardous Substances in Water Supply Watershed Overlay Districts.

(a) Subject to subsections (b) and (c) no use involving the possession, storage, maintenance, or use of any quantity of any hazardous substance shall be permissible on any lot within a W zoning district.

(b) Subsection (a) shall not apply to the possession, storage, maintenance, or use of:

(1) Gasoline, kerosene, diesel fuel, and other petroleum products where such products are held solely for the purpose of on-premises sales to retail customers; however, storage tanks for such products must be emptied within sixty (60) days after sale of the products stored is discontinued;

(2) Hazardous substances contained in consumer products packaged and held for retail sale to the general public;

(3) Hazardous substances contained in commercial products used for janitorial or maintenance purposes on the premises where stored.

(c) Subsection (a) shall 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 administrator, covering such hazardous substances.

(1) An application for a Hazardous Substances Authorization Certificate shall be filed on forms supplied by the county and shall contain the information requested on such forms. All hazardous substances stored, manufactured, or used on the premises shall be listed according to the American Chemical Society standard nomenclature, and all such substances shall be

described in terms of quantity, form, solubility, and the manner in which such substances are stored, used, transported, and disposed of.

(2) A Hazardous Substances Authorization Certificate shall be issued by the county if the applicant demonstrates to the reasonable satisfaction of 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.

(3) A Hazardous Substances Authorization Certificate shall be valid for a period of one year from the date of issuance.

Section 167 Temporary Structures Other Than Residences.

As indicated in the Table of Uses, temporary structures used in connection with the construction of a permanent building or for some other non-recurring purpose, and not used for residential purposes, are permissible with a zoning permit in all districts. However, such uses are subject to the following requirements:

(a) Upon the expiration of a permit or when the original reason for the temporary structure no longer exists, whichever occurs first, the structure shall be removed forthwith.

(b) Temporary structures erected or located within residential developments and used as construction or sales offices in connection with such developments may not be used as offices relating to construction of or sale within any other development.

Section 168 Agribusiness Uses.

Agribusiness uses are permissible within the RA-40 district pursuant to a special use permit only if the proposed use satisfies the following requirements:

(a) The lot where the agribusiness use is located must have sufficient frontage along an arterial street or major arterial access street so that the principal means of ingress and egress for the use lies along such street.

(b) No building or structure that houses any part of the agribusiness use may be located within 500 feet of any pre-existing residence (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.

(c) An opaque (Type A) screen shall be installed on all sides of the property containing the agribusiness use (except a side that borders a public street) to the extent necessary to protect adjacent properties from the agribusiness use.

(d) The proposed use shall comply with the standards applicable to uses in commercial districts as set forth in Section 173.

(e) The proposed use will not substantially injure the value of adjoining or neighboring properties, and the burden of proof on this issue lies with the applicant. However, if the applicant presents a petition, signed by the owners of all properties entitled to receive notice of the hearing on the application pursuant to Section 102(b), and stating that such property owners believe their property values will not be adversely affected by the proposed use, this shall be sufficient evidence from which the board may make the required finding.

(f) The maximum square footage of sign surface area advertising the proposed use shall be thirty-two (32) square feet, and not more than one free standing sign may be erected.

Section 169 Reserved

Section 170 Reserved.

Section 171 Mining.

The Table of Uses indicates that mining in all districts other than the HI district is permissible with a special use permit. However, this shall be so only with respect to property that has been brought within a mining overlay district (see other regulations in Section 141), and then a special use permit may be issued only if the applicant demonstrates compliance with the following conditions:

(a) The area for which the state or federal mining permit is granted must be greater than 10 acres;

(b) Mining shall be on an industrial extraction basis only and shall not be permitted by hobbyists or others not engaged in the mineral extraction business;

(c) The edges of any extraction area where mining is allowed shall be at least 50 feet from all property lines and at least 150 feet from any residence;

(d) Fencing as determined by the Board of Adjustment shall be erected and maintained;

(e) If at any time the state and/or federal agencies revoke any of the required permits it has issued for the mining operation, said revocation shall cause the special use permit to become null and void;

(f) The special use permit shall be valid only for a period of one year from the date the same is granted. In the event the property owner desires to continue the mining operation thereafter, he shall again petition the Board of Adjustment for a new permit.

Section 172 Bed and Breakfast Inns in the R-10 Zoning District.

(a) As indicated in the Table of Uses, bed and breakfast establishments are permissible with a special use permit in R-10 zoning districts and with a zoning permit in most business districts. The remaining provisions of this section apply just to such uses in the R-10 district.

(b) The building that houses the dwelling unit may not be expanded by more than ten percent of its original floor area, nor may rooms for rent be added onto or created within accessory buildings.

(c) Not more than one sign advertising the existence of a bed and breakfast operation may be erected on the lot where such use is located. No side of this sign may exceed four square feet in surface area. The sign may not be internally illuminated.

Section 173 Manufacturing/Processing Uses in Commercial Districts.

While the Table of Uses indicates that certain uses are generally permissible within one or more commercial zoning districts, such uses shall be permissible only subject to the following limitations:

(a) No such use is permissible within any commercial zoning district if it generates or omits any smoke, noise, vibration, offensive odor, or electrical disturbance that adversely affects any other use that is located (i) outside the boundary of the immediate space occupied by the use if that use is one of several located on a lot, or (ii) beyond the lot boundary line of the use if it is the only enterprise located on a lot.

(b) In no case shall any use listed in Section 170 as permissible only within the HI zoning district be permissible within any commercial zoning district.

Section 174 Commercial Greenhouses.

Commercial greenhouses with on premises sales shall be permissible (with a special use permit) in the R-40 zoning district only on lots that have street frontage along an arterial street (See Section 210(b)(1)).

Section 175 Special Setbacks for Livestock, Horse Stables, and Poultry.

(a) Except where livestock or poultry are kept on a bona fide farm that is exempt from regulations under this ordinance, no person may keep livestock or poultry within 150 feet from any lot line of property owned by another. Nothing in this subsection shall be construed as authorizing poultry or livestock to be kept except where such uses are authorized as an Agricultural Use, Class II.

(b) Horseback riding stables are subject to the following requirements:

(1) The tract must contain at least one acre for every horse kept thereon, provided that, if this density figure is exceeded as a result of a mare giving birth, the colt or filly may remain for weaning purposes for a period not to exceed six months.

(2) The structure that houses a horse must meet the following minimum setback requirements: (1) 50 feet from adjacent property lines; (2) 100 feet from preexisting adjacent residences; and (3) 30 feet from the principal structure when the structure that houses a horse is accessory to a residential structure. In addition, the structure that houses a horse must be located in the rear yard when accessory to a residential structure and the tract is less than four (4) acres.

(3) The number of horse stalls permitted shall not exceed the number of horses permitted by this Ordinance.

(4) Any outdoor lighting shall not shine directly into a public right-of-way or into residential structures.

Section 176 Special Setbacks For Cemeteries.

Cemeteries must be set back at least 40 feet from adjacent property lines and street rights-of-way.

Section 177 Electric Substations.

Electric substations are permissible in all zoning districts as a permitted use subject to the following supplementary requirements as well as other relevant provisions of this ordinance.

(a) All structures shall maintain a minimum front yard setback of one hundred (100) feet measured from the highway right-of-way to the required fence enclosing said structure.

(b) The design of structures shall conform as closely as possible to the character of the neighborhood in which located.

(c) Fences which are not easily climbed and other safety devices shall be installed and maintained around electric substations in order to make such facilities inaccessible to the general public.

(d) Screening as required in Article XIX shall be installed and maintained to blend in with the surrounding area. The extent of said screening shall be measured twenty (20) feet in all directions from the required fencing.

Section 177A Natural Gas Regulator Stations.

Natural Gas Regulator Stations: Natural Gas Regulator Stations are permissible in all zoning districts as a permitted use subject to the following supplementary requirements as well as other relevant provisions of this ordinance:

(a) All structures shall maintain a minimum front yard setback and yard requirement of the zoning district in which they are located, measured from the highway right-of-way to the required fence enclosing said structure.

(b) Screening as described Article XIX, Section 307(a) shall be installed and maintained to blend in with the surrounding area.

(c) Fences, which are not easily climbed, shall be installed and maintained in order to make such facilities inaccessible to the general public.

(d) A site plan is required to determine consistency with Section 307(a) and the surrounding area.

Section 178 Temporary Dependent Care Residences.

(a) In all residential districts and the HC district, not more than one Class C manufactured home may be permitted in a rear yard on a temporary basis, provided the Board of Adjustment issues a special use permit after finding that a personal hardship situation justifying such a special exception exists. Such hardship shall involve the need to care for elderly parents or other dependents of the family occupying the principal building. Reasons justifying separate quarters shall be incompatibility, contagious disease, illness, or lack of adequate space within the principal building. A monetary hardship does not quality as a personal hardship.

(b) Special use permits authorizing the use may be issued in such cases for six months, but may be renewed for successive six-month periods for so long as the hardship continues to exist. Application for renewal of the permit shall be made at least thirty days prior to the expiration date.

(c) All such manufactured homes must have access to approved water and sewer systems and such manufactured homes must be maintained so as not to create nuisance conditions.

(d) Temporary residences authorized under this section shall not be subject to the density limitations set forth in Article XII but shall be subject to applicable setback requirements.

Section 179 Uses on Periphery of B-6.

Notwithstanding the provisions of the Table of Uses, within the B-6 zoning district no building or non-residential parking lot may be constructed within 200 feet of the lot line of any property that is not zoned B-6 unless:

(a) The proposed use associated with the building or parking lot is also permissible on the adjacent property in question; or

(b) The permit applicant demonstrates that the proposed building or parking lot will not substantially injure the value of such property. If the applicant presents a petition, signed by the owners of all properties having one or more lot lines located within 200 feet of the proposed building or parking lot and stating that such property owners believe their property values will not be adversely affected by the proposed use this shall be sufficient evidence from which the permit issuing authority may make the required finding.

Section 180 Landfills Other Than County Owned and/or Operated.

(a) Except for reclamation landfills of less than one acre for noncommercial use and on-site demolition landfills, any private or commercial landfill over one acre in size, whether a permitted or special use must satisfy the following requirements:

(1) Screening - Existing trees and vegetation must be maintained within one hundred feet of adjoining property lines and any public street right-of-way. Where the natural growth within one hundred feet of the adjoining property line or right-of-way does not comply with the semi-opaque or Type B Screen standard of Section 307(2) to effectively screen the landfill site from the view from adjoining properties or right-of-way, then natural screening in accordance with the requirements of Section 307(2) must be provided. Access to the site may cross this 100 foot area.

(2) Hours or Operation - Landfills may only operate from 8:00 a.m. until sunset. Sunday operation is prohibited.

(3) Yard Requirements - Unless a written waiver is granted by the adjacent property owner, no portion of any landfill may be located within 100 feet of any exterior property 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 shall be prohibited with no exceptions.

(4) Access - Vehicular access to the landfill site must be provided from a state maintained road, but in no instance shall such road qualify as a residential local or residential collector street, as defined by the North Carolina Department Transportation. Access from the state maintained 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 shall be surfaced with asphalt or concrete to a minimum width of 20 feet in order to provide protection against potholes, erosion and dust, and shall be maintained by the landfill operator up to such landlocked parcel. Although not required to be paved, all other roads within such site must be maintained so as to minimize airborne particles. A metal fence and gate, sufficient to block access to the site, shall be located at the entrance(s) to the landfill site and shall be locked when the landfill is not in operation. A sign not exceeding 32 square feet shall be placed at the entrance(s) detailing the name, hours of operation, and types of waste allowed. An attendant must be on-site during all hours of operation.

(5) Flood Area - No filling of any type shall be allowed in any portion of a regulatory floodway.

(6) The landfill site shall permanently close 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 shall file with the Land Use Administrator a copy of the approved sedimentation/erosion control plan and letter of approval from the North Carolina Department of Environment, Health, and Natural Resources.

(8) Health Permits - Landfill operations must maintain a valid permit from and comply with the standards of the Union County Health Department and the State of North Carolina as applicable.

(9) Site Recordation - A plat map and/or metes and bounds legal description designating the lot and landfill boundary area shall be recorded in the Union County Register of Deeds prior to the issuance of a zoning compliance permit by the Land Use Administrator.

(10) Violations - Violators shall be penalized under Article VII of the Union County Land Use Ordinance.

(b) On-site demolition landfills and reclamation landfills less than one acre for noncommercial use shall be permitted in all zoning districts subject to the following provisions:

(1) Landfill operations must maintain a valid permit from and comply with the standards of the Union County Health Department and the State of North Carolina, as applicable.

(2) No such site may be operated for more than 24 months, after which time it must be closed in an approved fashion.

(3) The location of any such site must be indicated on any required final subdivision plat. Further, even where no subdivision plan is required, the owner of any parcel or lot which contains any part of any such landfill must have notification of the existence and extent of the site from the developer. Such site must be recorded by metes and bounds legal description as part of the deed for the lot or parcel and/or be recorded by a plat map. The zoning compliance permit shall not be issued until proof of recordation is presented to the Land Use Administrator.

(4) No portion of any such site may be located within15 feet of any exterior property line of a subdivision or any un-subdivided parcel.

(5) Any on-site demolition waste disposal site which is located in an industrial district or industrial park shall be exempt from the 24 month closing requirement provided that no portion of the site is located within 100 feet of any adjoining existing residence or residentially zoned property.

Section 180A Equestrian Oriented Subdivisions

(a) Equestrian Oriented Subdivisions are developments which are of a residential nature, are designed with particular emphasis placed on equestrian activities and provide such facilities as community stables, riding rings, pastures, game fields, and riding trails. In addition, private stables may be located on individual residential lots. Equestrian oriented subdivisions are permitted as a major development in the RC-80, RA-40, R-40, RA-20 and R-20 Districts, subject to the following conditions:

(1) All buildings and structures related to the care of horses and to the operation of the riding facilities shall be located no nearer than one hundred (100) feet to any property line outside the development.

(2) Generally, riding trails shall be located within the interior of the development and should not extend along adjoining property lines. Where a proposed trail is to be located along the exterior property line of the project, such trail shall be a minimum of thirty (30) feet wide with adequate fencing provided to maintain all equestrian traffic within the project.

(3) Private stables for horses on residential lots shall comply in accordance with Section 150(c)(6), being accessory to the residential structure.

(4) No minimum shall be placed on the number of horses boarded by the community stable. However, the site shall be of adequate size to handle the horses housed on-site and properly maintained to protect adjacent uses from adverse efforts.

(b) A major development for an Equestrian Oriented Subdivision shall delineate the following in addition to other subdivision requirements:

(1) Lots to have private stables shall be designated and the general area which such stables may be located shall be indicated.

(2) All proposed community riding facilities, including community stables, riding rings, pastures, game fields, and riding trails. A written statement describing the proposed means of ownership and proposed program for the maintenance of these facilities shall be included.

(3) The location and design of any walls, fencing, or screen planting proposed.

(c) A subdivision of record shall file for a special use permit when considering equestrian oriented status. Notice shall be sent by U.S. Mail to each owner of a lot within said subdivision. The petitioner(s) shall furnish such listing. The permit shall not be issued upon objection by any one lot owner within said subdivision who submits a letter signed before a notary public which letter states opposition to the issuance of the permit. If such designation is granted, the provisions of this section shall apply and a site plan review by the administrator including details found in subsection (b) and any other material deemed pertinent shall be required.

Section 180B Golf Driving Ranges (not accessory to a golf course) and Par 3 Golf Courses.

Golf driving ranges and par 3 golf courses are permissible pursuant to either a special use, zoning, or major development permit. The proposed use shall satisfy the following requirements.

(a) Lighting must be directed away from residential areas or shielded to protect them such that the use does not substantially interfere with the use or enjoyment of neighboring properties.

(b) An opaque (Type A) screen shall be installed on all sides of the property that do not border public streets to the extent necessary to protect adjacent properties from any of the uses authorized herein.

(c) The maximum square footage of sign surface area advertising the proposed use shall be sixteen square feet within a residential zone. Signage within a commercial zoning shall continue to utilize the computation formula under Article XVII Signs.

(d) Vehicular access to a site with residential zoning shall be provided from a minor collector thoroughfare or higher road classification as specified in the Union County Thoroughfare Plan, and not from local residential streets.

(e) Within a residential zone, no accessory use, such as snack bars, club houses, and pro shops, shall be closer than 300 feet, and no parking area shall be within 200 feet, of any pre-existing residence (other than a residence owned by the applicant), or a residence under construction on the date the permit is issued.

(f) Netting shall be placed where necessary to keep golf balls within the golf driving range and off adjacent property.

(g) No green (par 3 golf course) shall be nearer to any property line than 100 feet.

(h) The depth of a golf driving range along the driving axis shall be not less than 350 yards measured from the location of the tees and the breath not less than 200 yards at a distance of 350 yards from the tees.

(i) Within a residential zone, there shall be a ten acre minimum area requirement.

Section 180C Adult Use Establishments, Adult Hotel/Motels, Adult Video Stores, and Adult Lingerie Modeling Studios.

The purpose 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 affects 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.

(a) All adult uses/establishments, adult hotel/motels, adult video stores, and adult lingerie modeling studios must obtain a special use permit and meet the following supplementary regulations. In addition, a site plan and vicinity map along with any other information as required by this ordinance, must be submitted to the Land Use Administrator to verify compliance.

(1) 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. Nor shall any live or recorded voices, music, or sound be heard from outside the walls of the adult/use establishment, adult hotel/motel, adult video store, or adult lingerie modeling studio.

(2) Over-concentration - no more than one (1) adult use/establishment, adult hotel/motel, adult video store, or adult lingerie modeling studio shall be located in any two thousand (2000) 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.

(3) Proximity to Other Uses - no adult use/establishment, adult hotel/motel, adult video store, or adult lingerie modeling studio shall be located within a one thousand (1000) foot radius of any residential zoning district (R), residence, church, synagogue, temple, or other place of worship, school, day care, 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.

(4) 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.

(5) There shall 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, structure, or portion thereof.

(6) The maximum total floor area of any allowed adult use/establishment, adult hotel/motel, adult video store, or adult lingerie modeling studio shall not exceed 5,000 square feet.

Section 180D Industrial Parks or Planned Industrial Development (PID).

Whenever an Industrial Park or Planned Industrial Development (PID), being located within an HC, LI, HI, or PID zoning district is developed, the following criteria shall govern outside storage:

(a) Lots which are interior to the development and serviced by interior roads, shall not require a special use permit, subject to subsection (3), but shall require site plan approval by the land use administrator.

(b) Lots which border adjacent properties shall require special use permits.

(c) Where lots internal to the development propose outside storage of a hazardous substance, as defined in Section 15, special use approval shall be required. The applicant for special use permit shall submit plans indicating proposed control methods.

(d) The tract shall be at least fifty contiguous acres in size, under single ownership.

(e) The development shall be developed in accordance with a comprehensive and unified scheme of development covering the entire tract.

(f) The development shall consist of a single principal use or a combination of principal uses consisting of wholesale sales, and manufacturing uses.

(g) The development shall be developed according to building height, setback and other regulations applicable to the LI zoning district.

Section 180E Telecommunications Towers and Facilities

If it is determined that telecommunications providers cannot 1) provide an adequate service level from co-locating on an existing telecommunications tower, 2) locate on an existing electrical transmission tower or similar structure, or 3) locate camouflaged stealth antennae on or within an existing structure, then telecommunications towers and facilities will be allowed with a special use permit in all the Residential zoning districts, and as a use by right in the Business and Industrial zoning districts, subject to the following regulations in addition to applicable requirements set forth in each zoning district and elsewhere in this Ordinance:

(a) In all zoning districts all telecommunication towers shall be of a monopole design and construction, unless a stealth camouflaged tower is chosen. A lattice-type tower will be allowed only when a monopole design is not available to satisfy the required height requirements. Documentation that monopoles of a certain height are not available shall be required to obtain approval for a lattice-type tower. All monopoles must be designed to 'telescope' or collapse inward unless documentation can be provided to prove that such design is not feasible.

(b) It is the intent of Union County to encourage provide to co-locate facilities in an effort to reduce the number of telecommunication towers in Union County. New communications towers shall be capable of supporting additional communications antennas. This will assist Union County in reducing the total number of towers in the County. Union County requires providers to negotiate in good faith with other providers to lease space at a reasonable cost and for reasonable terms, and to publicize the fact that space is available on a lease basis as part of the permit process.

(c) The maximum allowable height of a tower is 199.9 feet (including lighting or lightening rods or any appendage)in all Residential (RC-80, RA-40, RA-20, R-40, R-20, R-15, R-10, R-8, R-6) and Business (O, B-1, B-2, B-3, B-4, B-6, H-C) zoning districts. The maximum height of a tower located in the Industrial (LI, HI) zoning districts is 300 feet. No variance to the height may be granted unless the applicant can prove the maximum height will not allow for the provision of adequate service levels (i.e. cannot provide a reasonable level of service in the area). The height of the tower or structure shall be the vertical distance measured from the mean elevation of the finished grade at the front of the structure to the highest point of the structure.

(d) Where a telecommunication tower is located on a lot with an existing principal use, the tower shall be located in the rear yard only. In addition, a recorded easement for an access road at least twelve (12) feet wide shall be maintained by the property owner and/or the applicant from a public street to the tower for use by service and emergency vehicles.

(e) Telecommunications antennae which can be placed in or on an existing structure or telecommunications towers which can be camouflaged to resemble a tree or to otherwise blend into the surrounding area are highly encouraged. Also, towers which are located in a stand of trees, rather than in an open field, are preferred.

(f) Towers and antennae are prohibited on the top of buildings or structures in all the Residential zoning districts. In the Business and Industrial zoning districts, only stealth towers may be permitted on roofs or walls with an approved permit after submittal of a report by a qualified and licensed professional engineer indicating the existing structure's suitability to accept the antenna, and the proposed method of affixing the antennae to the structure. Complete details of all fixtures and couplings, and the precise point of attachment shall be indicated. Stealth towers on roofs may be allowed when the tower height: 1) does not exceed more than 30% of the height of the building, or 2) is no more than 50 feet above the building/structure, whichever is less. Stealth towers on roofs or walls shall be screened, constructed, and/or colored to match the structure to which they are attached.

(g) Union County recognizes that a telecommunications facility (the original tower and antennae provider as well as any co-location entities) cannot be prohibited nor can a special use permit be denied on the basis of environmental or health concerns relating to radio emissions if the telecommunications equipment and facility complies with the Federal Radio Frequency Emission Standards. Union County requires that each applicant for a permit must provide documentation proving that their telecommunications equipment complies with the Federal Radio Frequency Emission Standards.

(h) All accessory structures on the ground which contain switching equipment or other related equipment should be architecturally compatible with surrounding buildings and land uses in the zoning district, or otherwise integrated, through location and design, to blend in with the existing characteristics of the site to the extent practical. This means structures with pitched roofs, made of local construction materials, such as brick, wood, stone, or vinyl lapped siding.

(i) A minimum eight foot high chain link fence is required immediately around the telecommunications tower and any equipment building(s) since the tower can be considered an attractive nuisance. Barbed wire shall be used along the top of the fence and access to the tower area and equipment buildings shall be through a locked gate. The Land Use Administrator may waive fencing requirements for stealth towers and other types of structures if the fencing serves no useful purpose.

> Note: Applicants building new towers shall plan the fence and screening (see subsection (j) below) to accommodate all future providers on the site such that the fence and screening materials surround the land designated for all future equipment buildings and the tower.

If a guyed wire lattice type tower is proposed, the guy anchor locations shall also be fenced with an eight- foot high chain link fence.

(j) Landscape screening shall be required along the outside area of the perimeter fenced area(s) to mitigate the visual impacts of the tower and equipment buildings from nearby viewers. Landscape materials shall meet the requirements of an Opaque Screen, Type A buffer (Section 307) and the requirements of this subsection.

Where no equipment shelters, cabinets, or other structures will be located on the property, landscaping shall still be provided around the tower base in the form of an Opaque Screen, Type A buffer (Section 307), and the requirements of this section.

All landscaping shall be xero-scape (drought) tolerant or irrigated to ensure good health and vitality.

Suggested planting patterns are included in Appendix E along with lists of suitable trees and shrubs.

Screening requirements shall not apply to telecommunications providers who use a camouflage (stealth towers) tower or antennas within another structure (such as a steeple), or providers who co-locate on an existing tower. Nor shall screening apply when an antennae will be mounted on an electrical transmission tower or on structures such as a water tower/tank, grain silos, etc. or similar structures.

The Land Use Administrator may waive any or all of the screening requirements upon determining that the existing topography or existing natural materials on site will screen the property as effectively as the required screening, provided that the spirit and intent of this subsection are met. The Land Use Administrator may also waive screening on those sides of the proposed tower that are located adjacent to un-developable property. Such a waiver may not be sought to relieve the screening requirement for towers to be located adjacent to vacant properties or along any public right-of-way. Undevelopable property shall constitute any such property or land that is unable to be used as a building site, i.e. a floodplain, etc.

(k) Minimum setback requirements for free-standing towers located in the residential zoning districts shall be one (1) foot for every one (1) foot of actual tower height (i.e. a 125 foot tower would require a 125 foot setback on all sides). Setback requirements are applicable on all sides of the property including any side along the road right-of-way, and for all leased areas of a parcel. The purpose of these setback requirements is to prevent ice-fall materials and/or debris from tower failure or collapse from damaging off-site property.

Minimum setback requirements for free-standing towers located in the business or industrial zoning districts shall be based on the zoning district setbacks as described in Section 184.

For the purpose of establishing setbacks, the measurements shall be from the edge of the concrete base on which the tower is located, to the property line, unless the tower is located in a leased area. Setbacks for towers located on leased parcels shall be measured from the edge of the concrete base on which the tower is located to the edge of the parcel in which the leased area is located.

Minimum setback requirements may be reduced by the Board of Adjustment to allow the integration of a tower into an existing or proposed structure such as a church steeple, lighting poles, power line support device, or similar structure.

(l) All towers shall be a minimum of 300' from the nearest residential dwelling unit, with the exception of any existing residential structure located on the same lot as the tower, at the time of application.

(m) Telecommunications providers who are leasing a portion of a lot for the proposed telecommunication tower shall obtain a signed certification from the property owner that no future development or subdivisions or leased portions will be made within the established setbacks of the telecommunication tower until such tower is removed from the site (i.e. is abandoned and removed by the provider). This does not apply to telecommunication providers seeking to co-locate on an existing tower.

(n) The land use administrator shall keep records of which parcels of land have established tower setbacks (on leased or owned property) to prevent future building permits being issued for any proposed use or structure within those setbacks (with the exception of additional equipment shelters at the base of the tower), after the date the tower is approved or given a building permit. Information shall also be conveyed by the land use administrator to the planning division director to prevent future minor or major development permits to that parcel that might occur within the required tower setbacks.

(o) Towers and related facilities must be removed by the applicant and/or property owner upon abandonment of the tower (no longer used for its original intent) for a period greater than ninety (90) consecutive days. Such removal (clearing from the site) shall take place within six (6) months of the first day the tower was abandoned, and be completed within this same six (6) month period.

(p) The owner of each telecommunications tower must certify to the Land Use Administrator on January 1st of each year the status of the antennae (operational or not in use).

(q) Towers having a height of 199.9 feet or less, shall not contain lights or light fixtures at a height exceeding fifteen (15) feet, unless so directed by the Federal Aviation Administration. Furthermore, lighting of all towers in any district shall be directed toward the tower and/or accessory uses to reduce glare onto adjacent properties. It is recognized that towers over 200 feet in height require night lighting as per the Federal Aviation Administration.

(r) Free-standing telecommunications towers should be located to avoid a dominant silhouette on ridges or in open fields.

(s) Any planned increase in tower height to an existing approved telecommunication tower located within a Residential zoning district requires the provider to apply for a new special use permit. Any planned increase in tower height to an existing approved telecommunication tower located within a Business or Industrial zoning district can occur by right, up to 300' for industrial and 199.9" for business. Similarly, normal maintenance and repair of the structure can be completed without the issuance of a new permit at the discretion of the Land Use Administrator. Planned height increases for towers which were constructed prior to the adoption of these regulations, and located in the Residential zoning district, and/or do not have a special use permit on file with the County, shall be required to apply for a special use permit, which includes review and approval by the Board of Adjustment.

(t) Placement of additional antennae by a co-locator shall be permitted by right provided that the tower height is not increased. If the co-locator or owner of the tower proposes to increase the tower's height in the Residential zoning districts (RCD-80, RA-40, RA-20, R-40, R-20, R-15, R-10, R-8, R-6), the co-locator or owner shall submit an application for a new special use permit. In the Industrial (LI, HI) zoning districts, tower heights up to 300' are allowed by right, with a new zoning permit and building permit. In the Business zoning districts (O, B-1, B-2, B-3, B-4, HC, B-6), tower heights up to 199.9 are allowed by right, with a new zoning permit and building permit.

Co-location applicants also must comply with all requirements provided in Section 180E, and any special use permit requirements obtained by the original applicant, if any.

(u) Free-standing signs are prohibited. Wall signs shall be limited to 1) identification signage allowed on equipment structures or fences surrounding the telecommunication tower/structure provided it does not exceed nine square feet in size and 2) 'No trespassing' signs, 'Danger - High Voltage' signs, and other similar warning signs shall be installed to discourage trespassing by unauthorized persons.

Signs shall be installed and/or mounted on the perimeter fence, and/or on the tower at its base.

(v) Outdoor storage of equipment or other related items is prohibited, with the exception of equipment enclosed within sheds, cabinets, structures, or other such structures.

(w) Associated telecommunications equipment buildings located in any zoning district shall be unmanned. This provision does not prohibit the periodic maintenance or periodic monitoring of equipment and instruments.

(x) All applications for a Special Use Permit for a telecommunication tower must include the following information in addition to any other applicable information contained in the Land Use Ordinance:

(1) Identification of intended provider(s);

(2) Documentation by a registered engineer that the tower has sufficient structural integrity to accommodate more than one user. A statement about the general capacity of the tower in terms of the number of additional providers, or co-locators, it is designed to accommodate.

(3) A statement from the provider indicating intent to allow shared use of the tower and how others will be accommodated;

(4) Documentation that all property owners of residentially zoned property within 300 feet of the edge of all sides of the property (for leased sites this means the edge of the larger parcel in which the leased portion is located), as well as adjacent property owners, have been notified by the applicant of the proposed tower height and design. Notification of property owners is also required for amendments to existing Special Use Permits.

(5) Documentation that the telecommunication equipment complies with Federal Radio Frequency Emission Standards;

(6) Documentation that towers over 199.9 feet in height in the Residential and Business zoning districts are necessary for a minimal level of service, or that towers over 300 feet in height in the Industrial zoning districts are necessary for a minimal level of service.

(7) A site plan(s) drawn to scale, identifying the site boundary, tower(s), existing and proposed structures, including equipment buildings, access, fencing area, fall radius and landscape screening, detailing the type of landscaping, amount of plantings, and location. A site plan is not needed for providers who are seeking to co-locate on an existing tower, when the equipment building is to be located within the existing fenced area, and the tower height is not increased.

(8) Documentation of monopole tower collapse area, if applicable.

(9) Documentation that a monopole tower is not available for the proposed height, and that a lattice-type tower is required.

(10) Expert testimony that demonstrates to the satisfaction of the Board of Adjustment that the provider has explored all means for co-location opportunities, and stealth tower locations if applicable. Evidence may consist of the following:

(a) Existing or approved telecommunications towers with available co-location space are not located within the search area.

(b) Existing or approved towers or structures are not of sufficient height to meet the provider's specifications.

(c) Existing or approved towers or structures do not have sufficient structural strength to support the applicant's proposed antennae, and documentation that the existing tower can not be structurally strengthened to accommodate an additional user.

(d) The provider's proposed antenna would cause objectionable radio frequency interference with existing or planned antennae on an existing or planned tower, (i.e. the spacing requirement between antennae cannot be met).

(e) Existing or approved towers lack co-location space.

(y) Towers shall not restrict or interfere with air traffic or air travel to and from any existing or proposed public or private airport. All proposed towers shall comply with the Federal Aviation Administration (FAA) standards.

(z) The following requirements apply for telecommunications tower Special Use permit requests:

(1) Decisions by the Board of Adjustment to approve or deny a Special Use permit for a telecommunications tower must be in writing to the applicant, along with detailed reasoning for the approval/denial, as per federal law

(2) The applicant and the public are requested to submit their comments and arguments in writing prior to addressing the Board of Adjustment at the public hearing, as suggested by federal law.

(3) The decision of the Board of Adjustment must be based upon substantial evidence which must be recorded in the Minutes, as per federal law.

(4) In determining if a telecommunications tower should be approved/denied, the Board of Adjustment may take into account the tower's harmony with the surrounding area and its compatibility with adjacent properties, the aesthetic effects of the tower, as well as any mitigating factors concerning

the aesthetics may be used to evaluate the Special Use permit. In reaching a decision, the Board of Adjustment may request the height, design, screening, placement, or other characteristics of the tower be modified to produce a more harmonious situation.

Section 180F Telecommunications Antennae and Associated Equipment Locating on Existing Telecommunications Towers and Structures.

(a) Provided the structural integrity of the structure/tower is not compromised or diminished as determined or documented by a licensed professional structural engineer, telecommunications antennae and its associated equipment buildings may locate on any existing tower, water tank/tower, or similar structures by right in all zoning districts so long as the addition does not increase the original height of the existing structure or tower. Such antennae shall be painted to match the color of the building/structure or the background against which it is most commonly seen. Note: No antennae used for the purpose of telecommunications shall be mounted on any structure used solely for residential purposes.

(b) Any co-location which will result in an increase to the tower height, (on a tower located in all zoning districts except the Business (O, B-1, B-2, B-3, B-4, HC, B6) and Industrial (LI, HI) zoning districts, shall require the co-locator or applicant to apply for a new special use permit which includes a review and approval by the Board of Adjustment.

(c) The Board of Adjustment requires that each applicant shall provide documentation proving that their telecommunications equipment complies with the Federal Radio Frequency Emission Standards.

(d) Screening requirements shall not apply to telecommunications providers who camouflage antennas on or within another structure (stealth locations), such as a church steeple, or use a stealth camouflage tower, or co-locate on an existing tower, including electrical transmission towers. Nor shall any screening apply when an antennae will be mounted on an electrical transmission tower or on structures such as a water tower/tank, grain silos, etc. or similar structures.

(e) Outdoor storage of equipment or other related or non-related items are prohibited.

(f) The associated telecommunication antennae equipment buildings located in any zoning district shall be unmanned. This provision does not prohibit the periodic maintenance or periodic monitoring of equipment and instruments.

(g) Telecommunications antennae and associated equipment shall not restrict or interfere with air traffic or air travel to or from any existing or proposed public or private airport. All proposed towers shall comply with Federal Aviation Administration (FAA) standards.

Section 180G Co-Location Requirements for Newly Proposed and Replacement Telecommunications Towers.

(a) New telecommunications towers and replacement towers shall provide enough ground site area to accommodate future providers' ground equipment buildings associated with future antennae co-locates.

(b) New telecommunications towers and replacement towers shall plan the fencing around the tower and ground equipment buildings to include all potential future equipment buildings to be provided by future co-locators.

Section 180H Camping and Recreational Vehicle Park (private, for profit).

A minimum of 25 acres is needed for a private, for profit camping and recreational vehicle park.

Section 180I Automobile, Truck, Boat, Motorcycle, Service and Rental Store; Automobile Body Shop, Automobile Repair Shop.

In the B-1 zoning district, automobile, truck, boat, and motorcycle, sales, service and repair shops; automobile body shops; automobile repair shops are only allowed when property has frontage on a U.S. Highway.

Section 180J Home Occupations

In order to be regarded as having an insignificantly adverse impact on the surrounding neighborhood, a Home Occupation must comply with the following regulations:

(a) Only one home occupation per dwelling unit allowed.

(b) No goods, stock in trade, or other commodities may be displayed outside a fully enclosed structure,

(c) No on-premises retail sales of goods not produced on-site may occur,

(d) No more than two person not a resident on the premises may be employed in connection with the purported home occupation,

(e) The use may not create objectionable noise, fumes, odor, dust or electrical interference,

(f) Not more than twenty-five percent of the total gross floor area of residential buildings plus other buildings housing the purported home occupation, or more than 1,000 square feet of gross floor area (whichever is less), may be used for home occupation purposes, and

(g) Only vehicles used primarily as passenger vehicles may be used in connection with the home occupation.

Section 180K Street Vendors

(a) Street vendors selling food must comply with the Union County Environmental Health Department requirements for food service.

(b) Permission of the property owner whose property the street vending business will be located on is required.

(c) If located within a town, city, or village in Union County, permission of the jurisdiction is required.

Section 180L Continuing Care Facilities

(a) Multi-family dwellings are permitted in the R-40 and R-10 zoning districts only when used as a continuing care facility.

(b) When used as a continuing care facility, the density and number of units permitted may be doubled in the RC-80, RA-40, R-40, RA-20, R-15, and R-10 zoning districts.

(c) Whenever the density 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 water and sewer.

(d) A continuing care facility may be permitted by right as an accessory use to a major residential subdivision of 50 or more acres.

Section 180M Radio and Television Towers and Facilities

Radio and television towers and facilities will be allowed with a special use permit in all zoning districts, subject to the following regulations in addition to applicable requirements set forth in each zoning district and elsewhere in this ordinance.

(a) A minimum eight foot high chain link fence is required immediately around the radio/television tower, any equipment building(s), and guyed wire anchor locations, since the tower can be considered an attractive nuisance. Barbed wire shall be used along the top of the fence and access to the tower area, equipment building(s), and guyed wire anchor locations shall be through a locked gate. The Land Use Administrator may waive fencing requirements if the fencing serves no useful purpose.

(b) Landscape screening shall be required along the outside area of the perimeter fenced area(s) to mitigate the visual impacts of the tower, equipment building(s) and guyed wire anchor locations from nearby viewers. Landscape materials shall meet the requirements of the Opaque Screen, Type A buffer (Section 307), and the requirements of this subsection.

Where no equipment shelters, cabinets, or other structures will be located on the property, landscaping shall still be provided around the tower base and the guyed wire anchor locations in the form of an Opaque Screen, Type A buffer (Section 307) and the requirements of this subsection.

All landscaping shall be xero-scape (drought) tolerant or irrigated to ensure good health and vitality.

Suggested planting patterns are included in Appendix E along with lists of suitable tree and shrubs.

The Land Use Administrator may waive any or all of the screening requirements upon determining that the existing topography or existing natural materials on the site will screen the property effectively as the required screening, provided that the spirit and the intent of this subsection are met. The Land Use Administrator may also waive screening on those sides of the proposed tower that are located adjacent to un-developable property. Such a waiver may not be sought to relieve the screening requirement for towers to be located adjacent to vacant properties or along any public right-of-way. Un-developable property shall constitute any such property or land that is unable to be used as a building site, i.e. a floodplain, etc.

(c) Towers having a height of 199.9 or less, shall not contain lights or light fixtures at a height exceeding fifteen (15) feet, unless so directed by the Federal Aviation Administration. Furthermore, lighting of all towers in any district shall be directed toward the tower and/or accessory uses to reduce glare onto adjacent properties. It is recognized that towers over 200 feet in height require night lighting as per the Federal Aviation Administration.

(d) If such a tower is located on a lot in or abutting a residential district, it must be located at least 200 feet from all abutting property lines, except if the engineering report requires a larger setback for the fall zone.

(e) The zoning district setbacks shall apply to the guyed wire anchor locations.

Note:
Section 180M added to Land Use Ordinance on August 6, 2001.

<u>Section 180N- Shopping Centers and Retail Establishments Exceeding 50,000 sq ft of total floor area</u>

Shopping Centers and Retail Establishments which exceed 50,000 square feet of total floor area shall comply with the requirements of this Section. The location of such development is a major importance to a wide area. To insure that these developments are not detrimental to adjacent uses or the orderly and well-planned development of the community, the proposed development shall at a minimum, follow or consider the following criteria in site design and layout, whether a conditional rezoning, special use permit or zoning permit.

(a) Street access shall be restricted per Section 212 and coordinated as detailed in Section 214. Deviations to Section 212 may be granted by the Board of Commissioners, Planning Board, and/or the Board of Adjustments, where the access control has not been compromised and the developer shows good cause for the deviation. Any out-parcel shall be accessed internally.

(b) Lighting shall be required in accordance with Section 242 Lighting Requirements and Section 243 Excessive Illumination, with preference given to creating lower to Ground lighting, while creating a safe pedestrian situation. Mixing of lighting types, as needed, is acceptable.

(c) Freestanding signage shall be restricted to non-lighted, ground signs, with the exceptions being directional or safety related, and entrance identification signs with business name listings. Consideration should be given to consistency in sign design and colors within the center. Height shall not exceed ten (10) feet for entrance signs and six (6) feet for any other free-standing sign. Sign facing can be illuminated per Section 278(A)(c).

(d) Screening shall be established or preserved along the exterior property lines per Section 308. Screening of Vacant out-parcels or any other disturbed area shall be determined by the zoning administrator.

(e) Consistency in building design, material, and color scheme, within the development, to create a well coordinated unified site presence.

(f) Circulation patter for both pedestrian and vehicular traffic. This shall include sidewalk connection between buildings in the center and along the public streets with connection to the interior.

(g) The handling of sewer and water if county facilities are not available.

(h) Hours of operation. Hours of operation shall be limited to between 6:00 AM and 11:00 PM for any building (including related outdoor sales area) of a Shopping Center or Retail Establishment within 200 feet of a property with a single-family residence and for any building where the primary parking area for said buildings is within 200 feet of a property with a single-family residence. If the development consists of one Retail Establishment or Shopping Center with only one building, the hours of operation will be limited to between 6:00 AM and 11:00 PM if a building or any parking area is within 200 feet of a property with a single-family residence. This 200 foot distance shall be measured from the closest point on the property line of the lot with the single-family residence to the closest part of each separate building or primary parking area for said building of the Shopping Center or Retail Establishment.

Section 180O – Junkyard, Automobile Salvage Yard, Scrap Materials

The regulations regarding junkyards, automobile salvage yards, and scrap materials, shall 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. This section does not limit regulation with respect to the use of farm property for nonfarm purposes.

ARTICLE XII. DENSITY AND DIMENSIONAL REGULATIONS

Section 181 Minimum Lot Size.

(a) Subject to Subsection (b) and the provisions of Sections 187 (Cluster Subdivisions) and 188 (Architecturally Integrated Subdivisions), all lots in the following zones shall have at least the amount of square footage indicated in the following table:

ZONING DISTRICT	MIN. SQUARE FEET	COMMENTS
R-6	6,000	
R-8	8,000	
R-10	10,000	
R-15	15,000	
R-20	20,000	
RA-20	20,000	
R-40	40,000	
RA-40	40,000	
RC-80	80,000	
B-1 B-2	6,000	If used for residential purposes, otherwise, no minimum
B-3 B-4	6,000	If used for residential purposes, otherwise, no minimum
HC	6,000	
B-6	8,000	
LI	No Minimum	
HI	No Minimum	
O	15,000	

(b) The minimum lot sizes set forth in this section are permissible only if and to the extent that adequate water and sewer facilities are or can be made available to serve every lot in accordance with the provisions of Article XV of this ordinance. For example, in some areas zoned R-20 that are not served by public sewer, lots may have to exceed the 20,000 square feet minimum required above in order to accommodate septic tanks. In addition, where lots of less than 20,000 square feet are proposed and such lots do not have access to a sewage treatment facility or county sewer lines, The Health Department – Environmental Health Division shall review and approve proposed plans as provided in Sections 238 and 239.

Section 182 Residential Density.

(a) Subject to subsections (b) and (c) and the provisions of Sections 187 (Cluster Subdivisions) and 188 (Architecturally Integrated Subdivisions), every lot developed for residential purposes shall have at least the number of square feet

per dwelling unit indicated in the following table. In determining the number of dwelling units permissible on a tract of land, fractions shall be dropped.

(b) Two-family conversions, primary residences with an accessory apartment, and duplexes shall be allowed only on lots having at least 150% of the minimum square footage required for one dwelling unit on a lot in such district. With respect to multi-family conversions into three or four dwelling units, the minimum lot size shall be 200% and 250% respectively of the minimum required for one dwelling unit.

(c) The densities set forth in this section are permissible only if and to the extent that adequate water and sewer facilities are or will be made available to serve the proposed density in accordance with the provisions of Article XV of this ordinance (utilities).

ZONING DISTRICT	MIN. SQUARE FEET PER DWELLING	COMMENTS
R-6	6,000	(3,350 within the corporate limits of any municipality
R-8	8,000	
R-10	10,000	
R-15	15,000	
R-20	20,000	
RA-20	20,000	
R-40	40,000	
RA-40	40,000	
RC-80	80,000	
B-1	6,000	
B-6	8,000	

Section 183 Minimum Lot Widths.

(a) No lot may be created that is so narrow or otherwise so irregularly shaped that it would be impracticable to construct on it a building that:

(1) Could be used for purposes that are permissible in that zoning district; and

(2) Could satisfy any applicable setback requirements for that district.

(b) Minimum lot widths shall be provided as shown below. Such lot width shall be measured along a straight line connecting the points at which a line that demarcates the required setback from the street intersects with lot boundary lines at opposite sides of the lot.

ZONING DISTRICT	LOT WIDTH	COMMENTS
RC-80	120’	
RA-40	120’	
R-40	120’	
RA-20	100’	
R-20	100’	
R-15	80’	
R-10	80’	
R-8	80’	
R-6	60’	
B-1	None	
B-2	60’	None if for commercial use
B-3	60’	None if for commercial use
B-4	60’	None if for commercial use
C	60’	None if for commercial use
B-6	80’	None if for commercial use
LI	100’	
HI	100’	
O	80’	

Section 184 Building Setback Requirements.

(a) Subject to Sections 185 and 188 and the other provisions of this section, no portion of any building or any sign may be located on any lot closer to any lot line or to a street than is authorized in the table set forth below.

(1) If the street right-of-way line is readily determinable (by reference to a recorded map, set irons, or other means), the street setback shall be measured from such right-of-way line. If the right-of-way line is not so determinable, the street setback shall be measured from the street centerline and the street setback distance shall be increased by fifteen feet plus one half of the width of the paved or traveled portion of the roadway.

(2) As used in this section, the term "lot boundary line" refers to lot boundaries other than those that abut streets.

(b) As used in this section, the term "building" includes any substantial structure which, 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 shall be deemed to fall within this description:

(1) Gas pumps, overhead canopies or roofs shall observe a minimum setback of twenty (20) feet from any road right-of-way, with no possibility of any

additional variance. Canopies, roofs, and gas pumps located in the B-1 district shall be exempt. Where an addition, replacement, or new canopy is proposed to cover existing gas pumps which were constructed prior to the adoption of this ordinance, a minimum five (5) feet setback from any road right-of-way shall be observed. The addition to and/or relocation of any existing gas pumps, shall be prohibited unless constructed in conformance with the twenty (20) feet setback.

(2) Fences running along lot boundaries adjacent to public street rights-of-way if such fences exceed six feet in height and are substantially opaque.

(c) Not withstanding the table set forth below, the minimum lot boundary setback for a corner lot shall be 15 feet. When zoning districts B-2, B-3, B-4 and HC are to be used for residential purposes, then R-6 setbacks shall be applicable, however, when there is a common boundary line with residentially zoned property, then the appropriate rear or side lot boundary line setback requirement of such residential zone shall apply where and to the extent that the B-2, B-3, B-4 and HC tract abuts such residentially zoned property.

ZONING DISTRICT	STREET SETBACK FOR BUILDING	STREET SETBACK FOR SIGN	LOT BOUNDARY SETBACK FOR BUILDING AND SIGN–SIDE LINE	LOT BOUNDARY SETBACK FOR BUIDING AND SIGN–REAL LINE
RC-80	40	20	15	40
RA-40	40	20	15	40
R-40	40	20	15	40
RA-20	40	20	12	40
R-20	40	20	12	40
R-15	30	20	10	30
R-10	30	15	10	30
R-8	30	15	10	30
R-6	25	12.5	8	25
B-1				
B-2	25	12.5	15	25
B-3	25	12.5	15	25
B-4	40	20	20	40
HC	40	20	20	40
B-6	25	12.5	8	25
LI	50	25	20	50
HI	50	25	20	50
O	25	12.5	15	25

(d) Whenever a lot in a nonresidential district has a common boundary line with a lot in a residential district, and the property line setback requirement applicable to the residential lot is greater than that applicable to the nonresidential lot, then

the lot in the nonresidential district shall be required to observe the property line setback requirement applicable to the adjoining residential lot.

(e) Notwithstanding the foregoing table, the applicable lot boundary setback for any lot within the HC zoning district that was not zoned for commercial or industrial purposes prior to being zoned HC and that is used for non-residential purposes shall be 100 feet with respect to the common boundary line with any other lot that is either residentially zoned or on which there is located an existing residence within fifty feet of such common lot boundary.

(f) Setback distances shall be measured from the property line or street right-of-way line to the nearest portion of any building, excluding:

(1) The outermost four feet of any uncovered porch, step, eave, gutter, canopy, or similar fixture; and

(2) A deck or patio if no portion of the same extends more than twelve inches off the ground; and

(3) Any structure that is a mere appendage to a building, such as a flagpole.

(4) Air conditioning and heating units.

(g) Whenever a private road that serves more than three lots or more than three dwelling units or that serves any nonresidential use tending to generate traffic equivalent to more than three dwelling units is located along a lot boundary, then:

(1) "If the lot is not also bordered by a public street, buildings and freestanding signs shall be setback from the centerline of the private road just as if such road were a public street.

(2) If the lot is also bordered by a public street, then the setback distance on lots used for residential purposes (as set forth above in the column labeled "Lot Boundary Setback") shall be measured from the inside boundary of the traveled portion of the private road.

(h) The front yard setback requirements of this ordinance for residential dwellings shall not apply to any lot where the average setback of existing buildings located wholly or partially within one hundred (100) feet on either side of the proposed dwelling and on the same side of the street in the same block and use district as such lot is less than the minimum required front yard depth. In such case, the setback on such lots may be less than the required setback but not less than the average of the existing setbacks on the aforementioned lots, or a distance of fifteen (15) feet from the right-of-way, whichever is greater.

Section 185 Accessory Building Setback Requirements.

(a) While accessory buildings shall generally be required to comply with the building setback standards set forth in Section 184, accessory buildings in residential districts shall, subject to subsection (b), be allowed within five feet of a rear lot boundary line and within five feet of a side boundary line so long as the structure is located entirely behind the rear line of the principal building.

(b) With respect to any lot in a residential district where accessory buildings are constructed under authority of subsection (a) closer to rear or side lot boundary lines than is generally permissible under Section 184:

(1) If the high point of the roof or any appurtenance of an accessory building exceeds twelve feet in height, the accessory building shall be setback from rear or side lot boundary lines an additional one foot for every foot of height exceeding twelve feet up to the required principal building setback; thereafter, no further setback is required.

(2) Maximum lot coverage of principal and accessory buildings shall not exceed forty percent of the lot.

Section 186 Building Height Limitations.

(a) For purposes of this section:

(1) The height of a building shall be the vertical distance measured from the mean elevation of the finished grade at the front of the building to the lowest eave.

(2) 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.

(b) Subject to the remaining provisions of this section, building and structure height limitations in the various zoning districts shall be as follows:

ZONING DISTRICT	MAXIMUM HEIGHT
B-1	50’
LI	100’
HI	150’
All other districts	35’

(c) Maximum heights in the following districts may exceed the limits set forth in subsection (b) under the circumstances set forth herein:

(1) In the B-1 district, a building may exceed the fifty foot height limit so long as the street setback and all lot boundary setbacks are increased over the

minimums set forth in Section 184 by at least one foot for each foot (or fraction thereof) by which the building exceeds the normal maximum. However, in no case may a building in this district exceed eighty feet in height.

(2) In the B-6 district, a building may exceed the thirty-five foot height limit so long as the street setback and all lot boundary setbacks are increased over the minimums set forth in Section 184 by at least two feet for each foot (or fraction thereof) by which the building exceeds the normal maximum.

However, in no case may a building in this district exceed eighty feet in height.

(3) In the HC district, the height of a building may be increased to a maximum of sixty feet in accordance with the following provision. Such building must, for each foot (or fraction thereof) by which the building exceeds thirty-five feet, be set back at least an additional two feet beyond the minimums set forth in Section 184 from (i) the common boundary with any adjacent lot that is residentially zoned (see Section 135) or on which there is located an existing dwelling within fifty feet of such common boundary, and (ii) any street where, directly across such street from the proposed building, the property is residentially zoned or is the site of a residence that lies within fifty feet of the centerline of such street.

(d) The following features are exempt from the district height limitations set forth in subsection (b):

(1) Chimneys, church spires, elevator shafts, and similar structural appendages not intended as places of occupancy or storage (but parapets and similar structural appendages shall not be exempt);

(2) Flagpoles and similar devices;

(3) Towers and antennas (to the extent such uses are allowed in the Table of Uses).

(4) Heating and air conditioning equipment, solar collectors, and similar equipment, fixtures and devices.

(e) Notwithstanding subsection (b), in any zoning district the vertical distance from the ground to a point of access to a roof surface of any nonresidential building or any multi-family residential building containing four or more dwelling units may not exceed thirty-five feet unless the building inspector certifies to the permit-issuing authority, after consultation with the chief of any fire department serving such building, that (i) such building is designed to provide adequate access for fire fighting personnel or (ii) the building is otherwise designed or equipped to provide adequate protection against the dangers of fire.

Section 187 Incentives for Cluster Developments.

The purpose of this section is to provide flexibility, consistent with the public health and safety and without increasing overall density, to the developer who subdivides property and constructs buildings on the lots created in accordance with a unified and coherent plan.

(a) After construction and approval by the planning staff, a developer may be allowed to create a residential single-family cluster subdivision with lots smaller than those required by Section 181. Property zoned R-40 and RA-40 shall have a minimum lot size of 20,000 square feet. Properties zoned R-20 and RA-20 shall have a minimum lot size of 15,000 square feet. In the event the developer creates smaller lots, the land set aside as open space must remain open space, regardless of transfer of ownership. This section only applies to residential subdivisions in the RA-40, R-40, RA-20 and R-20 zoning districts where major development permit approval is required after the effective date of this section. The minimum project size to apply in this section shall be 25 acres. The cluster provision is not applicable in any other residential zoning districts.

To use the Cluster provision the following must be provided:

(1) Public water and/or sewer – The residential subdivision must be served by either public water and/or sewer as approved by Union County Public Works.

(2) Stormwater Management – Post development discharge rate at the property boundary is equal to the pre-development rate for the (2 &25) two and twenty-five year storm events. Not applicable if directly discharging into FEMA regulated flood plain.

(3) Open Space – At least 10% of the total site must be set aside as permanent open space, which is accessible to the residents of the development. At least 50% of the open space must not be in the FEMA 100-year floodplain.

(4) Curb, Gutter & Sidewalk – All lots shall be served by newly created interior streets. Streets within the subdivision shall have curb, gutter and sidewalks. Sidewalks shall be on both side of collector streets and one side on local streets (per Section 216). Local streets that end in a cul-de-sac shall have the sidewalk constructed up to the bulb. A planting strip shall be optional between the street and the sidewalk.

(5) Neighborhood Pool/Club House (must be built before releasing more than 75% of lots) and or other recreational facilities including but not limited to bike paths, ball fields, golf courses, pocket parks, walking trails (per Section 187(i) and Appendix H, basketball courts and other similar recreational facilities.

(6) Street Connectivity – Streets within the subdivision are well connected with a limited number of cul-de-sacs. Connectivity to existing streets adjacent to the subdivision is desired. Minimum of two exit streets.

(7) Pedestrian Street Lights – Street lights at a pedestrian scale and lamination to add character as well as safety along the streetscape. (Street light standards – Section 187(j)).

(8) Street Trees – Street trees planted throughout the residential subdivision on each side of the streets. (Street tree standards – Section 187(k)).

(b) The intent of this section is to authorize the developer to decrease lot sizes and leave the land "saved" by so doing as common open space, thereby lowering development costs and increasing the amenity of the project without increasing the density beyond what would be permissible if the land were subdivided into lots of the size required by Section 181.

(c) The amount of common open space that must be set aside shall be determined by:

(1) Subtracting from the standard square footage requirement set forth in Section 181 the amount of square footage of each lot that is smaller than that standards.;

(2) Adding together the results obtained in (1) for each lot.

(d) For purposes of this section, the term "common open space" means an area that:

(1) Is not contained within a street right-a-way or waster disposal field; and

(2) Is legally and practicably accessible to the residents of the development out of which the open space is taken.

(e) At least one-half of the common open space set aside under the section shall be usable open space, meaning an area that is capable of being used and enjoyed for passive recreation (such as walking or jogging) and that:

(1) Is left in its natural or undisturbed state (as of the date development began), if wooded, expect 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 are that is consistent with the objective of providing passive recreational opportunities: or

(2) Consists of a pond, lake or other natural or man made body of water.

(f) For purposes of maintenance of improvements not dedicated for public use, the developer shall establish a homeowners association in accordance with Section 67.

(g) Notwithstanding Section 183, “Minimum Lot Widths”, lot widths may be set by the developer. However, the setback requirements of Section 184 and 185 shall apply in cluster subdivisions.

(h) The overall density of a tract developed shall be determined as provided in Section 182, however, parcels split by existing state roadways shall be required to stand alone and meet the 25-acre minimum. Density will not be transferable across existing state roads. As required with other subdivisions, the road right-of-way shall not be utilized in calculating the site density.

(i) Multi-use trails must be designed to attract walkers, joggers, in-line skaters, pet owners, wheelchair users, cyclists, etc., shall be designed for exclusive use of non-motorized users (with the exception of motorized wheel chairs). The following standards apply:

(1) Trails may be unpaved with 4” thick compacted pit gravel, CABC, or RAP (or other types of surfaces reviewed on case by case basis by the Planning Dept). built to the specification found in Appendix H.

(2) The trail shall be located a minimum of 3’ from any other road right-of-way, trees, poles, or other obstacles.

(3) If the trail intersects with a road right-of-way, posts or bollards shall be installed at the intersection to prevent unauthorized motor vehicles access. In addition, the intersection shall bear vehicle warning signs about the bicycle or pedestrian crossing.

(4) The vertical clearance along the trail shall be 8’ minimum.

(5) The longitudinal grade shall be a maximum of 5%, and the cross slope shall be no greater than ¼” per foot from the centerline (See Appendix H).

(6) Curves shall have a minimum radius of 95’.

(j) Street lights shall be located at each street intersection, at the turnaround of each cul-de-sac, and elsewhere at intervals of not more than three hundred (300) feet alternating on both sides of the roadway. Fixtures shall be of a decorative/ornamental design with wiring underground.

(k) Street trees must meet the following standards:

(1) Quantity. Trees shall be provided at the equivalent of not more than fifty (50) feet apart along all frontages of all lots. In the case of a corner lot, one (1) tree shall be provided for the first one hundred (100) feet of the longest frontage, then one (1) tree per fifty (50) feet thereafter. In the event of a fraction of a tree required, the higher number shall be used.

Existing trees that are to be preserved may be used to satisfy the requirements of this provision.

(2) Location and Spacing. Street trees must be spaced linearly outside the public road right-of-way, within twenty-five feet area, provided they are within the view of the public.

(3) Size. Street trees shall have a minimum trunk size of two and one-half inch (2-1/2") caliper, as measured twelve (12) inches above the established ground level.

(4) Species. Utilization of a variety of street tree species is specifically encouraged, in order to promote variety in the streetscape and to reduce exposure to disease that may affect any one particular tree species. Street trees shall be selected from the following list:

DECIDUOUS TREES

Large trees – 50 feet and over in height and over 40 feet in spread.

Common Name – Botanical Name

Norway Maple – Acer platanoides
Emerald Queen Norway Maple – Acer platanoides 'Emerald Queen'
Crimson King Maple – Acer platanoides 'Crimson King'
Sugar Maple – Acer saccharum
Green Mountain Sugar Maple – Acer saccharum 'Green Mountain'
Sycamore Maple – Acer pseudoplantanus
Hackberry – Celtis occidentalis
Marshall seedless Green Ash – Fraxinus pennsylvanica 'Marshall Seedless'
Summit Ash – Fraxinus pennsylvanica 'Summit'
Autumn Purple White Ash – Fraxinus Americana 'Rosehill'
Rosehill White Ash – Faxinus Americana 'Rosehill'
Blue Ash – Fraxinus quadrangulata
European Ash – Fraxinus excelsior
Ginkgo (male only) – Ginkgo biloba
Imperial Honeylocust – Gleditsai tricanthos 'Imperial'
Shadmaster Honeylocust – Gleditsia tricanthos 'Shademaster'
Skyline Honeylocust – Gleditsia tricanthos 'Skyline'
Kentucky Coffee-tree – Gymnocladus dioicus
Bur Oak – Quercus macrocarpa
Chickapin Oak – Quercus muehlenbergi
English Oak – Quercus robur
Schumard Oak – Quercus shumardii
Shingle Oak – Quercus imbicaria

Swamp White Oak – Quercus bicolor
Bald Cypress – Taxodium distichum
American Linden – Tilia Americana
Redmond Linden – Tilia euchlora
Silver Linden – Tilia tomentosa
Japanese Zelkova – Zelkova serrata

Medium Trees – 30 to 50 feet in height and 25 to 40 feet in spread.

Common Name – Botanical Name

Miyabe Maple – Acer miyabei
Tartarian Maple – Acer tataricum
Baumann Horsechestnut – Aesculus hippocastanum 'Baumanni'
Yellow Buckeye – Aesculus glabra
European Black Alder – Alnus glutinosa
River Birch – Betula nigra
Katsuratree – Cercidiphyllum japonicum
Yellowood – Cladrastris lutea
Turkish Filbert – Corylus colurna
Cucumbertree Magnolia – Magnolia acuminate
Amur Corktree – Phellodendron amurense
Bradford Callery Pear – Pyrus calleryana 'Bradford'
Chanticleer Callery Pear – Pyrus calleryana 'Chanticleer'
Japanese Pagoda Tree – Sophora japonica
Peking Lilac – Syrianga pekinensis
Greenspire Linden – Tilia cordata 'Greenspire'
Lacebark Elm – Ulmus parvifolia

Small Trees – 15 to 30 feet in height and less than 30 feet in spread.

Common Name – Botanical Name

Amur Maple – Acer ginnala
Hedge Maple – Acer campestre
Columnar Norway Maple – Acer platanoides 'Columnar'
Columnar Sugar Maple – Acer saccharum 'Columnar'
Red Horsechestnut – Aesculus x carnea
Red Buckeye – Aesculus pavia
Pink Horsechestnut – Aesculus x plantierensis
Speckled Alder – Alnus rugosa
Downy Serviceberry – Amelanchier arborea
Redbud – Cercis Canadensis
Lavalle Hawthorne – Crataegus x lavallei
Washington Hawthorne – Crataegus phaenopyrum
Winter King Hawthorne – Crataegus virdis 'Winter King'
Adams Crabapple – Malus 'Adams"

Japanese Flowering Crabapple – Malus floribunda
Red Splendor Crabapple – Malus 'Red Splendor'
Snowcloud Crabapple – Malus 'Snowcloud'
Snowdrift Crabapple – Malus 'Snowdrift'
Ironwood (Hophornbeam) – Ostrya virginiana
Japanese Tree Lilac – Syringa reticulate

EVERGREEN TREES

Common Name – Botanical Name

White Fir – Abies concolor
Chinese Juniper – Juniperus chinensis
Norway Spruce – Picea abies
White Spruce – Picea glauca
Colorado Spruce – Picea pungens
Colorado Blue Spruce – Picea pungens glauca
Limber Pine – Pinus flexilis
Austrian Pine – Pinus nigra
Eastern White Pine – Pinus strobes
Himalayan Pine – Pinus wallichiana
Southern White Pine – Pinus strobiformis
Virginia Pine – Pinus Virginia
Scotch Pine – Pinus sylvestris
Douglas Fir – Pseudotsuga menziesii
Oriental Arborvitae – Thuja orientalis
White Cedar – Thuja occidentalis
Mission Arborvitae – Thuja occidentalis 'Mission'

Evergreen trees or ornamental trees may be substituted for the required street trees. Evergreens of a minimum height of six (6) feet may be substituted at a one-to-one exchange rate. Ornamentals of a minimum height of six (6) feet or caliper of one and one-half (1 1/2") may be substituted at a one to one exchange rate for each street tree.

Section 188 Architecturally Integrated Subdivisions – (The Town of Lake Park)

Section 188 Architecturally Integrated Subdivisions will only apply to developments within the existing town limits of Lake Park as of July 2005. This section is not applicable in the unincorporated portion of the county or in any other jurisdictions regulated by the Union County Land Use Ordinance.

(a) In any architecturally integrated subdivision, the developer may create lots and construct buildings without regard to any minimum lot size, lot width, or setback restrictions except that:

(1) Lot boundary setback requirements shall apply where and to the extent that the subdivided tract abuts land that is not part of the subdivision; and

(2) Each lot must be of sufficient size and dimensions that it can support the structure proposed to be located on it, consistent with all other applicable requirements of this ordinance.

(b) The number of dwelling units in an architecturally integrated subdivision may not exceed the maximum density authorized for the tract under Section 182.

(c) To the extent reasonably practicable, in architecturally integrated residential subdivisions the amount of land "saved" by creating lots that are smaller than the standards set forth in Section 181 shall be set aside as common and usable open space in accordance with the provisions of subsections 187(d).

(d) The purpose of this section is to provide flexibility, consistent with the public health and safety and without increasing overall density, to the developer who subdivides property and constructs buildings on the lots created in accordance with a unified and coherent plan of development.

Section 189 Density on Lots Where Portion Dedicated to County.

(a) Subject to the other provisions of this section, if (i) any portion of a tract lies within an area that the county would like to acquire or have dedicated as part of a proposed school site, public park, greenway, other open space area, or public right-of-way and (ii) before the tract is developed, the owner of the tract, with the concurrence of the county, dedicates to the county or the state that portion of the tract that lies within such an area, then, when the remainder of the tract is developed for residential purposes, the permissible density at which the remainder may be developed shall be calculated in accordance with the provisions of this section.

(b) If the proposed use of the remainder is a single family detached residential subdivision, then the lots in such subdivision may be reduced in accordance with the provisions of Sections 187 and 188 except that the developer need not set aside usable open space to the extent that an equivalent amount of land has previously been dedicated to the county in accordance with subsection (a).

(c) If the proposed use of the remainder is a two-family or multi-family project, then the permissible density at which the remainder may be developed shall be calculated by regarding the dedicated portion of the original lot as if it were still part of the lot proposed for development.

(d) If the portion of the tract that remains after dedication as provided in subsection (a) is divided in such a way that the resultant parcels are intended for future subdivision or development, then each of the resultant parcels shall be entitled to its pro rata share of the "density bonus" provided for in subsections (b) and (c).

Section 190 through 195 Reserved.

ARTICLE XIII. RECREATIONAL FACILITIES AND OPEN SPACE

Section 196 Through 208 Reserved.

ARTICLE XIV. STREETS AND SIDEWALKS

Section 209 Public and Private Streets to Meet DOT Standards

All public and private streets shall be constructed in accordance with the standards established for the particular type of street in question by the North Carolina Department of Transportation, Division of Highways (hereinafter, "D.O.T. standards") unless a higher or more restrictive standard is established by this ordinance, in which case the street shall meet that higher or more restrictive standard. The term "Constructed" as used in this article in reference to D.O.T. standards refers to all standards of design and construction, including right-of-way-widths.

Private roads shall require the developer to coordinate road plan review and construction inspection with a private engineering firms, selected by Union County. All plans shall be signed and sealed by a Registered Professional Engineer in North Carolina. The developer shall be responsible for contracting with the review engineering firm, selected by Union County, scheduling and payment for all review and inspection fees incurred. Final Plats will not be released until the review engineer provides written approval of the road profiles and states that "the roads are designed in accordance with NCDOT Subdivision Roads Minimum Construction Standards." Construction security will not be released until the review engineer provides a geotechnical report and certifies all work is complete and constructed in accordance with NCDOT Subdivision Roads Minimum Construction Standards, signed and sealed.

Road design/profiles within the Village of Lake Park are signed off by the town's engineer. Lake Park assumes maintenance responsible of all municipal streets once construction is complete and signed/certified by the town's engineer.

Section 2l0 Street Classification

(a) In all new developments, streets that are dedicated to public use shall be classified as provided in.

(b) Definitions can be found in Section 15.

(1) The classification shall be based upon the function of the street and projected volume of traffic to be carried by the street, stated in terms of the number of trips per day;

(2) The number of dwelling units to be served by the street may be used as a useful indicator of the number of trips but is not conclusive;

(3) Whenever a street within a new development continues an existing street that formerly terminated outside the development or it is expected that a new street will be continued beyond the development at some future time, the classification of the street will be based upon the street in its entirety, both within and outside of the development.

(c) The classification of streets shall be as follows:

(1) Arterial

(2) Arterial Access Street

(3) Collector

(4) Cul-de-sac

(5) Local

(6) Loop Street

(7) Major Arterial

(8) Minor Arterial

Section 211 Access to Lots.

(a) Every lot shall have access to it that is sufficient to afford a reasonable means of ingress and egress for emergency vehicles as well as for all those likely to need or desire access to the property in its intended use.

(b) The creation of new flag lots shall be permissible only under the following circumstances:

(1) Flag lots may be created only (i) to avoid providing direct access onto arterial or collector streets or (ii) when a property owner demonstrates that, because of the irregular shape of a tract or its difficult topography or for some other substantial reason, the creation of a flag lot is reasonably necessary to avoid extreme hardship to the property owner and can be accomplished with creating substantially adverse effects on neighboring properties or the public health or safety.

(2) Under no circumstances may a flag lot be created if the effect is to increase the number of access points onto a major arterial street.

(3) That portion of a flag lot between the street onto which it has access and the point where a lot dimension parallel to the street first equals for exceeds the presumptive minimum lot width set forth in section 183 (or the widest part of the lot if the maximum width is less than the presumptive minimum) may not be longer than two hundred feet.

Section 212 Access to Arterial Streets.

(a) Whenever a tract proposed for subdivision borders on or contains an existing or proposed major arterial street, then all lots created out of such tract must have sufficient frontage on another street (either pre-existing or created as part of the

subdivision) so that direct access to such lot need not be provided by the arterial street, unless compliance with this requirement is not reasonably practicable due to the size or shape of the tract to be divided. The final plat creating the subdivision shall indicate a limitation on driveway access to the major arterial street for those lots which have alternative access.

(b) Traffic service and land access are necessary but conflicting functions of a highway system. Although major arterial highways must provide both traffic service and land access, access is a secondary function that should be controlled to avoid jeopardizing the primary traffic service function. The following provisions are an attempt to protect the public interest and safety of highway users by achieving access control when that objective is not achieved under subsection (a) either because a proposed development is not a subdivision or because compliance with subsection (a) is not reasonably practicable.

(1) The term "access control," refers to all techniques intended to minimize the traffic interference associated with driveway access, whether the use is commercial, industrial, or residential.

(2) To separate basic conflict areas and gain some semblance of access control, techniques which will allow the reduction of driveway numbers or directly increase the spacing between driveways or between driveways and intersections will be required to the extent reasonably practicable to achieve the following limitations for driveway access in relation to highway frontage.

(3) Where highway speed is 55 mph, driveway spacing should be at 300 foot intervals or greater. Where highway speed is 45 mph, spacing should be at 230 foot intervals or greater.

(4) Adjacent or adjoining lots with small highway frontages are encouraged to combine access to one driveway.

(5) Whenever separate or single parcels are assembled under one purpose, plan, entity, or usage, consolidation of existing direct access shall be required to the extent feasible. Approval depends on the developers' plans to use existing driveway(s), close other existing driveway(s), and/or redesign and rebuild some existing driveway(s). However, the number of access points should not exceed the limits set based on highway frontage.

(6) Deviations from the foregoing standards may be authorized. The Planning Board may allow some modifications where the technical feasibility (the geometric design and operational requirements for implementation) does not compromise the "access control" and where it is shown that the lot(s) in question could not be developed without such deviations. With a complete set of design and operational requirements available, when the North Carolina Department of Transportation advises that a particular

development design or technique can still achieve a satisfactory level of "access control" consistent with the objectives of this Section.

Number of Driveways	Frontages
1	For frontages less than 500 feet.
2	For frontages greater than 500 but less than 1000 feet
3	For frontages greater than 1000 feet.

Section 213 Entrances to Streets.

(a) All driveway entrances and other openings onto streets shall be constructed so that:

(1) Vehicles can enter and exit from the lot in question without posing any substantial danger to themselves, pedestrians, or vehicles traveling on abutting streets; and

(2) Interference with the free and convenient flow of traffic on abutting or surrounding streets is minimized.

(b) Specifications for driveway entrances are set forth or referenced in Appendix B to this ordinance. If driveway entrances and other openings onto streets are constructed in accordance with these specifications and requirements, this shall be deemed prima facie evidence of compliance with the standard set forth in subsection (a).

(c) For purposes of this section, the term "prima facie evidence" means that the permit-issuing authority may (but is not required to) conclude from this evidence alone that the proposed development complies with subsection (a).

(d) As provided in Appendix A-7(14), a developer may be required to submit a traffic impact study.

Section 214 Coordination with Surrounding Streets.

(a) The street system of a development shall be coordinated with existing, proposed and anticipated streets outside the development or outside the portion of a single tract that is being divided into lots (hereinafter, "surrounding streets") as provided in this section.

(b) Arterial and collector streets shall intersect with surrounding collector or arterial streets at safe and convenient locations.

(c) Local streets shall connect with surrounding streets where necessary to permit the convenient movement of traffic between residential neighborhoods or to facilitate access to neighborhoods by emergency service vehicles or for other sufficient

reasons, but connections shall not be permitted where the effect would be to encourage the use of such streets by substantial through-traffic.

(d) Whenever connections to anticipated or proposed surrounding streets are required by this section, the street right-of-way shall be extended and the street developed to the property line of the property being developed (or to the edge of the remaining undeveloped portion of a single tract) at the point where the connection to the anticipated or proposed street is expected. In addition, the permit issuing authority may require temporary turnarounds to be constructed at the end of such streets pending their extension when such turnarounds appear necessary to facilitate the flow of traffic or accommodate emergency vehicles.

Section 215 Relationship of Streets to Topography.

(a) Streets shall be related appropriately to the topography. In particular, streets shall be designed to facilitate the drainage and storm water runoff objectives set forth in Article XVI, and street grades shall conform as closely as practicable to the original topography.

(b) The maximum grade at any point on a street constructed without curb and gutter shall be eight percent. Except as set forth herein, street grades shall be governed by DOT requirements.

Section 216 Street Width, Sidewalk, and Drainage Requirements for Public Streets.

(a) Street rights-of-way are designed and developed to serve several functions: (i) to carry motor vehicle traffic, and in some cases, allow on-street parking; (ii) to provide a safe and convenient passageway for pedestrian traffic; and (iii) to serve as an important link in the county's drainage systems. In order to fulfill these objectives, all public streets shall be constructed to meet the standards set forth in this section.

(b) Local streets shall be constructed with curb and gutter in all zoning districts, unless (i) the local street is located within a residential district and (ii) all lots in the residential subdivision within which the local street is located equal or exceed 20,000 square feet. In addition, whenever curb and gutter is required pursuant to this section, a sidewalk shall be installed along one side of the street, unless (i) the street is in a residential district and serves fewer than twenty-five dwelling units, or (ii) the permit issuing authority determines that given the likely use of the sidewalk, its cost is utterly disproportionate to its value to the public. In all cases, local streets and curb and gutter shall be constructed in accordance with D.O.T. standards.

(c) Collector streets shall be constructed with curb and gutter in all zoning districts, unless (i) the collector street is located within a residential district and (ii) all lots in the residential subdivision within which the collector street is located equal or exceed 20,000 square feet. In addition, whenever curb and gutter is required

pursuant to this section, sidewalks shall be installed along both sides of the street unless the permit issuing authority determines that given the likely use of the sidewalk, its cost is utterly disproportionate to its value to the public. In all cases, collector streets shall be constructed in accordance with D.O.T. standards.

(d) Arterials and arterial access streets shall be constructed in accordance with the standards established in the county thoroughfare plan and so that the street will be accepted for maintenance by the N. C. Department of Transportation.

(e) The sidewalks required by this section shall be at least four feet in width and constructed according to the specifications set forth in Appendix C, except that the permit-issuing authority may permit the installation of walkways constructed with other suitable materials when it concludes that:

(1) Such walkways would serve the residents of the development as adequately as concrete sidewalks; and

(2) Such walkways would be more environmentally desirable or more in keeping with the overall design of the development.

(f) Whenever the permit issuing authority finds that a means of pedestrian access is necessary from a subdivided development to schools, parks, playgrounds, or other roads or facilities and that such access is not conveniently provided by sidewalks adjacent to the streets, the developer may be required to reserve an unobstructed easement of at least ten feet in width to provide such access.

This Text Amendment (adopted August 3, 1998) shall become effective upon adoption, the "Amendment Effective Date"; provided however, that a subdivision shall be permitted in accordance with those provisions of the Ordinance in effect prior to the Amendment Effective Date if the subdivision developer satisfies each of the following conditions:

(1) The developer has submitted a subdivision sketch plat to the Planning Department prior to the Amendment Effective Date, or submits a subdivision sketch plat to the Planning Department within thirty (30) days after the Amendment Effective Date; and

(2) The developer receives major development plan approval on such subdivision from the Planning Board within two (2) years of the Amendment Effective Date.

Section 217 General Layout of Streets.

(a) Local streets shall be curved whenever practicable to the extent necessary to avoid uniformity of lot appearance.

(b) Driveway access to collector streets shall be minimized to facilitate the free flow of traffic and avoid traffic hazards.

(c) All permanent dead-end streets (as opposed to temporary dead-end streets, see Subsection 214(d)) shall be developed as cul-de-sacs in accordance with state standards.

(d) Half streets (i.e., streets of less than the full required right-of-way and pavement width) shall not be permitted except where such streets, when combined with a similar street (developed previously or simultaneously) on property adjacent to the subdivision, creates or comprises a street that meets the right-of-way and pavement requirements of this ordinance.

Section 218 Street Intersections.

(a) Streets shall intersect as nearly as possible at right angles, and no two streets may intersect at less than 60 degrees. Not more than two streets shall intersect at any one point, unless the N. C. Division of Highways certifies to the permit issuing authority that such an intersection can be constructed with no extraordinary danger to public safety.

(b) Whenever possible, proposed intersections along one side of a street shall coincide with existing or proposed intersections on the opposite side of such street. In any event, where a center line offset (jog) occurs at an intersection, the distance between centerlines of the intersecting streets shall be not less than 150 feet.

(c) Except when no other alternative is practicable or legally possible, no two streets may intersect with any other street on the same side at a distance of less than 400 feet measured from centerline to centerline of the intersecting street. When the intersected street is an arterial, the distance between intersecting streets shall be at least 1,000 feet unless no other alternative is practicable.

Section 219 Construction Standards and Specifications.

Construction and design standards and specifications for streets, sidewalks, and curbs and gutters are referenced or contained in Appendix C, and all such facilities shall be completed in accordance with these standards.

Section 220 Public Streets and Private Roads in Subdivisions.

(a) Except as otherwise provided in this Ordinance, all lots created after the effective date of this section shall abut a public street at least to the extent necessary to comply with the access requirement set forth in Section 211. For purposes of this subsection, the term "public street" includes a pre-existing public street as well as a street created by the subdivider that meets the public street standards of this ordinance and is dedicated for public use. Unless the recorded plat of a subdivision clearly shows a street to be private, the recording of such a plat shall constitute an offer of dedication of such street.

(b) Reserved for future reference.

(c) Reserved for future reference.

(d) A subdivision in which the access requirement of Section 211 is proposed to be satisfied for all lots within the subdivision by a single new private road that does not meet public street standards may be approved if the proposed subdivision will not result in the minimum level of density established by D.O.T. for the proposed road to be accepted into the state system, even if otherwise constructed according to D.O.T. standards, so long as:

(1) Since the effective date of this ordinance, no other lots served only by a private road have been created out of the tract that is proposed to be subdivided; and

(2) The proposed private road is not planned or likely to be extended to serve property outside that development; and

(3) The street is constructed in accordance with the right-of-way and other design standards established by D.O.T. except that a four-inch layer of crusher run rock is provided in lieu of paving.

(e) A subdivision in which the access requirement of section 211 is proposed to be satisfied by a new private road that does not meet public street standards may be approved if ninety percent or more of the proposed lots are four acres or more in size (fractions shall be rounded to the next higher whole number), so long as:

(1) No road intended to be private is planned to be extended to serve property outside that development; and

(2) The street is constructed in accordance with the right-of-way and other design standards established by D.O.T. except that a four-inch layer of crusher run rock is provided in lieu of paving.

(f) A subdivision in which the access requirement of Section 211 is satisfied by a private road (whether pre-existing or newly created) that does not meet public street standards may be developed so long as (i) since the effective date of this ordinance, not more than two lots served by a private road have been created out of that same tract, and (ii) alternative access to the property to be divided is not reasonably available under circumstances that would allow for the creation of a public road to serve the subdivided property.

(1) The intent of this subsection is primarily to allow the creation of not more than two lots developed for single-family residential purposes. Therefore, the permit-issuing authority may not approve any subdivision served by a private road authorized by this subsection in which one or more of the lots thereby created is intended for (i) two-family or multi-family residential use or (ii) any other residential or nonresidential use that would tend to generate more traffic than that customarily generated by two single-family residences.

(2) To ensure that the intent of this subsection is not subverted, the permit-issuing authority may, among other possible options, require that the approved plans show the types and locations of buildings on each lot or that the lots in a residential subdivision served by a private road be smaller than the permissible size of lots on which two-family or multi-family developments could be located or that restrictive covenants limiting the use of the subdivided property in accordance with this section be recorded before final plat approval.

(g) In a major subdivision, one private road serving not more than two lots may be created for every twenty-five lots within the subdivision served by a newly created public street.

(h) When a private road is created under the circumstances set forth in subsections (b), (c) or (e) of this section, the developer shall, before receiving final plat approval, establish a homeowners association that satisfies the criteria spelled out in Section 67(b), convey to that association title to the right-of-way of such streets, and obligate the homeowners association to maintain such streets.

(i) No final plat that shows lots served by private roads authorized under Subsections (d), (e), or (f) may be recorded unless the final plat contains the following notation: "Further subdivision of any lot shown on this plat as served by a private road may be prohibited by the Union County Land Use Ordinance unless the private roads shown on this plat are improved to state standards."

(j) The recorded plat of any subdivision that includes a private road shall clearly state that such road is a private road. Further, the initial purchaser of a newly created lot served by a private road shall be furnished by the seller with a disclosure statement outlining the maintenance responsibilities for the road as provided in G.S. 136-102.6.

(k) Subdivision of a tract that does not border a public street may not be approved if the lots so created are proposed to be served by a newly created street or streets designed and intended for dedication to the state unless the private road that provides access from such tract to a public street is improved to public street standards.

Section 221 Road and Sidewalk Requirements in Unsubdivided Developments.

(a) Within un-subdivided developments, all private roads and access ways shall be designed and constructed to facilitate the safe and convenient movement of motor vehicle and pedestrian traffic. Width of roads, use of curb and gutter, and paving specifications shall be determined by the provisions of this ordinance dealing with parking (Article XVIII) and drainage (Article XVI). To the extent not otherwise covered in the foregoing articles, and to the extent that the requirements set forth in this article for subdivision streets may be relevant to the roads in un-subdivided

developments, the requirements of this article may be applied to satisfy the standard set forth in the first sentence of this subsection.

(b) Whenever a road in an un-subdivided development connects two or more collector or arterial streets in such a manner that any substantial volume of through traffic is likely to make use of this road, such road shall be constructed in accordance with the standards applicable to subdivision streets and shall be dedicated.

(c) In all un-subdivided residential development, sidewalks shall be provided linking dwelling units with other dwelling units, the public street, and on-site activity centers such as parking areas, laundry facilities, and recreational areas and facilities. Notwithstanding the foregoing, sidewalks shall not be required where pedestrians have access to a road that serves not more than nine dwelling units.

(d) Whenever the permit issuing authority finds that a means of pedestrian access is necessary from an un-subdivided development to schools, parks, playgrounds, or other roads or facilities and that such access is not conveniently provided by sidewalks adjacent to the roads, the developer may be required to reserve an unobstructed easement of at least ten feet to provide such access.

(e) The sidewalks required by this section shall be at least four feet wide and constructed according to the specifications set forth in Appendix C, except that the permit issuing authority may permit the installation of walkways constructed with other suitable materials when it concludes that:

(1) Such walkways would serve the residents of the development as adequately as concrete sidewalks; and

(2) Such walkways could be more environmentally desirable or more in keeping with the overall design of the development.

Section 222 Attention to Handicapped in Street and Sidewalk Construction.

(a) As provided in G.S. 136-ff.14, whenever curb and gutter construction is used on public streets, wheelchair ramps for the handicapped shall be provided at intersections and other major points of pedestrian flow. Wheelchair ramps and depressed curbs shall be constructed in accordance with D.O.T. standards.

(b) In un-subdivided developments, sidewalk construction for the handicapped shall conform to the requirements of Section IIX of the North Carolina State Building Code.

Section 223 Public and Private Street Names and House Numbers.

(a) Public and private street names shall be assigned by the developer subject to the approval of the permit issuing authority. Proposed streets that are obviously in alignment with existing streets shall be given the same name. Newly created

streets shall be given names that neither duplicate nor are phonetically similar to existing streets within the county, regardless of the use of different suffixes (such as those set forth in subsection (b)).

(b) Public and private street names shall include a suffix such as the following:

(1) Avenue: An arterial street.

(2) Circle: A short street that returns to itself.

(3) Court or Place: A cul-de-sac or dead-end street.

(4) Drive: A collector street.

(5) Loop: A street that begins at the intersection with one street and circles back to end at another intersection with the same street.

(6) Street or road: All public and private streets not designated by another suffix.

(c) Appropriate street name signs that meet county specifications shall be placed at all intersections by and at the expense of the developer.

Section 224 Bridges.

All bridges shall be constructed in accordance with the standards and specifications of the North Carolina Department of Transportation, except that bridges on roads not intended for public dedication may be approved if designed by a licensed architect or engineer.

Section 225 Utilities.

Utilities installed in public rights-of-way or along private roads shall conform to the requirements set forth in Article XV, Utilities.

Sections 226 through 235 Reserved.

ARTICLE XV. UTILITIES

Section 236 Utility Ownership and Easement Rights.

In any case in which a developer installs or causes the installation of water, sewer, electrical power, telephone, or cable television facilities and intends that such facilities shall be owned, operated or maintained by a public utility or any entity other than the developer, the developer shall transfer to such utility or entity the necessary ownership or easement rights to enable the utility or entity to operate and maintain such facilities.

Section 237 Lots Served by Governmentally Owned Water or Sewer Lines.

(a) Whenever it is legally possible and practicable in terms of topography to connect a lot with a county water or sewer line by running a connecting line not more than the distance set forth below from the lot to such line, then no use requiring water or sewage disposal service may be made of such lot unless connection is made to such line.

If the tract in question is proposed to be developed with the number of dwelling units indicated in the left hand column or with a non-residential use that places a comparable demand on the water or sewer system, then the distance within which the tract must be connected is indicated in the right hand column:

Dwelling Units	Distance
0-5	200’
6-20	300’
21-50	600’
51-100	1000’
More than 100	1500’

(1) In determining the number of dwelling units proposed for a tract, the relevant inquiry relates to the number proposed for the entire tract rather than a single phase of the proposed project.

(b) Connection to such water or sewer line is not legally possible if, in order to make connection with such line by a connecting line that does not exceed the distance prescribed above, it is necessary to run the connecting line over property not owned by the owner of the property to be served by the connection, and, after diligent effort, the easement necessary to run the connecting line cannot reasonably be obtained.

(c) For purposes of this article, a lot is "served" by a county owned water or sewer line if connection is required by this section.

Section 238 Sewage Disposal Facilities Required.

Every principal use and every lot within a subdivision shall be served by a sewage disposal system that is adequate to accommodate the reasonable needs of such use or subdivision lot and that complies with all applicable health regulations.

Section 239 Determining Compliance With Section 238.

(a) Primary responsibility for determining whether a proposed development will comply with the standard set forth in Section 238 often lies with an agency other than the county, and the developer must comply with the detailed standards and specifications of such other agency. The relevant agencies are listed in subsection (b). Whenever any such agency requires detailed construction or design drawings before giving its official approval to the proposed sewage disposal system, the authority issuing a permit under this ordinance may rely upon a preliminary review by such agency of the basic design elements of the proposed sewage disposal system to determine compliance with Section 238. However, construction of such system may not be commenced until the detailed plans and specifications have been reviewed and any appropriate permits issued by such agency.

(b) In the following table, the column on the left describes the type of development and the column on the right indicates the agency that must certify to the county whether the proposed sewage disposal system complies with the standard set forth in Section 238.

	IF	THEN
(1)	**The use is located on a lot that is served by a county or municipal sewer system or a previously approved, privately owned package treatment plant, and the use can be served by a simple connection to the system (as in the case of a single-family residence) rather than the construction system (as in the case of a shopping center or apartment complex):**	*No further certification is necessary.*

IF	THEN
(2) **The use (other than a subdivision) is located on a lot that is not served by a county or municipal system or previously approved, privately owned package treatment plant, but the developer proposed to extend lines to make such connection.**	*The appropriate public works director (city or county) must certify that the proposed extension meets the local government's specifications and will (if connection to the local government's system is proposed) by accepted by the local government. (A "Permit to Construct" must be obtained from the Division of Environmental Management).*
(3) **The use (other than a subdivision) is located on a lot that is not served by a county or municipal system but service to the use necessitates construction of an internal collection system (as in the case of a shopping center or apartment complex); and**	
(a) **The internal collection system is to be transferred to and maintained by the county or municipality.**	*The appropriate public works director (county or municipality) must certify to the county that the proposed internal collection system meets the local government's specifications and will be accepted by the local government (A "Permit to Construct" must be obtained from the Division of Environmental Management).*
(b) **The internal collection system is to be privately owned and maintained.**	*The appropriate public works director (county or municipality) must certify to the county that the proposed internal collection system is adequate. (A "Permit to Construct" must be obtained from the Division of Environmental Management).*

	IF	THEN
(4)	**The use (other than a subdivision) is not served by the county or municipal system but is to be served by a privately operated sewage treatment system (that has not previously been approved) with 3000 gallons or less design capacity, the effluent from which does not discharge to surface waters:**	*The County Health Department (CHD) must certify to the county that the proposed system complies with all applicable state and local health regulations. If the proposed use is a single dwelling other than a manufactured home, the developer must obtain an improvements permit from the CHD. If the proposed use is a single-family manufactured home, the developer must present to the county a certificate of the completion from the CHD.*
(5)	**The use (other than a subdivision) is to be served by a privately operated sewage treatment system (not previously approved) that has a design capacity of more than 3000 gallons of that discharges effluent into surface waters:**	*The Division of Environmental Management (DEM) must certify to the county that the proposed system complies with the applicable state regulations. (A "Permit to Construct" and a "Permit to Discharge" must be obtained from DEM).*
(6)	**The proposed use is a subdivision; and**	
	(a) **Lots within the subdivision are to be served by simple connection to existing county or municipal line or lines of a previously approved private system.**	*No further certification is necessary.*

	IF	THEN
(b)	**Lots within the subdivision are to be served by a county or municipal system but the developer will be responsible for installing the necessary additions to the public system.**	*The appropriate public works director (municipal or county) must certify to the county that proposed system meets the local governments specification and will be accepted by the local government. (A "Permit to Construct" must be obtained from the Division of Environmental Management).*
(c)	**Lots within the subdivision are to be served by a sewage treatment system that has not been approved, that has a design capacity of 3000 gallons or less, and that does not discharge into surface waters:**	*The County Health Department must certify that the proposed system complies with all applicable state and local health regulations. If each lot within the subdivision is to be served by a separate on-site disposal system, the CHD must certify that each lot shown on a major subdivision preliminary and final plat can probably be served by an on-site disposal system.*
(d)	**Lots within the subdivision are to be served by a privately operated sewage treatment system (not previously approved) that has a design capacity in excess of 3000 gallons or that discharges effluent into surface waters.**	*The Division of Environmental Management must certify that the proposed system complies with all applicable states regulations. (A "Permit to Construct" and a "Permit to Discharge" must be obtained from DEM).*

Section 240 Water Supply System Required.

Every principal use and every lot within a subdivision shall be served by a water supply system that is adequate to accommodate the reasonable needs of such use or subdivision lot and that complies with all applicable health regulations.

Section 241 Determining Compliance with Section 240.

(a) Primary responsibility for determining whether a proposed development will comply with the standard set forth in Section 240 often lies with an agency other

than the county, and the developer must comply with the detailed standards and specifications of such other agency. The relevant agencies are listed in subsection (b). Whenever any such agency requires detailed construction or design drawings before giving its official approval to the proposed water supply system, the authority issuing a permit under this ordinance may rely upon a preliminary review by such agency of the basic design elements of the proposed water supply system to determine compliance with Section 240. However, construction of such system may not be commenced until the detailed plans and specifications have been reviewed and any appropriate permits issued by such agency.

(b) In the following table, the column on the left describes the type of development and the column on the right indicates the agency that must certify to the county whether the proposed water supply system complies with the standard set forth in Section 240.

	IF	THEN
(1)	**The use is located on a lot that is served by a county or municipal sewer system or a previously approved, privately owned public water supply systems and the use can be served by a simple connection to the system (as in the case of a single family residence) rather than the construction of an internal distribution system (as in the case of a shopping center or apartment complex):**	*No further certification is necessary.*
(2)	**The use (other than a subdivision) is located on a lot that is not served by a county or municipal water system or previously approved privately owned public water supply system, but the developer proposes to extend lines to make such a connection:**	*The appropriate public works director (city or municipal) must certify that the proposed extension meets the local government's specifications and will (if connection to the local government's system if proposed) be accepted by the local government. (A "Permit to Construct" must be obtained from the Division of Health Services).*

IF	THEN
(3) **The use (other than a subdivision) is located on a lot that is served by a county or municipal water system but service to the use of necessitates construction of an internal distribution system (as in the case of a shopping center or apartment complex); and**	
(a) **The internal distribution system is to be transferred to and maintained by the county or a municipality:**	*The appropriate public works director (municipal or county) must certify to the county that proposed system meets the local governments specifications and will be accepted by the local government. (A "Permit to Construct" must be obtained from the Division of Health Services).*
(b) **The internal collection system is to be privately owned and maintained.**	*The public works director must certify that the proposed collection system is adequate.*
(4) **The use (other than a subdivision) is located on a lot not served by a county or municipal system or a previously approved, privately owned public water supply system; and**	

	IF	THEN
(a)	**The use is to be served by a privately owned public water supply system that has not previously been approved.**	*The Division of Health Services must certify that the proposed system complies with all applicable state and federal regulations. (A "Permit to Construct" must be obtained from DHS). The Division of Environmental Management must also approve the plans if the water source is a well and the system has a design capacity of 100,000 gallons per day or is located in certain areas designated by DEM. The public works director must also approve the distribution lines for possible future addition to the county system.*
(b)	**The use is to be served by some other source (such as an individual well):**	*The County Health Department must certify that the proposed system meets all applicable state and local regulations.*
(5)	**The proposed use is a subdivision; and**	
(a)	**Lots within the subdivision are to be served by simple connection to existing county or municipal line or lines of a previously approved public water supply system:**	*No further certification is necessary.*
(b)	**Lots within a subdivision are to be served by a county or municipal system but the developer will be responsible for installing the necessary additions to such system:**	*The appropriate public works director (municipal or county) must certify to the county that the proposed system meets the local government's specifications and will be accepted by the local government. (A "Permit to Construct" must be obtained from the Division of Health Services).*

	IF	THEN
(c)	**Lots within the subdivision are to be served by a privately owned public water supply system that has not previously been approved:**	*The Division of Health Services must certify that the proposed system complies with all applicable state and federal regulations. (A "Permit to Construct" must be obtained from DHS). The Division of Environmental Management must also approve the plans if the water source is a well and the system has a design capacity of 100,000 gallons per day or is located within certain areas designated by DEM. The public works director must also approve the distribution lines for possible future addition to the county system.*
(d)	**Lots within the subdivision are to be served by individual wells:**	*The County Health Department must certify that each lot intended to be served by a well can probably be served in accordance with applicable health regulations.*

Section 242 Lighting Requirements.

(a) Subject to subsection (b), all public and private streets, roads, sidewalks, and other common areas or facilities in developments shall be sufficiently illuminated to ensure the security of property and the safety of persons using such streets, roads, sidewalks, and other common areas or facilities.

(b) To the extent that fulfillment of the requirement established in subsection (a) would normally require street lights installed along public streets, this requirement shall be applicable only to developments located within the corporate limits of a municipality.

(c) All entrances and exits in substantial buildings used for non-residential purposes and in two-family, triplexes or multi-family residential developments containing more than four dwelling units shall be adequately lighted to ensure the safety of persons and the security of the buildings.

Section 243 Excessive Illumination.

Within non-residential districts, lighting within any lot that unnecessarily illuminates any other lot in residential use and substantially interferes with the use or enjoyment of such other lot is prohibited. Lighting unnecessarily illuminates another lot if it clearly exceeds the standard set forth in Section 242 or if the standard set forth in Section 242 could reasonably be achieved in a manner that would not substantially interfere with the use or enjoyment of neighboring properties.

Section 244 Underground Utilities.

(a) It is recommended that all electric power lines (not to include transformers or enclosures containing electrical equipment including, but not limited to, switches, meters or capacitors which may be pad mounted), telephone, gas distribution, and cable television lines in subdivisions constructed after the effective date of this ordinance be placed underground in accordance with the specifications and policies of the respective utility service providers and located in accordance with applicable D.O.T. requirements.

(b) It is recommended that whenever an un-subdivided development is hereafter constructed on a lot that is undeveloped on the effective date of this ordinance, then all electric power, telephone, gas distribution, and cable television lines installed to serve the development that are located on the development site outside of a previously existing public street right-of-way should be placed underground in accordance with the specifications and policies of the respective utility companies.

Section 245 Utilities To Be Consistent With Internal and External Development.

(a) Whenever it can reasonably be anticipated that utility facilities constructed in one development will be extended to serve other adjacent or nearby developments, such utility facilities (e.g., water or sewer lines) shall be located and constructed so that extensions can be made conveniently and without undue burden or expense or unnecessary duplication of service.

(b) All utility facilities shall be constructed in such a manner as to minimize interference with pedestrian or vehicular traffic and to facilitate maintenance without undue damage to improvements or facilities located within the development.

Section 246 As-Built Drawings Required.

Whenever a developer installs or causes to be installed any utility line in any public right of way, the developer shall, as soon as practicable after installation is complete, and before acceptance of any water or sewer line, furnish the county with a copy of a drawing that shows the exact location of such utility lines. Such drawings must be verified as accurate by the utility

service provider. Compliance with this requirement shall be a condition of the continued validity of the permit authorizing such development.

Section 247 Fire Hydrants.

(a) Every development (subdivided or un-subdivided) that is served by a public water system shall include a system of fire hydrants sufficient to provide adequate fire protection for the buildings located or intended to be located within such development.

(b) The presumption established by this ordinance is that to satisfy the standard set forth in subsection (a), fire hydrants must be located so that all parts of every building within the development may be served by a hydrant by laying not more than 500 feet of hose connected to such hydrant. However, the permit issuing authority may authorize or require a deviation from this standard if, in his professional opinion, another arrangement more satisfactorily complies with the standard set forth in subsection (a).

(c) The permit issuing authority shall review all fire hydrant locations and fire hydrant specifications. Final approval of locations and specifications shall be by the permit issuing authority. The location of each fire hydrant shall be noted by the letter ”H” spray painted with luminous paint on the street pavement nearest the hydrant. In lieu of spray painting, reflective devices may be placed in the center and side of the pavement nearest the fire hydrant.

(d) Water lines that serve hydrants shall be at least six inch lines, and, unless no other practicable alternative is available, no such lines shall be dead-end lines.

Section 248 Sites for and Screening of Dumpsters.

(a) Every development that, under the county's solid waste collection policies or otherwise, is or will be required to provide one or more dumpsters for solid waste collection shall provide sites for such dumpsters that are:

(1) Located so as to facilitate collection and minimize any negative impact on persons occupying the development site, neighboring properties, or public rights-of-way; and

(2) Constructed according to specifications established by the public works director to allow for collection without damage to the development site or the collection vehicle.

(b) All such dumpsters shall be screened if and to the extent that, in the absence of screening, they would be clearly visible to:

(1) Persons located within any dwelling unit on residential property other than that where the dumpster is located.

(2) Occupants, customers, or other invitees located within any building on non-residential property other than that where the dumpster is located, unless such other property is used primarily for purposes permitted exclusively in a LI or HI zoning district.

(3) Persons traveling on any public street, sidewalk, or other public way.

(c) When dumpster screening is required under this section, such screening shall be constructed, installed, and located to prevent or remedy the conditions requiring the screening. Such screening shall consist of decorative opaque fences or walls or with sufficient natural plantings to create a year-round opaque screen. If man-made materials are used as part of such screening, such materials are to be as harmonious as possible with the principal building on the site.

(d) To the greatest degree feasible and wherever practical, dumpsters shall be placed on a piece of property so as to be unobtrusive to adjoining properties.

Sections 249 through 250 Reserved.

ARTICLE XVI. DRAINAGE AND STORM WATER MANAGEMENT

Drainage, Erosion Control, Storm Water Management

Section 261 Natural Drainage System Utilized to Extent Feasible.

(a) To the extent practicable, all development shall conform to the natural contours of the land and natural and pre-existing man-made drainage ways shall remain undisturbed.

(b) To the extent practicable, lot boundaries shall be made to coincide with natural and pre-existing man-made drainage ways within subdivisions to avoid the creation of lots that can be built upon only by altering such drainage ways.

Section 262 Developments Must Drain Properly.

(a) All developments shall be provided with a drainage system that is adequate to prevent the undue retention of surface water on the development site. Surface water shall not be regarded as unduly retained if:

(1) The retention results from a technique, practice or device deliberately installed as part of an approved sedimentation or storm water runoff control plan; or

(2) The retention is not substantially different in location or degree than that experienced by the development site in its pre-development stage, unless such retention presents a danger to health or safety.

(b) No surface water may be channeled or directed into a sanitary sewer.

(c) Whenever practicable, the drainage system of a development shall coordinate with and connect to the drainage systems or drainage ways on surrounding properties or street.

(d) Use of drainage swales rather than curb and gutter and storm sewers in subdivisions is provided for in Section 216. Private roads and access ways within un-subdivided developments shall utilize curb and gutter and storm drains to provide adequate drainage if the grade of such roads or access ways is too steep to provide drainage in another manner or if other sufficient reasons exist to require such construction.

(e) Construction specifications for drainage swales, curbs and gutters, and storm drains are contained in Appendix C.

Section 263 Storm Water Management.

All developments shall be constructed and maintained so that adjacent properties are not unreasonably burdened with surface waters as a result of such developments. More specifically:

(a) No development may be constructed or maintained so that such development impedes the natural flow of water from higher adjacent properties across such development, thereby causing damage to such higher adjacent properties; and

(b) No development may be constructed or maintained so that surface waters from such development are collected and channeled onto lower adjacent properties at such locations or at such volumes as to cause damage to such lower adjacent properties.

Section 264 Sedimentation and Erosion Control.

(a) No zoning, special use, conditional use, or major development permit may be issued with respect to any development that would cause land disturbing activity requiring prior submission of an erosion and sedimentation control plan to the N.C. Sedimentation Control Commission under G.S. 113A-57(4) unless the commission has certified to the county, either that:

(1) An erosion control plan has been submitted to and approved by the commission; or

(2) The commission has examined the preliminary plans for the development and it reasonably appears that an erosion control plan can be approved upon submission by the developer of more detailed construction or design drawings. However, in this case, construction of the development may not begin, no building permits may be issued and final plat approval for subdivisions may not be given until the commission approves the erosion control plan.

(b) For purposes of this section, "land disturbing activity" means any use of the land by any person in residential, industrial, educational, institutional or commercial development, highway and road construction and maintenance that results in a change in the natural cover or topography and that may cause or contribute to sedimentation except activities that are exempt under G.S. 113A-52(6)). Sedimentation occurs whenever solid particulate matter, mineral or organic, is transported by water, air, gravity, or ice from the site of its origin.

Section 251 through 260 and 265 through 269 Reserved.

ARTICLE XVII. SIGNS

Section 270 Definitions.

Unless otherwise specifically provided, or unless clearly required by the context, the words and phrases used in this section shall be defined as per the Definitions found in Section 15 of this Ordinance.

Section 271 Signs Excluded From Regulation.

The following signs are exempt from regulation under this article except for those stated in Section 284.

(a) Signs not exceeding four square feet in area that are customarily associated with residential use and that are not of a commercial nature, such as (i) signs giving property identification names or numbers or names of occupants, (ii) signs posted on private property relating to private parking or warning the public against trespassing or danger from animals.

(b) Signs erected by or on behalf of or pursuant to the authorization of a governmental body, including legal notices, identification and informational signs, and traffic, directional or regulatory signs.

(c) Official signs of a non-commercial nature erected by public utilities.

(d) Flags, pennants, or insignia of any governmental or non-profit organization when not displayed in connection with a commercial promotion or as an advertising device.

(e) Integral decorative or architectural features of buildings or works of art, so long as such features or works do not contain letters, trademarks, moving parts, or lights.

(f) Signs directing and guiding traffic on private property that do not exceed four square feet each and that bear no advertising matter.

(g) Church bulletin boards, church identification signs, and church directional signs that do not exceed one per abutting street and sixteen square feet in area.

(h) Signs painted on or otherwise permanently attached to currently licensed motor vehicles that are not primarily used as signs.

(i) Signs proclaiming religious, political, or other non-commercial messages (other than those regulated by Subsection 272(a)(4)) that do not exceed one per 500 feet of street frontage and thirty-two square feet in area.

(j) Signs attached to the interior of a building window or glass door, or visible through such window or door, so long as such signs, individually or collectively, do not cover more than thirty percent of the surface area of the transparent portion of such window or door.

(1) For purposes of determining whether a sign not attached to the interior of a window or door but visible by looking through such window or door complies with this subdivision, the area of such sign shall be computed in accordance with Section 276 and the sign shall be deemed to "cover" an equivalent amount of the surface area of the window or glass door through which it is visible.

(2) If a sign located inside a building is visible through glass doors or windows on more than one side of a building, then the relevant windows or doors for purposes of this subdivision are those facing the street toward which the sign has its primary orientation.

(3) Signs that do not exceed four square feet and that advertise an event or activity sponsored by a nonprofit enterprise shall not be included in determining compliance with the thirty percent surface area coverage limitation set forth above, so long as such signs are removed after the event or activity has occurred.

(k) Displays of merchandise offered for sale or rent on the premises where displayed. Only merchandise of the type that is actually for sale or rent, and not pictorial or other representations of such merchandise, falls within this exemption.

(l) Signs advertising the price of gasoline or designating self service or full service pumps, so long as such signs are attached to the pump island or a permitted free standing sign.

(m) A North Carolina vehicle inspections sign so long as such sign is not located in any right-of-way.

Section 272 Certain Temporary Signs: Permit Exemptions and Additional Regulations.

(a) The following temporary signs are permitted without a sign permit or the payment of fees. However, such signs shall conform to the requirements set forth below as well as all other applicable requirements of this article except those contained in Sections 276 (Total Sign Surface Area), 277 (Freestanding Sign Surface Area), and 278 (Number of Freestanding Signs).

(1) Signs containing the message that the real estate on which the sign is located (including buildings) is for sale, lease, or rent, together with information identifying the owner or agent. Only one such sign shall be allowed along the border of each side of a lot that fronts upon a public

street. If the lot has less than two hundred feet of frontage, the sign may not exceed four square feet in area. If the lot has more than two hundred feet of frontage, the sign may not exceed sixteen square feet in area.

(2) Construction site identification signs. Such signs may identify the project, the owner or developer, architect, engineer, contractor and subcontractors, funding sources, and may contain related information, including but not limited to sales or leasing information. Not more than one such sign may be erected per site, and it may not exceed thirty-two (32) square feet in area. Such signs shall not be erected more than thirty (30) days prior to the issuance of a building permit and shall be removed within ten (10) days after the issuance of the final occupancy permit.

(3) Displays, including lighting, erected in connection with the observance of holidays. Such signs shall be removed within ten days following the holidays.

(4) Signs erected in connection with elections or political campaigns. Such signs shall be removed within fifteen (15) days following the election or conclusion of the campaign. No such sign may exceed thirty-two square feet in surface area.

(5) Signs indicating that a special event such as a fair, carnival, circus, festival or similar happening is to take place on the lot where the sign is located. Such signs may be erected not sooner than thirty days before the event and must be removed not later than three (3) days after the event.

(6) Signs advertising the existence of (i) a roadside stand selling fruits or vegetables grown on the lot where the stand is located or on other land owned by or leased to the person operating the stand, or (ii) a farm or tract upon which are grown fruits or vegetables that may be picked or gathered by the purchaser. Not more than three such signs may be erected, and no sign may exceed thirty-two (32) square feet in surface area. Such signs may not be erected more than seven (7) days before the seasonal opening of such enterprise and shall be removed not later than seven (7) days after the enterprise closes for the season.

(7) Temporary signs not covered in the foregoing categories, so long as such signs meet the following restrictions:

(a) Not more than one such sign may be located on any lot.

(b) No such sign may exceed four square feet in surface area.

(c) Such sign may not be displayed for longer than ten (10) consecutive days or more than twenty (20) days out of any 365-day period.

(b) Other temporary signs not listed in subsection (a) shall be regarded and treated in all respects as permanent signs, except that (as provided in Section 276) temporary signs shall not be included in calculating the total amount of permitted sign area.

Section 273 Sign Permits.

(a) Except as otherwise provided in Section 271 (Signs Excluded from Regulation) and 272 (Certain Temporary Signs: Permit Exceptions, and Additional Regulations), no sign may be constructed, erected, moved, enlarged, illuminated, or substantially altered except in accordance with a sign permit issued pursuant to this section.

(b) If plans submitted for a zoning permit, special use permit, conditional use permit, or major development permit include sign plans in sufficient detail that the permit-issuing authority can determine whether the proposed sign or signs comply with the provisions of this ordinance, then issuance of the requested zoning, special use, conditional use permit, or major development permit shall constitute approval of the proposed sign or signs.

(c) Signs not approved as provided in subsection (b) or exempted under the provisions referenced in subsection (a) may be erected, moved, enlarged, or substantially altered only in accordance with a sign permit issued by the administrator.

(1) Sign permit applications and sign permits shall be governed by the same provisions of this ordinance applicable to zoning permits.

(2) In a case of a lot occupied or intended to be occupied by multiple business enterprises (e.g., a shopping center):

(a) Subject to b., sign permits shall be issued in the name of the lot owner or his agent rather than in the name of the individual business, and it shall be the sole responsibility of such owner or agent to allocate among the tenants the permissible maximum sign surface area.

(b) Upon application by such owner or agent, the administrator may issue a master sign permit that allocates permissible sign surface area to the various buildings or businesses within the development according to an agreed upon formula, and thereafter sign permits may be issued to individual tenants only in accordance with the allocation contained in the master sign permit.

Section 274 Determining the Number of Signs.

(a) For the purpose of determining the number of signs, a sign shall be considered to be a single display surface or display device containing elements organized,

related, and composed to form a unit. Where matter is displayed in a random manner without organized relationship of elements, each element shall be considered a single sign.

(b) Without limiting the generality of subsection (a), a two-sided or multi-sided sign shall be regarded as one sign.

Section 275 Computation of Sign Area.

(a) The surface area of a sign shall be computed by including the entire area within a single, continuous, rectilinear perimeter of not more than eight straight lines, or a circle or an ellipse, enclosing the extreme limits of the writing, representation, emblem or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed, but not including any supporting framework or bracing that is clearly incidental to the display itself.

(b) If the sign consists of more than one section or module, all of the area, including that between sections or modules, shall be included in the computation of the sign area.

(c) With respect to two sided, multi-sided, or three dimensional signs, the sign surface area shall be computed by including the total of all sides designed to attract attention or communicate information that can be seen at any one time by a person from one vantage point. Without otherwise limiting the generality of the foregoing:

(1) The sign surface area of a double faced; back to back sign shall be calculated by using the area of only one side of such sign, so long as the distance between the backs of such signs does not exceed three feet.

(2) The sign surface area of double faced sign constructed in the form of a "V" shall be calculated by using the area of only one side of such sign (the larger side if there is a size difference), so long as the angle of the "V" does not exceed forty-five degrees and at no point does the distance between the backs of such sides exceed ten feet.

(d) The sign surface area of any sign located such that the closest element of the sign is at least 100 feet from the edge of the traveled portion of the street that the sign faces shall be computed by multiplying the actual sign surface area (Section 275) by 0.5.

Section 276 Total Sign Surface Area.

(a) Unless otherwise provided in this ordinance, the total surface area devoted to all signs on any lot shall not exceed the limitations set forth in this section, and all signs except exempt signs (Section 271) and temporary signs (Section 272) shall be included in this calculation.

(b) Unless otherwise provided in this ordinance, the maximum sign surface area permitted on a lot in any residential zoning district (Section 135) is four square feet.

(c) Subject to the other provisions of this section, the maximum sign surface area permitted (excluding freestanding sign surface area) on any lot in a commercial zoning district (Section 136) or manufacturing zoning district (Section 137) shall be determined by multiplying the number of linear feet of street frontage of the lot by 0.5. However, in no case may the total sign surface area (excluding freestanding sign surface area) exceed 750 square feet.

(d) If a lot in a commercial or manufacturing zoning district has frontage on more than one street, then the total sign surface area permitted on that lot shall be the sum of the sign surface area allotments related to each street (as determined in accordance with subsection (c)) on which the lot has frontage. However, the total sign surface area that is oriented toward a particular street may not exceed the portion of the lot's total sign surface area allocation that is derived from frontage on that street.

(e) Whenever a lot is situated such that it has no street frontage on any lot boundary and an applicant desires to install on such a lot a sign that is oriented toward a street, then the total sign surface area permitted on that lot shall be the sign surface area that would be allowed (under this Section or Section 277) if the lot boundary closest to the street toward which such sign is to be oriented fronted on such street.

(1) The applicant shall be restricted to using only one street and the closest lot boundary to this street for determining the total permitted sign surface area.

However, the applicant shall be given the opportunity to determine the one street used in the calculations.

(2) This subsection shall not apply to any lot created after the effective date of this ordinance out of a larger tract that has frontage along one or more streets. The purpose of this exception is primarily to prevent shopping center developers from creating "out parcels" by subdivision along the entire road frontage of the center, thereby obtaining a full sign surface area allocation both for the main portion of the center and the out parcels. The sign surface area allocation derived from road frontage can be apportioned among lots created by a subdivider pursuant to subsection (f.)

(f) Whenever a lot is subdivided, then, subject to the following requirements, the subdivider may allocate among the lots so created the total sign surface area that would be allowed under this section or Section 277 prior to subdivision.

(1) Information concerning the exact nature of the sign surface area allocation must either be indicated on the face of a recorded plat of the subdivided

tract or included in a separately recorded document, which must be referenced on the recorded plat in a manner that indicates the general nature of such document and specifies the book and page number where such recorded document can be located in the Union County Registry.

(2) No sign allocation may be made affecting (by adding sign surface area to or subtracting sign area from) any lot after such lot has been conveyed by the sub-divider.

(3) Once a sign allocation has been made in accordance with this section, the allocation so made shall control the amount of total sign surface area and freestanding sign surface area permissible on any lot affected, regardless of the sign surface area that would be allowed if Sections 276 and 277 were applied to each new lot created by subdivision.

(4) An allocation under this section shall not affect the provisions of Section 277 that establish the maximum area of any single freestanding sign. However, the area to be allocated among the lots created shall be derived from the application of the ratio stated in Section 277 of the entire frontage of the lot that is to be divided.

(g) The sign surface area of any sign located on a wall of a structure may not exceed thirty percent of the total surface area of the wall on which the sign is located.

Section 277 Freestanding Sign Surface Area.

A freestanding sign may not exceed 0.3 square feet in surface area for every linear foot of street frontage along the street toward which such sign is primarily oriented. However, in no case may such sign exceed 175 square feet in surface area.

Section 278 Number of Freestanding Signs.

(a) Except as authorized by this article, there may be no more than one freestanding sign on a single lot.

(b) If a development is located on a corner lot that has at least 400 feet of frontage on each of the two intersecting public streets, the development may have not more than one freestanding sign along each side of the development bordered by such streets.

(c) If a development is located on a lot that is bordered by two public streets that do not intersect at the lot's boundaries (double front lot), then the development may have not more than one freestanding sign on each side of the development bordered by such streets.

Section 278(A) Off-Premises Signs

(a) Off-premises signs are only permissible in the HC zoning district with a zoning permit only if and to the extent that such signs:

(1) Comply with all of the applicable requirements of this ordinance; and

(2) Are located within a 1,000 foot radius of any principal building used for non-residential purposes; and

(3) Are not located within a 500-foot radius of a pre-existing residence not owned by the owner of the land where the sign is to be located. A residence shall be deemed pre-existing for purposes of this subsection if, at the time an application is filed for a sign permit authorizing initial construction of the sign, the residence was constructed or under construction or if there is outstanding a valid building permit authorizing the construction of such residence.

(b) No off-premises sign may be located within a 1,000 foot radius of any other pre-existing off-premises sign. For purposes of this subsection, a sign shall be deemed pre-existing if, at the time an application is filed for the second sign, the first sign was constructed or under construction or if there is outstanding a valid building permit authorizing the construction of such sign.

Section 279 Location and Height Requirements.

(a) Freestanding signs shall observe the setback requirements set forth in Section 184.

(b) No sign may extend above any parapet or be placed upon any roof surface, except that for purposes of this section, roof surfaces constructed at an angle of seventy-five degrees or more from horizontal shall be regarded as wall space. This subsection shall not apply to displays, including lighting, erected in connection with the observation of holidays on the roofs of residential structures.

(c) No sign or supporting structure may be located in or over the traveled portion of any public right-of-way.

(d) No part of a freestanding sign may exceed a height, measured from ground level, of twenty-five feet except that:

(1) An applicant may add one additional foot of height for each additional foot the sign is set back (over and above the minimum setback requirements set forth in Section 184).

(2) The total height allowed under the exception set forth in subsection (1) shall not exceed thirty-five feet.

Section 280 Residential Development Entrance Signs.

At any entrance to a residential development, there may be no more than two signs identifying such development, and neither sign may exceed thirty-two square feet in surface area.

Section 281 Sign Illumination.

(a) Unless otherwise prohibited by this ordinance, signs may be illuminated if such illumination is in accordance with this section.

(b) No sign within 250 feet of a pre-existing residence may be illuminated between the hours of 12:00 midnight and 6:00 a.m., unless the impact of such lighting beyond the boundaries of the lot where it is located is entirely inconsequential. A residence shall be deemed "pre-existing" for purposes of this subsection if it existed (or construction of the residence had begun) before a permit was issued under the N.C. State Electrical Code authorizing the installation of the lighting.

(c) Lighting directed toward a sign shall be shielded so that it illuminates only the face of the sign and does not shine directly into a public right-of-way or residential premises.

(d) Subject to subsection (f), illuminated tubings or strings of lights that outline property lines, sales areas, roof lines, doors, windows, or similar areas are prohibited.

(e) Subject to subsection (f), no sign may contain or be illuminated by flashing or intermittent lights or lights of changing degrees of intensity, except signs indicating the time, date, weather conditions, or similar information.

(f) Subsections (d) and (e) do not apply to temporary signs erected in connection with the observance of holidays.

Section 282 Maintenance of Signs.

(a) All signs and all components thereof, including without limitation supports, braces, and anchors, shall be kept in a state of good repair. With respect to freestanding signs, components (supporting structures, backs, etc.) not bearing a message shall be constructed of materials that blend with the natural environment or shall be painted a neutral color to blend with the natural environment.

(b) If a sign other than a billboard advertises a business, service, commodity, accommodation, attraction or other enterprise or activity that is no longer operating or being offered or conducted, that sign shall be considered abandoned and shall, within thirty days after such abandonment, be removed by the sign owner, owner of the property where the sign is located, or other party having control over such sign.

(c) If the message portion of a sign is removed, leaving only the supporting "shell" of a sign or the supporting braces, anchors, or similar components, the owner of the sign or the owner of the property where the sign is located or other person having control over such sign shall, within thirty days of the removal of the message portion of the sign, either replace the entire message portion of the sign or remove the remaining components of the sign. This subsection shall not be construed to alter the effect of Subsection 285(d), which prohibits the replacement of a nonconforming sign. Nor shall this subsection be construed to prevent the changing of the message of a sign.

(d) The area within ten feet in all directions of any part of a freestanding sign shall be kept clear of all debris and all wild undergrowth more than five inches in height.

Section 283 Unlawful Cutting of Trees or Shrubs.

No person may, for the purpose of increasing or enhancing the visibility of any sign, damage, trim, destroy, or remove any trees, shrubs, or other vegetation located:

(a) Within the right-of-way of any public street or road, unless the work is done pursuant to the express written authorization of the North Carolina Department of Transportation;

(b) On property that is not under the ownership or control of the person doing or responsible for such work, unless the work is done pursuant to the express authorization of the person owning the property where such trees or shrubs are located;

(c) In any area where such trees or shrubs are required to remain under a permit issued under this ordinance.

Section 284 Miscellaneous Restriction and Prohibitions.

(a) No person may cause, suffer, or permit a sign that is in conformity with the provisions of this article on its effective date to thereafter become nonconforming.

(b) No sign may be located so that it substantially interferes with the view necessary for motorists to proceed safely through intersections or to enter onto or exit from public streets or private roads.

(c) Signs that revolve or are animated or that utilize movement or apparent movement to attract attention of the public are prohibited. Without limiting the foregoing, banners, streamers, animated display boards, pennants, and propellers are prohibited, but signs that only move occasionally because of wind are not prohibited if their movement (i) is not a primary design feature of the sign, and (ii) is not intended to attract attention to the sign. The restriction of this subsection shall not apply to signs specified in Section 271(4) or to signs indicating the time, date, or weather conditions.

(d) No sign may be erected so that by its location, color, illumination, size, shape, nature or message it would tend to obstruct the view of or be confused with official traffic signs or other signs erected by governmental agencies.

(e) Freestanding signs shall be securely fastened to the ground or to some other substantial supporting structure so that there is virtually no danger that either the sign or the supporting structure may be moved by the wind or other forces of nature and cause injury to persons or property.

(f) As provided in the Table of Permissible Uses, off-premises signs are permissible only in the HC, LI, and HI zoning districts, and such signs within the HC district are subject to the additional requirements set forth in Section 169. However, signs excluded from regulation under Section 271 shall remain exempt and not subject to Section 169.

Section 285 Nonconforming Signs.

(a) Nonconforming signs shall be governed by the provisions of this section and not those found in Article VIII of this ordinance.

(b) Subject to the remaining restrictions of this section, nonconforming signs that were otherwise lawful on the effective date of this ordinance may be continued.

(c) No person may engage in any activity that causes an increase in the extent of nonconformity of a nonconforming sign. Without limiting the generality of the foregoing, no nonconforming sign may be enlarged or altered in such a manner as to aggravate the nonconforming condition. Nor may illumination be added to any nonconforming sign.

(d) A nonconforming sign may not be moved or replaced except to bring the sign into complete conformity with this ordinance.

(e) If a nonconforming sign is destroyed by natural causes, it may not thereafter be repaired, reconstructed, or replaced except in conformity with all the provisions of this ordinance, and the remnants of the former sign structure shall be cleared from the land. For purposes of this section, a nonconforming sign is "destroyed" if damaged to an extent that the cost of repairing the sign to its former stature or replacing it with an equivalent sign equals or exceeds the value listed for tax purposes of the sign so damaged.

(f) The message of a nonconforming sign may be changed so long as this does not create any new non-conformities (for example, by creating an off-premises sign under circumstances where such a sign would not be allowed).

(g) Subject to the other provisions of this section, nonconforming signs may be repaired and renovated so long as the cost of such work does not exceed within any twelve month period fifty percent of the value listed for tax purposes of such sign.

(h) If a nonconforming sign other than a billboard advertises a business, service, commodity, accommodation, attraction or other enterprise or activity that is no longer operating or being offered or conducted, that sign shall be considered abandoned and shall be removed within thirty (30) days after such abandonment by the sign owner, owner of the property where the sign is located, or other party having control over such sign.

(i) If a nonconforming billboard remains blank for a continuous period of twelve months, that billboard shall be deemed abandoned and shall, within thirty (30) days after such abandonment, be altered to comply with this article or be removed by the sign owner, owner of the property where the sign is located, or other person having control over such sign. For purposes of this section, a sign is "blank" if:

(1) It advertises a business, service, commodity, accommodation, attraction, or other enterprise or activity that is no longer operating or being offered or conducted; or

(2) The advertising message it displays becomes illegible in whole or substantial part; or

(3) The advertising copy paid for by a party other than the sign owner or promoting an interest other than the rental of the sign has been removed.

Sections 286 through 289 Reserved.

ARTICLE XVIII. PARKING

Section 290 Definitions.

Unless otherwise specifically provided or unless clearly required by the context, the words and phrases used in Article XVIII shall have the meaning described in the Definitions section found in Section 15 of this Ordinance.

Section 291 Number of Parking Spaces Required.

(a) All developments in all zoning districts shall provide a sufficient number of parking spaces to accommodate the number of vehicles that ordinarily are likely to be attracted to the development in question.

(b) The presumptions established by this article are that: (i) a development must comply with the parking standards set forth in subsection (e) to satisfy the requirement stated in subsection (a), and (ii) any development that does meet these standards is in compliance. However, the Table of Parking Requirements is only intended to establish a presumption and should be flexibly administered, as provided in Section 292.

(c) Uses in the Table of Parking Requirements (Subsect.(e)), are indicated by a numerical reference keyed to the Table of Permissible Uses, Appendix I. When determination of the number of parking spaces required by this table results in a requirement of a fractional space, any fraction of one-half or less may be disregarded, while a fraction in excess of one-half shall be counted as one parking space.

(d) The Board recognizes that the Table of Parking Requirements set forth in subsection (e) cannot and does not cover every possible situation that may arise. Therefore, in cases not specifically covered, the permit issuing authority is authorized to determine the parking requirements using this table as a guide.

(e) Table of Parking Requirements.

USE	PARKING REQUIREMENTS
1.0	None
1.110	2 spaces per dwelling unit plus one space.
1.120	Per room rented out (See Accessory Uses, Section 150).
1.200	Two spaces for each dwelling unit, except that (I) use classification 1.220.

USE	PARKING REQUIREMENTS
1.300	Requires only one space for the accessory apartment; (ii) if five or more dwelling units share a common parking area, the number of spaces may be reduced by 20%; and (iii) multi-family units limited to persons to low or moderate income or the elderly require only one space per unit.
1.400	3 spaces for every five beds except for uses exclusively serving children under 16, in which case 1 space for every 3 beds shall be required.
1.510	1 space for each bedroom.
1.520	1 space for each room to be rented plus additional space (in accordance with other sections).
1.530	
1.540	
1.550	
1.700	4 spaces for office of physicians or dentists; 2 spaces for attorneys, 1 space for all others.
2.111	1 space for 150 square feet of gross floor area.
2.112	
2.113	1 space per 200 square feet of net floor area.
2.120	1 space per 400 square feet of gross floor area.
2.130	
2.210	1 space per 200 square feet of gross floor area.
2.220	1 space per 400 square feet of gross floor area.
2.230	
3.110	1 space per 200 square feet of gross floor area.
3.120	1 space per 400 square feet of gross floor area.
3.130	1 space per 150 square feet of gross floor area.

USE	PARKING REQUIREMENTS
3.210	1 space per 200 square feet of gross floor area.
3.220	1 space per 400 square feet of gross floor area.
3.230	1 space per 200 square feet of area within main building plus reservoir land capacity equal to five spaces per window (10 spaces if window serves two stations).
4.110	1 space per 400 square feet of gross floor area.
4.120	1 space for every two employees on the maximum shift except that, if permissible in the commercial.
4.200	Districts, such uses may provide 1 space per 200 square feet of gross floor area.
5.110	For kindergartens, nursery school, elementary schools, and middle (junior high) schools; 1 space per staff member plus 1.6 spaces per classrooms; or 1 space for each three seats used for assembly purposes; whichever is greater. For high schools 5 spaces for each room used for instruction; or 1 space for each three (3) seats used for assembly purposes, whichever is greater.
5.120	1 space per 100 square feet of gross floor area.
5.130	1 space per 150 square feet of gross floor area.
5.200	1 space for every four seats in the portion of the church building to be used for services plus spaces for any residential use as determined in accordance with the parking requirements set forth above for residential uses, plus 1 space for every 200 feet of gross floor area designed to be used neither for services nor residential purpose.
5.300	1 space per 300 square feet of gross floor area.
5.400	
6.100	1 space for every 3 person that the facilities are designed to accommodate when fully utilized (if they can be measured in such a fashion: example, tennis courts or bowling alleys) plus 1 space per 200 square feet of gross floor area use in a manner not susceptible to such calculation.
6.120	1 space for every four seats.

USE	PARKING REQUIREMENTS
6.130	
6.210	1 space per 200 square feet of area within enclosed buildings, plus 1 space for every 3 person that the outdoor facilities are designed to accommodate when used to the maximum capacity.
6.220	
6.230	Miniature golf course, skateboard park, water slide, and similar uses - 1 space per 300 square feet of area plus 1 space per 200 square feet of building gross floor area; Driving range - 1 space per tee plus 1 space over 200 square feet in building gross floor area; Par Three Course - 2 spaces per golf hole plus 1 space per 200 square feet of building gross floor area.
6.240	1 space per horse that could be kept at a stable when occupied to maximum capacity.
6.250	1 space for every three seats.
6.260	1 space per speaker outlet.
6.270	1 space per camping space.
7.100	2 spaces per bed or 1 space 150 square feet of gross floor area, whichever is greater.
7.200	3 spaces for every 5 beds Multi-Family units developed or sponsored by a public or non-profit agency for limited income facilities or the elderly require only space per unit.
7.300	1 space for every two employees on maximum shift.
7.400	
8.100	1 space per 100 square feet of gross floor area.
8.200	Same as 8.100 plus 1 space for every four outside seats.
8.300	
8.400	Same as 8.200 plus reservoir lane capacity equal to five spaces per drive-in window.
9.100	1 space per 200 square feet of gross floor area.

USE	PARKING REQUIREMENTS
9.200	
9.300	1 space per 200 square feet of gross floor area of building devoted primarily to gas sales operation, plus sufficient parking are to accommodate vehicles at pumps without interfering with other parking areas.
9.400	1 space per 200 square feet of gross floor area.
9.500	Conveyor types - 1 space for every three employees on the maximum shift plus reservoir capacity equal to five times the capacity of the washing operation. Self-service type - 2 spaces for drying and cleaning purposes per stall plus two reservoir spaces in front of each stall.
9.600	1 space per 200 square feet of gross floor area of the building or structure in which sales conducted.
10.200	1 space for every two employees on the maximum shift but not less than 1 space per 5,000 square feet of area devoted to storage (whether inside or outside).
11.000	1 space per 200 square feet of gross floor area.
12.0	1 space per 200 square feet of gross floor area.
13.0	1 space per 200 square feet of gross floor area.
14.0	1 space for every two employees on maximum shift.
15.100	1 space per 200 square feet of gross floor area.
15.200	
15.300	1 space for every two employees on maximum shift.
15.400	1 space per 100 square feet of gross floor area.
16.0	1 space per 200 square feet of gross floor area.
19.0	1 space per 1,000 square feet of lot area used for storage, display, or sales.
20.0	1 space per 100 square feet of gross floor area.

USE	PARKING REQUIREMENTS
21.200	1 space per 200 square feet of gross floor area.
22.00	1 space per employee plus 1 space per 200 square feet of gross floor area.
24.0	1 space per 200 square feet of gross floor area.
25.0	1 space per 200 square feet of gross floor area.
32.0	1 space per 200 square feet of gross floor area.
33.0	Parking to be determined by the principal use.
34.0	1 space per employee during the shift of the greatest employment plus 1 space per 25 inmates.

Section 292 Flexibility in Administration Required.

(a) The Board recognizes that, due to the particularities of any given development, the inflexible application of the parking standards set forth in Section 291(e) may result in a development either with inadequate parking space or parking space far in excess of its needs. The former situation may lead to traffic congestion or parking violations in adjacent streets as well as unauthorized parking in nearby private lots. The latter situation results in a waste of money as well as a waste of space that could more desirably be used for valuable development or environmentally useful open space. Therefore, as suggested in Section 291, the permit-issuing authority may permit deviations from the presumptive requirements of Section 291(e) and may require more parking or allow less parking whenever it finds that such deviations are more likely to satisfy the standard set forth in Section 291(a).

(b) Without limiting the generality of the foregoing, the permit issuing authority may allow deviations from the parking requirements set forth in Subsection 291(e) when it finds that:

(1) A residential development is irrevocably oriented toward the elderly;

(2) A business is primarily oriented to walk-in trade.

(c) Whenever the permit-issuing authority allows or requires a deviation from the presumptive parking requirements set forth in Section 291(e), it shall enter on the face of the permit the parking requirement that it imposes and the reasons for allowing or requiring the deviation.

(d) If the permit-issuing authority concludes, based upon information it receives in the consideration of a specific development proposal, that the presumption established by Section 291(e) for a particular use classification is erroneous, it shall initiate a request for an amendment to the Table of Parking Requirements in accordance with the procedures set forth in Article XX.

Section 293 Parking Space Dimensions.

(a) Subject to subsections (b) and (c), each parking space shall contain a rectangular area at least nineteen feet long and nine feet wide. Lines demarcating parking spaces may be drawn at various angles in relation to curbs or aisles, so long as the parking spaces so created contain within them the rectangular area required by this section.

(b) In parking areas containing ten or more parking spaces, up to twenty percent of the parking spaces need contain a rectangular area of only seven and one-half feet in width by fifteen feet in length. If such spaces are provided, they shall be conspicuously designated as reserved for small or compact cars only.

(c) Wherever parking areas consist of spaces set aside for parallel parking, the dimensions of such parking spaces shall be not less than twenty-two feet by nine feet.

Section 294 Required Widths of Parking Area Aisles and Driveways.

(a) Parking area aisle widths shall conform to the following table, which varies the width requirement according to the angle of parking.

(b) Driveways shall be not less than ten feet in width for one way traffic and eighteen feet in width for two way traffic, except that ten feet wide driveways are permissible for two way traffic when (i) the driveway is not longer than fifty feet, (ii) it provides access to not more than six spaces, and (iii) sufficient turning space is provided so that vehicles need not back into a public street.

Aisle Width	**Parking Angle**				
	0'	30'	45'	60'	90'
One Way Traffic	13	11	13	18	24
Two Way Traffic	19	20	21	23	24

Section 295 General Design Requirements.

(a) Unless no other practicable alternative is available, vehicle accommodation areas shall be designed so that, without resorting to extraordinary movements, vehicles may exit such areas without backing onto a public street. This requirement does

not apply to parking areas consisting of driveways that serve one or two dwelling units, although backing onto arterial streets is discouraged.

(b) Vehicle accommodation areas of all developments shall be designed so that sanitation, emergency, and other public service vehicles can serve such developments without the necessity of backing unreasonable distances or making other dangerous or hazardous turning movements.

(c) Every vehicle accommodation area shall be designed so that vehicles cannot extend beyond the perimeter of such area onto adjacent properties or public rights-of-way. Such areas shall also be designed so that vehicles do not extend over sidewalks or tend to bump against or damage any wall, vegetation, or other obstruction.

(d) Circulation areas shall be designed so that vehicles can proceed safely without posing a danger to pedestrians or other vehicles and without interfering with parking areas.

Section 296 Vehicle Accommodation Area Surfaces.

(a) Vehicle accommodation areas (in zoning districts other drive-in windows or (ii) contain parking areas that are required to have more than five (5) parking spaces and that are used regularly at least five days per week shall be graded and surfaced with asphalt, concrete or other material that will provide equivalent protection against potholes, erosion, and dust. Specifications for surfaces meeting the standard set forth in this subsection are contained in Appendix D.

(b) Vehicle accommodation areas that are not provided with the type of surface specified in subsection (a) shall be graded and surfaced with crushed stone, gravel, or other suitable material (as provided in the specifications set forth in Appendix D) to provide a surface that is stable and will help to reduce dust and erosion. The perimeter of such parking areas shall be defined by bricks, stones, railroad ties, or other similar devices. In addition, whenever such a vehicle accommodation area abuts a paved street, the driveway leading from such street to such area (or, if there is no driveway, the portion of the vehicle accommodation area that opens onto such streets), shall be paved as provided in subsection (a) for a distance of fifteen feet back from the edge of the paved street. This subsection shall not apply to single-family or two-family residences or other uses that are required to have only one or two parking spaces.

(c) Parking spaces in areas surfaced in accordance with subsection (a) shall be appropriately demarcated with painted lines or other markings. Parking spaces in areas surfaced in accordance with subsection (b) shall be demarcated whenever practicable.

(d) Vehicle accommodation areas shall be properly maintained in all respects. In particular, and without limiting the foregoing, vehicle accommodation area

surfaces shall be kept in good condition (free from potholes, etc.) and parking space lines or markings shall be kept clearly visible and distinct.

Section 297 Joint Use of Required Parking Spaces.

(a) One parking area may contain required spaces for several different uses, but except as otherwise provided in this section. The required space assigned to one use may not be credited to any other use.

(b) To the extent that developments that wish to make joint use of the same parking spaces operate at different times, the same spaces may be credited to both uses. For example, if a parking lot is used in connection with an office building on Monday through Friday but is generally 90% vacant on weekends, another development that operates only on weekends could be credited with 90% of the spaces on that lot. Or, if a church parking lot is generally occupied only to 50% of capacity on days other than Sunday, another development could make use of 50% of the church lot's spaces on those other days.

(c) If the joint use of the same parking spaces by two or more principal uses involves satellite parking spaces, then the provisions of Section 298 are also applicable.

(d) Any plans for joint use of parking spaces used to satisfy the minimum off-street parking requirements of this Ordinance shall be presented to the Administrator for his review to ensure compliance. The Administrator and the owners of the lots involved shall each sign on the approved agreement which has been deemed by the Administrator to satisfy these requirements. A copy of such agreement shall be recorded in the Register of Deeds Office. Evidence of such recording shall be presented to the Administrator prior to the issuance of any zoning permits or certificates of occupancy for the lot and/or use benefiting from the such agreement (i.e., the lot and/or use which would be deficient in parking without such agreement, a copy of said agreement).

Section 298 Satellite Parking.

(a) If the number of off-street parking spaces required by this ordinance cannot reasonably be provided on the same lot where the principal use associated with these parking spaces is located, then spaces may be provided on adjacent or nearby lots in accordance with the provisions of this section. These off-site spaces are referred to in this section as "satellite" parking spaces.

(b) All such satellite parking spaces (except spaces intended for employee use) must be located within 300 feet of a public entrance of a principal building housing the use associated with such parking, or within 300 feet of the lot on which the use associated with such parking is located if the use is not housed within any principal building. Satellite parking spaces intended for employee use may be located within any reasonable distance.

(c) The developer wishing to take advantage of the provisions of this section must present satisfactory written evidence that he has the permission of the owner or other person in charge of the satellite parking spaces to use such spaces. Such agreement shall be signed by both the developer and the owner of the lot containing the satellite parking. The developer must also sign an acknowledgment that the continuing validity of his permit depends upon his continuing ability to provide the requisite number of parking spaces. Prior to the issuance of any zoning permit and/or certificate of occupancy for the use deficient in parking, a copy of said signed agreement shall be presented to the Administrator who shall verify that all parking requirements have been met upon implementation of such agreement.

(d) Persons who obtain satellite parking spaces in accordance with this section shall not be held accountable for ensuring that the satellite parking areas from which they obtain their spaces satisfy the design requirements of this article.

Section 299 Provisions For Lots With Existing Buildings.

If there exists a lot with one or more structures on it which were constructed before the effective date of this ordinance, and there is a subsequent change in use, the required amount of off-street parking shall be provided for that use either on-premises, through a shared parking system as provided by Section 297, or through a satellite parking arrangement as provided in Section 298.

Section 300 Loading and Unloading Areas.

(a) Subject to subsection (e), whenever the normal operation of any development requires that goods, merchandise, or equipment be routinely delivered to or shipped from that development, a sufficient off-street loading and unloading area must be provided in accordance with this section to accommodate the delivery or shipment operations in a safe and convenient manner.

(b) The loading and unloading area must be of sufficient size to accommodate the numbers and types of vehicles that are likely to use this area, given the nature of the development in question. The following table indicates the number and size of spaces that, presumptively, satisfy the standard set forth in this subsection. However, the permit issuing authority may require more or less loading and unloading area if reasonably necessary to satisfy the foregoing standard.

Number of space with minimum dimensions of 12 feet x 55 feet and overhead clearance of 14 feet from street grade	Gross Leasable Area of Building
1,000 – 19,999	1
20,000 – 79,999	2

Number of space with minimum dimensions of 12 feet x 55 feet and overhead clearance of 14 feet from street grade	Gross Leasable Area of Building
80,000 – 127,999	3
128,000 – 191,999	4
192,000 – 255,999	5
256,000 – 319,999	6
320,000 – 391,999	7

Plus one (1) for each additional 72,000 square feet or fraction thereof.

(c) Loading and unloading areas shall be so located and designed that the vehicles intended to use them can (i) maneuver safely and conveniently to and from a public right of way, and (ii) complete the loading and unloading operations without obstructing or interfering with any public right-of-way or any parking space or parking lot aisle.

(d) No area allocated to loading and unloading facilities may be used to satisfy the area requirements for off-street parking, nor shall any portion of any off-street parking area be used to satisfy the area requirements for loading and unloading facilities.

(e) Whenever (i) there exists a lot with one or more structures on it constructed before the effective date of this ordinance, and (ii) a change in use that does not involve any enlargement of a structure is proposed for such lot, and (iii) the loading area requirements of this section cannot be satisfied because there is not sufficient area available on the lot that can practicably be used for loading and unloading, then the developer need only comply with this section to the extent reasonably possible.

Section 301 No Parking Indicated Near Fire Hydrants.

Whenever a fire hydrant is located adjacent to any portion of a vehicle accommodation area required to be paved under subsection 296(a), the pavement shall be clearly marked to indicate that parking within fifteen feet of such hydrant is prohibited.

Section 302 Handicapped Parking.

Provisions relating to parking for the handicapped are set forth in Section (11x)3.3 of the North Carolina State Building Code, and all vehicle accommodation areas shall comply with such requirements to the extent they are applicable.

Section 303 Reserved.

ARTICLE XIX. SCREENING AND TREES

Part I. Screening

Section 304 Board Findings Concerning the Need for Screening Requirements.

The Board finds that:

(a) Screening between two lots lessens the transmission from one lot to another of noise, dust, and glare.

(b) Screening can lessen the visual pollution that may otherwise occur. Even minimal screening can provide an impression of separation of spaces, and more extensive screening can shield entirely one use from the visual assault of an adjacent use.

(c) Screening can establish a greater sense of privacy from visual or physical intrusion, the degree of privacy varying with the intensity of the screening.

(d) The provisions of this part are necessary to safeguard the public health, safety and welfare.

Section 305 General Screening Standard.

Every development shall provide sufficient screening so that:

(a) Neighboring properties are shielded from any adverse external effects of that development;

(b) The development is shielded from the negative impacts of adjacent uses such as streets or railroads.

Section 306 Compliance With Screening Standard.

(a) The screening requirements set forth in Section 308, in conjunction with the explanations in Section 307 concerning the types of screens, establishes screening requirements that, presumptively, satisfy the general standards established in Section 305. However, Section 308 is only intended to establish a presumption and should be flexibly administered in accordance with Section 309.

Section 307 Descriptions of Screens.

The following three basic types of screens are hereby established and are used as the basis for the screening requirements set forth in Section 308.

(a) Opaque Screen, Type "A". A screen that is opaque from the ground to a height of at least six feet, with intermittent visual obstructions from the

opaque portion to a height of at least twenty feet. An opaque screen is intended to exclude completely all visual contact between uses and to create a strong impression of spatial separation. The opaque screen may be composed of a wall, fence, landscaped earth berm, planted vegetation, or existing vegetation. If a berm is chosen, whether required or not, the slope of the berm shall not be greater than a ratio of 3:1. Compliance of planted vegetative screens or natural vegetation will be judged on the basis of the average mature height and density of foliage of the subject species, or field observation of existing vegetation. The opaque portion of the screen must be opaque in all seasons of the year. At maturity, the portion of intermittent visual obstructions should not contain any completely unobstructed openings more than ten feet wide. The portion of intermittent visual obstructions may contain deciduous plants. Suggested planting patterns that will achieve this standard are included in Appendix E.

(b) Semi-Opaque Screen, Type "B". A screen that is opaque from the ground to a height of three feet, with intermittent visual obstruction from above the opaque portion to a height of at least twenty feet. The semi-opaque screen is intended to partially block visual contact between uses and to create a strong impression of the separation of spaces. The semi-opaque screen may be composed of a wall, fence, landscaped earth berm, planted vegetation, or existing vegetation. If a berm is chosen, whether required or not, the slope of the berm shall not be greater than a ratio of 3:1. Compliance of planted vegetative screens or natural vegetation will be judged on the basis of the average mature height and density of foliage of the subject species, or field observation of existing vegetation. At maturity, the portion of intermittent visual obstructions should not contain any completely unobstructed openings more than ten feet wide. The zone of intermittent visual obstruction may contain deciduous plants. Suggested planting patterns which will achieve this standard are included in Appendix E.

(c) Broken Screen, Type "C". A screen composed of intermittent visual obstructions from the ground to a height of at least twenty feet. The broken screen is intended to create the impression of a separation of spaces without necessarily eliminating visual contact between the spaces. It may be composed of a wall, fence, landscaped earth berm, planted vegetation, or existing vegetation. If a berm is chosen, whether required or not, the slope of the berm shall not be greater than a ratio of 3:1. Compliance of planted vegetative screens or natural vegetation will be judged on the basis of the average mature height and density of foliage of the subject species, or field observation of existing vegetation. The screen may contain deciduous plants. Suggested planting patterns which will achieve this standard are included in Appendix E.

Section 308 Screening and Buffering Requirements Between Certain Zoning Districts or for Telecommunications Towers, or Adult Establishments, Adult Hotel/Motels, Adult Video Stores, Adult Lingerie Modeling Studios, or Conditional Use Permits.

Screening and buffering are required in the following circumstances. The standards for these screens and buffers are found in Section 307, and suggested planting patterns can be found in Appendix E:

(a) When a lot in an Industrial District (LI, HI) abuts a lot in a Residential (RC-80, RA-40, R-40, RA-20, R-20, R-15, R-10, R-8, or R-6) District, screening must be provided on the Industrial lot in the form of an Opaque Screen, Type A, as described in Section 307; or

(b) When a lot in a Business (B-1, B-2, B-3, B-4, HC, B-6) District abuts a lot in a Residential District (RC-80, RA-40, R-40, RA-20, R-20, R-15, R-10, R-8, or R6), screening must be provided on the Business lot in the form of an Opaque Screen, Type A, as described in Section 307; or

(c) When a lot in an Residential District (RC-80, RA-40, R-40, RA-20, R-20, R-15, R-10, R-8, or R-6) abuts another lot which contains a multi-family development, screening must be provided on the lot containing said multi-family development in the form of Semi-Opaque Screen, Type B, as described in Section 307, or

(d) When a lot containing a use subject to the issuance of a conditional use permit in an Industrial District (LI, HI) or Business District (B-1, B-2, B-3, B-4, HC, B-6) abuts a lot in a Residential District (RC-80, RA-40, R-40, RA-20, R-20, R-15, R-10, R-8, or R-6) or Business District (B-1, B-2, B-3, B-4, HC, B-6), the board of commissioners may stipulate in the conditional use permit that a version of a Opaque Screen, Type A, Semi-opaque Screen, Type B, or a Broken Screen, Type C must be provided on the Industrial lot, or the Business lot, or that additional screening and buffering shall be provided on the Conditional Use lot.

(e) When a telecommunications tower and facility is sited, landscaping shall be added around the outside of the tower fence which encloses the area for tower(s) and equipment shelter(s) in the form of an Opaque Screen, Type A. The fence shall be on the interior side of the tower, with the landscaping on the outside of the fence area, facing other properties; or

(f) When a lot containing an adult establishment, adult video store, adult hotel or motel, or adult lingerie modeling studio subject to the issuance of a conditional use permit abuts a lot in a Residential (RC-80, RA-40, RA-20, R-40, R-20, R-15, R-10, R-8, R-6) or Business (B-1, B-2, B-3, B-4, HC, B-6)) zoning district, screening must be provided on the lot containing said adult use in the form of an Opaque Screen, Type A.

(g) When a lot in any Business (B-1, B-2, B-3, B-4, HC, B-6) or Industrial (LI, HI) zoning district abuts a public street, said use shall provide landscaping in the form

of a Type B, “Semi-Opaque” along the public right-of-way, with the exclusion of driveway entrances.

Section 309 Flexibility in Administration Required.

(a) The Board recognizes that, because of the wide variety of types of developments and the relationships between them, it is neither possible nor prudent to establish inflexible screening requirements. Therefore, as provided in Section 306, the permit-issuing authority may permit deviations from the presumptive requirements of Section 308 and may require either more intensive or less intensive screening whenever it finds such deviations are more likely to satisfy the standard set forth in Section 305 without imposing unnecessary costs on the developer.

(b) Without limiting the generality of subsection (a), the permit-issuing authority may modify the presumptive requirements for:

(1) Commercial developments located adjacent to residential uses in business zoning districts (other than the HC district);

(2) Commercial uses located adjacent to other commercial uses within the same zoning district;

(3) Uses located within planned unit developments (for screening requirements within planned residential developments, see Section 158).

(c) Whenever the permit-issuing authority allows or requires a deviation from the presumptive requirements set forth in Section 308, it shall enter on the face of the permit the screening requirement that it imposes to meet the standard set forth in Section 305 and the reasons for allowing or requiring the deviation.

Section 310 Combination Uses.

(a) In determining the screening requirements that apply between a combination use and another use, the permit-issuing authority shall proceed as if the principal uses that comprise the combination use were not combined and reach its determination accordingly, relying on Section 308 interpreted in the light of Section 309.

(b) When two or more principal uses are combined to create a combination use, screening shall not be required between the component principal uses unless they are clearly separated physically and screening is determined to be necessary to satisfy the standard set forth in Section 305.

Section 311 Subdivisions.

When undeveloped land is subdivided and undeveloped lots only are sold, the subdivider shall not be required to install any screening. Screening shall be required, if at all,

only when the lots are developed, and the responsibility for installing such screening shall be determined in accordance with the other requirements of Part I of this article.

Sections 312 and 313 Reserved.

Part II. Shading

Section 314 Board Findings and Declaration of Policy on Shade Trees.

(a) The Board finds that:

(1) Trees are proven producers of oxygen, a necessary element for human survival;

(2) Trees appreciably reduce the ever-increasing, environmentally dangerous carbon dioxide content of the air and play a vital role in purifying the air we breathe;

(3) Trees transpire considerable amounts of water each day and thereby purify the air much like the air-washer devices used on commercial air conditioning systems;

(4) Trees have an important role in neutralizing waste water passing through the ground from the surface to ground water tables and lower aquifers;

(5) Trees, through their root systems, stabilize the ground water tables and play an important and effective part in soil conservation, erosion control and flood control;

(6) Trees are an invaluable physical, aesthetic and psychological counterpoint to an urbanized setting, making life more comfortable by providing shade and cooling the air and land, reducing noise levels and glare and breaking the monotony of human developments on the land, particularly parking areas; and

(7) For the reasons indicated in Subsection (6), trees have an important impact on the desirability of land and therefore on property values.

(b) Based upon the findings set forth in subsection (a), the Board declares that it is not only desirable but essential to the health, safety, and welfare of all persons living or working within the county to encourage the protection and retention of certain existing trees and, under the circumstances set forth in this article, to require the planting of new trees in certain types of developments.

Section 315 Retention and Protection of Large Trees.

(a) The Board encourages the retention and protection of existing large trees to the maximum extent possible, consistent with the development process.

(b) The Board discourages any excavation or other subsurface disturbance or the placement of any impervious surface within the drip line of any tree eighteen inches in diameter or more. For purposes of this subsection, a drip line is defined as a perimeter formed by the points farthest away from the trunk of a tree where precipitation falling from the branches of that tree lands on the ground.

Section 316 Shade Trees in Parking Areas.

(a) Vehicle accommodation areas that are required to be paved by Section 296 as well as vehicle accommodation areas in the LI and HI districts that contain more than 15 parking spaces must be shaded by deciduous trees (either retained or planted by the developer) that have or will have when fully mature a trunk at least twelve inches in diameter. When trees are planted by the developer to satisfy the requirements of this subsection, the developer shall choose trees that meet the standards set forth in Appendix E.

(b) Each tree of the type described in subsection (a) shall be presumed to shade a circular area having a radius of fifteen feet with the trunk of the tree as the center, and there must be sufficient trees so that, using this standard, twenty percent of the vehicle accommodation area will be shaded.

(c) No paving may be placed within 12.5 feet (measured from the center of the trunk) of any tree retained to comply with subsection (a), and new trees planted to comply with subsection (a) shall be located so that they are surrounded by at least 100 square feet of unpaved area.

(d) Vehicle accommodation areas shall be laid out and detailed to prevent vehicles from striking trees. Vehicles will be presumed to have a body overhang of three feet six inches.

Section 317 Protection of Trees During Construction.

(a) The permit recipient shall be responsible for ensuring that all existing trees specifically shown on approved plans as being retained to provide screening or shading are protected during the construction process from removal, destruction, or injury. Without limiting the generality of the foregoing, the permit recipient shall ensure that, before any excavation takes place on the site, a barrier is erected around the drip line of all such trees sufficient to put on notice all construction personnel that the area within the dripline of such trees is not to be disturbed.

(b) If a violation of subsection (a) occurs and as a result a tree is removed or dies within two years after a certificate of occupancy is granted for that portion of a development where such tree is or was located, then the permit recipient (or his successor) shall be required to replace the tree with one at least of equal diameter, up to a diameter of two inches. Such replacement must take place within one year after the death or removal of the tree occurs, and this obligation shall be a continuing condition of the validity of the permit.

Sections 318 and 319 Reserved.

ARTICLE XX. AMENDMENTS

Section 320 Reserved.

Section 321 Initiation of Amendments

(a) An amendment to the text of this ordinance or to the zoning map may be initiated by the board of commissioners, the planning board, the planning staff, or any other interested person.

(b) Any petition for rezoning property must be signed by the petitioner, who shall indicate the capacity in which he filed the petition. In the event the party filing the petition is someone filing the same on behalf of the owner, such party shall attach his authority to execute said petition on behalf of the owner to the petition. If the applicant is seeking to have rezoned less than the entire lot or tract, the application for the rezoning shall be accompanied by a survey map and description. If the applicant is seeking to have rezoned an entire lot or tract for which a tax parcel identification number is assigned, said tax parcel identification number shall be sufficient for public notice of the area requested for rezoning. The petitioner shall provide a statement analyzing the reasonableness of the proposed zoning for each petition for a rezoning to a special or conditional use district, or a conditional district, or other small-scale zoning.

(c) Notice of the planning board's consideration of a proposed minor map amendment shall be sent to the owner of the property to be rezoned and to adjoining property owners as provided in Subsection 22(e).

(d) Unless the board of commissioners finds that there have been substantial changes in conditions or circumstances bearing on the application, the county shall not accept for consideration a petition for a text or map amendment if:

(1) Within one year prior to the date the petition is

(a) denied by the board of commissioners, or

(b) withdrawn by the applicant after planning board consideration, or

(c) the board of commissioners has approved a rezoning on the same parcel to a more restrictive classification than requested.

(2) Within one year prior to the date the petition is submitted, the board of commissioners has denied a substantially similar request for a text amendment.

Section 322 Planning Board Consideration of Proposed Amendments.

(a) Every proposed map or text amendment shall be referred to the planning board for its consideration. The planning board shall advise and comment on whether the proposed amendment is consistent with any comprehensive plan that has been adopted and any other officially adopted plan that is applicable. The planning board shall provide a written recommendation to the Board that addresses plan consistency and other matters as deemed appropriate by the planning board, but a comment by the planning board that a proposed amendment is inconsistent with the comprehensive plan shall not preclude consideration or approval of the proposed amendment by the Board.

(b) The planning board shall endeavor to review the proposed amendment in such a timely fashion that any recommendations it may have can be presented to the Board at the public hearing on the amendment. However, if the planning board is not prepared to make recommendations at the public hearing, it may request the Board to delay final action on the amendment until such time as the planning board can present its recommendations.

(c) The board of commissioners may not take final action approving a proposed amendment until it has received the recommendation of the planning board or until forty-five days have passed since the proposal was first heard by the planning board, whichever occurs first. However, the board of commissioners is not bound by the recommendations, if any, of the planning board.

Section 323 Hearing Required; Notice.

(a) No ordinance that amends any of the provisions of this ordinance (including the zoning map) may be adopted until a public hearing has been held on such ordinance.

(b) Such notice shall be published once a week for two successive weeks in a newspaper having general circulation in the county. The first notice shall be published not less than ten days nor more than twenty-five days before the date fixed for the hearing. In computing this period the date of publication shall not be counted but the date of the hearing shall be.

(c) With respect to minor map amendments, whenever there is a zoning classification action involving a parcel of land, the owner of that parcel of land as shown on the county tax listing, and the owners of all parcels of land abutting that parcel of land as shown on the county tax listing shall be mailed a notice of the proposed classification by certified mail at the last addresses listed for such owners on the county tax abstracts. This notice must be deposited in the mail at least ten (10) but not more than twenty-five (25) days prior to the date of the public hearing. One or more notices of the public hearing shall also be posted on or immediately adjacent to the property rezoned by the proposed amendment. Said posted notice(s) shall each be at least six (6) square feet in area.

With respect to major map amendments, the County shall either mail first class mail notices or the County may elect to publish notice of the public hearing once a week for two successive calendar weeks in a newspaper having general circulation in the County. If first class mailing is elected, the person or persons mailing such notices shall certify to the Board of Commissioners that fact, and such certificate shall be deemed conclusive in the absence of fraud. If the published notice is elected, said newspaper notice shall show a map showing the boundaries of the proposed map amendment and explain the nature of the proposed map change. Such notice shall be at least one-half of a newspaper page in size. Persons residing outside the general circulation area of the newspaper shall be sent notice of the public hearing by first class mail 10-25 days prior to the public hearing. When a zoning map amendment is proposed, the county shall prominently post a notice of the public hearing on the site proposed for rezoning or on an adjacent public street or highway right-of-way. When multiple parcels are included within a proposed zoning map amendment, a posting for each individual parcel is not required, but the county shall post sufficient notices to provide reasonable notice to interested persons. Such posted notice shall comprise sign surface area of not less than six (6) square feet.

(d) Any certified or first class mail notice or any published notice required by this section shall include the following information:

(1) State the date, time, and place of the public hearing;

(2) Summarize the nature and character of the proposed change;

(3) If the proposed amendment involves a change in zoning district classification, reasonably identify the property whose classification would be affected by the amendment;

(4) State that the full text of the amendment can be obtained from the planning department; and

(5) State that substantial changes in the proposed amendment may be made by the board of commissioners following the public hearing.

(e) The planning staff shall make every reasonable effort to comply with the notice provisions set forth in this section. However, it is the Board's intention that no failure to comply with any of the notice provisions that are not statutorily required shall render any amendment invalid.

Section 324 Board Action on Amendments.

(a) Prior to adopting or rejecting any zoning amendment, the governing board shall adopt a statement describing whether its action is consistent with an adopted comprehensive plan and explaining why the board considers the action taken to be reasonable and in the public interest. That statement is not subject to judicial review. At the conclusion of the public hearing on a proposed amendment, the

Board may proceed to vote on the proposed ordinance, refer it to the planning board for further study, or take any other action consistent with its usual rules or procedure.

(b) The Board is not required to take final action on a proposed amendment within any specific period of time, but it should proceed as expeditiously as practicable on petitions for amendments since inordinate delays can result in the petitioner incurring unnecessary costs.

Section 325 Ultimate Issue Before Board on Amendments.

In deciding whether to adopt a proposed amendment to this ordinance, the central issue before the Board is whether the proposed amendment advances the public health, safety or welfare. All other issues are irrelevant, and all information related to other issues at the public hearing may be declared irrelevant by the chair and excluded. In particular, when considering proposed map amendments:

(a) For all rezoning amendments with the exception of requests for conditional use zoning, the Board shall not rely upon any representations made by the petitioner that, if the change is granted, the rezoned property will be used for only one of the possible range of uses permitted in the requested classification. Rather, the Board shall consider whether the entire range of permitted uses in the requested classification is more appropriate, than the range of uses in the existing classification.

(b) For amendments requesting a parallel conditional use zoning district, the Board can consider a specific use for the parcel(s), and review a site specific development plan as part of the amendment process. In accordance with Section 54A and 54B, the use specified by the applicant, will be noted on the conditional use permit, if the rezoning of the property(ies) and the conditional use permit application are approved by the board of commissioners. No other use shall be allowed, once approved by the board.

(c) The Board shall not regard as controlling any advantages or disadvantages to the individual requesting the change, but shall consider the impact of the proposed change on the public at large.

Section 326 Time for Challenges to Amendments.

An action challenging an ordinance that changes the zoning classification of any property must be commenced within 60 days after the effective date of such ordinance as provided in S.L. 1987 Chapter 604.

ARTICLE XXI. WATER SUPPLY WATERSHED OVERLAY DISTRICTS

Section 327 Authority and Enactment.

The Legislature of the State of North Carolina has, in Chapter 153A, Article 18, Sections 330 and 340, Subdivision and Zoning Authority; and in Chapter 143, Article 21, Watershed Protection Rules, delegated the responsibility or directed local government units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. The Union County Board of Commissioners does hereby ordain and enact into law the text contained in this Article to satisfy said statutory requirements.

Section 328 Adoption Date and Effective Date.

The provisions of this Article were adopted on December 6, 1993 and shall become effective on December 31, 1993.

Section 329 Jurisdiction.

The provisions of this Article shall apply within areas designated as Water Supply Watershed Overlay Districts by the North Carolina Environmental Management Commission and shall be as defined and established on the Union County Official Zoning Map.

Section 330 Definitions.

Terms used in this Article are defined in Section 15, Definitions.

Section 331 Exceptions to Applicability.

(a) Nothing contained herein shall repeal, modify, or amend any Federal or State law or regulation, or any ordinance or regulation pertaining thereto except any ordinance which these regulations specifically replace; however, the adoption of this Article shall and does amend any and all ordinances, resolutions, and regulations in effect in Union County at the time of the adoption of this Article that may be construed to impair or reduce the effectiveness of this Article or to conflict with any of its provisions.

(b) It is not intended that these regulations interfere with any easement, covenants or other agreements between parties. However, if the provisions of these regulations impose greater restrictions or higher standards for the use of a building or land, then the provisions of these regulations shall control. Where there is conflict between the regulations contained in Article XXI and any other portion of this Land Use Ordinance, the more restrictive provisions shall apply to properties located within a designated Water Supply Watershed Overlay District.

(c) Existing development, as defined in this Article, is not subject to the requirements of this Article. Expansions to structures classified as existing development must meet the requirements of this Article, however, 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 restrictions of this Article that has been damaged or removed may be repaired and/or reconstructed in accordance with Section 125, provided that 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.

(d) An existing lot owned by an individual prior to the effective date of this Article, regardless of whether or not a vested right has been established, may be developed for single family residential purposes without being subject to the restrictions of this Article. However, this exemption is not applicable to multiple contiguous lots under single ownership. Whenever two or more contiguous residential vacant lots of record are in single ownership at any time after the adoption of this Article 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 shall be combined to create one or more lots that meet the standards of this Article, or if this is impossible, reduce to the extent possible the nonconformity of the lots.

Section 332 Establishment of Watershed Overlay Districts.

The purpose of this Section is to list and describe the various public water supply watershed overlay districts herein created.

For purposes of this Article, Union County is hereby divided into the following water supply watershed districts:

T-CA (Lake Twitty Critical Area)
T-BW (Lake Twitty Balance of Watershed)
L-CA (Lake Lee Critical Area)
L-PA (Lake Lee Protected Area)

Section 333 Watershed Overlay Districts Described.

(a) **Lake Twitty Watershed Areas - Critical Area** (State watershed III classification). In order to maintain a low to moderate land use intensity pattern, single family residential uses may be allowed at a maximum of one (1) dwelling unit per 40,000 sq. ft. All other residential and non-residential development shall be allowed to a maximum of twelve percent (12%) built-upon area. New sludge application sites and landfills are specifically prohibited.

(1) Allowed uses:

(a) Bona Fide Farms, as defined in Sec. 4, except as otherwise limited by applicable State or Federal Agencies. Agricultural activities conducted after January 1, 1993 shall maintain a minimum ten (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 1I.6101-.0209) as regulated by State and Federal Agencies.

(c) Residential development.

(d) Non-residential development, 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 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:

(a) Single Family Residential--development shall not exceed one (1) dwelling unit per 40,000-sq. ft. on a project by project basis. No residential lot shall be less than 40,000-sq. ft., except within an approved cluster development.

(b) All Other Residential and Non-Residential-- development shall not exceed twelve percent (12%) built-upon area on a project by project basis. For the purpose of calculating built-upon area, total project area shall include total acreage in the tract on which the project is to be developed. [Note: Single Family Residential development may satisfy either (a) or (b).]

(b) **Lake Twitty Watershed Areas - Balance of Watershed** (State watershed III classification). In order to maintain a low to moderate land use intensity pattern, single family residential uses may develop at a maximum of two (2) dwelling units per 40,000 sq. ft. All other residential and non-residential development shall be allowed a maximum of twenty-four percent (24%) built-upon area. In addition, up to ten percent (10%) of the balance of the watershed which is located within Union County's planning jurisdiction may be developed for non-residential uses up to a maximum built-upon area of seventy percent (70%) on a project by project basis which will be allocated on a first-come-first-serve basis. The Land Use Administrator is authorized to approve projects consistent with the provisions of this Article. Projects must minimize built-upon surface area, direct stormwater away from surface waters and incorporate Best Management Practices to

minimize water quality impacts. Non-discharging landfills and sludge application sites are allowed.

(1) Allowed Uses:

(a) Bona Fide Farms, as defined in Sec. 4, except as otherwise limited by applicable State and Federal Agencies.

(b) Silviculture, subject to the provisions of the Forest Practices Guidelines Related to Water Quality (15 NCAC 1I.6101-.0209) as regulated by State and Federal Agencies.

(c) Residential development.

(d) Non-residential development excluding discharging landfills and the storage of toxic and hazardous substances unless a spill containment plan is implemented.

(2) Density and Built-upon Limits:

(a) Single Family Residential--development shall not exceed two (2) dwelling units per 40,000-sq. ft., as defined on a project by project basis. No residential lot shall be less than 20,000-sq. ft., except within an approved cluster development.

(b) All Other Residential and Non-Residential-- development shall not exceed twenty-four percent (24%) built-upon area on a project by project basis except that up to ten percent (10%) of the balance of the watershed may be developed for non-residential uses to seventy percent (70%) built-upon area on a project by project basis. For the purpose of calculating built-upon area, total project area shall include total acreage in the tract on which the project is to be developed. [Note: Single Family Residential development may satisfy either (a) or (b).]

(c) **Lake Lee Watershed Areas - Critical Area** (State watershed IV classification). Only new development activities that require an erosion/sedimentation control plan under State law or approved local program are required to meet the provisions of this Article when located in a State watershed IV classification. In order to address a moderate to high land use intensity pattern, single family residential uses are allowed at a maximum of two (2) dwelling units per 40,000 sq. ft. All other residential and non-residential development shall be allowed twenty-four percent (24%) built-upon area. New sludge application sites and landfills are specifically prohibited.

(1) Allowed uses:

(a) Bona Fide Farms, as defined in Sec. 4, except as otherwise limited by applicable State and Federal Agencies.

(b) Silviculture, subject to the provisions of the Forest Practices Guidelines Related to Water Quality (15 NCAC 1I.6101-.0209) as regulated by State and Federal Agencies.

(c) Residential development.

(d) Non-residential development, 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 Union County's Land Forming Ordinance.)

(2) Density and Built-upon Limits:

(a) Single Family Residential--development shall not exceed two (2) dwelling units per 40,000 sq. ft. on a project by project basis. No residential lot shall be less than 20,000 sq. ft., except within an approved cluster development.

(b) All Other Residential and Non-Residential development shall not exceed twenty-four percent (24%) built-upon area on a project by project basis. For the purpose of calculating the built-upon area, total project area shall include total the tract on which the project is to be developed. [Note: Single Family Residential development may satisfy either (a) or (b).]

(d) **Lake Lee Watershed Areas - Protected Area** (State watershed IV classification). Only new development activities that require an erosion/sedimentation control plan under State law or approved local government program are required to meet the provisions of this Article when located in a State watershed IV classification. In order to address a moderate to high land use intensity pattern, single family residential uses may develop at a maximum of two (2) dwelling units per 40,000 sq. ft. All other residential and non-residential development shall be allowed at a maximum of twenty-four percent (24%) built-upon area. A maximum of three (3) dwelling units per acre or thirty-six percent (36%) built-upon area may be allowed for projects without a curb and gutter street system.

(1) Uses Allowed:

(a) Bona Fide Farms, as defined in Sec. 4, except as otherwise limited by applicable State and Federal Agencies.

(b) Silviculture, subject to the provisions of the Forest Practices Guidelines Related to Water Quality (15 NCAC 1I.6101-.0209) as regulated by State and Federal Agencies.

(c) Residential development.

(d) Non-Residential development, excluding the storage of toxic and hazardous substances unless a spill containment plan is implemented.

(2) Density and Built-upon Limits:

(a) Single Family Residential--development shall not exceed two (2) dwelling units per 40,000 sq. ft., as defined on a project by project basis. No residential lot shall be less than 20,000 sq. ft., or one-third (1/3) acre for projects without curb and gutter system, except within an approved cluster development.

(b) All Other Residential and Non-Residential-development shall not exceed twenty-four percent (24%) built-upon area on a project by project basis. For projects without a curb and gutter street system, development shall not exceed thirty-six percent (36%) built-upon area on a project by project basis. For the purpose of calculating built-upon area, total project area shall include total acreage in the tract on which the project is to be developed. [Note: Single Family Residential development may satisfy either (a) or (b).]

Section 334 Cluster Development.

Clustering of development is allowed in all of Union County's Watershed Overlay Districts subject to Sec. 187 and under the following conditions:

(a) Built-upon area or stormwater control requirements of the project shall not exceed that allowed for the critical area, balance of watershed, or protected area, whichever applies.

(b) All built-upon areas shall be designed and located to minimize stormwater runoff impact to the receiving waters and minimize concentrated stormwater flow.

(c) The remainder of the tract shall remain in a vegetated or natural state. Where the development has an incorporated property owners' association, the title of the open space area shall be conveyed to the association for management. Where a property owners' association is not incorporated, a maintenance agreement shall be filed with the property deeds.

Section 335 Buffer Areas Required.

(a) A minimum thirty (30) foot vegetative buffer for development activities is required 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. Desirable artificial stream bank or shoreline stabilization is permitted.

(b) No new development is allowed in the buffer except for water dependent structures and public projects such as road crossings and green ways where no practical alternative exists. These activities should minimize built-upon surface area, direct runoff away from the surface waters and maximize the utilization of stormwater Best Management Practices.

Section 336 Public Health Regulations.

No activity, situation, structure or land use shall be allowed within a watershed overlay district which poses a threat to water quality and the public health, safety and welfare. Such conditions may arise from inadequate on-site sewage systems which 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.

Section 337 Abatement.

(See Sections 113 and 114.)

Section 338 Variances.

In addition to the requirements of Sec. 92, the following provisions shall be required in order to secure a variance from the provisions of this Article. All applications for variances shall be submitted to the Board of Adjustment.

(a) A variance may be granted by the Board of Adjustment if it concludes as follows: (1) the application for a variance requests the relaxation, by a factor of less than ten percent (10%), of any management requirement that takes the form of a numerical standard; and (2) the variance, if granted, will not result in a serious threat to the water supply.

(b) In the event the application for variance requests either: (1) the relaxation, by a factor of more than ten percent (10%), of any management requirement which takes the form of a numerical standard; or (2) the complete waiver of a management requirement; the Board of Adjustment shall take the following action:

(1) Deny the request for the variance; or

(2) Refer the application for a variance to the Environmental Management Commission with a request that the Commission approves the variance. Upon referral to the Environmental Management Commission, the Board of Adjustment shall forward a preliminary record of the public hearing compiled by the Land Use Administrator. This preliminary record shall include the following:

(a) The variance application;

(b) Evidence that proper notification of the Board of Adjustment public hearing has been made;

(c) A summary of evidence presented, including comments submitted from other local governments or major water consumers within the same watershed jurisdiction.

(d) Proposed findings and conclusions; and

(e) The Board of Adjustment's recommendation, including all conditions proposed to be added to the variance, if any.

If the Environmental Management Commission approves the variance, the Land Use Administrator shall send the decision to the applicant upon receipt of the decision from the Environmental Management Commission, stating that the variance was approved. The approval, with any additional conditions or safeguards, shall become part of any zoning permit issued by the Land Use Administrator.

(c) If the Board of Adjustment denies a variance involving property within a Water Supply Watershed Overlay District, then the application shall not be forwarded to the Environmental Management Commission. The Land Use Administrator shall send written notice of the denial to the applicant in accordance with Article VI, Section 106.

(d) Application for a zoning permit shall be made within one (1) year of receiving a variance approval.

(e) Prior to consideration of any application for a variance, the Board of Adjustment shall notify and allow a reasonable comment period for all other local governments having jurisdiction within the watershed area and the entity using the water supply for consumption.

Section 339 General Provisions.

No subdivision of land which is located within a Water Supply Watershed overlay district shall be filed or recorded by the Register of Deeds until it has been approved in accordance with the provisions of this Article. Likewise, the clerk of Superior Court shall not

order or direct the recording of a plat if the recording of such plat would be in conflict with this Article.

All subdivisions of land shall have a statement signed by the Planning division director indicating whether or not subdivision lies within a designated Water Supply Watershed. Said statement shall take one of the following forms, as appropriate:

(a) The (name of subdivision) Subdivision, to the best of my knowledge, does not lie within a Water Supply Watershed designated by the North Carolina Division of Environmental Management.

_____ _____

Date Planning Division Director

(b) Lots (fill in appropriate lot numbers) of the (name of subdivision) Subdivision, to the best of my knowledge, lie within the (classification of watershed) of (name of body of water), as designated by the North Carolina Division of Environmental Management. Lots (fill in appropriate lot numbers) of the (name of subdivision) do not lie within a water supply watershed.

_____ _____

Date Planning Division Director

(c) All lots within the (name of subdivision), to the best of my knowledge, lie within the (classification of watershed) of (name of body of water), as designated by the North Carolina Division of Environmental Management.

_____ _____

Date Planning Division Director

Section 340 Administrative Duties.

(a) In addition to the duties of the Land Use Administrator in Sec. 37, the following shall apply:

(1) The Land Use Administrator shall keep records of the jurisdiction's utilization of the provision that a maximum of ten percent (10%) of T-BW may be developed with non-residential development to a maximum of seventy percent (70%) built-upon surface areas. Records for these watersheds include the total acres of non-critical watershed area, total acres eligible to be developed under this option, total acres approved for this development option, and individual records for each project with the following information: location, acres, site plan, use, stormwater management plan as applicable and inventory of hazardous substances as applicable.

(2) The Land Use Administrator shall keep a record of variances to the local Water Supply Watershed Protection Article. This record shall be

submitted to the Supervisor of the Classification and Standards Group, Water Quality Section, Division of Environmental Management on an annual basis on or before January 1st of the following year and shall provide a description of each project receiving a variance and the reasons for granting the variance.

(b) In addition to the duties of planning division director in Sec. 38, the following shall apply:

The Planning Department shall keep records of all amendments to the local Water Supply Watershed Protection Article and shall provide copies of all amendments upon adoption to the Supervisor of the Classification and Standards Group, Water Quality Section, Division of Environmental Management.

Section 341 Interpretation of Watershed Area Boundaries.

Where uncertainty exists as to the boundaries of the watershed areas, as shown on the Official Zoning Map, the following rules shall apply:

(a) Where area boundaries are indicated as approximately following either street, alley, railroad or highway lines or centerlines thereof, such lines shall be construed to be said boundaries.

(b) Where area boundaries are indicated as approximately following lot lines, such lot lines shall be construed to be said boundaries. However, a surveyed plat prepared by a registered land surveyor may be submitted as evidence that one or more properties along these boundaries do not lie within the watershed area.

(c) Where the watershed area boundaries lie at a scaled distance more than twenty five (25) feet from any parallel lot line, the location of watershed area boundaries shall be determined by use of the scale on the Official Zoning Map.

(d) Where the watershed area boundaries lie at a scaled distance of twenty-five (25) feet or less from any parallel lot line, the location of watershed area boundaries shall be construed to be the lot line.

(e) Where other uncertainty exists, the Land Use Administrator shall interpret the Official Zoning Map as to the location of such watershed boundaries. This decision may be appealed in accordance with Article V.

Sections 342 through 349 Reserved.

ARTICLE XXII. AIRPORT OVERLAY (AO)

Airport Overlay (AO) District

Section 350 Purpose

The Airport Overlay (AO) District is intended to protect the airport environ from the encroachment of incompatible land uses which present hazards to users of the airport as well as persons residing or working in the airport vicinity. It is the intent of this Ordinance to restrain influences which are adverse to the airport property and safe conduct of aircraft in the vicinity of the Monroe Regional Airport, to prevent creation of conditions hazardous to aircraft operation, to prevent conflict with land development which may result in loss of life and property, and to encourage development which is compatible with airport use characteristics within the intent and purpose of zoning. To this end, AO designation, when overlaid to a basic district classification, is intended to coordinate the purpose and intent of the Ordinance with other regulations duly established by the City of Monroe, whose primary intent is to further the purposes set out above.

Section 351 Applicability

The Airport Overlay District is not intended to be utilized as a district classification, but as a designation which identifies areas subject to regulations which are supplementary to the regulations of the district to which such designation is attached, appended, or overlaid. Regulations which apply to areas designated on the zoning map as being within such appended or overlaid designation must be determined by joint reference to the regulations of both the basic district classification and the overlay classification.

Section 352 Definitions

The following definitions shall apply to this Section:

Airport: Monroe Regional Airport

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

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 Section 5 of this Ordinance.

Approach, Transitional, Horizontial, and Conical Zones: These zones are set forth in Section 4 of this Ordinance.

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 four thousand (4,000) feet.

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

Height: For the purpose of determining the height limits in all zones set forth in this Ordinance and shown on the zoning map, the datum shall be a mean sea level elevation unless otherwise specified.

Horizontal Surface: A horizontal plane one hundred fifty (150) feet above the established airport elevation, the perimeter of which in plan coincides with the perimeter of the horizontal zone.

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

Nonconforming Use: Any pre-existing structure, object of natural growth, or use of land, which is inconsistent with the provisions of the Ordinance or an amendment thereto.

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.

Obstruction: Any structure, growth, or other object, including a mobile object, which exceeds a limiting height set forth in Section 5 of this Ordinance.

Person: An individual, firm, partnership, corporation, company, association, joint stock association or government entity; includes a trustee, a receiver, an assignee, or a similar representative of any of them.

Precision Instrument Runway: A runway having an existing instrument approach procedure utilizing an Instrument Landing System (ILS) or a Precision Approach Radar (PAR). 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.

Primary Surface: A surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends two-hundred (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 in Section 4 of this Ordinance. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.

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

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.

Transitional Surfaces: These surfaces extend outward at 90 degree angles to the runway centerline and the runway centerline extended at a slope of seven (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, which 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.

Tree: Any object of natural growth.

Utility Runway: A runway that is constructed for and intended to be used by propeller driven aircraft of 12,500 pounds maximum gross weight and less.

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

Section 353 Airport Zones Established

In order to carry out the provisions of this Ordinance, there are hereby created and established certain zones which include all of the land lying beneath the approach surfaces, transitional surfaces, horizontal surfaces, and conical surfaces as they apply to the Monroe Regional Airport. Such zones are shown on the Official Zoning Map of the City of Monroe. An area located in more than one of the following zones is considered to be only in the zone with the more restrictive height limitation. The various zones are hereby established and are defined as follows:

Precision Instrument Runway Approach Zone (AO-A): The inner edge of this approach zone coincides with the width of the primary surface and is 1,000 feet wide. The 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.

Nonprecision Instrument Runway Approach Zone (AO-AN): The inner edge of this approach zone coincides with the width of the primary surface and is 500 feet wide. The 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.

Transitional Zones (AO-T): The transitional zones are the areas beneath the transitional surfaces.

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.

Conical Zone (AO-C): The conical zone is established as the area that commences at the periphery of the horizontal zone and extends outward there, from a horizontal distance of 4,000 feet.

Section 354 Airport Zone Height Limitations

Except as otherwise provided in this Ordinance, no structure shall be erected, altered or maintained, and no trees shall be allowed to grow in any zone created by this Ordinance to a height in excess of the applicable height limitations herein established for each zone in questions as follows:

Precision Instrument Runway Approach Zone (AO-AP): Slopes fifty (50) feet outward for each foot upward 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; thence, slopes upward forty (40) feet horizontally for each foot vertically to an additional horizontal distance of 40,000 feet along the extended runway centerline.

Nonprecision Instrument Runway Approach Zone (AO-AN): Slopes thirty-four (34) feet outward for each foot upward beginning at the end of the horizontal distance of ten thousand (10,000) feet along the extended runway centerline.

Transitional Zones (AO-T): Slopes seven (7) feet outward for each foot upward 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 to the foregoing, there are established height limits sloping seven feet outward for each foot upward beginning at the sides of and the same elevation as the approach surface, and extending 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 seven (7) feet outward for each foot upward 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.

Horizontal Zone (AO-H): Established at 150 feet above the airport elevation or at a height of 829 feet above mean sea level.

Conical Zone (AO-C): Slopes twenty (20) feet outward for each foot upward 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.

Excepted Height Limitations: Nothing in this Ordinance shall be construed as prohibiting the construction or maintenance of any structure, or growth of any tree to a height up to 100 feet above the surface of the land.

Section 355 Use Restrictions

Notwithstanding any other provisions of this Ordinance, no use may be made of land or water within any zone established by this Ordinance 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.

Section 356 Nonconforming Uses

Regulations Not Retroactive: The regulations prescribed by this Ordinance shall not be construed to require the removal, lowering, or other change or alteration of any structure or tree not conforming to the regulations as of the effective date of this Ordinance, or otherwise interfere with the continuance of a nonconforming use. Nothing contained herein shall require any change in the construction, alteration or intended use of any structure, the construction or alteration of which was begun prior to the effective date of this Ordinance and is diligently prosecuted.

Marking and Lighting: Notwithstanding the preceding provision of this Ordinance, the owner of any existing nonconforming structure or tree is hereby required to permit the installation, operation and maintenance thereon of such markers and lights as shall be 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 shall be installed, operated and maintained at the expense of the Monroe Regional Airport Authority.

Section 357 Permits

Future Uses: Except as specifically provided in a, b and c hereunder, no material change shall be made in the use of land, no structure shall be erected or otherwise established, and no tree shall be planted in any zone hereby created unless a permit therefore shall have been applied for and granted. Each application for a permit shall indicate the purpose for which the permit is desired, with sufficient particularity to permit it, to be determined whether the resulting use, structure or tree would conform to the regulations herein prescribed. If such determination is in the affirmative, the permit shall be granted. No permit for a use inconsistent with the provisions of this Ordinance shall be granted unless a variance has been approved in accordance with Section 8, 4.

(a) In the area lying within the limits of the horizontal zone and conical zone, no permit shall be required for any tree or structure less than one-hundred (100) feet of vertical 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 shall be required for any tree or structure less than one-hundred (100) feet of vertical 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 shall be required for any tree or structure less than one-hundred (100) feet 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.

Nothing contained in any of the foregoing exceptions shall be construed as permitting or intending to permit any construction, alteration of any structure, or growth of any tree in excess of any of the height limits established by this Ordinance except as set forth in Section 5, 6.

Existing Uses: No permit shall 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 the effective date of this Ordinance, or any amendments thereto, or than it is when the application for a permit is made. Except as indicated, all applications for such permit shall be granted.

Nonconforming Uses Abandoned or Destroyed: 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 shall be granted that would allow such structure or tree to exceed the applicable height limit or otherwise deviate from the regulations of this Ordinance.

Variances: Any person desiring to erect or increase the height of any structure, or permit the growth of any tree, or use property, not in compliance with the regulations prescribed in this Ordinance may apply to the Board of Adjustment for a variance from such regulations. The application for a variance shall 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. Such variances shall be allowed where it is duly found 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. Additionally, no application for a variance to the requirements of this Ordinance may be considered by the Board of Adjustment unless a copy of this application has been furnished to the Director of the Monroe Regional Airport for advice as to the aeronautical effects of the variance. If the Airport Director does not respond within thirty days after receipt, the Board of Adjustment may act on its own to grant or deny said application.

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. If deemed proper by the Board of Adjustment, this condition may be modified to require the owner to permit the Monroe Regional Airport Authority at its own expense, to install,

Section 358 Enforcement

It shall be the duty of the Zoning Administrator to administer and enforce the regulations prescribed herein. Applications for permits and variances shall be made to the Zoning Administrator upon a form published for that purpose. Applications required by the Ordinance to be submitted to the Zoning Administrator shall be promptly considered and granted or denied. Applications for action by the Board of Adjustment shall be forthwith transmitted by the Zoning Administrator.

Section 359 Reserved.

ARTICLE XXIII. ADEQUATE PUBLIC FACILITIES STANDARDS

Section 360 Introduction.

This Article:

- Establishes standards for the timing and Phasing of new development based on the carrying Capacity of Public Facilities; and
- Ensures that Public Facilities needed to support new development meet or exceed the Level of Service standards established in this section; and
- Ensures that no Applications for development approval are approved that would cause a reduction in the levels of service for any Public Facilities below the Adopted Level of Service established in this Section; and
- Ensures that Adequate Public Facilities needed to support new development are available concurrent with the impacts of such development, or within a reasonable period of time;
- Encourages development in areas where public services are available and underutilized; and
- Establishes uniform procedures for the review of development Applications subject to the standards and requirements of this Section; and
- Establishes standards for the timing and phasing of development, changes in site and development design, or proffering of public facilities in order to establish flexibility, avoid the unreasonable delay of development approval, and to promote the County's planning policies.

Section 361 How to Use this Article.

Information in this Article is organized as follows:

What do the words and phrases used in this Article mean?	Section 362
What types of uses and Permits does this Article apply to?	Section 363
What do I submit with my Application?	Section 364
How is my Application processed? Who determines whether facilities are Adequate?	Section 365
What happens if facilities are adequate? What if facilities are presently inadequate? What conditions will apply to my Application if facilities are inadequate?	Section 366

If facilities are not Adequate, do I always have to phase my development or wait until they are Adequate? Or, do I have the option to provide the facilities so that I can move my plans forward?	Section 367
Where (over what area) are facilities required to be Adequate? What if my project is located in a municipality in the County?	Section 368
If facilities are determined to be Adequate or conditions are imposed, how long does this determination last? What effect does it have on other Permits that I need? If my project does not build out for awhile, will I have to go through the determination again?	Section 369
How are the impacts of a development measured?	Section 370
What are the standards for assessing whether or not facilities are "Adequate"?	Section 371
What if I am willing to delay my construction in lieu of trying to meet the adequacy standards?	Section 372
What if I disagree with the determination about whether I comply with this Article?	Section 373

Section 362 Definitions.

For purposes of this Article certain terms and words are defined as follows:

Adequate or Adequacy: A determination that facilities that are considered Available comply with the Adopted Level of Service standard.

Adjoining Property: see Article II, Section 15 of the Union County Land Use Ordinance.

Adjoining School Clusters: School clusters that share a common geographic boundary. The geographic boundaries are designated on the "attendance district maps" that are published by the Union County Public Schools, which maps are hereby incorporated by this reference. The Planning Director or his designee shall maintain the most recent version of the attendance district maps for purposes of administering this Article.

Adopted Level of Service: A measurement that quantifies a specific amount, frequency, Capacity, or response time of a Public Facility. The Adopted Level of Service is established in Section 371(b).

Anticipated Demand: The Anticipated Demand created by permitted, but unbuilt development in the Applicable Attendance Areas.

Applicable Attendance Areas: The Attendance Area that includes the Proposed Development.

Applicant: Any person, corporation, or entity who submits an Application that is subject to this Article (refer to Section 363).

Application: see Application for Development Approval.

Application for Development Approval: Any Application that would allow the development or establishment of a use that is subject to this Article (refer to Section 363).

Attendance Area: The geographic attendance area that is designated by the Union County Public Schools board of education. This is the area where the student population is served by a specific high school, middle schools and elementary schools (refer to G.S. Section 115C-47). An Attendance Area typically includes at least one (1) high school, at least one middle school, and a group of elementary schools.

Available: "Available" means that a Public Facility either: (1) exists and is operational, or (2) the Public Facility is Planned Capacity that is included in the methodology for determining compliance with this Article for a specific facility (refer to Section 371).

Available Capacity: Existing Capacity or Planned Capacity of Public Facilities that is not already committed to existing or planned development, as provided in Section 371.

Capacity: The maximum demand that can be accommodated by a Public Facility without exceeding the Adopted Level of Service.

Capacity, Core: The capacity of a school facility, as determined by the Union County Public Schools, that is determined by:

(1) dividing the net square footage of the dining area by four, and

(2) dividing the net square footage of the media center and main reading room by four.

The smaller of those two capacities is the "core capacity."

Capacity, Existing: Refer to the definition in the formula for determining available capacity (Section 371(c)).

Capacity, Planned: Refer to the definition in the formula for determining available capacity (Section 371(c)).

Capacity, Rated: Capacity that is determined by multiplying the number of permanent classrooms by the Class size LEA Average Ratio per classroom or space, with adjustments based upon the programmed used of the space. If the programmed use has not been determined for a Planned Capital Improvement, then Core Capacity is the Rated Capacity. The Rated Capacity is determined by the Union County Public Schools.

Capital Improvement: A Public Facility with a life expectancy of three or more years, to be owned and operated by or on behalf of the County, or the Union County Public Schools.

Capital Improvement, Planned: See "Planned Capital Improvement."

Capital Improvements Program: A plan that describes the Capital Improvements that will be provided over a given time period. A "Capital Improvements Program" may refer either to the plan for a particular service area or to the aggregation of Capital Improvements and the associated costs programmed for all service areas for a particular category of public facilities. The Capital Improvements Program includes the most recent long-range plan submitted by the Union County Public Schools to Union County pursuant to G.S. Section 115C-521.

Class size LEA Average Ratio: The maximum legal class size described as the "Class size LEA Average Ratio" in the School Facilities Guidelines, "Teacher Allotment Ratios."

Committed Development: Approved but unbuilt development. The amount of Committed Development is determined in accordance with Section 371(c) of this Article, factor "CD" in the equation.

Common Ownership: ownership by the same person, corporation, firm, entity, partnership, or unincorporated association; or ownership by different corporations, firms, partnerships, entities, or unincorporated associations, in which a stockbroker, partner, or associate, or a member of his family owns an interest in each corporation, firm, partnership, entity, or unincorporated association.

Consent Agreement: An executed contract between the County and an Applicant that formally sets forth development approval and requirements to achieve Adequacy. A Consent Agreement is a regulatory document containing specific conditions of development approval designed to implement the policies and criteria contained in this Article and, where the denial or deferral of development approval is disputed by the Applicant, to effectuate the public policy favoring the settlement of disputes. A Consent Agreement includes any Reimbursement Agreement (G.S. Section 153A-451, 160A-499), Public Enterprise Improvement Agreements (G.S. Section 153A-280 or 160A-320), Development Agreement (G.S. Sections 153A-379.1 et. seq. or 160A-400.20 et seq), or Site Specific Development Plan or Phased Development Plan (G.S. Section 153A-344.1, 160A 385.1), in which the Applicant lawfully agrees to provide improvements that mitigate the impacts of the Proposed Development.

Development Order: An official decision to approve any Application that is subject to this Article. This includes any decision to approve a rezoning, Subdivision plat, site plan, or development plan.

Dwelling Unit: Any "Dwelling Unit" as defined in Article II, Section 15 of the Union County Land Use Ordinance. A "Dwelling Unit" includes any Residential Development, or any development that would result in the construction of any of the following:

Dwelling, Attached
Dwelling, Detached
Dwelling, Duplex

Dwelling, Multi-Family
Dwelling, Multi-Family Apartments
Dwelling, Multi-Family Conversion
Dwelling, Multi-Family Townhomes
Dwelling, Patio Home
Dwelling, Primary with Accessory Apartment
Dwelling, Single-Family Detached, More Than One Dwelling Per Lot
Dwelling, Single-Family Detached, One Dwelling Unit Per Lot
Dwelling, Two Family
Dwelling, Two-Family Apartment
Dwelling, Two-Family Conversion
Family Care Home/Handicapped, Aged, Infirm Home
Group Development that involves the construction of a Dwelling Unit as defined above
Halfway House
Handicapped, Aged or Infirm Institution/Independent Living Center/Group Care Facility/Group Home
Manufactured Home (including any Manufactured Home, Class A; Manufactured Home, Class B; Manufactured Home, Class C; Manufactured Home, Class D; Manufactured Home Park; Manufactured Home Park or Subdivision, Existing; Manufactured Home Park or Subdivision, Expansion To; Manufactured Home Park or Subdivision, New; Manufactured Home Space; or Manufactured Home Subdivision)
Multi-Family Dwelling
Planned Residential Development or Planned Unit Development that involves the construction of a Dwelling Unit as defined above
Residency Hotel/Motel
Zero Lot Line

Elementary School Cluster: The geographic area that is designated by the Union County Public Schools where the student population is served by a group of elementary schools. Elementary schools are roughly grouped into clusters that feed into secondary schools. Some elementary schools are assigned to more than one cluster or to a secondary school Attendance Area, but the geographic area of the cluster is established by the Union County Public Schools.

Existing Demand: The present, actual utilization of Public Facilities Capacity from existing (built) development. Examples include existing school enrollment, trip counts, or calls for service.

Impact Area: The area in which a proposed residential development is presumed to create a demand for Public Facilities. This area is evaluated to determine Adequacy. (Refer to Section 369 of this Section.)

Level of Service: Level of Service indicates the Capacity per unit of demand for each Public Facility. It is an indicator of the extent or degree of service provided by a facility. This indicator is based upon and related to the operational characteristics of the facility.

Manufactured Home: A "Manufactured Home" as defined in Article II, Section 15 of the Union County Land Use Ordinance.

Manufactured Home Park: A "Manufactured Home Park" as defined in Article II, Section 15 of the Union County Land Use Ordinance.

Mitigation: An agreement by the Applicant, either as a condition of approval or as part of a Consent Agreement, to advance Public Facilities by mitigating its impacts. (Refer to Section 367 for Mitigation conditions). Mitigation may involve a monetary payment to the County, the actual construction or provision of needed facilities for the Union County Public Schools, or any other mechanism that adds student Capacity to the Union County Public Schools.

Permit: For purposes of this Article, a "Permit" means any:

Subdivision plat
Conditional use permit
Special use permit
Major development permit
Rezoning
Parallel Conditional Use Zoning District

Phasing: A condition of approval that imposes a buildout schedule that is tied to future increments of Planned Capacity.

Planned Capacity: Unbuilt Capacity that is included in the Capital Improvements Program, consistent with the standards provided in Section 371(c).

Planned Capital Improvement: A Capital Improvement that is scheduled for completion of construction within a period not to exceed six (6) years in a Capital Improvements Program.

Proposed Development: The development that is proposed in an Application for Development Approval, including all Dwelling Units, non-residential floor area, or other increments of demand on Public Facilities that would be created if the Application were approved.

Public Facility: A Capital Improvement for a public school that enables the school to serve additional students.

Rated Capacity: see Capacity, Rated.

Reviewing Agency: The agency that reviews and that has jurisdiction to approve, approve with conditions, or deny an Application for a Permit. (Refer to Section 365 for a summary of the Reviewing Agencies).

School Facilities Guidelines: the document published by the North Carolina Public Schools and entitled "Facilities Guidelines," and dated September 2003 or the most current version, which document is hereby incorporated by this reference.

School Facility: see "Public Facility."

Student Generation Rate: The figure (stated as the number of students per Dwelling Unit) to be multiplied by a given number of Dwelling Units, by type, in order to determine the projected

enrollment that results from those Dwelling Units. This may be computed using the Union County Public Schools or North Carolina Student Information Management System data, Census data, or similar data, and actual numbers of dwellings to determine expected students/dwelling. For purposes of this Article, the Student Generation Rate is established in Section 370.

Subdivision: A "subdivision," as defined in Article II, Section 15 of the Union County Land Use Ordinance. Subdivision includes any Proposed Development that would result in the creation of more than five residential lots or more than five Dwelling Units if the Proposed Development project were combined with any adjacent property and sharing a common owner or developer.

Voluntary Mitigation Payment: A Mitigation measure in which the Applicant agrees to contribute money to the County to defray the per-unit impacts of school facilities.

Section 363 Applicability.

(a) This Article applies to any Application for a Permit that would authorize the construction of a Dwelling Unit, unless otherwise provided below.

(b) This Article does not apply to any use, development, project, structure, fence, sign or activity that does not create an impact on public schools. In order to demonstrate that there is no impact on public schools, the Applicant must include a legally binding restriction on occupancy by school-age children as part of the Application.

Commentary:

This Article applies to every form of residential development, unless otherwise exempted. Residential development that is exempt will be tracked for its impact on public schools.

This Article applies to any type of Permit that authorizes residential development. Most residential development requires Subdivision plat approval. For multi-family buildings or Manufactured Home Parks that do not require Subdivision plat approval, this Article applies to any "CUD" district rezoning, site plan or site development plan that is required for approval of the Proposed Development.

(c) This Article does not apply to any Application for a Subdivision that involves five (5) or fewer lots for any parcels or tracts that are not under Common Ownership with Adjoining Property

Section 364 Submittal Requirements.

(a) An Application for Development Approval must include all information required by this Article and all required processing fees. No Application for Development Approval subject to this Article will be accepted, approved, granted or issued unless it provides sufficient information to determine whether the Capacity of Public Facilities is Adequate to support the Proposed Development.

(b) For purposes of this Article, the following information must be submitted with the Application for Development Approval:

(1) the number of proposed Dwelling Units; and

(2) the Applicable Attendance Area and Adjoining School Clusters; and

(3) a Phasing schedule for the Proposed Development; and

(4) if the Applicant has determined that public facilities are not presently Available after initial consultation with the Planning Director or his designee, any proposed Mitigation requirements such as advancement of Capacity.

(c) The Planning Director or his designee will determine whether the Application is complete and whether it complies with the applicable submission requirements. If the Application is incomplete or the submission requirements have not been complied with, the Planning Director or his designee will notify the Applicant and specify the deficiencies.

(d) If the Application is complete and the submission requirements have been complied with, the Planning Director or his designee will evaluate the Application for compliance with the Adopted Level of Service and submit a recommendation in the staff report. If the Application is incomplete, the Planning Director or his designee will return it to the Applicant with an explanation of the deficiencies, and no further processing will occur until the deficiencies are corrected.

Section 365 Processing.

(a) Staff Review

If the Application is complete and the submission requirements have been complied with, the Planning Director or his designee will evaluate the Application for compliance with the Adopted Level of Service and submit a recommendation in the staff report.

(b) Determination

The determination of whether facilities are Adequate must be made at the time of major development permit or, if no subdivision review is required, at the time of site plan review. The determination of whether public facilities are Adequate is made as part of the procedure for approving the Application. No separate procedure is required, except for Consent Agreements.

Note: the Reviewing Agencies are as follows:

Major development permit *- Planning staff, and Planning Director review the plat and refer any recommendations to the Planning Board. The Planning Board is the Reviewing Agency.*

Site Plan *- The Reviewing Agency is the Planning Director or his designee. The site plan must be approved prior to the issuance of a Zoning Compliance Permit.*

"CUD" District rezoning *–The Board of Commissioners must approve rezoning required for CUD districts and the issuance of required conditional use permits in CUD districts. (see Article IV of the Land Use Ordinance).*

(c) Decision

Consent Agreement *- the Reviewing Agency is the Union County Board of Commissioners.*

The Reviewing Agency's decision must include the following, based upon the evidence in the record:

- the number of Dwelling Units proposed by the Applicant, by type, for each Public Facility;
- the Phasing of the Proposed Development, if applicable;
- the specific Public Facilities impacted by the Proposed Development;
- the extent of the impact of the Proposed Development in the applicable Impact Areas;
- the Capacity of existing Public Facilities in the Impact Areas that will be impacted by the Proposed Development;
- the demand on existing Public Facilities in the Impact Areas from existing and approved development;
- the availability of Existing Capacity to accommodate the Proposed Development; and
- if Existing Capacity is not Available, Planned Capacity and the year in which such Planned Capacity is projected to be Available.

(d) Consent Agreements.

(1) A Consent Agreement must contain an integrated development scheme for a particular phase or phases of development approval, along with maps, diagrams and other appropriate materials showing future conditions consistent with the provisions of this Article.

(2) A Consent Agreement may be submitted along with the Application, or provided at a later stage in the approval process if the staff recommends, or the Reviewing Agency determines, that Public Facilities are not Adequate.

(3) If the Applicant requests a Consent Agreement, it must be approved by the Union County Board of Commissioners. The Consent Agreement will be reviewed at a normal meeting of the Board of Commissioners, unless a special meeting is convened for this purpose. The meeting may be continued from time to time as needed to resolve issues raised by the Applicant or Commissioners.

(e) Development Orders in Incorporated Areas

For any Development Order that is filed in an incorporated area of Union County and that is submitted to the County for a determination of compliance with this Article:

(1) the Applicant must file an Application that includes the information required by Section 364 for the applicable Public Facilities; and

(2) the Applicant must obtain approval of a Consent Agreement pursuant to subsection (d), above.

Section 366 Procedures for Determining Compliance with this Article.

When the Application is reviewed, the Reviewing Agency will take one of the following actions:

(a) Approval

If the Reviewing Agency concludes that public facilities are presently Available at the Adopted Level of Service, it must approve the Application without any conditions required by this Article.

(b) Denial

If the Reviewing Agency determines that any Public Facility will not be Available at the Adopted Level of Service based upon Available Capacity, the Reviewing Agency must deny the Application, or as an alternative, the Reviewing Agency may approve the Application with conditions as provided in subsection (c), below.

(c) Conditions

The Reviewing Agency may require, or the Applicant may consent to, conditions that reduce or mitigate the impacts of the Proposed Development. Conditions may include any or a combination of the following:

(1) deferral of final plats, building permits or certificates of occupancy until all Public Facilities are Available and Adequate if Public Facilities in the Impact Area are not Adequate to meet the Adopted Level of Service for the entire development proposal, consistent with the requirements of this Article;

(2) phasing of final plats, building Permits, or certificates of occupancy so that future increments of development are not constructed until future Capacity becomes Available;

(3) reduction of the density or intensity of the Proposed Development to a level consistent with the Available Capacity of Public Facilities;

(4) provision by the Applicant of the Public Facilities necessary to provide Capacity to accommodate the Proposed Development at the Adopted Level of Service and at the time that the impact of the development will occur;

(5) conditions agreed upon by the Applicant to advance, or partially advance the Public Facilities necessary to provide Capacity to accommodate the Proposed Development at the Adopted Level of Service and at the time that the impact of the development will occur. Provisions for advancement of Capacity are included in Section 367; or

(6) any other reasonable conditions to ensure that all Public Facilities will be Adequate and Available concurrent with the impacts of the Proposed Development.

Section 367 Mitigation.

(a) Applicants may propose Mitigation measures to overcome a failure to meet one or more Level of Service standards including, but not limited to, payment of a pro rata share of facility Capacity costs necessary to accommodate the demand generated by the Proposed Development. Mitigation shall include only Capital Improvements that are used in computing Rated Capacity, or Voluntary Mitigation Payments. Mitigation may not include relocatable or mobile classroom units, split sessions, multi-tracking, or year-round education.

(b) Any Mitigation, including any monetary contribution, land donation or construction of Public Facilities, shall be paid or completed prior to the issuance of any affected final plat or major site plan approval within the subject development.

(c) The Applicant must provide the Mitigation:

(1) at the time that the Permit is found to comply with this Article, or

(2) subject to security as provided in subsection (d). The Planning Director may accept installments of at least fifty percent (50%) of the security established for Mitigation that relates to a phased major development permit or zoning action. For purposes of this subsection, a "phased major development permit or zoning action" means:

(a) A major development permit in which a final plat for a portion of the residential lots will not be submitted during the two (2) fiscal years after approval of the major development permit; and

(b) A site plan, conditional use permit, special use permit, major development permit, rezoning, or Parallel Conditional Use Zoning District in which building permits for a portion of the dwelling

units will not be submitted during the two (2) fiscal years after approval of the site plan.

Commentary: this section gives the applicant the flexibility to move the permitting process forward if facilities are not presently adequate, while ensuring that the facilities that are needed to accommodate project demands are programmed or will otherwise become available. The two-year period is used because the first 2 years of Planned Capacity is already considered in the impact analysis (see Section 371(c)).

(d) If Mitigation involves the construction of Public Facilities and the Applicant does not construct the facilities before the Permit is issued, the Applicant shall commit to construct the Public Facilities prior to the issuance of a building Permit as a condition of the Permit. The determination must include the following, at a minimum:

(1) a binding Consent Agreement; and

(2) an escrow or other security established by the Planning Director or his designee. The amount of such security shall be equal to 1.25 times the cost of constructing all required improvements, including all land acquisition, construction and improvement costs; and

(3) a method to address Adequacy and a requirement that it shall be completed prior to building Permits being issued; and

(4) for Planned Capital Improvements, a finding that the Planned Capital Improvement is included within the Capital Improvements Program of the school district or applicable service provider; and

(5) an estimate of the total financial resources needed to construct the Planned Capital Improvement and a description of the cost participation associated with the improvement; and

(6) a schedule for commencement and completion of construction of the Planned Capital Improvement with specific target dates for multi-phase or large-scale Capital Improvement projects; and

(7) at the option of the County Board of Commissioners and only if the Planned Capital Improvement will provide Capacity exceeding the demand generated by the Proposed Development, reimbursement, or a method to affect reimbursement, to the Applicant for the pro rata cost of the excess Capacity.

(e) Voluntary Mitigation Payments shall be determined as follows:

(1) The payment shall be based on the following formula:

VMP = S - C, where

S means	The capital costs per dwelling unit, based upon the Student Generation Rate for each category of school. These costs are based upon the costs identified in the Union County Public Schools Capital Improvement Plan (CIP), divided by the Rated Capacity of the school improvements, and then multiplied by the Student Generation Rate for each category of school. If the Rated Capacity has not been determined, the capacity shall be based on the Core Capacity.
C means	Any adjustment to the Voluntary Mitigation Payment pursuant to subsection (2), below.

(2) The Board of Commissioners may reduce the Voluntary Mitigation Payment if the Applicant demonstrates that actual per-unit costs are less than the amount shown. This demonstration may take into consideration a reduction in the payments ("Reductions") due to other contributions of taxes, fees, or similar payments from the Proposed Development that are reserved for Capital Improvements. Reductions may include the following that are applied to School Facilities that add student capacity:

(a) that portion of ad valorem taxes authorized by Chapter 105 of the North Carolina General Statutes that are levied and collected by the County through the Union County Tax Administrator's Office, Collection Division, and earmarked for the Capital Outlay Fund as defined set forth in the Uniform Chart of Accounts, North Carolina Department of Instruction, Financial and Business Services section, or for outstanding bond issues for school capital improvements; and

(b) Federal and State revenues that are applied to school capital costs including grants, bond revenue, and monetary contributions toward capital costs received pursuant to the School Facilities Finance Act of 1987 (Public School Building Capital Fund or Critical School Facilities Needs Fund); North Carolina School Budget and Fiscal Control Act; or the Public School Building Bond Act of 1996, or other contributions for capital improvements provided by the State of North Carolina or the federal government; and

(c) Credit shall be given for land donation or construction of public facilities that are limited to eligible facility improvements

necessitated by the new development and to like-kind facilities as authorized by the County's Land Use Ordinance and Land Development Plan.

(3) Voluntary Mitigation Payments shall be earmarked for school facilities within the same Attendance Area as the proposed development. The Attendance Areas are those in existence at the time that the Application is approved. Voluntary Mitigation Payments shall not be applied to school facilities outside of this area, unless:

(a) The County finds that the school facilities to which payments are applied will reasonably benefit the residents of the Proposed Development; or

(b) The applicant consents in writing or in a Consent Agreement to a different application of the funds or a waiver of the earmarking requirement.

(4) The Board of County Commissioners may publish a schedule of Voluntary Mitigation Payments, consistent with this subsection, by resolution.

Section 368 Impact Areas.

(a) Generally.

Availability and Adequacy of Public Facilities are determined with respect to school facilities within the geographic area served by the Union County Public Schools, including municipalities located within Union County. For purposes of measuring Capacity (see Section 371, below), the "Impact Area" includes all school facilities within the Applicable Attendance Area for middle schools and high schools and, for elementary schools, elementary school clusters.

(b) Incorporated Areas.

The Planning Director or his designee may determine whether school facilities are Adequate for Proposed Development within any incorporated area of the County pursuant to an intergovernmental agreement or memorandum of understanding with the municipality that has zoning or Subdivision jurisdiction over that territory.

Section 369 Scope of Determination; Reservation of Capacity.

(a) A determination of Adequacy of public facilities for a Development Order indicates that:

(1) Public Facilities are Available at the time of issuance of the determination; and

(2) Public Facilities are considered Available and Adequate at all subsequent stages of the development approval process.

(b) The determination of Adequacy expires when:

(1) the Development Order to which it is attached expires, lapses or is waived or revoked, or if the Applicant has not complied with conditions attached to its issuance, or

(2) the time frame for submitting a subsequent Application for approval, recordation of a Subdivision plat, or issuance of a certificate of occupancy expires, unless an Application for a subsequent Development Order is submitted within the time frames set forth in this ordinance.

(c) If no expiration date is provided in the Land Use Ordinance, the conditions attached to the determination of Adequacy of public facilities, or in the conditions of Permit approval, the determination expires within one (1) year after approval of the Development Order.

(d) A determination of Adequacy of public facilities does not affect the need for the Applicant to meet all other requirements as set forth in this Ordinance.

(e) If a determination of Adequacy of public facilities attached to a rezoning expires, the Planning Board or Board of Commissioners may initiate proceedings to rezone the property to its original zoning classification.

(f) If a determination of Adequacy of public facilities attached to a zoning, special use or conditional use Permit expires, the zoning, special use or conditional use Permit shall expire and the use shall be discontinued unless and until a new determination of Adequacy is obtained. A determination of adequacy may be extended if the attached Permit has been extended pursuant to Section 62 of the Land Use Ordinance and the extension complies with the requirements of this Article.

(g) If an Applicant requests an extension of the effective period of a Development Order that is subject to this Article, the extension must comply with the requirements of this Article that are in effect at the time the request for extension is filed and approved.

(h) If Planned Capacity is added to the Capital Improvements Program after a major development permit is approved, the applicant may request a new determination of Available Capacity under Section 371 as an amendment to the final plat. The determination shall be made by the Planning Department. If the new determination concludes that capacity is available, the conditions of the major development permit may be revised in accordance with Section 371 and shall become binding on the application. If the new conditions are applied, no resubmittal or reapproval of a major development permit or a final plat is required.

Section 370 How to Determine the Impacts of Development.

(a) For purposes of this Article, the impacts of development are based upon the additional student enrollment that results from the Proposed Development. This is measured by the ***Student Generation Rate***.

(b) For purposes of this Ordinance, the Student Generation Rate for each category of schools is:

Type of Dwelling Unit	**Elementary**	**Middle**	**High**
Residence, single-family detached	0.527	0.196	0.227
Apartment	0.296	0.081	0.071
Townhouse	0.419	0.135	0.119
Manufactured Home	0.630	0.174	0.125
Multi-Family Dwelling	0.482	0.126	0.099

This subsection is included only to provide standards for calculating the impact of a proposed development. It does not permit any type of Dwelling Unit in a zoning district where it is not permitted.

The terms used above have the following meanings (see definition of "Dwelling Unit" in Section 362, above):

"Residence, single-family detached" means any Single-Family Detached Dwelling (More Than One Dwelling Per Lot or One Dwelling Unit Per Lot); Detached Dwelling; Patio Home Dwelling; or Zero Lot Line.

"Apartment" means any Multi-Family Apartments; Multi-Family Development/Multi-Family Dwellings; Multi-Family Conversion Dwelling; Family Care Home/Handicapped, Aged, Infirm Home; Group Development that involves the construction of a Dwelling Unit; Handicapped, Aged or Infirm Institution/Independent Living Center/Group Care; Facility/Group Home; or Residency Hotel/Motel.

"Townhouse" means any Dwelling, Multi-Family Townhomes.

"Manufactured Home" means any including any Manufactured Home, Class A; Manufactured Home, Class B; Manufactured Home, Class C; Manufactured Home, Class D; Manufactured Home Park; Manufactured Home Park or Subdivision, Existing; Manufactured Home Park or Subdivision, Expansion To; Manufactured Home Park or Subdivision, New; Manufactured Home Space; or Manufactured Home Subdivision.

"Multi-Family Dwelling" means any Attached Dwelling; Duplex Dwelling; Two-Family Apartment Dwelling; Two-Family Conversion Dwelling; Accessory Apartment; Two Family Dwelling; or any Multi-Family Dwelling not separately defined under "Apartment" or "Townhouse," above.

(c) The above-referenced figures may be adjusted from time to time by the County Commission by amending this Ordinance to reflect updates to the Student Generation Rate calculated and provided by the Union County Public Schools.

Section 371 How to Measure Available Capacity.

(a) Generally.

The Application for Development Approval complies with this Article only if Public Facilities are:

(1) Adequate, as measured by the Adopted Level of Service ("LOS"), as set forth in this Article; and

(2) Available, as set forth in the subsections that relate to the individual Public Facilities, below.

(b) Capacity.

The Capacity of Public Facilities is determined by the Adopted Level of Service. The Adopted Level of Service is the Capacity of school facilities that is computed in accordance with the School Facilities Guidelines compared to existing and projected enrollment as determined in accordance with subsection (c), below. This document is hereby incorporated by this reference and made a part of this Ordinance.

(c) Available Capacity.

Available Capacity is Existing Capacity and Planned Capacity less Existing Demand and demand that will be generated by Committed Development. The Reviewing Agency will determine whether public schools within the County have sufficient Available Capacity to accommodate the demand generated by the proposed residential development at the Adopted Level of Service. Capacity is expressed in terms of student enrollment. Available Capacity shall be calculated separately for each category of school (Elementary, Middle and High) with the Applicable Attendance Areas.

Available Capacity is determined in accordance with the following formula:

$$AC_R = (EC_R + PC_R) - (ED + CD)$$

where:

AC means:	Available Capacity, or Existing plus Planned Capacity of Public Facilities that is not already committed to existing or Committed Development.

AC_R means:	Available Capacity based upon Rated Capacity.
EC (existing capacity) means:	100% of Existing Rated Capacity, in enrollment, for all school facilities within the Applicable Attendance Area, measured by the Adopted Level of Service (see subsection (b), above). This includes facilities that have been constructed and are fully functional.
EC_R means:	The Rated Capacity of Existing Capacity.
PC (planned capacity) means:	Planned Capacity, in enrollment, for funded but unbuilt elementary, middle and high schools within the Attendance Area based upon the first two (2) years of the Capital Improvements Program.
PC_R means:	The Rated Capacity of Planned Capacity.
ED means:	The present, actual utilization of public schools, based on existing school enrollment. School enrollment is determined by the 20 day enrollment data.
CD means:	The *anticipated* demand created by Committed Development and the proposed development. The enrollment generated by Committed Development is based upon a 3-year inventory of building permits based on a weighted average. *"Anticipated"* means the permitted development that is expected to proceed to construction and occupancy over a given time period. For any year in which an Adequacy review occurs, "anticipated" development is derived as follows: (1) Take the immediately preceding 3-year weighted average of dwelling units approved by building permits (hereinafter "building permits") issued for each category of development (e.g., residential single-family detached Dwelling Units). The County finds and determines that most recent building permit data reflects current conditions to a greater extent than more remote data, and provides a more realistic portrayal of expected demands from Committed Development. The weighted average therefore assigns greater weight to the more recent building permit data. A weight of "3" is assigned to the immediately preceding year, "2" to the second preceding year, and "1" to the third preceding year. To calculate the weighted average of building permits, multiply the number of permits issued in each year by the weight associated with that year, then add the total, and then divide this total by the sum of the weights. If building permit data within an Attendance Area or School Cluster is not available for a particular 12-month period, the Planning Director may determine the total number of building permits issued within that area in order to compute the 3-year weighted average. In order to determine the number of permits for that year, the Planning Director may:

A annualize the data based on available monthly building permit data; or

B distribute countywide building permit data for that year to the area based on historic growth trends; or

C determine the number of permits based on any other generally accepted planning principle.

(2) If total permitted development (in subdivision plats or zoning approvals) is less than the 3-year average (1), then total permitted development equals Committed Development.

(3) If total permitted development is greater than the 3-year average (1), then the 3-year average equals Committed Development for the current year.

(4) If (3) applies, the 3-year average is applied to the remaining permitted development for each ensuing year, until the supply of permitted development is exhausted.

(5) The impacts of the proposed development and the building permit average are computed in accordance with Section 370.

(d) If Available Capacity under Formula 1 in subsection (c) for all school categories is ***equal to or greater than zero (0)***, the Application complies with this section.

(e) If Available Capacity under Formula 1 in subsection (c) for any school category is a ***negative number***, Adequate Capacity does not currently exist to accommodate the enrollment projected to be generated by the Proposed Development, and the criteria in subsections (f) through (i) apply.

(f) If subsection (e) applies for elementary schools, Available Capacity in the Adjoining School Clusters is added to Available Capacity of elementary schools in the subject Elementary School Cluster for purposes of the formula in subsection (c). If Available Capacity is equal to or greater than zero for all school types, the Application complies with this section. If the capacity of an Adjoining School Cluster is less than zero (0), the negative numbers shall be added to the positive numbers in order to determine Available Capacity under this approach.

(g) If Available Capacity pursuant to subsection (f) (for elementary schools) or (e) (for middle or high schools) is less than zero, Planned Capacity in the remaining years (after two years) of the Capital Improvements Program for the subject and Adjoining School Clusters is added to existing Capacity (PC in the Formula 1 in subsection (c)). If Available Capacity under this formula is then greater than or equal to zero (0), the Application will only be approved with the following conditions:

(1) the application includes phasing conditions that link the timing of new development to Planned Capacity that will be Available, as shown in the Capital Improvements Program; or

(2) the Applicant has agreed to Mitigation for its pro-rata share of Planned Capacity for any category of schools that are presently under capacity; or

(3) the Applicant has agreed to a combination of phasing conditions and mitigation, including any installments toward future phasing (see Section 367(c)(2)), as described in subsections (2) and (3) above.

(h) If Public Facilities are not Adequate under subsection (g), above, Applicants shall provide a Consent Agreement that includes the provisions of subsections (1) and (2), below.

(1) The Consent Agreement shall include a Phasing schedule that includes an annual rate of buildout that does not exceed ***ten (10) Dwelling Units per year***, or an alternative rate of buildout if the Board of Commissioners finds that the alternative rate is needed to preserve a reasonable economic use of the property. In order to avoid evasion of this Article through the parcelization of land, the Consent Agreement must apply to all Adjoining Property that is under Common Ownership.

(2) The Consent Agreement shall include Mitigation measures to overcome the failure to meet the Level of Service standards including, but not limited to, payment of a pro rata share of facility Capacity costs necessary to accommodate the demand generated by the Proposed Development.

Section 372 Vested Waiting Period Alternative

(a) Purpose and Findings.

The County hereby finds and determines that:

(1) The purpose of this Article is to time and sequence development to coincide with the availability of school capacity; and

(2) It is advantageous to offer applicants an opportunity to defer development in lieu of seeking a determination of compliance with the adequacy standards established in this Article and/or mitigation; and

(3) The County Commission has determined that a growth rate of 4% per year, computed over a five-year period, is a reasonable rate of growth that balances the County's fiscal capacity with the provision of infrastructure needed to meet the demands of new growth; and

(4) This rate of growth exceeds the 1.5% annual rate of growth experienced by the State of North Carolina from 2000-2005, as reported by the State Data Center at http://demog.state.nc.us; and

(5) This rate of growth is less than the 6% annual rate of growth experienced by Union County over the same time period, as reported by the State Data Center, which rate of growth is not sustainable; and

(6) This section offers applicants and property owners a reasonable incentive to delay development for a 5-year period, thereby minimizing additional impacts to the Union County Public Schools from new growth; and

(7) The County undertakes to approve new applications for subdivision plat approval after this time period up to the rate of growth that it can accommodate, thereby balancing property rights with the need to avoid unreasonable levels of school congestion.

(b) In lieu of compliance with the standards established in Section 371, above, an applicant for development approval may elect to defer the filing of an Application for Development Approval for a period of at least five (5) years, subject to this section. After the waiting period established in this subsection, or a longer period agreed to by the applicant and the County, the standards of this Article will not apply to the application, subject to subsection (d), below. The permitted buildout of an Application for Development Approval after the waiting period expires shall not exceed 25% of the total number of dwelling units subject to the Application or 25 dwelling units per year, whichever is less.

(c) The Established Growth Target shall determine the number of dwelling units that may be authorized for an Application subject to subsection (b). The Established Growth Target is determined as follows:

[redacted]

$$G = (P \times 0.04)/H$$

WHERE:

G MEANS:	ESTABLISHED GROWTH TARGET, IN DWELLING UNITS.
P MEANS:	THE MOST RECENT POPULATION ESTIMATE FOR UNION COUNTY, AS DETERMINED BY THE NORTH CAROLINA STATE DATA CENTER OR SUCCESSOR AGENCY.
H MEANS:	AVERAGE HOUSEHOLD SIZE FOR UNION COUNTY, AS DETERMINED BY THE MOST RECENT DECENNIAL CENSUS.

(d) After the waiting period established in subsection (b) of this Section expires, the County will approve new dwelling units authorized by Applications for

Development Approval up to the point at which the anticipated population created by the new dwelling units is no more than the Established Growth Target established in subsection (c), above.

(e) If the number of approved dwelling units does not cause the Established Growth Target to be exceeded, the County shall approve the dwelling units that are subject to the waiting period without regard to the restrictions established in this Article.

(f) If the number of approved dwelling units will cause the Established Growth Target to be exceeded, the County shall approve the additional dwelling units that are subject to the waiting period only if they conform to the standards established in Section 371, above.

Section 373 Appeals.

(a) If the Reviewing Agency is the Planning Board, any person that is aggrieved by the decision of the Planning Board as it relates to this ordinance, may within thirty (30) days of the Planning Board's decision, petition the Board of Commissioners for review of the Planning Board decision. The Board of Commissioners may affirm, reverse, remand the decision of the Planning Board for further proceedings, or enter into Consent Agreements as provided for by this ordinance. The Board of Commissioners may reverse or remand the decision of the Planning Board if it finds that the decision was based on an error of law, an incorrect interpretation of this Article, or if the Application of this Article would resolve in a deprivation of the reasonable use of the Applicant's property.

(b) If the Reviewing Agency is the Board of Commissioners or the Board of Adjustment, their decision may be appealed by any aggrieved person to the Superior Court of Union County.

(c) If the reviewing agency is the Planning Department, the appeal shall be taken to the Union County Board of Adjustments.

* * * *

(a) If any portion, clause or sentence of this ordinance shall be determined to be invalid or unconstitutional, such declaration of invalidity shall not affect the remaining portions of this ordinance.

Sections 374 through 379 Reserved.

ARTICLE XXIV. FLOOD DAMAGE PREVENTION

Sec. 380 STATUTORY AUTHORIZATION.

The Legislature of the State of North Carolina has in Part 6, Article 21 of Chapter 143; Parts 3 and 4 of Article 18 of Chapter 153A; and Part 121, Article 6 of Chapter 153A of the North Carolina General Statutes, delegated to local governmental units the responsibility to adopt regulations designed to promote the public health, safety, and general welfare.

Therefore, the Board of County Commissioners of Union County, North Carolina, does ordain as follows:

Sec. 381 FINDINGS OF FACT.

(a) The flood prone areas within the jurisdiction of Union County are subject to periodic inundation which results in loss of life, property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures of flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.

(b) These flood losses are caused by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities and by the occupancy in flood prone areas of uses vulnerable to floods or other hazards.

Sec. 382 STATEMENT OF PURPOSE.

It is the purpose of this ordinance to promote public health, safety, and general welfare and to minimize public and private losses due to flood conditions within flood prone areas by provisions designed to:

(a) restrict or prohibit uses that are dangerous to health, safety, and property due to water or erosion hazards or that result in damaging increases in erosion, flood heights or velocities;

(b) require that uses vulnerable to floods, including facilities that serve such uses, be protected against flood damage at the time of initial construction;

(c) control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of floodwaters;

(d) control filling, grading, dredging, and all other development that may increase erosion or flood damage; and

(e) prevent or regulate the construction of flood barriers that will unnaturally divert flood waters or which may increase flood hazards to other lands.

Sec. 383 OBJECTIVES.

The objectives of this ordinance are to:

(a) protect human life, safety, and health;

(b) minimize expenditure of public money for costly flood control projects;

(c) minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

(d) minimize prolonged business losses and interruptions;

(e) minimize damage to public facilities and utilities (i.e. water and gas mains, electric, telephone, cable and sewer lines, streets, and bridges) that are located in flood prone areas;

(f) help maintain a stable tax base by providing for the sound use and development of flood prone areas; and

(g) ensure that potential buyers are aware that property is in a Special Flood Hazard Area.

Sec. 384 DEFINITIONS.

Unless specifically defined below, words or phrases used in this article shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance its most reasonable application.

"Accessory Structure (Appurtenant Structure)" means a structure located on the same parcel of property as the principal structure and the use of which is incidental to the use of the principal structure. Garages, carports and storage sheds are common urban accessory structures. Pole barns, hay sheds and the like qualify as accessory structures on farms, and may or may not be located on the same parcel as the farm dwelling or shop building.

"Addition (to an existing building)" means an extension or increase in the floor area or height of a building or structure.

"Appeal" means a request for a review of the Floodplain Administrator's interpretation of any provision of this article.

"Area of Special Flood Hazard" see "Special Flood Hazard Area (SFHA)".

"Base Flood" means the flood having a one (1) percent chance of being equaled or exceeded in any given year.

"Base Flood Elevation (BFE)" means a determination of the water surface elevations of the base flood as published in the Flood Insurance Study. When the BFE has not been provided in a "Special Flood Hazard Area", it may be obtained from engineering studies available from a

Federal, State, or other source using FEMA approved engineering methodologies. This elevation, when combined with the "Freeboard", establishes the "Regulatory Flood Protection Elevation".

"Basement" means any area of the building having its floor subgrade (below ground level) on all sides.

"Building" see "Structure".

"Chemical Storage Facility" means a building, portion of a building, or exterior area adjacent to a building used for the storage of any chemical or chemically reactive products.

"Development" means any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.

"Disposal" means, as defined in NCGS 130A-290(a)(6), the discharge, deposit, injection, dumping, spilling, leaking, or placing of any solid waste into or on any land or water so that the solid waste or any constituent part of the solid waste may enter the environment or be emitted into the air or discharged into any waters, including groundwaters.

"Elevated Building" means a non-basement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.

"Encroachment" means the advance or infringement of uses, fill, excavation, buildings, structures or development into a floodplain, which may impede or alter the flow capacity of a floodplain.

"Essential Services" means an activity or structure that is required to provide safe movement of traffic and the provision of utilities. Specifically, these services are: street, road, highway, and railroad crossings, overhead and underground utility crossings where crossings are made perpendicular to the stream, municipal and county owned sanitary sewers, and stream restoration activities.

"Existing Manufactured Home Park or Manufactured Home Subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) was completed before the initial effective date of the floodplain management regulations adopted by the community.

"Fill" means material from any source placed inside the SFHA causing a permanent increase in existing ground elevations.

"Flood" or "Flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from:

(1) the overflow of inland or tidal waters; and/or

(2) the unusual and rapid accumulation or runoff of surface waters from any source.

"Flood Boundary and Floodway Map (FBFM)" means an official map of a community, issued by the Federal Emergency Management Agency, on which the Special Flood Hazard Areas and the floodways are delineated. This official map is a supplement to and shall be used in conjunction with the Flood Insurance Rate Map (FIRM).

"Flood Hazard Boundary Map (FHBM)" means an official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of the Special Flood Hazard Areas have been defined as Zone A.

"Flood Insurance" means the insurance coverage provided under the National Flood Insurance Program.

"Flood Insurance Rate Map (FIRM)" means an official map of a community, issued by the Federal Emergency Management Agency, on which both the Special Flood Hazard Areas and the risk premium zones applicable to the community are delineated.

"Flood Insurance Study (FIS)" means an examination, evaluation, and determination of flood hazards, corresponding water surface elevations (if appropriate), flood hazard risk zones, and other flood data in a community issued by the Federal Emergency Management Agency. The Flood Insurance Study report includes Flood Insurance Rate Maps (FIRMs) and Flood Boundary and Floodway Maps (FBFMs), if published.

"Flood Prone Area" see "Floodplain"

"Flood Zone" means a geographical area shown on a Flood Hazard Boundary Map or Flood Insurance Rate Map that reflects the severity or type of flooding in the area.

"Floodplain" means any land area susceptible to being inundated by water from any source.

"Floodplain Administrator" is the individual appointed to administer and enforce the floodplain management regulations.

"Floodplain Development Permit" means any type of permit that is required in conformance with the provisions of this article, prior to the commencement of any development activity.

"Floodplain Management" means the operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing, where possible, natural resources in the floodplain, including, but not limited to, emergency preparedness plans, flood control works, floodplain management regulations, and open space plans.

"Floodplain Management Regulations" means this article and other zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances, and other applications of police power. This term describes Federal, State or local regulations, in any

combination thereof, which provide standards for preventing and reducing flood loss and damage.

“Floodproofing” means any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitation facilities, structures, and their contents.

“Floodway” means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot.

“Freeboard” means the height added to the Base Flood Elevation (BFE) to account for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, blockage of bridge openings, and the hydrological effect of urbanization of the watershed. The Base Flood Elevation (BFE) plus the freeboard establishes the “Regulatory Flood Protection Elevation”.

“Functionally Dependent Facility” means a facility which cannot be used for its intended purpose unless it is located in close proximity to water, limited to a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, or ship repair. The term does not include long-term storage, manufacture, sales, or service facilities.

“Hazardous Waste Management Facility” means, as defined in NCGS 130A, Article 9, a facility for the collection, storage, processing, treatment, recycling, recovery, or disposal of hazardous waste.

“Highest Adjacent Grade (HAG)” means the highest natural elevation of the ground surface, prior to construction, immediately next to the proposed walls of the structure.

“Historic Structure” means any structure that is:

(a) listed individually in the National Register of Historic Places (a listing maintained by the US Department of Interior) or preliminarily determined by the Secretary of Interior as meeting the requirements for individual listing on the National Register;

(b) certified or preliminarily determined by the Secretary of Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

(c) individually listed on a local inventory of historic landmarks in communities with a “Certified Local Government (CLG) Program”; or

(d) certified as contributing to the historical significance of a historic district designated by a community with a “Certified Local Government (CLG) Program”.

Certified Local Government (CLG) Programs are approved by the US Department of the Interior in cooperation with the North Carolina Department of Cultural Resources through the State Historic Preservation Officer as having met the requirements of the National Historic Preservation Act of 1966 as amended in 1980.

"Lowest Adjacent Grade (LAG)" means the elevation of the ground, sidewalk or patio slab immediately next to the building, or deck support, after completion of the building.

"Lowest Floor" means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access, or limited storage in an area other than a basement area is not considered a building's lowest floor, provided that such an enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this article.

"Manufactured Home" means a structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle".

"Manufactured Home Park or Subdivision" means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

"Market Value" means the building value, not including the land value and that of any accessory structures or other improvements on the lot. Market value may be established by independent certified appraisal; replacement cost depreciated for age of building and quality of construction (Actual Cash Value); or adjusted tax assessed values.

"Mean Sea Level" means, for purposes of this ordinance, the National Geodetic Vertical Datum (NGVD) as corrected in 1929, the North American Vertical Datum (NAVD) as corrected in 1988, or other vertical control datum used as a reference for establishing varying elevations within the floodplain, to which Base Flood Elevations (BFEs) shown on a FIRM are referenced. Refer to each FIRM panel to determine datum used.

"New Construction" means structures for which the "start of construction" commenced on or after the effective date of the initial floodplain management regulations and includes any subsequent improvements to such structures.

"Non-Encroachment Area" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot as designated in the Flood Insurance Study report.

"Post-FIRM" means construction or other development for which the "start of construction" occurred on or after the effective date of the initial Flood Insurance Rate Map.

"Pre-FIRM" means construction or other development for which the "start of construction" occurred before the effective date of the initial Flood Insurance Rate Map.

“Principally Above Ground” means that at least 51% of the actual cash value of the structure is above ground.

“Recreational Vehicle (RV)” means a vehicle, which is:

(a) built on a single chassis;

(b) 400 square feet or less when measured at the largest horizontal projection;

(c) designed to be self-propelled or permanently towable by a light duty truck; and

(d) designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel, or seasonal use.

“Reference Level” is the top of the lowest floor for structures within Special Flood Hazard Areas designated as Zone A1-A30, AE, A, or A99.

“Regulatory Flood Protection Elevation” means the “Base Flood Elevation” plus the “Freeboard”. In “Special Flood Hazard Areas” where Base Flood Elevations (BFEs) have been determined, this elevation shall be the BFE plus two (2) feet of freeboard. In “Special Flood Hazard Areas” where no BFE has been established, this elevation shall be at least two (2) feet above the highest adjacent grade.

“Remedy a Violation” means to bring the structure or other development into compliance with State and community floodplain management regulations, or, if this is not possible, to reduce the impacts of its noncompliance. Ways that impacts may be reduced include protecting the structure or other affected development from flood damages, implementing the enforcement provisions of the ordinance or otherwise deterring future similar violations, or reducing Federal financial exposure with regard to the structure or other development.

“Riverine” means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

“Salvage Yard” means any non-residential property used for the storage, collection, and/or recycling of any type of equipment, and including but not limited to vehicles, appliances and related machinery.

“Solid Waste Disposal Facility” means any facility involved in the disposal of solid waste, as defined in NCGS 130A-290(a)(35).

“Solid Waste Disposal Site” means, as defined in NCGS 130A-290(a)(36), any place at which solid wastes are disposed of by incineration, sanitary landfill, or any other method.

“Special Flood Hazard Area (SFHA)” means the land in the floodplain subject to a one percent (1%) or greater chance of being flooded in any given year, as determined in Section 356 of this ordinance.

“Start of Construction” includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of the building, whether or not that alteration affects the external dimensions of the building.

“Structure” means a walled and roofed building, a manufactured home, or a gas, liquid, or liquefied gas storage tank that is principally above ground.

“Substantial Damage” means damage of any origin sustained by a structure during any one-year period whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. See definition of “substantial improvement”.

“Substantial Improvement” means any combination of repairs, reconstruction, rehabilitation, addition, or other improvement of a structure, taking place during any one-year period for which the cost equals or exceeds 50 percent of the market value of the structure before the “start of construction” of the improvement. This term includes structures which have incurred “substantial damage”, regardless of the actual repair work performed. The term does not, however, include either:

(a) any correction of existing violations of State or community health, sanitary, or safety code specifications which have been identified by the community code enforcement official and which are the minimum necessary to assure safe living conditions; or

(b) any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure.

“Threat to Public Safety” and/or “Nuisance” means anything which is injurious to the safety or health of an entire community or neighborhood, or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin.

“Variance” is a grant of relief from the requirements of this article.

“Violation” means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in Section 394 and 398 is presumed to be in violation until such time as that documentation is provided.

"Water Surface Elevation (WSE)" means the height, in relation to mean sea level, of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

"Watercourse" means a lake, river, creek, stream, wash, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

Sec. 385 LANDS TO WHICH THIS ORDINANCE APPLIES.

This article shall apply to all Special Flood Hazard Areas within the jurisdiction of Union County and within the jurisdiction of any other community whose governing body agrees, by resolution, to such applicability.

Sec. 386 BASIS FOR ESTABLISHING THE SPECIAL FLOOD HAZARD AREAS.

The Special Flood Hazard Areas are those identified under the Cooperating Technical State (CTS) agreement between the State of North Carolina and FEMA in its Flood Insurance Study (FIS) and its accompanying Flood Insurance Rate Maps (FIRM), for Union County dated October 16, 2008 which are adopted by reference and declared to be a part of this ordinance.

The initial Flood Insurance Rate Maps are as follows for the jurisdictional areas at the initial date:

Union County Unincorporated Area, dated July 18 1983, Town of Fairview, dated October 16, 2008, Town of Hemby Bridge, dated October 16, 2008, Town of Indian Trail, dated March 21, 1980, Village of Lake Park, dated January 17, 1997, Town of Marshville, dated July 5, 1994, Village of Marvin, dated January 17, 1997, Town of Mineral Springs, dated July 18, 1983, City of Monroe, dated January 19, 1983, Town of Stallings, dated July 5, 1994, Town of Unionville, dated October 16, 2008, Town of Waxhaw, dated July 5, 1994, Town of Weddington, dated January 17, 1997, Village of Wesley Chapel, dated January 17, 1997, Town of Wingate, dated December 1, 1981.

Sec. 387 ESTABLISHMENT OF FLOODPLAIN DEVELOPMENT PERMIT.

A Floodplain Development Permit shall be required in conformance with the provisions of this article prior to the commencement of any development activities within Special Flood Hazard Areas determined in accordance with the provisions of Sec. 386 of this ordinance.

Sec. 388 COMPLIANCE.

No structure or land shall hereafter be located, extended, converted, altered, or developed in any way without full compliance with the terms of this article and other applicable regulations.

Sec. 389 ABROGATION AND GREATER RESTRICTIONS.

This article is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this article and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

Sec. 390 INTERPRETATION.

In the interpretation and application of this article, all provisions shall be:

(a) considered as minimum requirements;

(b) liberally construed in favor of the governing body; and

(c) deemed neither to limit nor repeal any other powers granted under State statutes.

Sec. 391 WARNING AND DISCLAIMER OF LIABILITY.

The degree of flood protection required by this article is considered reasonable for regulatory purposes and is based on scientific and engineering consideration. Larger floods can and will occur. Actual flood heights may be increased by man-made or natural causes. This article does not imply that land outside the Special Flood Hazard Areas or uses permitted within such areas will be free from flooding or flood damages. This article shall not create liability on the part of Union County or by any officer or employee thereof for any flood damages that result from reliance on this article or any administrative decision lawfully made hereunder.

Sec. 392 PENALTIES FOR VIOLATION.

Violation of the provisions of this article or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance or special exceptions, shall constitute a misdemeanor. Any person who violates this article or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than $50.00 or imprisoned for not more than thirty (30) days, or both. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent Union County from taking such other lawful action as is necessary to prevent or remedy any violation.

Sec. 393 DESIGNATION OF FLOODPLAIN ADMINISTRATOR.

The Land Use Administrator, hereinafter referred to as the "Floodplain Administrator", is hereby appointed to administer and implement the provisions of this article.

Sec. 394 FLOODPLAIN DEVELOPMENT APPLICATION, PERMIT AND CERTIFICATION REQUIREMENTS.

(a) **Application Requirements.** Application for a Floodplain Development Permit shall be made to the Floodplain Administrator prior to any development activities located within Special Flood Hazard Areas. The following items shall be presented to the Floodplain Administrator to apply for a floodplain development permit:

(1) A plot plan drawn to scale which shall include, but shall not be limited to, the following specific details of the proposed floodplain development:

(i) the nature, location, dimensions, and elevations of the area of development/disturbance; existing and proposed structures, utility systems, grading/pavement areas, fill materials, storage areas, drainage facilities, and other development;

(ii) the boundary of the Special Flood Hazard Area as delineated on the FIRM or other flood map as determined in Sec. 386, or a statement that the entire lot is within the Special Flood Hazard Area;

(iii) flood zone(s) designation of the proposed development area as determined on the FIRM or other flood map as determined in Sec. 386;

(iv) the boundary of the floodway(s) or non-encroachment area(s) as determined in Sec 386;

(v) the Base Flood Elevation (BFE) where provided as set forth in Sec. 386; Sec. 395; or Sec. 400;

(vi) the old and new location of any watercourse that will be altered or relocated as a result of proposed development; and

(vii) the certification of the plot plan by a NC registered land surveyor or professional engineer.

(2) Proposed elevation, and method thereof, of all development within a Special Flood Hazard Area including but not limited to:

(i) Elevation in relation to mean sea level of the proposed reference level (including basement) of all structures;

(ii) Elevation in relation to mean sea level to which any non-residential structure in Zone AE or A will be floodproofed; and

(iii) Elevation in relation to mean sea level to which any proposed utility systems will be elevated or floodproofed.

(3) If floodproofing, a Floodproofing Certificate (FEMA Form 81-65) with supporting data, an operational plan, and an inspection and maintenance plan that include, but are not limited to, installation, exercise, and maintenance of floodproofing measures.

(4) A Foundation Plan, drawn to scale, which shall include details of the proposed foundation system to ensure all provisions of this article are met. These details include but are not limited to:

(i) The proposed method of elevation, if applicable (i.e., fill, solid foundation perimeter wall, solid backfilled foundation, open foundation on columns/posts/piers/piles/shear walls); and

(ii) Openings to facilitate automatic equalization of hydrostatic flood forces on walls in accordance with Sec. 398(b)(4)(c) when solid foundation perimeter walls are used in Zones A, AE, and A1-30.

(5) Usage details of any enclosed areas below the lowest floor.

(6) Plans and/or details for the protection of public utilities and facilities such as sewer, gas, electrical, and water systems to be located and constructed to minimize flood damage.

(7) Certification that all other Local, State and Federal permits required prior to floodplain development permit issuance have been received.

(8) Documentation for placement of Recreational Vehicles and/or Temporary Structures, when applicable, to ensure that the provisions of Sec. 398(b), (6) and (7) of this ordinance are met.

(9) A description of proposed watercourse alteration or relocation, when applicable, including an engineering report on the effects of the proposed project on the flood-carrying capacity of the watercourse and the effects to properties located both upstream and downstream; and a map (if not shown on plot plan) showing the location of the proposed watercourse alteration or relocation.

(b) **Permit Requirements.** The Floodplain Development Permit shall include, but not be limited to:

(1) A description of the development to be permitted under the floodplain development permit.

(2) The Special Flood Hazard Area determination for the proposed development in accordance with available data specified in Sec. 386.

(3) The Regulatory Flood Protection Elevation required for the reference level and all attendant utilities.

(4) The Regulatory Flood Protection Elevation required for the protection of all public utilities.

(5) All certification submittal requirements with timelines.

(6) A statement that no fill material or other development shall encroach into the floodway or non-encroachment area of any watercourse, as applicable.

(7) The flood openings requirements, if in Zone A, AE or A1-30.

(c) **Certification Requirements.**

(1) Elevation Certificates

(i) An Elevation Certificate (FEMA Form 81-31) is required prior to the actual start of any new construction. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the elevation of the reference level, in relation to mean sea level. The Floodplain Administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder prior to the beginning of construction. Failure to submit the certification or failure to make required corrections shall be cause to deny a floodplain development permit.

(ii) An Elevation Certificate (FEMA Form 81-31) is required after the reference level is established. Within seven (7) calendar days of establishment of the reference level elevation, it shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the elevation of the reference level, in relation to mean sea level. Any work done within the seven (7) day calendar period and prior to submission of the certification shall be at the permit holder's risk. The Floodplain Administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further work being permitted to proceed. Failure to submit the certification or failure to make required corrections shall be cause to issue a stop-work order for the project.

(iii) A final as-built Elevation Certificate (FEMA Form 81-31) is required after construction is completed and prior to Certificate of Compliance/Occupancy issuance. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of final as-built construction of the elevation of the reference level and all attendant utilities. The Floodplain Administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to Certificate of Compliance/Occupancy issuance. In some instances, another certification may be required to certify corrected as-built construction. Failure to submit the certification or failure to make required corrections shall be cause to withhold the issuance of a Certificate of Compliance/Occupancy.

(2) Floodproofing Certificate

If non-residential floodproofing is used to meet the Regulatory Flood Protection Elevation requirements, a Floodproofing Certificate (FEMA Form 81-65), with supporting data, an operational plan, and an inspection and maintenance plan are required prior to the actual start of any new construction. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the floodproofed design elevation of the reference level and all attendant utilities, in relation to mean sea level. Floodproofing certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same. The Floodplain Administrator shall review the certificate data, the operational plan, and the inspection and maintenance plan. Deficiencies detected by such review shall be corrected by the applicant prior to permit approval. Failure to submit the certification or failure to make required corrections shall be cause to deny a floodplain development permit. Failure to construct in accordance with the certified design shall be cause to withhold the issuance of a Certificate of Compliance/Occupancy.

(3) If a manufactured home is placed within Zone A, AE, or A1-30 and the elevation of the chassis is more than 36 inches in height above grade, an engineered foundation certification is required in accordance with the provisions of Sec. 398(b)(3)(b).

(4) If a watercourse is to be altered or relocated, a description of the extent of watercourse alteration or relocation; a professional engineer's certified report on the effects of the proposed project on the flood-carrying capacity of the watercourse and the effects to properties located both upstream and downstream; and a map showing the location of the proposed watercourse alteration or relocation shall all be submitted by the permit applicant prior to issuance of a floodplain development permit.

(5) Certification Exemptions. The following structures, if located within Zone A, AE or A1-30, are exempt from the elevation/floodproofing certification requirements specified Sec. 394(c)(1) and Sec. 394(c)(2):

(i) Recreational Vehicles meeting requirements of Sec. 398(b)(6)(a);

(ii) Temporary Structures meeting requirements of Sec. 398(b)(7); and

(iii) Accessory Structures less than 150 square feet meeting requirements of Sec. 398(b)(8).

Sec. 395 DUTIES AND RESPONSIBILITIES OF THE FLOODPLAIN ADMINISTRATOR.

The Floodplain Administrator shall perform, but not be limited to, the following duties:

(a) Review all floodplain development applications and issue permits for all proposed development within Special Flood Hazard Areas to assure that the requirements of this ordinance have been satisfied.

(b) Review all proposed development within Special Flood Hazard Areas to assure that all necessary Local, State and Federal permits have been received.

(c) Notify adjacent communities and the North Carolina Department of Crime Control and Public Safety, Division of Emergency Management, State Coordinator for the National Flood Insurance Program prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency (FEMA).

(d) Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is maintained.

(e) Prevent encroachments into floodways and non-encroachment areas unless the certification and flood hazard reduction provisions of Sec. 402 are met.

(f) Obtain actual elevation (in relation to mean sea level) of the reference level (including basement) and all attendant utilities of all new and substantially improved structures, in accordance with the provisions of Sec. 394 (c).

(g) Obtain actual elevation (in relation to mean sea level) to which all new and substantially improved structures and utilities have been floodproofed, in accordance with the provisions of Sec. 394 (c).

(h) Obtain actual elevation (in relation to mean sea level) of all public utilities in accordance with the provisions of Sec. 394 (c).

(i) When floodproofing is utilized for a particular structure, obtain certifications from a registered professional engineer or architect in accordance with the provisions of Sec. 394 (c) and Sec. 398(b)(2).

(j) Where interpretation is needed as to the exact location of boundaries of the Special Flood Hazard Areas, floodways, or non-encroachment areas (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), make the necessary interpretation. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this article.

(k) When Base Flood Elevation (BFE) data have not been provided in accordance with the provisions of Sec. 386, obtain, review, and reasonably utilize any BFE data, along with floodway data or non-encroachment area data available from a Federal, State, or other source, including data developed pursuant to Sec. 400(b)(2), in order to administer the provisions of this ordinance.

(l) When Base Flood Elevation (BFE) data are provided but no floodway or non-encroachment area data have been provided in accordance with the provisions of Sec. 386, obtain, review, and reasonably utilize any floodway data or non-encroachment area data available from a Federal, State, or other source in order to administer the provisions of this ordinance.

(m) When the lowest floor and the lowest adjacent grade of a structure or the lowest ground elevation of a parcel in a Special Flood Hazard Area are above the Base Flood Elevation (BFE), advise the property owner of the option to apply for a Letter of Map Amendment (LOMA) from FEMA. Maintain a copy of the LOMA issued by FEMA in the floodplain development permit file.

(n) Permanently maintain all records that pertain to the administration of this ordinance and make these records available for public inspection, recognizing that such information may be subject to the Privacy Act of 1974, as amended.

(o) Make on-site inspections of work in progress. As the work pursuant to a floodplain development permit progresses, the Floodplain Administrator shall make as many inspections of the work as may be necessary to ensure that the work is being done according to the provisions of the local ordinance and the terms of the permit. In exercising this power, the Floodplain Administrator has a right, upon presentation of proper credentials, to enter on any premises within the jurisdiction of the community at any reasonable hour for the purposes of inspection or other enforcement action.

(p) Issue stop-work orders as required. Whenever a building or part thereof is being constructed, reconstructed, altered, or repaired in violation of this ordinance, the Floodplain Administrator may order the work to be immediately stopped. The stop-work order shall be in writing and directed to the person doing or in charge of the work. The stop-work order shall state the specific work to be stopped, the specific reason(s) for the stoppage, and the condition(s) under which the work may be resumed. Violation of a stop-work order constitutes a misdemeanor.

(q) Revoke floodplain development permits as required. The Floodplain Administrator may revoke and require the return of the floodplain development permit by notifying the permit holder in writing stating the reason(s) for the revocation. Permits shall be revoked for any substantial departure from the approved application, plans, and specifications; for refusal or failure to comply with the requirements of State or local laws; or for false statements or misrepresentations made in securing the permit. Any floodplain development permit mistakenly issued in violation of an applicable State or local law may also be revoked.

(r) Make periodic inspections throughout the Special Flood Hazard Areas within the jurisdiction of the community. The Floodplain Administrator and each member of his or her inspections department shall have a right, upon presentation of proper credentials, to enter on any premises within the territorial jurisdiction of

the department at any reasonable hour for the purposes of inspection or other enforcement action.

(s) Follow through with corrective procedures of Sec. 396.

(t) Review, provide input, and make recommendations for variance requests.

(u) Maintain a current map repository to include, but not limited to, the FIS Report, FIRM and other official flood maps and studies adopted in accordance with the provisions of Sec. 386 of this ordinance, including any revisions thereto including Letters of Map Change, issued by FEMA. Notify State and FEMA of mapping needs.

(v) Coordinate revisions to FIS reports and FIRMs, including Letters of Map Revision Based on Fill (LOMR-Fs) and Letters of Map Revision (LOMRs).

Sec. 396 CORRECTIVE PROCEDURES.

(a) Violations to be Corrected: When the Floodplain Administrator finds violations of applicable State and local laws, it shall be his or her duty to notify the owner or occupant of the building of the violation. The owner or occupant shall immediately remedy each of the violations of law cited in such notification.

(b) Actions in Event of Failure to Take Corrective Action: If the owner of a building or property shall fail to take prompt corrective action, the Floodplain Administrator shall give the owner written notice, by certified or registered mail to the owner's last known address or by personal service, stating:

(a) that the building or property is in violation of the floodplain management regulations;

(b) that a hearing will be held before the Floodplain Administrator at a designated place and time, not later than ten (10) days after the date of the notice, at which time the owner shall be entitled to be heard in person or by counsel and to present arguments and evidence pertaining to the matter; and

(c) that following the hearing, the Floodplain Administrator may issue an order to alter, vacate, or demolish the building; or to remove fill as applicable.

(c) Order to Take Corrective Action: If, upon a hearing held pursuant to the notice prescribed above, the Floodplain Administrator shall find that the building or development is in violation of the Flood Damage Prevention Ordinance, he or she shall issue an order in writing to the owner, requiring the owner to remedy the violation within a specified time period, not less than sixty (60) calendar days, nor more than (180) calendar days. Where the Floodplain Administrator finds that

there is imminent danger to life or other property, he or she may order that corrective action be taken in such lesser period as may be feasible.

(d) Appeal: Any owner who has received an order to take corrective action may appeal the order to the local elected governing body by giving notice of appeal in writing to the Floodplain Administrator and the clerk within ten (10) days following issuance of the final order. In the absence of an appeal, the order of the Floodplain Administrator shall be final. The local governing body shall hear an appeal within a reasonable time and may affirm, modify and affirm, or revoke the order.

(e) Failure to Comply with Order: If the owner of a building or property fails to comply with an order to take corrective action for which no appeal has been made or fails to comply with an order of the governing body following an appeal, the owner shall be guilty of a misdemeanor and shall be punished at the discretion of the court.

Sec. 397 VARIANCE PROCEDURES.

(a) The Board of Adjustment as established by Union County, hereinafter referred to as the "appeal board", shall hear and decide requests for variances from the requirements of this ordinance.

(b) Any person aggrieved by the decision of the appeal board may appeal such decision to the Court, as provided in Chapter 7A of the North Carolina General Statutes.

(c) Variances may be issued for:

(1) the repair or rehabilitation of historic structures upon the determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and that the variance is the minimum necessary to preserve the historic character and design of the structure;

(2) functionally dependent facilities if determined to meet the definition as stated in Sec. 384 of this ordinance, provided provisions of Sec. 397(i)(2), (3), and (5) have been satisfied, and such facilities are protected by methods that minimize flood damages during the base flood and create no additional threats to public safety; or

(3) any other type of development, provided it meets the requirements of this Section.

(d) In passing upon variances, the appeal board shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this ordinance, and:

(1) the danger that materials may be swept onto other lands to the injury of others;

(2) the danger to life and property due to flooding or erosion damage;

(3) the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

(4) the importance of the services provided by the proposed facility to the community;

(5) the necessity to the facility of a waterfront location as defined under Sec. 384 of this ordinance as a functionally dependent facility, where applicable;

(6) the availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;

(7) the compatibility of the proposed use with existing and anticipated development;

(8) the relationship of the proposed use to the comprehensive plan and floodplain management program for that area;

(9) the safety of access to the property in times of flood for ordinary and emergency vehicles;

(10) the expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and

(11) the costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges.

(e) A written report addressing each of the above factors shall be submitted with the application for a variance.

(f) Upon consideration of the factors listed above and the purposes of this ordinance, the appeal board may attach such conditions to the granting of variances as it deems necessary to further the purposes and objectives of this ordinance.

(g) Any applicant to whom a variance is granted shall be given written notice specifying the difference between the Base Flood Elevation (BFE) and the elevation to which the structure is to be built and that such construction below the BFE increases risks to life and property, and that the issuance of a variance to construct a structure below the BFE will result in increased premium rates for

flood insurance up to $25 per $100 of insurance coverage. Such notification shall be maintained with a record of all variance actions, including justification for their issuance.

(h) The Floodplain Administrator shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency and the State of North Carolina upon request.

(i) Conditions for Variances:

(1) Variances shall not be issued when the variance will make the structure in violation of other Federal, State, or local laws, regulations, or ordinances.

(2) Variances shall not be issued within any designated floodway or non-encroachment area if the variance would result in any increase in flood levels during the base flood discharge.

(3) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

(4) Variances shall only be issued prior to development permit approval.

(5) Variances shall only be issued upon:

(i) a showing of good and sufficient cause;

(ii) a determination that failure to grant the variance would result in exceptional hardship; and

(iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

(j) A variance may be issued for solid waste disposal facilities or sites, hazardous waste management facilities, salvage yards, and chemical storage facilities that are located in Special Flood Hazard Areas provided that all of the following conditions are met.

(1) The use serves a critical need in the community.

(2) No feasible location exists for the use outside the Special Flood Hazard Area.

(3) The reference level of any structure is elevated or floodproofed to at least the Regulatory Flood Protection Elevation.

(4) The use complies with all other applicable Federal, State and local laws.

(5) Union County has notified the Secretary of the North Carolina Department of Crime Control and Public Safety of its intention to grant a variance at least thirty (30) calendar days prior to granting the variance.

Sec. 398 PROVISIONS FOR FLOOD HAZARD REDUCTION.

(a) **GENERAL STANDARDS.**

In all Special Flood Hazard Areas the following provisions are required:

(1) All new construction and substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse, and lateral movement of the structure.

(2) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

(3) All new construction and substantial improvements shall be constructed by methods and practices that minimize flood damages.

(4) Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding to the Regulatory Flood Protection Elevation. These include, but are not limited to, HVAC equipment, water softener units, bath/kitchen fixtures, ductwork, electric/gas meter panels/boxes, utility/cable boxes, hot water heaters, and electric outlets/switches.

(5) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.

(6) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into floodwaters.

(7) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.

(8) Any alteration, repair, reconstruction, or improvements to a structure, which is in compliance with the provisions of this ordinance, shall meet the requirements of "new construction" as contained in this ordinance.

(9) Nothing in this ordinance shall prevent the repair, reconstruction, or replacement of a building or structure existing on the effective date of this ordinance and located totally or partially within the floodway, non-encroachment area, or stream setback, provided there is no additional

encroachment below the Regulatory Flood Protection Elevation in the floodway, non-encroachment area, or stream setback, and provided that such repair, reconstruction, or replacement meets all of the other requirements of this ordinance.

(10) New solid waste disposal facilities and sites, hazardous waste management facilities, salvage yards, and chemical storage facilities shall not be permitted, except by variance as specified in Sec. 397(j). A structure or tank for chemical or fuel storage incidental to an allowed use or to the operation of a water treatment plant or wastewater treatment facility may be located in a Special Flood Hazard Area only if the structure or tank is either elevated or floodproofed to at least the Regulatory Flood Protection Elevation and certified in accordance with the provisions of Sec. 394(c).

(11) All subdivision proposals and other development proposals shall be consistent with the need to minimize flood damage.

(12) All subdivision proposals and other development proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.

(13) All subdivision proposals and other development proposals shall have adequate drainage provided to reduce exposure to flood hazards.

(14) All subdivision proposals and other development proposals shall have received all necessary permits from those governmental agencies for which approval is required by Federal or State law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.

(15) When a structure is partially located in a Special Flood Hazard Area, the entire structure shall meet the requirements for new construction and substantial improvements.

(16) When a structure is located in multiple flood hazard zones or in a flood hazard risk zone with multiple Base Flood Elevations (BFEs), the provisions for the more restrictive flood hazard risk zone and the highest BFE shall apply.

(b) **SPECIFIC STANDARDS**.

In all Special Flood Hazard Areas where Base Flood Elevation (BFE) data have been provided, as set forth in Section 386, or Sec. 400, the following provisions, in addition to the provisions of Sec. 398(a), are required:

(1) Residential Construction. New construction and substantial improvement of any residential structure (including manufactured homes) shall have the

reference level, including basement, elevated no lower than the Regulatory Flood Protection Elevation, as defined in Sec. 384 of this ordinance.

(2) Non-Residential Construction. New construction and substantial improvement of any commercial, industrial, or other non-residential structure shall have the reference level, including basement, elevated no lower than the Regulatory Flood Protection Elevation, as defined in Sec. 384 of this ordinance. Structures located in A, AE, and A1-30 Zones may be floodproofed to the Regulatory Flood Protection Elevation in lieu of elevation provided that all areas of the structure, together with attendant utility and sanitary facilities, below the Regulatory Flood Protection Elevation are watertight with walls substantially impermeable to the passage of water, using structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that the floodproofing standards of this subsection are satisfied. Such certification shall be provided to the Floodplain Administrator as set forth in Sec. 394(c), along with the operational plan and the inspection and maintenance plan.

(3) Manufactured Homes.

(a) New and replacement manufactured homes shall be elevated so that the reference level of the manufactured home is no lower than the Regulatory Flood Protection Elevation, as defined in Sec. 384 of this ordinance.

(b) Manufactured homes shall be securely anchored to an adequately anchored foundation to resist flotation, collapse, and lateral movement, either by certified engineered foundation system, or in accordance with the most current edition of the State of North Carolina Regulations for Manufactured Homes adopted by the Commissioner of Insurance pursuant to NCGS 143-143.15. Additionally, when the elevation would be met by an elevation of the chassis thirty-six (36) inches or less above the grade at the site, the chassis shall be supported by reinforced piers or engineered foundation. When the elevation of the chassis is above thirty-six (36) inches in height, an engineering certification is required.

(c) All enclosures or skirting below the lowest floor shall meet the requirements of Sec. 398(b)(4).

(d) An evacuation plan must be developed for evacuation of all residents of all new, substantially improved or substantially damaged manufactured home parks or subdivisions located within flood prone areas. This plan shall be filed with and approved by

the Floodplain Administrator and the local Emergency Management Coordinator.

(4) Elevated Buildings. Fully enclosed area, of new construction and substantially improved structures, which is below the lowest floor:

(a) shall not be designed or used for human habitation, but shall only be used for parking of vehicles, building access, or limited storage of maintenance equipment used in connection with the premises. Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment (standard exterior door), or entry to the living area (stairway or elevator). The interior portion of such enclosed area shall not be finished or partitioned into separate rooms, except to enclose storage areas;

(b) shall be constructed entirely of flood resistant materials at least to the Regulatory Flood Protection Elevation; and

(c) shall include, in Zones A, AE, and A1-30, flood openings to automatically equalize hydrostatic flood forces on walls by allowing for the entry and exit of floodwaters. To meet this requirement, the openings must either be certified by a professional engineer or architect or meet or exceed the following minimum design criteria:

(i) A minimum of two flood openings on different sides of each enclosed area subject to flooding;

(ii) The total net area of all flood openings must be at least one (1) square inch for each square foot of enclosed area subject to flooding;

(iii) If a building has more than one enclosed area, each enclosed area must have flood openings to allow floodwaters to automatically enter and exit;

(iv) The bottom of all required flood openings shall be no higher than one (1) foot above the adjacent grade;

(v) Flood openings may be equipped with screens, louvers, or other coverings or devices, provided they permit the automatic flow of floodwaters in both directions; and

(vi) Enclosures made of flexible skirting are not considered enclosures for regulatory purposes, and, therefore, do not require flood openings. Masonry or wood underpinning,

regardless of structural status, is considered an enclosure and requires flood openings as outlined above.

(5) Additions/Improvements.

(a) Additions and/or improvements to pre-FIRM structures when the addition and/or improvements in combination with any interior modifications to the existing structure are:

(i) not a substantial improvement, the addition and/or improvements must be designed to minimize flood damages and must not be any more non-conforming than the existing structure.

(ii) a substantial improvement, both the existing structure and the addition and/or improvements must comply with the standards for new construction.

(b) Additions to post-FIRM structures with no modifications to the existing structure other than a standard door in the common wall shall require only the addition to comply with the standards for new construction.

(c) Additions and/or improvements to post-FIRM structures when the addition and/or improvements in combination with any interior modifications to the existing structure are:

(i) not a substantial improvement, the addition and/or improvements only must comply with the standards for new construction.

(ii) a substantial improvement, both the existing structure and the addition and/or improvements must comply with the standards for new construction.

(6) Recreational Vehicles. Recreational vehicles shall either:

(a) be on site for fewer than 180 consecutive days and be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities, and has no permanently attached additions); or

(b) meet all the requirements for new construction.

(7) Temporary Non-Residential Structures. Prior to the issuance of a floodplain development permit for a temporary structure, the applicant must submit to the Floodplain Administrator a plan for the removal of

such structure(s) in the event of a hurricane, flash flood or other type of flood warning notification. The following information shall be submitted in writing to the Floodplain Administrator for review and written approval:

(a) a specified time period for which the temporary use will be permitted. Time specified may not exceed three (3) months, renewable up to one (1) year;

(b) the name, address, and phone number of the individual responsible for the removal of the temporary structure;

(c) the time frame prior to the event at which a structure will be removed (i.e., minimum of 72 hours before landfall of a hurricane or immediately upon flood warning notification);

(d) a copy of the contract or other suitable instrument with the entity responsible for physical removal of the structure; and

(e) designation, accompanied by documentation, of a location outside the Special Flood Hazard Area, to which the temporary structure will be moved.

(8) Accessory Structures. When accessory structures (sheds, detached garages, etc.) are to be placed within a Special Flood Hazard Area, the following criteria shall be met:

(a) Accessory structures shall not be used for human habitation (including working, sleeping, living, cooking or restroom areas);

(b) Accessory structures shall not be temperature-controlled;

(c) Accessory structures shall be designed to have low flood damage potential;

(d) Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters;

(e) Accessory structures shall be firmly anchored in accordance with the provisions of Sec. 398(a)(1);

(f) All service facilities such as electrical shall be installed in accordance with the provisions of Sec. 398(a)(4); and

(g) Flood openings to facilitate automatic equalization of hydrostatic flood forces shall be provided below Regulatory Flood Protection Elevation in conformance with the provisions of Sec. 398(b)(4)(c).

An accessory structure with a footprint less than 150 square feet that satisfies the criteria outlined above does not require an elevation or floodproofing certificate. Elevation or floodproofing certifications are required for all other accessory structures in accordance with Sec. 394(c).

Sec. 399 RESERVED.

Sec. 400 STANDARDS FOR FLOODPLAINS WITHOUT ESTABLISHED BASE FLOOD ELEVATIONS.

Within the Special Flood Hazard Areas designated as Approximate Zone A and established in Sec. 386, where no Base Flood Elevation (BFE) data have been provided by FEMA, the following provisions, in addition to the provisions of Sec. 398(a) shall apply:

(a) No encroachments, including fill, new construction, substantial improvements and other developments shall be permitted unless:

(1) with respect to development used for farm purposes within a bona fide farm, it is demonstrated that the proposed encroachment would not result in any increase in the flood levels during the occurrence of the base flood, based on hydrologic and hydraulic analyses performed in accordance with standard engineering practice and presented to the Floodplain Administrator prior to issuance of a floodplain development permit, or

(2) with respect to development other than that described in subsections (a)(1) and (a)(3), the development is one of the following uses: agricultural activities, lawns, gardens, parks, trails, golf courses or open space and the development does not require fill or construction of new buildings; and provided further that any development activity associated with the above uses shall be minimal and shall be preceded by a certification that demonstrates that the proposed development will not result in any increase in the flood levels during the occurrence of the base flood, based on hydrologic and hydraulic analyses performed in accordance with standard engineering practice and presented to the Floodplain Administrator prior to issuance of a floodplain development permit, or

(3) for essential services a Conditional Letter of Map Revision (CLOMR) has been approved by FEMA. A Letter of Map Revision (LOMR) must also be obtained upon completion of the proposed encroachment. Development in floodplains, with or without adopted regulatory floodways, shall be held to 44 CFR 65.12 including but not limited to an application to FEMA for conditional approval, individual legal notice, concurrence of any other communities impacted by the proposed actions, and certification of structures.

(b) If Sec. 400(a) is satisfied, all development shall comply with all applicable flood hazard reduction provisions of this ordinance.

(c) The BFE used in determining the Regulatory Flood Protection Elevation shall be determined based on the following criteria:

(1) When Base Flood Elevation (BFE) data are available from other sources, all new construction and substantial improvements within such areas shall also comply with all applicable provisions of this ordinance and shall be elevated or floodproofed in accordance with standards in Sec. 398(a) and (b).

(2) When floodway or non-encroachment data are available from a Federal, State, or other source, all new construction and substantial improvements within floodway and non-encroachment areas shall also comply with the requirements of Sec. 398(b) and Sec. 402.

(3) All subdivision, manufactured home park and other development proposals shall provide Base Flood Elevation (BFE) data if development is greater than five (5) acres or has more than fifty (50) lots/manufactured home sites. Such BFE data shall be adopted by reference in accordance with the provisions of Sec. 386 and utilized in implementing this ordinance.

(4) When Base Flood Elevation (BFE) data are not available from a Federal, State, or other source as outlined above, the reference level shall be elevated or floodproofed (nonresidential) to or above the Regulatory Flood Protection Elevation, as defined in Sec. 384. All other applicable provisions of Sec. 398(b) shall also apply.

Sec. 401 STANDARDS FOR RIVERINE FLOODPLAINS WITH BASE FLOOD ELEVATIONS BUT WITHOUT ESTABLISHED FLOODWAYS OR NON-ENCROACHMENT AREAS.

Along rivers and streams where Base Flood Elevation (BFE) data is provided by FEMA or is available from another source but neither floodway nor non-encroachment areas are identified for a Special Flood Hazard Area on the FIRM or in the FIS report, the following requirements shall apply to all development within such areas:

(a) Standards of Sec. 398(a) and (b); and

(b) No encroachments, including fill, new construction, substantial improvements and other developments shall be permitted unless:

(1) with respect to development used for farm purposes within a bona fide farm, it is demonstrated that the proposed encroachment would not result in any increase in the flood levels during the occurrence of the base flood, based on hydrologic and hydraulic analyses performed in accordance with standard engineering practice and presented to the Floodplain Administrator prior to issuance of a floodplain development permit, or

(2) with respect to development other than that described in subsections (b)(1) and (b)(3), the development is one of the following uses: agricultural activities, lawns, gardens, parks, trails, golf courses or open space and the development does not require fill or construction of new buildings; and provided further that any development activity associated with the above uses shall be minimal and shall be preceded by a certification that demonstrates that the proposed development will not result in any increase in the flood levels during the occurrence of the base flood, based on hydrologic and hydraulic analyses performed in accordance with standard engineering practice and presented to the Floodplain Administrator prior to issuance of a floodplain development permit, or

(3) for essential services a Conditional Letter of Map Revision (CLOMR) has been approved by FEMA. A Letter of Map Revision (LOMR) must also be obtained upon completion of the proposed encroachment. Development in floodplains, with or without adopted regulatory floodways, shall be held to 44 CFR 65.12 including but not limited to an application to FEMA for conditional approval, individual legal notice, concurrence of any other communities impacted by the proposed actions, and certification of structures.

(c) If Sec. 401(a) is satisfied, all development shall comply with all applicable flood hazard reduction provisions of this ordinance.

Sec. 402 STANDARDS FOR RIVERINE FLOODPLAINS WITH BASE FLOOD ELEVATIONS AND WITH FLOODWAYS OR NON-ENCROACHMENT AREAS.

Areas designated as floodplains with base flood elevations and with floodways or non-encroachment areas are Special Flood Hazard Areas established in Sec. 386. The floodways and non-encroachment areas are extremely hazardous areas due to the velocity of floodwaters that have erosion potential and carry debris and potential projectiles. The following provisions, in addition to the standards outlined in Sec. 398(a) and (b), shall apply to all development within such areas:

(a) No encroachments, including fill, new construction, substantial improvements and other developments shall be permitted unless:

(1) with respect to development used for farm purposes within a bona fide farm, it is demonstrated that the proposed encroachment would not result in any increase in the flood levels during the occurrence of the base flood, based on hydrologic and hydraulic analyses performed in accordance with standard engineering practice and presented to the Floodplain Administrator prior to issuance of a floodplain development permit, or

(2) with respect to development other than that described in subsections (a)(1) and (a)(3), the development is one of the following uses: agricultural activities, lawns, gardens, parks, trails, golf courses or open space and the

development does not require fill or construction of new buildings; and provided further that any development activity associated with the above uses shall be minimal and shall be preceded by a certification that demonstrates that the proposed development will not result in any increase in the flood levels during the occurrence of the base flood, based on hydrologic and hydraulic analyses performed in accordance with standard engineering practice and presented to the Floodplain Administrator prior to issuance of a floodplain development permit, or

(3) for essential services a Conditional Letter of Map Revision (CLOMR) has been approved by FEMA. A Letter of Map Revision (LOMR) must also be obtained upon completion of the proposed encroachment. Development in floodplains, with or without adopted regulatory floodways, shall be held to 44 CFR 65.12 including but not limited to an application to FEMA for conditional approval, individual legal notice, concurrence of any other communities impacted by the proposed actions, and certification of structures.

(b) If Sec. 402(a) is satisfied, all development shall comply with all applicable flood hazard reduction provisions of this ordinance.

(c) No manufactured homes shall be permitted, except replacement manufactured homes in an existing manufactured home park or subdivision, provided the following provisions are met:

(1) the anchoring and the elevation standards of Sec. 398(b)(3); and

(2) the no encroachment standard of Sec. 402(a).

Sec 403 LEGAL STATUS PROVISIONS.

(a) EFFECT ON RIGHTS AND LIABILITIES UNDER THE EXISTING FLOOD DAMAGE PREVENTION ORDINANCE.

This ordinance in part comes forward by re-enactment of some of the provisions of the flood damage prevention ordinance enacted May 24, 1983, as amended, and it is not the intention to repeal but rather to re-enact and continue to enforce without interruption of such existing provisions, so that all rights and liabilities that have accrued thereunder are reserved and may be enforced. The enactment of this ordinance shall not affect any action, suit or proceeding instituted or pending. All provisions of the flood damage prevention ordinance of Union County enacted on May 24, 1983, as amended, which are not reenacted herein are repealed.

Sec. 404 EFFECT UPON OUTSTANDING FLOODPLAIN DEVELOPMENT PERMITS.

Nothing herein contained shall require any change in the plans, construction, size, or designated use of any development or any part thereof for which a floodplain development permit has been granted by the Floodplain Administrator or his or her authorized agents before the time of passage of this ordinance; provided, however, that when construction is not begun under such

outstanding permit within a period of six (6) months subsequent to the date of issuance of the outstanding permit, construction or use shall be in conformity with the provisions of this ordinance.

Sec. 405 EFFECTIVE DATE.

This ordinance shall become effective on October 6, 2008.

Sec. 406 ADOPTION CERTIFICATION.

I hereby certify that this is a true and correct copy of the flood damage prevention ordinance as adopted by the Board of Commissioners of Union County, North Carolina, on the 6th day of October, 2008.

WITNESS my hand and the official seal of , this the day of _____, 200__.

_____

(signature)

APPENDIX A
INFORMATION REQUIRED WITH APPLICATIONS

A-1. In General

(1) As provided in Section 49, it is presumed that all of the information listed in this appendix must be submitted with an application for a zoning, sign, special use, conditional use or major development permit to enable the permit-issuing authority to determine whether the development, if completed as proposed, will comply with all the requirements of this ordinance. As set forth in Section 92, applications for variances are subject to the same provisions. However, the permit-issuing authority may require more information or accept as sufficient less information according to the circumstances of the particular case. A developer who believes information presumptively required by this appendix is unnecessary shall contact the planning staff for an interpretation.

(2) As also provided in Section 49, the administrator shall develop application processes, including standard forms, to simplify and expedite applications for simple developments that do not require the full range of information called for in this appendix. In particular, developers seeking only permission to construct single-family or two-family residences or to construct new or modify existing signs should contact the administrator for standard forms.

A-2. Written Application

Every applicant for a variance or a zoning, sign, special use, conditional use, or major development permit shall complete a written application containing at least the following information:

(1) The name, addresses, and phone number of the applicant.

(2) If the applicant is not the owner of the property in question, (i) the name, address, and phone number of the owner, and (ii) the legal relationship of the applicant to the owner that entitles the applicant to make application.

(3) The date of the application.

(4) Identification of the particular permit sought.

(5) A succinct statement of the nature of the development proposed under the permit or the nature of the variance.

(6) Identification of the property in question by street address, tax parcel identification number and tax map reference.

(7) The zoning district within which the property lies.

(8) The number of square feet in the lot where the development is to take place.

(9) The gross floor area of all existing or proposed buildings located on the lot where the development is to take place.

(10) If the proposed development is a two-family or multi-family residential development or an architecturally integrated subdivision, the number of one, two, three, or four bedroom dwelling units proposed for construction.

A-3. Development Site Plans

Subject to Section A-1 of this appendix, every application for a variance or a zoning, sign, special use, conditional use or major development permit shall contain plans that locate the development site and graphically demonstrate existing and proposed natural, man-made, and legal features on and near the site in question, all in conformity with Sections A-4 through A-6 of this appendix.

A-4. Graphic Materials Required for Plans

(1) The plans shall include a location map that shows the location of the project in the broad context of the county. This location map shall be drawn on the development site plans.

(2) Development site plans shall be drawn to scale, using such a scale that all features required to be shown on the plans are readily discernible. Very large developments may require that plans show the development in sections to accomplish this objective without resort to plans that are so large as to be cumbersome, or the objective may be accomplished by using different plans or plans drawn to different scales to illustrate different features. In all cases, the permit-issuing authority shall make the final determination whether the plans submitted are drawn to the appropriate scale, but the applicant for a major development permit or special use permit may rely in the first instance on the recommendations of the administrator.

(3) Development site plans should show on the first page the following information:

(a) Name of Applicant

(b) Name of Development (if any)

(c) North Arrow

(d) Legend

(e) Scale

(4) All of the features required to be shown on plans by Sections A-5 and A-6 may be included on one set of plans, so long as the features are distinctly discernible.

A-5. Existing Natural, Man-Made and Legal Features

(1) Development site plans shall show all existing natural, man-made, and legal features on the lot development is to take place, including but not limited to those listed below. In addition, the plans shall also show those features indicated below by an asterisk that are located within fifty feet in any direction of the lot where the development is to take place, and shall specify (by reference to the Table of Permissible Uses or otherwise) the use made of adjoining properties.

(2) Existing natural features:

(a) Tree line of wooded areas.

(b) Individual tree eighteen inches in diameter or more identified by common or scientific name.

(c) Orchards or other agricultural groves by common or scientific name.

(d) Streams, ponds, drainage ditches, and, swamps.

(e) Floodplain information as required by Article XXIV.

(f) Contour lines (shown as dotted lines) with no larger than five foot contour intervals. (As indicated in Subsection A-6 (2t), proposed contour lines shall be shown as solid lines.)

(3) Existing man-made features:

(a) Vehicle accommodation areas (including parking areas, loading areas and circulation areas, see Section 290), all designated by surface material and showing the layout of existing parking spaces and direction of travel lanes, aisles, or driveways.

(b) Streets, private roads, sidewalks, and other walkways, all designated by surface material.

(c) Curbs and gutters, curb inlets and curb cuts, and drainage grates.

(d) Other storm water or drainage facilities, including manholes, pipes, and drainage ditches.

(e) Underground utility lines, including water, sewer, electric power, telephone, gas, cable television.

(f) Above ground utility lines and other utility facilities.

(g) Fire hydrants.

(h) Buildings, structures and signs (including dimensions of each).

(i) Location of exterior light fixtures.

(j) Location of dumpsters.

(4) Existing legal features:

(a) The zoning of the property, including zoning district lines where applicable.

(b) Property lines (with dimensions identified).

(c) Street right-of-way lines.

(d) Utility or other easement lines.

A-6. Proposed Changes in Existing Features or New Features

(1) Development site plans shall show proposed changes in (i) existing natural features (see A-5(2)), (ii) existing manmade features (see A-5(3)), and (iii) existing legal features (see A-5(4)).

(2) Development site plans shall also show proposed new legal features (especially new property lines, street right-of-way lines, buffer areas and utility and other easements), as well as proposed man-made features, including, but not limited to, the following:

(a) The number of square feet in every lot created by a new subdivision.

(b) Lot dimensions, including lot widths measured in accordance with Section 183.

(c) The location and dimensions of all buildings and freestanding signs on the lot, as well as the distances all buildings and freestanding signs are set back from property lines, streets or street right-of-way lines (see Section 184).

(d) Principal side(s) building elevations for typical units of new buildings or exterior remodeling of existing buildings, showing building heights (see Section 186) and proposed wall sign or window sign area;

(e) Elevation in relation to mean sea level of the proposed lowest floor (including basement) of all structures.

(f) Elevation in relation to means sea level to which any non-residential structure will be flood-proofed as required by Section 398.

(g) Description of the extent to which any watercourse will be altered or relocated as a result of the proposed development.

(h) The location and dimensions of all recreational areas provided, with each area designated as to type of use;

(i) Areas intended to remain as open space or designated buffer areas.

(j) Streets, labeled by classification (see Section 210) and street name showing whether curb and gutter or shoulders and swales are to be provided and indicating street paving widths. Private roads in subdivisions shall also be shown and clearly labeled as such.

(k) Curbs and gutters, curb inlets and curb cuts, drainage grates.

(l) Other storm water or drainage facilities, including manholes, pipes, drainage ditches, retention ponds, etc.

(m) Sidewalks and walkways, showing widths and surface material.

(n) Bridges.

(o) Outdoor illumination with lighting fixtures sufficiently identified to demonstrate compliance with Section 242.

(p) Underground utility lines, including water, sewer, electric power, telephone, gas, cable television. Water and sewer pipeline signs shall be labeled.

(q) Aboveground utility lines and other facilities.

(r) Fire hydrants.

(s) Dumpsters.

(t) New contour lines resulting from earth movement (shown as solid lines) with no larger than five foot contour intervals (existing lines should be shown as dotted lines).

(u) Scale drawings of all signs requiring permits pursuant to Article XVII, together with an indication of the location and dimensions of all such signs.

(v) Vehicle accommodation areas (including parking areas, loading areas, and circulation areas, see Section 290), all designated by surface material and showing the dimensions and layout of proposed parking spaces and the dimensions and direction of travel of lanes, aisles, and driveways.

(w) Proposed plantings or construction of other devices to comply with the screening requirements of Article XIX, Part I, as well as proposed plantings of trees to comply with the shading requirements of Article XIX,

Part II. Plans shall label shrubbery by common or scientific name, show the distance between plants and indicate the height at the time of planting and expected mature height and width. Plans shall label trees by common or scientific name, show the circles of the mature crowns (major trees shall be drawn at diameter = 30'; dwarf or decorative trees shall be drawn at their actual mature crown), and indicate the height at the time of planting.

A-7. Documents and Written Information in Addition to Plans

In addition to the written application and the plans, whenever the nature of the proposed development makes information or documents such as the following relevant, such documents or information shall be provided. The following is a representative list of the types of information or documents that may be requested:

(1) Documentation confirming that the applicant has a legally sufficient interest in the property proposed for development to use it in the manner requested, or is the duly appointed agent of such a person.

(2) Certifications from the appropriate agencies that proposed utility systems are or will be adequate to handle the proposed development, as set forth in Article XV, and that all necessary easements have been provided.

(3) For proposed non-residential flood proofed structures, or for enclosed areas below the lowest floor that are subject to flooding, certification from a registered professional engineer or architect that the proposed structure meets the criteria in Section 398.

(4) Certification and supporting technical data from a registered professional engineer demonstrating that any proposed use within a floodway if permitted under Article XXIV, shall not result in any increase in flood levels during occurrence of the base flood discharge.

(5) Legal documentation establishing homeowners associations or other legal entities responsible for control over required common areas and facilities.

(6) Bonds, letters of credit, or other surety devices.

(7) Stamped envelopes containing the names and addresses of all those to whom notice of a public hearing must be sent to comply with Section 22, 102, or 323.

(8) Complete documentation justifying any requested deviation from specific requirements established by this ordinance as presumptively satisfying design standards.

(9) Written evidence of permission to use satellite-parking spaces under the control of a person other than the developer when such spaces are allowed pursuant to Section 298.

(10) Written evidence of good faith efforts to acquire satellite parking under the circumstances set forth in Section 299.

(11) Verification that Manufactured Goods, Class 1 and 2 uses will meet the supplementary standards set forth in Article XI. Such verification shall be made by a licensed engineer or other qualified expert unless it is utterly apparent from the nature of the proposed development that such expert verification is unnecessary.

(12) Time schedules for the completion of phases in staged development, as required by Section 61.

(13) The environmental impact of a development, including its effect on historically significant or ecologically fragile or important areas.

(14) The traffic of a development, including its effect on pedestrian or vehicular traffic or congestion.

A-8. Number of Copies of Plans and Documents

With respect to all plans and other documents required by this appendix, the developer shall submit the number of copies that the administrator reasonably deems necessary to expedite the review process and to provide necessary permanent records.

APPENDIX B
SPECIFICATIONS ON DRIVEWAY ENTRANCES

All driveway entrances and other openings onto public streets shall, at a minimum, conform to the requirements set forth in the current edition of the N. C. Department of Transportation's Manual on Driveway Entrance Regulations.

APPENDIX C
SPECIFICATIONS FOR STREET DESIGN AND CONSTRUCTION

C-1. DOT Standards Applicable.

All public and private streets shall be constructed in accordance with the design and construction standards promulgated by the N. C. Department of Transportation, Division of Highways, unless a more restrictive standard is established herein, in which case the more restrictive standard shall apply.

APPENDIX D
VEHICLE ACCOMMODATION AREA SURFACES

D-1. Paved Surfaces

Vehicle accommodation areas paved with asphalt shall be constructed in the same manner as street surfaces (Appendix C). If concrete is used as the paving material, vehicle accommodation areas shall be similarly constructed except that six inches of concrete shall be used instead of two inches of asphalt. The administrator may allow other paving materials to be used so long as the equivalent level of stability is achieved.

D-2. Unpaved Surfaces

Vehicle accommodation areas without paving shall be constructed in the same manner as paved areas except that Size 13 crushed stone may be used in lieu of asphalt, concrete, or other paving material.

APPENDIX E
SCREENING AND TREES

E-1. Guide for Protecting Existing Trees

Section 316 provides for the retention and protection of large trees when land is developed. In order to better ensure the survival of existing trees, the developer should heed the following guidelines:

(1) Protect trees with fencing and armoring during the entire construction period. The fence should enclose an area ten feet square with the tree at the center.

(2) Avoid excavations beneath the crown of the tree.

(3) Avoid compaction of the soil around existing trees due to heavy equipment. Do not pile dirt or other materials beneath the crown of the tree.

(4) Keep fires or other sources of extreme heat well clear of existing trees.

(5) Repair damaged roots and branches immediately. Exposed roots should be covered with topsoil. Severed limbs and roots should be painted. Whenever roots are destroyed, a proportional amount of branches must be pruned so that the tree doesn't transpire more water than it takes in. Injured trees must be thoroughly watered during the ensuing growing year.

(6) All existing trees which will be surrounded by paving should be pruned to prevent dehydration.

(7) No paving or other impermeable ground cover should be placed within the drip line of trees to be retained.

E-2. Standards for Street and Parking Lot Trees

Trees planted in compliance with the requirements of Sections 315 and 317 should have most or all of the following qualities. The trees recommended in Section E-10 represent the best combinations of these characteristics.

(1) Hardiness

(a) Resistance to extreme temperatures.

(b) Drought resistance.

(c) Resistance to storm damage.

(d) Resistance to air pollution.

(e) Ability to survive physical damage from human activity.

(2) Life Cycle

(a) Moderate to rapid rate of growth.

(b) Long life.

(3) Foliage and Branching

(a) Tendency to branch high above the ground.

(b) Wide spreading habit.

(c) Relatively dense foliage for maximum shading.

(4) Maintenance

(a) Resistance to pests.

(b) Resistance to plant diseases.

(c) Little or no pruning requirements.

(d) No significant litter problems.

E-3. Formula for Calculating 20% Shading of Paved Vehicle Accommodation Areas

Following is an elementary formula for determining the number of shade trees required in and around paved parking lots in order to presumptively satisfy the shading requirements of Section 316.

[1] Calculate square footage of the vehicle accommodation area. Include parking spaces, driveways, loading areas, sidewalks, and other circulation areas. Do not include building area and any area which will remain completely undeveloped:

_____sq. ft.

[2] Multiply X .20

[3] Area to be shaded: _____sq. ft.
Add:

[4] Area shaded by existing trees to be retained in and around the vehicle accommodation area:* _____sq. ft.

[5] Area shaded by required screening trees, if any:* _____

[6] Area shaded by required street trees, if any:* _____

[7] Subtotal: _____sq. ft.

(If line [7] is greater than line [3], then the shading requirement has been met. If not, go on to line [8].)

[8] Enter the difference between line [7] and line [3]: _____sq. ft.

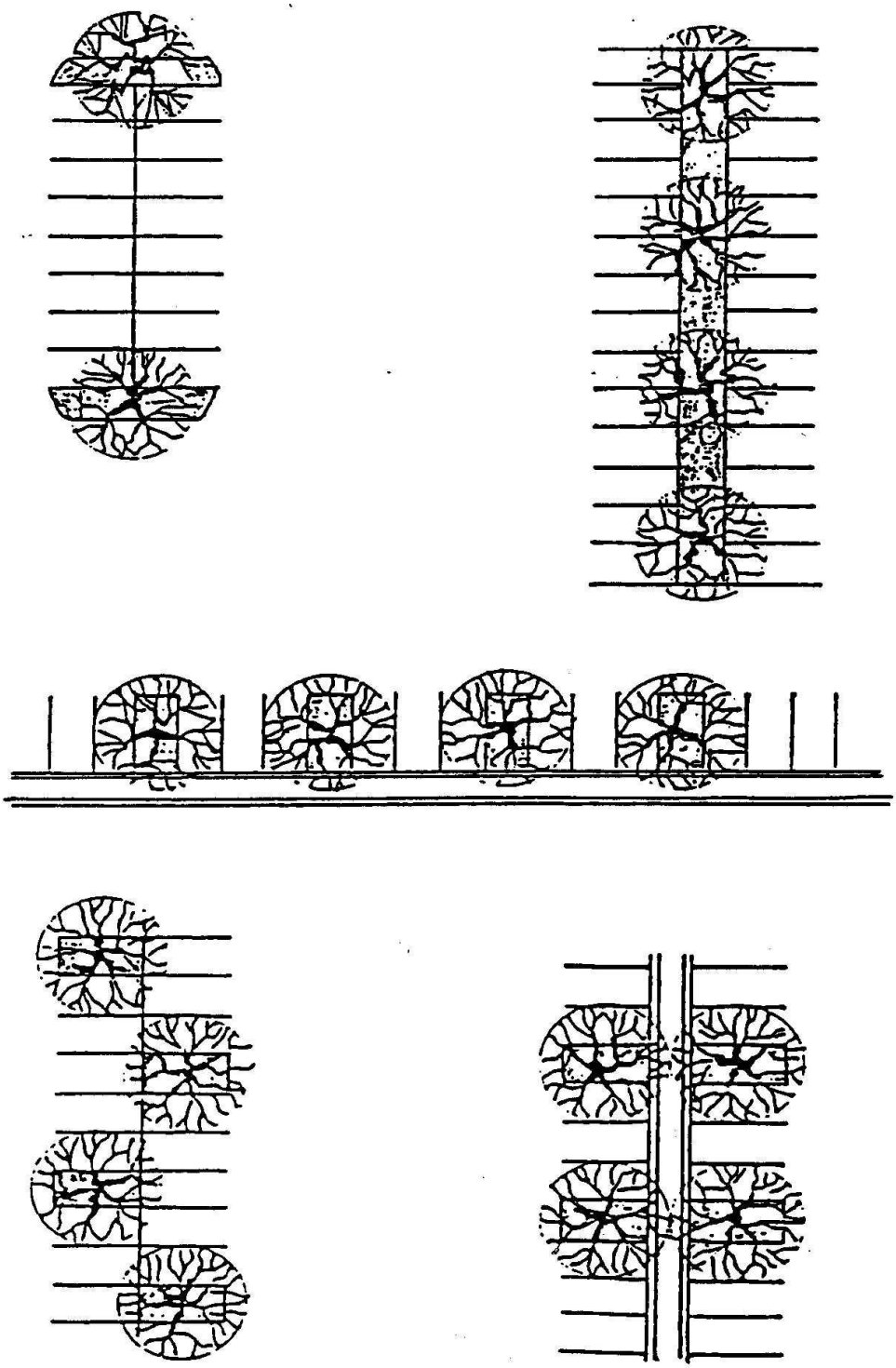
[9] Divide line [8]: -707

[10] Total number of shade trees required within the vehicle accommodation area:

_____trees

*Existing trees retained in compliance with Section 315 will be credited according to their actual crown radius. Shaded area may be calculated as follows: 3.14 X (crown radius)2 = shaded area. Trees planted within the vehicle accommodation area are credited with shading 707 sq. ft. (Based on Crown radius of 15 ft.). New or existing trees on the perimeter of the parking lot are credited for having only half a crown over the vehicle accommodation area (e.g., new perimeter trees will be crediting for shading 354 sq. ft.). Generally all trees planted in compliance with the screening requirements of Article XIX, Part I and the street tree requirements of Section 315 will be considered perimeter trees. When smaller trees such as Dogwoods are planted, the credited shading area will be adjusted downward to 314 sq. ft. for interior trees and 157 sq. ft. for perimeter trees. (Based on a crown radius of 10 ft.).

E-4 Typical Parking Lot Planting Islands



E-5. Guide For Planting Trees

The trees recommended in Section E-10 have minimal maintenance requirements. However, all trees must receive a certain degree of care, especially during and immediately after planting. In order to protect an investment in new trees, the developer and his or her agents should follow these guidelines when planting:

(1) The best times for planting is early spring and early fall. Trees planted in the summer run the risk of dehydration.

(2) Plant all trees at least three-and-a-half feet from the end of head-in parking spaces in order to prevent damage from car overhangs.

(3) Dig the tree pit at least one foot wider than the root ball and at least six inches deeper than the ball's vertical dimension.

(4) Especially in areas where construction activity has compacted the soil, the bottom of the pit should be scarified or loosened with a pick ax or shovel.

(5) After the pit is dug, observe sub-surface drainage conditions. Most soils in the area are poorly drained. Where poor drainage exists, the tree pit should be dug at least an additional twelve inches and the bottom should be filled with coarse gravel.

(6) Backfill should include a proper mix of soil, peat moss and nutrients. All roots must be completely covered. Backfill should be thoroughly watered as it is placed around the roots.

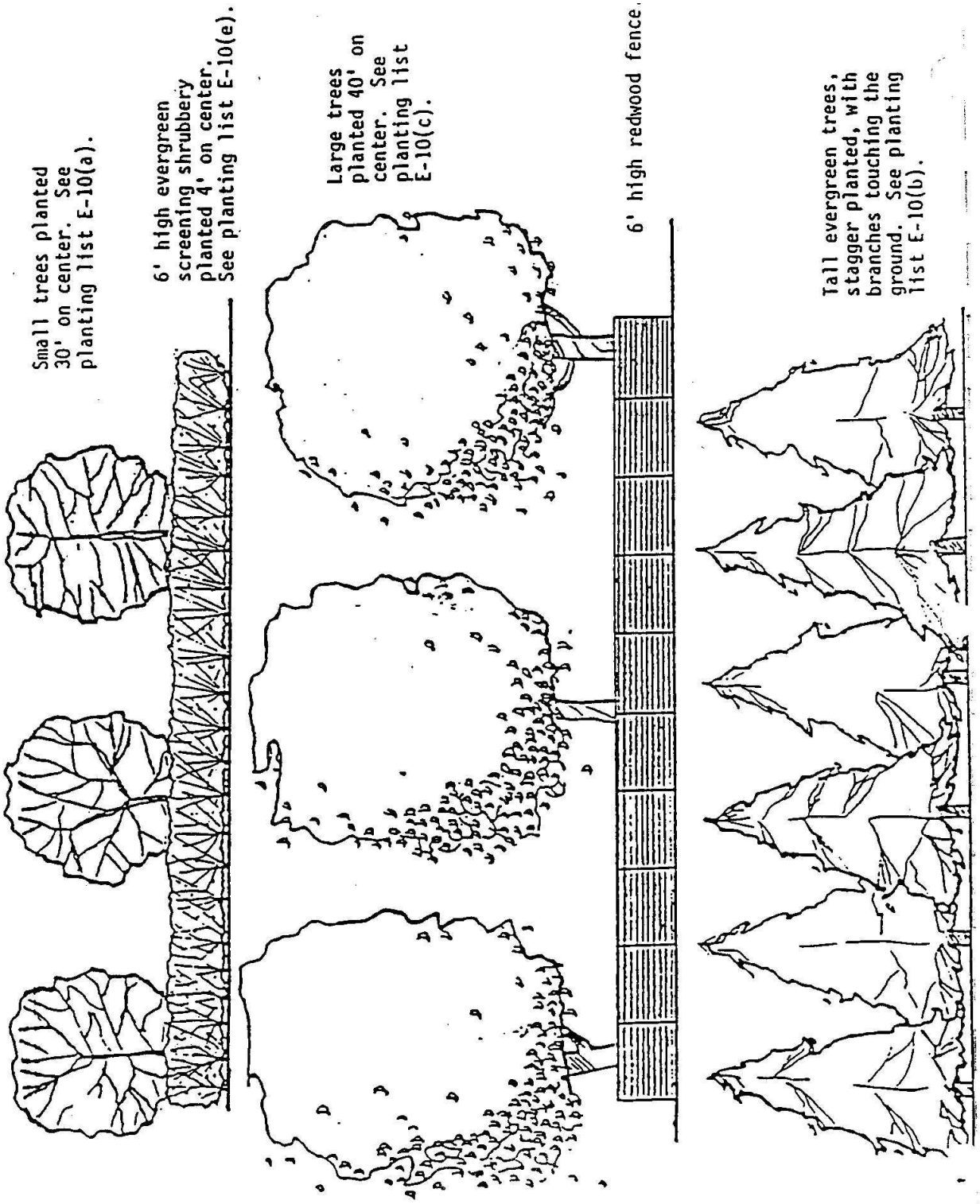
(7) Immediately after it is planted, the tree should be supported with stakes and guy wires to firmly hold it in place as its root system begins to develop. Staked trees will become stronger more quickly. Remove stakes and ties after one year.

(8) Spread at least three inches of mulch over the entire excavation in order to retain moisture and keep down weeds. An additional three-inch saucer of mulch should be provided to form a basin around the trunk of the tree. This saucer helps catch and retain moisture.

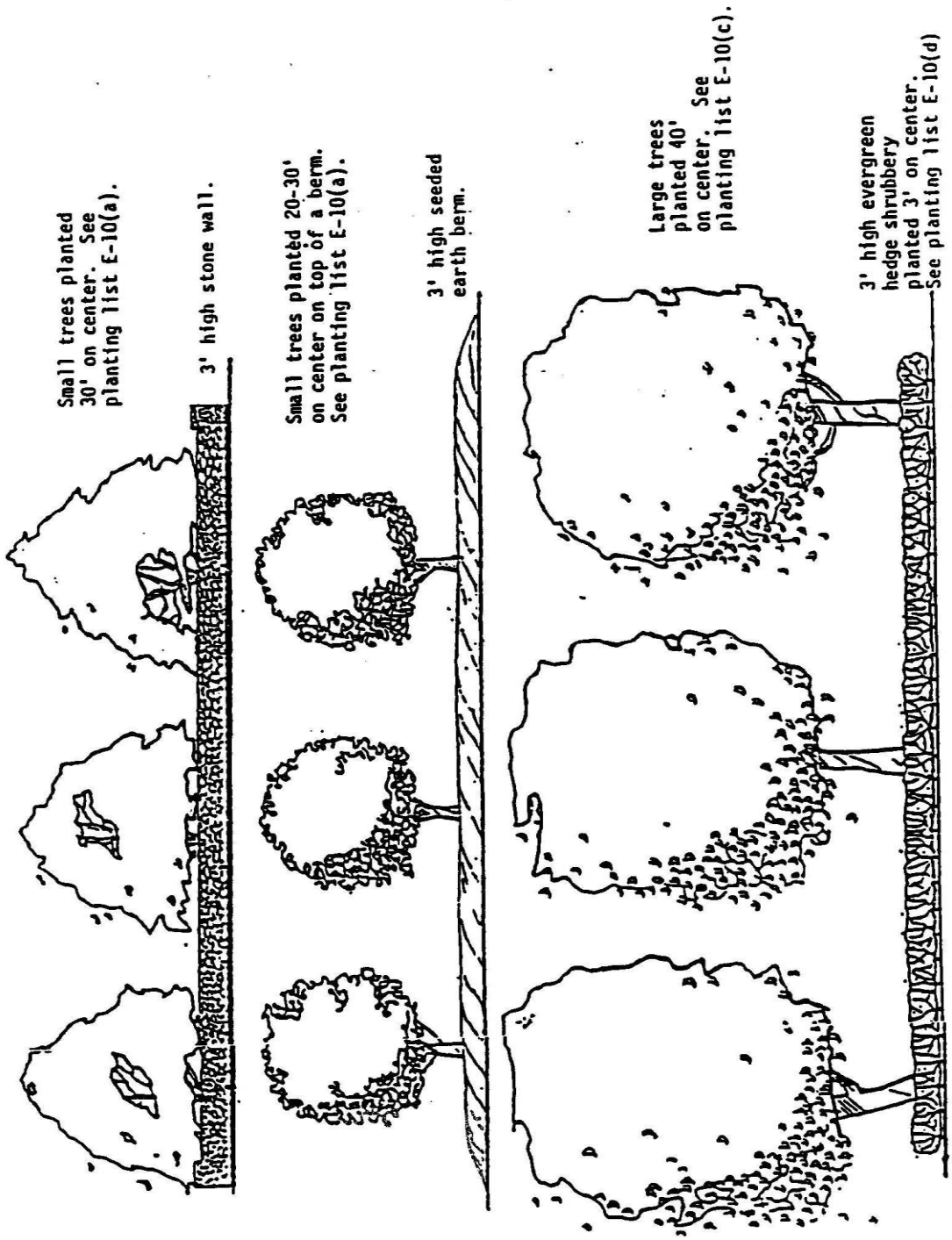
(9) The lower trunks of new trees should be wrapped with burlap or paper to prevent evaporation and sunscald. The wrapping should remain on the tree for at least a year.

(10) Conscientious post-planting care, especially watering, pruning and fertilizing, is a must for street and parking lot trees. Branches of new trees may be reduced by as much as a third to prevent excessive evaporation.

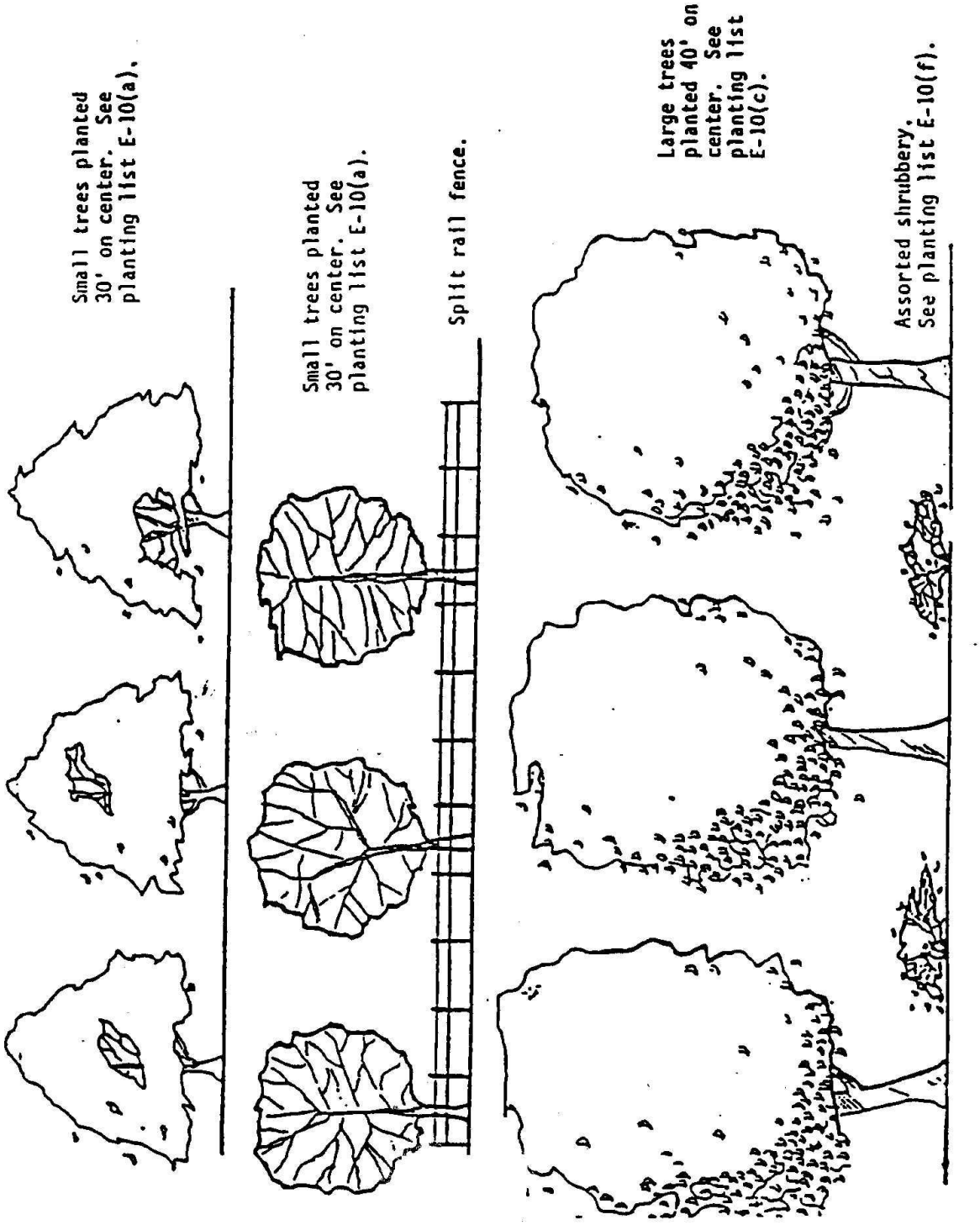
E-6. Typical Opaque Screens



E-7. Typical Semi-Opaque Screens



E-8. Typical Broken Screens



E-9. Guide for Planting Shrubs

Shrubs planted for screening purposes should be given a proper culture and sufficient room in which to grow. Many of the guidelines for tree planting listed in Section E-5 also apply to shrubs. However, because specific requirements vary considerably between shrub trees, this Appendix does not attempt to generalize the needs of all shrubs. For detailed planting information or individual species, refer to: Landscape Plants of the Southeast by R. Gordon Halfacre and Anne R. Shawcroft.

E-10. Lists of Recommended Trees and Shrubs

The following lists indicate plantings which will meet the screening and shading requirements of Article XIX of the Land Use Ordinance. The lists are by no means comprehensive and are intended merely to suggest the types of flora which would be appropriate for screening and shading purposes. Plants were selected for inclusion on these lists according to four principal criteria: general suitability for the piedmont section of North Carolina, ease of maintenance, tolerance of city conditions, and availability from area nurseries. When selecting new plantings for a particular site, a developer should first consider the types of plants which are thriving on or near that site. Accordingly, native North Carolina species should often be favored. However, if an introduced species has proven highly effective for screening or shading in piedmont towns, it too may be a proper selection. Sections E-11 through E-16 contain descriptions of the trees and shrubs listed here.

(1) Small Trees for Partial Screening

(a) River Birch
(b) American Hornbeam
(c) Eastern Redbud
(d) Flowering Dogwood
(e) Washington Hawthorn
(f) Russian Olive
(g) Mountain Silverbell
(h) American Holly
(i) Golden Rain Tree
(j) Crape Myrtle
(k) Sourwood
(l) Carolina Cherry-Laurel
(m) Callery Pear

(2) Large Trees for Evergreen Screening

(a) Deodar Cedar
(b) Southern Magnolia
(c) Carolina Hemlock

(3) Large Trees for Shading

(a) Norway Maple
(b) Red Maple
(c) Ginkgo
(d) Honeylocust
(e) Sweet Gum
(f) London Plan-Tree
(g) Sycamore
(h) Eastern Red Oak
(i) Willow Oak
(j) Scarlet Oak
(k) Laurel Oak
(l) Littleleaf Linden

(4) Small Shrubs for Evergreen Screening

(a) Glossy Abelia
(b) Warty Barberry Holly
(c) Wintergeen Barberry
(d) Dwarf Horned Holly
(e) Littleleaf Japanese Holly
(f) Convexa Japanese
(g) Indian Hawthorn
(h) Azaleas and Rhododendrons
(i) Japanese Yew

(5) Large Shrubs for Evergreen Screening

(a) Hedge Bamboo
(b) Thorny Elaengus
(c) Burford Holly
(d) Yaupon Holly
(e) Laurel or Sweet Bay
(f) Japanese Privet
(g) Fortune Tea Olive
(h) Red Photinia
(i) Lauretinus Viburnum

(6) Assorted Shrubs for Broken Screens

(a) Japanese Barberry
(b) Fringetree
(c) Border Forsythia
(d) Vernal Witch Hazel
(e) Common Witch Hazel
(f) Pfitzer Juniper

(g) Drooping Leucothoe
(h) Winter Honeysuckle
(i) Star Magnolia
(j) Northern Barberry
(k) Judd Viburnum
(l) Doublefile Viburnum

E-11. Small Trees for Partial Screening

The following trees are recommended for use in all types of screens. Though smaller than the trees listed in planting lists E-12 and E-13, each of these trees will reach a height of at least 20 feet. Selections marked with an (*) are also recommended as shade trees and may be credited for meeting the 20% shading requirement for paved parking lots.

RIVER BIRCH (Betula nigra) Height:20-40'; Spread:8-16'.

The River Birch is a native tree which usually grows along stream banks. In landscape design, it is adaptable to either high or low locations, but still requires a lot of moisture. This tree has an interesting, papery bark and a graceful branching habit. It has no special pest or maintenance problems.

***AMERICAN HORNBEAM (Carpinus Carolina) Height:20-30'; Spread:12-25'.**

This native tree has a natural yet refined appearance. It is slow growing, but at maturity it serves as an excellent small shade tree. Its fluted, "muscular" trunk is an interesting feature. In the wild, the American Hornbeam is common in moist rich soil, yet, when used in landscape design, it is soil tolerant and does not require an unusual amount of water. It has no pests and no special maintenance problems.

EASTERN REDBUD (Cercis canadensis) Height:20-30';Spread:12-25'.

This native tree is covered by beautiful pink flowers in the spring and develops a dense round crown when allowed to grow in direct sunlight. The Redbud has some pests, and its fruit pods may present a litter problem, but it recommends itself for being drought resistant and tolerant of polluted city air.

***FLOWERING DOGWOOD (Cornus Florida) Height:15-30';Spread:15-20'.**

The Dogwood is a native woodland tree which is very popular for landscape planting. It is considered to be a fairly hardy tree, but, when planted in direct sun, it must be frequently watered. A healthy Dogwood will develop attractive horizontal branches and a bushy crown. Dogwoods look best when planted in groups or when used as an accent in borders. These trees should be guarded against borers and other pests.

WASHINGTON HAWTHORN (Crataegus phaenophyrum) Height: 25-30'; Spread:25-30'.

Hawthorns generally require spraying to prevent disease and insect infestation. However, they are an excellent choice for screening because of their extremely dense and thorny branches. They have proved to be excellent as a headlight screen on highway medians and, when planted close together, they form an impenetrable living fence. They prefer sun and are tolerant of most types of soil. The Washington Hawthorn is generally considered to be the best of the Hawthorns.

RUSSIAN OLIVE (Elaegnus augustifolia) Height:15-20'; Spread:20-30'.

The Russian Olive can withstand severe exposure and will grow in almost any soil. Its toughness and wide spreading habit make it an exceptional screening plant. The foliage is an attractive silver-gray color and its flowers, though inconspicuous, are very fragrant. The Russian Olive is especially notable for its rapid growth. It has no pest problems but it may require periodic trimming of dead twigs.

MOUNTAIN SILVERBELL (Halesia monticola) Height:20-40'; Spread:20'.

Silverbells are attractive multi-stem trees which are native to the southeastern United States. They are excellent plants for a natural effect and are best placed where their small flowers and pods will be closely observed. Compared to other trees on this list, its crown is more open and irregular. The Mountain Silverbell has no pests, no maintenance problems, and no special soil requirements.

AMERICAN HOLLY (Ilex opaca) Height:15-30'; Spread:10-20'.

This familiar native tree possesses a pyramidal evergreen crown with abundant red berries in the winter. It grows best in full sun and prefers moist yet well-drained soils. If the lower limbs are allowed to grow naturally, they will branch to the ground. Hollies should be protected from high winds. The American Holly is a relatively slow grower.

GOLDEN RAIN TREE (Koelreuteria paniculata) Height:20-30'; Spread:15-20'.

This is an extremely hardy tree, tolerant of city conditions, drought resistant, and capable of growth in most kinds of soil. It bears beautiful yellow flowers and interesting seedpods on its rounded crown. The Golden Rain Tree is a rapid grower but is relatively short-lived.

CRAPE MYRTLE (Lagerstroemia indica) Height:15-25'; Spread:15-20'.

This popular flowering tree is decorative and interesting in all seasons. However, it should not be expected to stand alone as a screen. It is most effective against an evergreen background. It grows best in direct sun and may develop mildew problems

when planted in shade. Crape Myrtle may be pruned to a desired shape, but when left on its own it will form a densely branching crown.

SOURWOOD (Oxyndrum arboreum) Height: 20-30'; Spread:10-15'.

Sourwoods are handsome native trees which are most effective in landscape design when planted in groups. They are easy to transplant and as each tree matures it assumes a slender form with upright branches. Sourwood prefers relatively dry acid soils. Its only special maintenance problems may be infestations of webworms.

CAROLINA CHERRY-LAUREL (Prunus caroliniana) Height:20-30"; Spread: 15-20'.

This tree is prized for its dense evergreen foliage. It may be trimmed as a hedge, but also serves as an excellent screen in its natural form. The Cherry-Laurel grows rapidly and has no pests. However, it may not be as cold hardy as other trees on this list.

***CALERY PEAR (Pyrus calleryana) Height:20-40';Spread:20-30'.**

The Callery Pear has recently gained popularity as a city street tree because it is impervious to air pollution. Furthermore, it will grow in relatively infertile soils. It is a beautiful, upright tree which grows rapidly and is long lived. However, it may be subject to an assortment of pests and diseases. The "Bradford" variety is recommended for its vigorous habit of growth.

E-12. Large Trees for Evergreen Screening

The following trees are ideal for screening large-scale areas such as shopping centers and industrial sites. They are also effective in combination with other, smaller screening plants. All three are moderate to fast growers. They are not considered to be shade trees.

DEODAR CEDAR (Cedrus deodara) Height:40-150'; Spread: 30'+.

The Deodar Cedar is a useful and attractive evergreen. It should be allowed plenty of room in order to assume its beautiful natural form. Its pendulous branches should be allowed to touch the ground. It prefers relatively dry soils, grows rapidly, and is easy to maintain. "True Cedars" such as the Deodar are not native to North America, but they have become quite popular in the South as a landscape tree.

SOUTHERN MAGNOLIA (Magnolia grandiflora) Height:40-60'; Spread:25'+.

Magnolias are striking trees which serve well as screens when their branches are allowed to grow to the ground. Generally, this tree does well in city conditions, but it should be planted in quite rich acidic soils and it requires a lot of moisture. Furthermore, Magnolias require ample space for growth. If planted in full sunlight, they will grow

rapidly. Because it drops large waxy leaves, seedpods, and flowers, the Magnolias may present a litter problem.

CAROLINA HEMLOCK(Tsuga caroliniana) Height:30-70';Spread:20'+.

This native of rocky locations in the North Carolina mountains adapts well to city locations. It may be sheared or pruned to any shape, but when it grows naturally, its graceful branches form an excellent high screen. The Hemlock prefers cooler, partially shaded locations and does best in highly fertile soils. It grows quite rapidly.

E-13. Large Trees for Shading

The following trees may be used for screening, but they are recommended especially for shading trees and parking lots. Unless otherwise noted, they will grow rapidly. Each species will attain a mature spread of at least thirty feet.

NORWAY MAPLE (Acer platanoides) Height:40-50'; Spread:50'+.

Maples as a group are not particularly tolerant to city conditions. The Norway Maple is an exception, however, as it is relatively invulnerable to air pollution and has no special maintenance requirements. This tree assumes a wide spreading form and provides very dense shade. In the autumn, the leaves are a brilliant red and yellow. The Norway Maple grows rapidly, but it is subject to ice and wind damage. Plenty of room should be available for its shallow roots and it should be given ample water.

RED MAPLE (Acer rubrum) Height: 40-50'; Spread: 25'+.

This tree is an example of a Maple which is not recommended where there will be high concentrations of air pollution. However, with its excellent shading characteristics and beautiful colors, it should not be ignored. This tree grows rapidly, but, unlike the Norway Maple, it does not become brittle with age. The Red Maple is a native tree which is usually found in moist, even swampy areas, but it adapts well to a variety of situations. Although subject to Maple insects and diseases, it is usually a long-lived tree.

GINKGO or MAIDENHAIR TREE (Ginkgo biloba) Height:40-80'; Spread:30'+.

The Ginkgo is a tree which is recommended for several outstanding reasons. It is one of the oldest surviving species of trees. It is adaptable to any soil, climate, or degree of exposure to the sun. It does quite well in the city. It has no pests, no diseases, and no pruning requirements. In sum, it is a tree of exceptional vitality. The N.C. Department of Forest Resources calls the Ginkgo, "probably the best all around street tree." Two reservations are worth stating, however. First, only male trees should be planted because female Ginkgos bear a messy, malodorous fruit. Second, the Ginkgo is a slow grower. When young, it has a rather gangly appearance. It takes 25 to 30 years to assume its mature, symmetrically spreading form.

HONEYLOCUST (Gleditisia triacanthos) Height: 50-75'; Spread: 25'+.

Its open, spreading form and feathery leaves may give the Honeylocust a frail appearance, but it is in fact a quite sturdy tree, notable for its resistance to city conditions. Grass and shrubs thrive beneath a Honeylocust because it casts light shade. This tree is especially useful for its ability to be transplanted at a relatively advanced age. Accordingly, it may be used for immediate effect in a landscape design. The Honeylocust has its own pests and diseases, but it is fairly hardy. Thornless and fruitless varieties such as "Moraine" are recommended.

SWEET GUM (Liquidamber styraciflua) Height:60-100';Spread:50'+.

The Sweet Gum is a native bottomland tree which adapts to a variety of soils. Its dense foliage and balanced form make it an excellent shade tree for large open areas. The Sweet Gum needs sun and plenty of room to achieve maximum size and beauty. In the fall, its leaves turn a brilliant wine and gold color. Other than clean up of its prickly seed balls, the Sweet Gum poses no special maintenance problems.

LONDON PLANE-TREE (Platanus acerifolia) Height:70-100';Spread: 30'+.

The London Plane-Tree is excellent for streets and parking lots for a variety of reasons. It puts out its branches high enough above the ground so as not to obstruct traffic. Its broadly spreading crown makes it especially useful along wide streets. The London Plane is one of the world's hardiest trees in polluted air. Although it needs plenty of sun and moisture, it is undemanding about soil. Finally, it is very long lived. The London Plane-Tree is a hybrid of the Sycamore, and like the Sycamore, it may suffer from certain diseases. However, it is more resistant to leaf blight than the Sycamore.

SYCAMORE (Platanus occidentalis) Height:70-100'; Spread:60'+.

The Sycamore is probably the fastest growing shade tree on this list. Within ten years, it can grow to a height of between thirty and forty feet. It is easily transplanted, but it needs plenty of space. As one of nature's most massive trees, Sycamores have been known to grow to a height of 170 feet with a trunk 10 feet across. The Sycamore is a native tree which typically grows in flood plains, but it thrives in a variety of situations. Its tolerance of severe conditions has long made it a favorite choice as a street tree. Sycamores are susceptible to fungi and leaf blight and their large leaves and seed balls may present a litter problem.

EASTERN RED OAK (Quercus rubra) Height: 50-70'; Spread: 40'+.

This tree grows faster than any other oak, two feet or more per year. It is prized as a tree because its high branching habit gives it an ideal shape. The Red Oak grows in almost any average soil and presents no special maintenance problems.

WILLOW OAK (Quercus phellos) Height: 60-80'; Spread: 30'+.

This is another rapidly growing Oak. It has proven to be quite successful as a street and parking lot tree. Its slender leaves give it a finer texture than that of other Oaks, but it still casts excellent shade. The Willow Oak is native to bottomland soils, and thus it needs plenty of moisture. It often spreads majestically as it matures so it should be given ample room to grow. No significant pests or diseases afflict the Willow Oak.

SCARLET OAK (Quercus coccinea) Height:60-80'; Spread:40'+.

This is a third Oak which grows rapidly and is easy to maintain. The Scarlet Oak is more difficult to transplant than the Red or the Willow, but it may be a worthwhile selection for its excellent foliage.

LAUREL OAK (Quercus laurifolia) Height:40-60'; Spread:30'+.

The Laurel Oak grows more slowly than the other Oaks listed above, but it has the advantage of being nearly evergreen in piedmont sections of North Carolina. It has proven to be a good street tree and does quite well under city conditions. It presents no special maintenance problems.

LITTLELEAF LINDEN (Tilia cordata) Height:30-50'; Spread:25'+.

Lindens are notable for their exceptional symmetry and their ability to grow in poor soils. The Littleleaf Linden requires plenty of moisture, but it has proven to be useful for city planting and is especially recommended as a street tree. With its many thick branches and abundant foliage, the Linden provides very dense shade. It should be sprayed for aphids in order to prevent sticky droppings from the leaves.

E-14. Small Shrubs for Evergreen Screening

The following shrubs are recommended for informal (unclipped) hedges or screens. Each species grows to a height of less than six feet; therefore, these shrubs are appropriate for Semi-opaque Screens.

GLOSSY ABELIA (Abelia grandiflora) Height:4-6'; Spread:3-5'.

Abelia is quite common in local nurseries and tends to be less expensive than other shrubs on this list. It bears pale pink flowers throughout the summer. Although it has proven quite popular for informal hedges, it has several drawbacks. Abelia should be pruned and thinned to maintain its best form. It may drop its leaves due to low temperatures, lack of pruning, or starvation.

WARTY BARBERRY (Barberis verruculosa) Height:3-4'; Spread: 3-4'.

Barberrys as a group have proven to be excellent as hedge plants. With their dense, spiny limbs, they are effective barriers in public places. The Warty Barberry is

a shrub with a neat, compact habit. It is soil tolerant and has no special maintenance requirements. It grows slowly, but it will reach a height of 3 to 4 feet within five years.

WINTERGREEN BARBERRY (Berberis julianae) Height:4-6'; Spread:2-5'.

This is another Barberry which forms an impenetrable thorny hedge. In fact, it grows even more densely than the Warty Barberry. It is pest resistant and is very hardy. No pruning is required. Because it is fairly slow growing, it will take eight to ten years to reach a height of 5 to 6 feet.

DWARF HORNED HOLLY (Ilex cornuta 'rotunda') Height:3'; Spread: 3-4'.

This shrub is an excellent selection for a low hedge. It is soil tolerant and requires no pruning or other special care once established. With its spiny leaves, this plant appears to be and is in fact rugged. Like all Hollies, it grows best in full sun, but unlike others of its species, it produces bright red berries without both sexes being present.

LITTLELEAF JAPANESE HOLLY (Ilex crenata 'microphylla') Height: 4-6'; Spread: 5-7'.

This Holly is a good substitute for the more finicky and often more expensive Boxwood. It withstands pruning, but is quite attractive in its natural form. Although considered to be slow growing, it will form a stiff 6-feet tall hedge within ten years. The Littleleaf Japanese Holly grows well in both sun and shade and does well in city conditions.

CONVEXA JAPANESE HOLLY (Ilex crenata 'convexa') Height: 4-6'; Spread: 3-5'.

The Convexa Japanese Holly is another good Boxwood substitute. This shrub is considered to be one of the most attractive, hardy and serviceable Hollies for landscape use. It is attractive in either a clipped or unclipped form. It grows faster than the Littleleaf Japanese Holly.

INDIA HAWTHORN (Raphiolepis indica) Height:3-4';Spread: 4-5'.

With its spreading, irregularly branching, the India Hawthorn makes an excellent informal hedge. It is tolerant of a variety of soils and is fairly drought resistant. However, it may not be as cold tolerant and pest resistant as other shrubs on this list.

AZALEAS and RHODODENDRONS (Rhododendron species) Height: 3'+; Spread: 3'+.

Many varieties of Azaleas and Rhododendrons are dense and evergreen and are, therefore, good screening material. The universal popularity of this large shrub family belies the fact that its members must not be planted indiscriminately. As a group, Rhododendron species prefer cool, moist, well drained, acidic soil which has a fairly high organic content. They do best in shade or partial shade particularly when they are planted in extremely hot or windy locations. If planted in full sun, they should receive plenty of

water. In spite of these requirements, once established in good soil with the correct culture and water, both Rhododendrons and Azaleas tend to take care of themselves. Some relatively hardy and vigorous species are: Kurume Azaleas (R. obtusum), Snow Azaleas (R. mucronatum), Indian Azaleas (R. indicum), and the native Carolina Rhododendron (R. carolinianum).

JAPANESE YEW (Taxus cuspidata) Height: 4-6'; Spread:5-7'

The versatile Yew is commonly available from local nurseries in a wide variety of sizes and shapes. The Japanese Yew serves as excellent screening material in either a clipped or unclipped form. It tolerates poor growing conditions and flourishes in almost any kind of soil. (Soggy soil may hamper its growth, however.) It is comparatively pest free and is hardy under trying winter conditions. The Yew's best feature is its rich shiny green needles which grow densely on all varieties.

E-15. Large Shrubs For Evergreen Screening

The following shrubs are recommended for high hedges or screens. Each species grows to a height of more than 6 feet; therefore, these shrubs are appropriate for Opaque Screens.

THORNY ELAENGUS (Elaengus pungens) Height:8-10'; Spread:6-10'.

This shrub is tolerant of many adverse conditions. It will grow rapidly in relatively infertile, dry soils. Its dense thorny branches form an excellent natural hedge. It is one of the most common evergreen shrubs in the south.

BURFORD HOLLY (Ilex cornuta 'Burfordii') Height:8-15';Spread:6-8'.

The Burford Holly has been called, "one of the best and most serviceable of all broad leafed evergreens for general planting in the South." It is soil tolerant, grows rapidly, requires no pruning, and usually has no pest problems. Its dark green leaves lack the usual Holly spines.

YAUPON HOLLY (Ilex vomitoria) Height:5-15'; Spread:6-12'.

This is another versatile Holly, slower growing than the Burford, but equally as adaptable to adverse conditions. It is a native shrub which has proven to be one of the most drought resistant of all Hollies. It may be clipped to maintain any desired height. The Yaupon Holly is very heavily fruited and will attract birds.

LAUREL or SWEET BAY (Lauris nobilis) Height: 10-12'; Spread: 8-10'.

Laurel is a tough low maintenance shrub which does best in fertile, well-drained soils. Pruning is not required but it may be sheared to any desired form. It screens well with a single row planting. The Laurel has been a popular landscaping plant since ancient times.

JAPANESE PRIVET (Ligustrum japonicum) Height:6-10';_Spread:5-6'.

The Japanese Privet will survive almost any adversity including heat, cold, drought, air pollution, and poor soil. Accordingly, it is one of the most popular hedge plants in America. This and other Ligustrums are fast growing and remarkably pest free. They are ideal as a high screen in large-scale areas. It has been said that if a Ligustrum will not grow in a particular location, then nothing will.

FORTUNE TEA OLIVE (Osmanthus fortunei) Height:9-12';Spread:5-7'.

This Osmanthus hybrid is a popular, though non-descript, shrub. With its vigorous growth, it will form an excellent screen or border. It is soil tolerant. The Fortune Tea Olive is most notable for its inconspicuous yet highly fragrant flowers.

RED PHOTINIA (Photinia glabra) Height:6-10'; Spread:4-5'.

This low maintenance shrub is often selected for its glossy saw toothed leaves which are a bright red when they first appear. Photinia forms a good hedge when planted in full sun. It has somewhat looser foliage than other plants on this list. In recent years, Red Photinia has become very popular in the Southeast.

LAURESTINUS VIBURNUM (Viburnum tinus) Height:10-12';Spread: 10-12'.

This Viburnum is prized for its luxuriant dark green foliage. It is valuable for screens and, though sometimes clipped as a formal hedge, it can remain uncut for years and still keep its good form. It grows best in medium fertile soils and prefers dry conditions in the late summer. All Viburnums withstand city conditions well.

E-16. Assorted Shrubs for Broken Screens

The following is a sampling of shrubbery which would be appropriate in a Broken Screen. Because many of these plants are deciduous, they are not suitable for Opaque and Semi-Opaque Screens. (Note: Many of the evergreen shrubs described in planting list E-14 and E-15, are also suitable for Broken Screens.)

JAPANESE BARBERRY (Barberis thunbergii) Height:3-5';Spread: 3-5'.

This extremely common deciduous shrub is considered to be one of the toughest members of the Barberry family. It survives drought, poor soils, exposure, and the worst city conditions. With its many thorns, the Japanese Barberry is often used as an impenetrable barrier, but is attractive enough to stand alone as a specimen plant. It requires no special maintenance and, when planted singly, needs no pruning.

FRINGETREE (Chioanthus virginicus) Height:10-30';Spread:8-10'.

The Fringetree is known for its profusion of beautiful flowers. It is considered to be one of the most striking native American shrubs. It is relatively difficult to transplant,

but once established it does well in cities as it endures heavy smoke and dust. The mature Fringetree's only drawback is that its leaves appear rather late in the Spring.

BORDER FORSYTHIA (Forsythia intermedia) Height:8-10'; Spread:7-10'.

Forsythias are well known shrubs which bloom bright yellow quite early in the Spring. There are two commonly available forms of this shrub: the weeping Forsythia suspensa and the more upright Forsythia intermedia. The latter is preferred for screening purposes. With its graceful branches, the Border Forsythia presents a good deciduous foliage mass and should be given plenty of room to grow. It transplants easily and withstands poor growing conditions. It should be thinned occasionally to ensure vigorous growth.

VERNAL WITCH HAZEL (Hamamelis vernalis) Height:4-6'; Spread:2-3'.

This rapidly growing native shrub is excellent for bordering and naturalizing. It assumes a dense, upright form, thriving in even the most polluted air. Other than plenty of watering, the vernal Witch Hazel requires no special maintenance.

COMMON WITCH HAZEL (Hamamelis virginiana) Height:8-15'; Spread:7-14'.

This shrub is a larger version of Vernal Witch Hazel with many of the same qualities. It is another native woodland plant which has adapted well to landscaping uses. The Common Witch Hazel is recommended for shady areas, but when planted in the sun it grows to be a splendid well rounded specimen. It is especially useful in large areas.

PFITZER JUNIPER (Juniperus chinensis 'Pfitzeriana') Height:4-6'; Spread:6-9'.

This evergreen is recommended for Broken Screens rather than full fledged hedges because its form lends itself to massing rather than row planting. Pfitzer Juniper has been known to grow 6 feet high and spread 10 to 15 feet within ten years. Thus it should be given plenty of room to grow. Despite its exotic appearance, it is a commonly used landscape plant. Junipers, as a group, withstand hot, poor, dry soils of city areas probably better than any other evergreens. However, they do suffer from certain pest problems and should, therefore, be watched closely once they are planted.

DROOPING LEUCOTHOE (Leucothoe fontanesiana) Height:3-4'; Spread:4-6'.

Drooping Leucothoe is a moundlike shrub which is good for planting in front of and between other flora and beneath trees. It is hardy in city conditions and gives a natural effect when planted along borders. This native evergreen is graceful and attractive in all seasons. It is easy to transplant but requires a heavy mulch and should be provided with at least partial shade. Old branches should be pruned occasionally to stimulate new growth.

WINTER HONEYSUCKLE (Lonicera fragrantissima) Height:6-8'; Spread:6-8'.

The only resemblance between this shrub and the more familiar Honeysuckle vine is its extremely fragrant flowers. The Winter Honeysuckle has a leathery semi-evergreen leaves and assumes a globe shape as it rapidly grows. It is a tough plant, soil tolerant and virtually maintenance free.

STAR MAGNOLIA (Magnolia stellata) Height:10-12' Spread:8-10'.

This handsome specimen shrub is considered to be the hardiest of all the Magnolias. It forms a broad, rounded mass. It becomes tree-like with age but continues to branch to the ground. Early in the Spring, it produces numerous fragrant white flowers. The Star Magnolia should not be planted adjacent to shallow rooting trees. It should be allowed plenty of sun.

NORTHERN BAYBERRY (Myrica pensylvanica) Height:3-6';_Spread:3-8'.

This shrub, often used for windbreaks at the beach, is also effective for shrub masses in Piedmont areas. Its ability to tolerate salt and sands translates into a quality for withstanding the rigors of city life. Bayberry normally forms a dense, spreading mound. While it is evergreen at the shore, it may annually drop its leaves in less temperate climates.

JUDD VIBURNUM (Viburnum juddii) Height: 8'; Spread: 6'.

Viburnums are sturdy shrubs which are commonly available in area nurseries. The Judd Viburnum is rounded and dense. It bears loose clusters of fragrant white flowers in the early Spring. If given plenty of water, it will grow rapidly. Its fall fruit is attractive to birds.

DOUBLE VIBURNUM (Viburnum plicatum tomentosum) Height:8-10'; Spread: 8-10'.

The Doublefile Viburnum grows larger than the Judd and is noted for its strong horizontal branching habit. It is a very serviceable accent plant in shrub borders. The Doublefile Viburnum should be carefully watered in periods of extended drought.

APPENDIX F
MANUFACTURED HOME PARK PROVISIONS

F-1. Purpose

The purpose of these provisions is to provide standards for the development of a manufactured home park. The requirements set forth, cover the development of a plan for the manufactured home park, the review of the plan, the design standards and their inspection.

F-2. Pre-Application Requirements

Prior to submitting a preliminary plat, the developer shall meet with the Union County Health Department-Environmental Health Division, Soil Conservation Service, and Land Use Administrator.

F-3. Application

The applicant shall comply with Sections 49, 54, and 55 of this ordinance. A preliminary and final plat plan shall be submitted to the board of adjustment for review and approval prior to making application to Union County for manufactured home setup permits.

F-4. Agency Review

The developer shall coordinate preliminary plat review and receive and submit letters of support from the following agencies prior to the board of adjustment meeting.

(1) The District Engineer of the North Carolina Department of Transportation.

(2) Union County Health Department - Environmental Health Division, or appropriate State agency.

(3) Soil Conservation Service.

The Land Use Administrator may contact the Board of Education regarding impact of new manufactured home parks on the local schools.

F-5. Checklist for Required Preliminary Plan

(1) Name of manufactured home park.

(2) Date of plat.

(3) Name(s) of the owner(s), and adjoining property owner(s).

(4) North arrow, and vicinity map.

(5) Name and seal of the registered surveyor or engineer.

(6) The plan will have the title "PRELIMINARY PLAN" in large letters.

(7) The names of proposed streets, subject to Section 223.

(8) Contour lines with no larger than five (5) foot intervals.

(9) Graphic scale no smaller than one-inch (1) equals one hundred (100) feet and no larger than one (1) inch equals fifty (50) feet.

(10) An accurate drawing with linear and angular dimensions, of the boundaries of the proposed manufactured home park and the location within the park, or adjacent to it, of existing streets, railroad lines, water courses, easements or rights-of-way of record, cemeteries, or other significant features.

(11) A soil evaluation prepared by the Environmental Health Department and/or Soil Conservation Service to determine if the soil conditions meet current minimum Union County and North Carolina regulations pertaining to the use of septic tanks or a discharge permit from Environmental Management, NRCD.

(12) The location and widths of proposed streets, alleys, crosswalks, easements, and the 100 year flood boundary.

(13) Size of each manufactured home site in accordance with Section 181, however additional area may be required by the Environmental Health Department. In computing the site size, the area inside any right-of-ways or easements can be included.

(14) Location of proposed site lines and other property lines. Setback requirements as required in Section 184, except that a front yard setback of twenty (20) feet in the R-8 district will be acceptable.

(15) The location and size of existing sewer and water lines, culverts, or other subsurface structures, and buildings within the proposed manufactured home park and adjacent to it. Connection to County owned water and sewer lines pursuant to Section 237.

(16) The type of proposed water supply and waste disposal system, including the location of proposed water lines, well or well sites, sanitary and storm water sewers, drains, and culverts with grades and sizes indicated.

(17) Type and location of garbage and/or trash containers. Stands shall be required for individual trash containers. Dumpsters must be designed in accordance with Section 248.

(18) Screening and shading requirements as established by Article XIX. Location of the tree line of wooded areas.

(19) All streets in the manufactured home park shall adequately illuminated as detailed in Section 242. Spacing is suggested at 300 foot intervals, but shall be required at each street intersection.

F-6. Manufactured Home Park Procedures - Final Plat

(1) Application Deadline: All material must be submitted in accordance with deadlines established by the Land Use Administrator and/or board of adjustment.

(2) Required Material:

(a) Approved plans for water supply, waste disposal, and other utilities subject to Article XV.

(b) Conformance with Article XVI, concerning drainage and storm water management and Article XXIV concerning floodplain.

(c) Street plans approved by N.C. Department of Transportation.

(d) The final plat and five (5) copies shall be submitted.

(e) The final plat shall be drawn in waterproof ink on satisfactory reproducible materials on sheets 18" x 24".

(3) Completion of Improvements: All required improvements must be completed, with the exception of septic tank systems and individual wells, or a security bond or letter of credit submitted in the amount of required improvements. The developer shall provide information sufficient to determine the cost of improvements.

(4) Conditional Compliance: The applicant must have complied with all conditions placed on his preliminary plan approval.

(5) Review - Approval or Denial: The final plat will be reviewed by board of adjustment for compliance. The board of adjustment will render approval or denial based on Sections 54, 55, 56, 58, 59, and 66 of this ordinance.

F-7. Design Standards

The Land Use Administrator and/or board of adjustment may require the placement of any of the following criteria on the preliminary or final plat.

(1) General Requirements:

(a) No living compartment or structure other than a Florida Room, or other prefabricated structure, specifically designed for manufactured home use or extension, shall be added to any manufactured home. Porches covered

with a roof and open on three sides may be permitted if yard space requirements are not violated.

(b) Within a manufactured home park, one manufactured home may be used as an administrative office.

(c) Skirting as required by Section 162.

(d) The manufactured home park identification sign shall meet the requirements of Article XVII.

(e) Manufactured homes must meet the special provisions detailed in Section 130.

(f) Setback requirements as required by Section 184 must be satisfied, except that when the R-8 district is present, a front yard setback of twenty (20) feet from the rights-of-way will be acceptable.

(g) One accessory structure per site may be constructed or placed in the rear yard, being no larger than 10' x 10' and no closer than ten (10) feet from any adjoining site or lot line.

(h) The minimum size lot, tract or parcel of land to be used for a manufactured home park shall be not less than two (2) acres in size, and shall contain sites for at least five (5) manufactured homes.

(2) Streets, Parking, and Facilities:

(a) Paved street(s) which meet North Carolina Department of Transportation standards.

(b) Maintenance of street(s) within the park shall be provided by the owner(s) or operator(s) of the park, unless dedication is made and accepted by the State for adding to the state road system.

(c) All manufactured home park sites shall be serviced by interior streets. Park sites shall not have direct driveway access to a state maintained road, in lieu of F-7 (2b) above.

(d) Each street shall have a permanent sign installed with a designated name identifying each street, and traffic control signs (stop, yield, and speed) shall be placed throughout the manufactured home park where appropriate.

(e) No junked or abandoned vehicles shall be allowed in the park.

(f) A minimum of two (2) off street automobile parking spaces surfaced with four (4) inches of gravel or paved, shall be provided adjacent to each

manufactured home space, but shall not be located within any right-of-way or within any street in the park.

(g) One driveway servicing not more than two (2) sites may be created for every twenty-five (25) sites which are serviced by the newly created street(s).

(h) Stands shall be provided for all trash containers. Such container stands shall be so designed as to prevent containers from being tipped, to minimize spillage and container deterioration, and to facilitate cleaning around them.

(3) Recreational Areas:

(a) Adequate and suitable areas to serve the anticipated population of the park shall be provided and consist of at least ten thousand (10,000) square feet per twenty-five (25) manufactured home sites. For manufactured home parks with less than twenty-five (25) sites, the minimum recreational area (10,000 sq. ft) shall be required.

(b) No recreational facilities or space shall be placed in an area utilized for septic tank filter fields.

F-8. Inspections

(1) The Union County Health Department - Environmental Health Division, Land Use Administrator, and other Code Enforcement Officers are hereby authorized and directed to make such inspections as are necessary to determine satisfactory compliance with this Ordinance and the North Carolina Building Codes. It shall be the duty of the owner(s) or occupants of manufactured home parks to give these agencies free access to such premises for the purpose of inspection.

(2) The owner(s) or management shall operate the park in compliance with this Ordinance and shall provide adequate supervision to maintain the park, its facilities and equipment in good repair and in a clean and sanitary condition.

(3) The park owner(s) or operator(s) shall notify park occupants and prospective occupants of all applicable provisions of the Ordinance and inform them of their duties and responsibilities under the Ordinance.

F-9. Administration

(1) Existing Manufactured Home Parks: Manufactured home parks existing or that have applied for preliminary review by the board of adjustment at the time of adoption of this ordinance, shall be allowed to continue to operate and/or be developed. Manufactured home parks existing at the time of the adoption of this ordinance shall not be allowed to expand or increase in any manner unless such expansion meets fully the requirements set forth herein.

(2) Penalty: Any violation of these provisions are subject to the procedures in Article VII.

(3) Special Exceptions: Subject to Section 59, any special exception shall be entered in the minutes of the board of adjustment and the reasoning on which the departure was justified shall be set forth.

APPENDIX G
CAMPGROUND PROVISIONS

G-1. Purpose

There are several important reasons for regulating campgrounds, especially to assure compatibility with surrounding land uses, and to avoid health and safety hazards. Among the other considerations are potential damage to the environment and pressure on public services.

G-2. Definitions

(1) Campground - Any parcel or tract of land under the control of any person, organization, or governmental entity (excluding Union County) wherein sites are offered for the use of the public or members of any organization for the establishment of temporary living sites for two or more recreational vehicles or camping units. Campgrounds may be one of the following types:

(a) 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.

(b) 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.

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

(d) Developed - A campground with two or more camping unit sites, accessible by vehicular traffic where sites are substantially developed and tables, refuse containers, flush toilets, bathing facilities, and water are provided.

(e) Fully Developed - A campground with two 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.

(2) Camping Unit - A tent, cabin, recreational vehicle intended, designed, or used for temporary human occupancy.

(3) Camping Unit Site - A specific area within a campground or recreational vehicle park, which is set aside for use as a temporary living site by a camping unit. Also referred to as a recreational vehicle site.

(4) Cabin – A small one-story house built and designed for temporary use.

(5) Recreational Vehicle – A vehicular-types unit primarily designed as temporary living quarters for recreational, camping, or travel use, which either has its own motive power or is mounted on or towed by another vehicle. The basic entities are: travel trailer, camping trailer, truck camper and motor home.

G-3. Pre-Application Requirements

Prior to submitting a development plan, the developer shall meet the Union County Health Department Environmental Health Division, Soil Conservation Service, and Land Use Administrator.

G-4. Application

The applicant shall comply with Section 49, 54, and 55 of this ordinance.

G-5. Plan Preparation Requirements

(1) Name, address, and telephone number of applicant.

(2) Interest of the applicant in the proposed campground.

(3) Date of plat.

(4) Name(s) of the adjoining property owner(s).

(5) North arrow, and vicinity map.

(6) Name and seal of the registered surveyor or engineer.

(7) The plan will have a title indicating the type of campground as defined in G-2, in large letters.

(8) The names of proposed streets, subject to Section 223.

(9) Complete engineering plans and specifications of the proposed campground showing:

(a) The area and dimensions of the entire tract of land;

(b) The land use occupying the adjacent properties;

(c) The number, size and location of camping unit sites and parking areas;

(d) The location, right-of-way, and surface roadway width and surfacing materials of roadways and walkways;

(e) The proposed interior vehicular and pedestrian circulation patterns;

(f) The location of service buildings, sanitary stations, and any other existing or proposed structures;

(g) The location of water and sewer lines and rise pipes;

(h) Plans and specifications of the water supply, sewage disposal, and refuse facilities;

(i) Plans and specifications of all buildings constructed or to be constructed within the campground;

(j) The location of all drainage easements, including conformance with Article XVI, concerning storm water management and erosion control and Article XXIV concerning floodplain;

(k) The location and details of lighting, electric, and gas systems;

(l) Road design, including construction materials, roadway width, and drainage pipe size(s);

(m) Contour lines with no larger than five (5) foot intervals, and the 100-year flood boundary.

G-6. Design Standards

(1) Where a campground is proposed for construction in a series of stages, a master plan for the development of the entire tract of land shall be submitted along with the detailed plans and specifications for the initial stage, as well as any subsequent stages.

(2) Water supply, sewage disposal, sewage collection, other sanitary facilities and insect and rodent control plans and specifications shall be approved by the Union County Health Department – Environmental Health Division or appropriate state agency.

(3) Sanitary facilities such as a toilet, lavatory, and bathing facilities shall be provided in the following minimum numbers:

(a) Every campground shall 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 shall 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 shall be provided for each sex at the rate of one for every 100 camping unit sites or fractional part thereof.

(d) Where a campground accepts or accommodates dependent camping vehicles and camping equipment campers, at least one toilet and one lavatory shall be provided for each sex at the rate of one each for every 15 camping unit sites or fractional part thereof, and one shower shall be provided for each sex for every 30 camping unit sites or fractional part thereof. Lavatories shall be provided at each building containing toilet facilities.

(4) 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. In addition, stores, restaurants, beauty parlors, barber shops, and other convenience establishments shall be considered by the board of adjustment as special uses and shall be restricted to no more than five (5) per cent of gross area of the campground and be internally located (except in the HC District).

(5) A minimum of eight (8) per cent of the gross site area of the campground shall be set aside as common use areas for open or enclosed recreation.

(6) The minimum park area shall be twenty-five (25) acres where permanent camping unit sites are established. Where primitive camping is intended, the minimum area shall be 2 acres and shall be permitted as a matter of the right, subject to 6.272 of the permitted use table.

(7) Sites. Each camping site shall be at least two thousand five hundred (2,500) square feet in area with a minimum site width of forty (40) feet. Each site shall contain a stabilized vehicular parking pad of shell, marl, paving, or other suitable material.

(8) Streets in campgrounds shall be private, but shall be constructed with a stabilized travel way (marl, shell, paving or other suitable material) and shall meet the following minimum stabilized travel way width requirements:

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

(9) Entrances and exits to campgrounds shall be designed for safe and convenient movement of traffic into and out of the campground and to minimize marginal friction with free movement of traffic on adjacent streets. All traffic into and out of the campground shall be through such entrances and exits. No entrance or exit

shall require a turn at an acute angle for vehicles moving in the direction intended, and radii of curbs and pavements at intersections shall be such as to facilitate easy movements for recreational vehicles. No material impediment to visibility shall be created or maintained which obscures the view of an approaching driver in the right lane of the street within (1) 100 feet where the speed limit is 45 miles per hour, or (2) 150 feet where the speed limit is 45 miles per hour or more, or any portion of the approach lane of the access way within 25 feet of its intersection with the right hand land of the street.

(10) All campgrounds shall be provided with safe and convenient vehicular access from an improved public street. The North Carolina Department of Transportation shall approve all access and entrance locations and improvements before the issuance of a permit.

(11) Camping units shall be separated from each other and from other structures by at least ten (10) feet. No part of a recreational vehicle or other unit placed on a camping unit site shall be closer than five (5) feet to a site line.

(12) At least one and one-half (1 ½) parking spaces shall be provided in the campground per camping unit site. At least one (1) parking space shall be provided at each site. Off-street parking may be provided in common areas or on individual sites. Parking for accessory buildings shall be based on the type of use as detailed in Article XVIII.

(13) A fifty (50) foot buffer area between any camping unit site and adjoining property lines and public streets shall remain open space and can be considered as part of the recreation area.

(14) Fires will be permitted on in facilities, which have provided for such purposes or where open fires are allowed. Fireplaces, fire pits, charcoal braziers, wood burning stoves, or other cooking facilities shall be located, constructed, maintained and used to minimize fire hazard and smoke nuisance in the campground and the neighborhood properties.

(15) Permanent Occupancy Prohibited.

(a) No camping unit shall be used as a permanent place of abode. Continuous occupancy extending beyond three (3) months in any 12-month period shall be presumed to be permanent occupancy.

(b) Any action toward removal of wheels of a recreational vehicle except for temporary purposes of repair or to attach the trailer to the ground for stabilizing purposes is hereby prohibited.

(16) Where cabins are to be utilized a minimum of 20,000 square feet area shall be provided. Clustering is allowed provided the minimum site area is allotted.

(17) Recreational Vehicle Sanitary Disposal Station:

(a) One recreational vehicle disposal station shall be provided for each 100 recreational vehicle sties, or parts thereof, which are not equipped with individual sewer and water connections.

(b) Each station shall be level, convenient of access from the service road, and shall provide easy ingress and egress.

(c) The sanitary disposal station(s) shall be constructed according to specifications approved by the Union County Health Department – Environmental Health Division.

(18) Stands shall be provided for all trash containers. Such container stands shall be so designed as to prevent containers from being tipped, to minimize spillage and container deterioration, and to facilitate cleaning around them. Dumpsters must be designed in accordance with Section 248.

(19) Each street shall have a permanent sign installed with a designated name identifying each street, subject to Section 223, and traffic control signs (stop, yield, one-way, speed, etc) shall be placed throughout the campground where appropriate.

G-7. Inspection.

(1) The Union County Health Department – Environmental Health Division, Land Use Administrator, and other Codes Enforcement Officers are hereby authorized and directed to make such inspections as are necessary to determine satisfactory compliance with this ordinance and the North Carolina Building Codes. It shall be the duty of the owner(s) of the campground to give these agencies free access to such premises for the purpose of inspection.

(2) The owner(s) or management shall operate the campground in compliance with this ordinance and shall provide adequate supervision to maintain the campground, its facilities and equipment in good repair and in a clean and sanitary condition.

G-8. Administration.

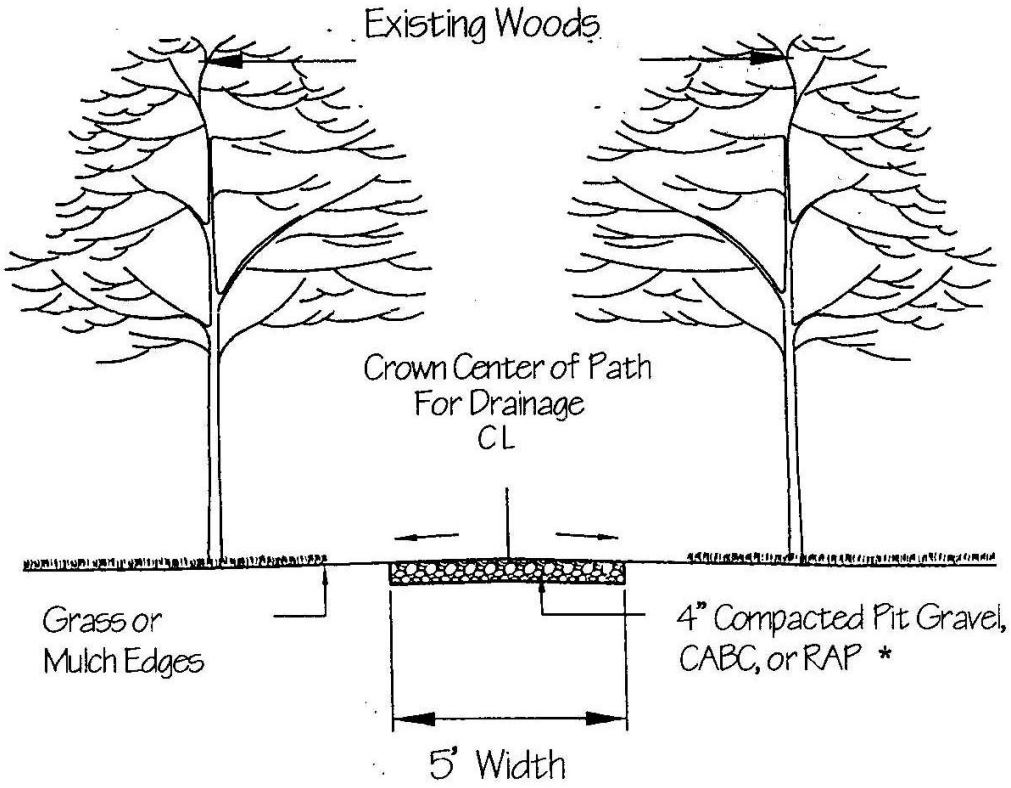
(1) Penalty: Any violation of these provisions is subject to the procedures in Article VII.

(2) Special Exceptions: Subject to Section 59, any special exception shall be entered in the minutes of the board of adjustment and the reasoning on which the departure was justified shall be set forth.

APPENDIX H
TRAIL SPECIFICATIONS FOR CLUSTER SUBDIVISIONS

H-1. Specifications for Walking Trails.

See attached sketch for specifications.



TYPICAL WALKING TRAIL
Not to Scale

* Other types of surfaces will be reviewed on a case by case basis.

APPENDIX I
TABLE OF USES

I-1. Union County Table of Uses

Use	Supplemental Regulation Section Number or Article	Parking Requirement Found in Section 291(e)	RC80	RA40	RA20	R40	R20	R15	R10	R8	R6	O	B-1	B-2	B-3	B-4	HC	B-6	LI	HI
ABC Store		2.122											S	S		S	Z			
Accessory Uses	150, 179, 185	3.110	Zs	Zs	Zs	Zs	Zs	Zs	Zs	Zs	Zs	Z	Z	Z	Z	Z	Z	Zs	Z	Z
Accounting, Auditing, Bookkeeping Services		3.120										Z	Z	Z	Z	Z	Z			
Administrative or Management Services		3.120										Z	Z	Z	Z	Z	Z			
Adult Establishment, Hotel/Motel, Video Store, Lingerie Modeling Studio	180C	8.100-1.540													Ss					
Advertisting Agency		3.120										Z	Z	Z	Z	Z	Z			
Agribusiness Operations	168	32.000		Ss															Z	Z
Agricultural Use, Class 1 (not exempt as a bona fide farm) excluding livestock	175, 150 c (8)	1.000	Zs	Zs	Zs	Zs	Zs	Zs											Zs	Zs
Agricultural Use, Class 1 (not exempt as a bona fide	175, 150 c (8)	1.000	Zs	Zs															Zs	Zs

Z - Permitted By Right
S - Special Use Permit Required
D - Major Development Permit Required
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/ - or, (example X/D)

Use	Supplemental Regulation Section Number or Article	Parking Requirement Found in Section 291(e)	RC80	RA40	RA20	R40	R20	R15	R10	R8	R6	O	B-1	B-2	B-3	B-4	HC	B-6	LI	HI
farm) including livestock																				
Agricultural Use, Class II, (Ten acres or more)	175, 150 c (8), 179	1.000	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Zs	Z	Z
Air Conditioning Supply & Service (See Electric, Heating Supplies/Sales)																				
Airport, County Owned/Operated		15.200		Z	Z	Z	Z	Z	Z	Z									Z	Z
Airport, Heliport, Helistop Public/Private		15.200																	S	S
Airstrip		15.200	S	S	S	S	S	S	S	S									S	S
Ambulance Service (See Public Safety Station)																				
Amphitheater	179	6.22	S	S	S	S	S	S	S	S	S		Z	Z	Z	Z	Z	Zs		
Amusement Facility/Fun Park		6.230														S	Z			
Animal Grooming Facility/Services (No outdoor runs)		12.000											Z	Z	Z	Z	Z			
Animal Hospital, Animal Kennel, Animal Boarding Services		12.000		S												S	S			

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Use	Supplemental Regulation Section Number or Article	Parking Requirement Found in Section 291(e)	RC80	RA40	RA20	R40	R20	R15	R10	R8	R6	O	B-1	B-2	B-3	B-4	HC	B-6	LI	HI
Animal Obedience School (Principal use)		12.000		S									Z	Z		Z	Zs			
Animal Shelter		12.000														S	S		Z	
Animal Supply Store		2.120		S									Z	Z		Z	Z			
Antique Store		2.120											Z	Z		Z	Z			
Antique Tractor Pull	161		S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S
Apparel Store (See Clothing, Footwear and Apparel Store)																				
Appliances (Household) Store and/or Repairs		2.120											Z	Z		Z	Z			
Architect Service (See Engineering, Architect, or Survey Services)																				
Art Gallery/Center	179	5.300										Z	Z	Z	Z	Z	Z	Zs		
Art Supply Store	179	2.120											Z	Z		Z	Z	Zs		
Auction House (excluding animals, without outside storeage)		2.120											Z	Z		Z	Z			

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Use	Supplemental Regulation Section Number or Article	Parking Requirement Found in Section 291(e)	RC80	RA40	RA20	R40	R20	R15	R10	R8	R6	O	B-1	B-2	B-3	B-4	HC	B-6	LI	HI
Auction House (excluding animarls, with outside storeage)		2.210														S	S			
Auditorium Stadiums, Assembly Halls, Amphitheaters, Coliseums (under 1000 seats) etc.	179	6.100											Z			Z	Z	Zs		
Auditorium Stadiums, Assembly Halls, Amphitheaters, Coliseums (1000+ seats)	179	6.130															Z	Ss		
Auto, Truck, Boat, Motocycle Sales, Service, Rental	180 I	9.100											Ss			S	Z			
Automobile Body Shop	180 I	9.400		S									Ss			S	S		Z	Z
Automobile Broker (wholesale, with no sales lots)		3.110											Z	Z	Z	Z	Z			
Automobile Club		3.110											Z	Z	Z	Z	Z			
Automobile Detailing Shop		9.400		S									S			S	S			
Automobile Parking Lot (Principal Use)	179	1.000											Z	Z	Z	Z	Z	Zs		
Automobile Parts and Repair Shop	180 I	9.400		S									Ss			S	S		Z	Z

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Use	Supplemental Regulation Section Number or Article	Parking Requirement Found in Section 291(e)	RC80	RA40	RA20	R40	R20	R15	R10	R8	R6	O	B-1	B-2	B-3	B-4	HC	B-6	LI	HI
Automobile Parts and Supply Store		2.120											Z	Z		Z	Z			
Automobile Rental Company (See Auto, Truck…Rental)																				
Automobile Salvage Yards (See Junkyard and Auto Salvage)																				
Automobile Service Station and Gasoline	165, 184	9.300		Ss									Ss	Ss		Ss	Zs			
Automobile Towing & Wrecking Service		2.130														Ss	Zs		Z	Z
Automobile Wash	165	9.500		Ss										Ss		Ss	Zs			
Automobile/Motocycle Race Track		6.250																		S
Bakery (Retail)		2.120											Z	Z		Z	Z			
Bakery (Wholesale)		2.130														Z	Z		Z	Z
Banks, Savings and Loan, Credit Unions, Bank Teller Machines	179	3.230										Z	Z	Z	Z	Z	Z	Zs		
Barber Shop		2.120										Z	Z	Z		Z	Z			

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Use	Supplemental Regulation Section Number or Article	Parking Requirement Found in Section 291(e)	RC80	RA40	RA20	R40	R20	R15	R10	R8	R6	O	B-1	B-2	B-3	B-4	HC	B-6	LI	HI
Baseball Hitting Range		6.230														S	Z			
Beauty Shop		2.120										Z	Z	Z		Z	Z			
Beauty Supply Store/Costmetic Store		2.120											Z	Z		Z	Z			
Bed and Breakfast Inn	172	1.520		Ss	Ss				Ss				Zs	Zs	Zs	Zs	Z			
Bicycle Sales/Service		2.120											Z	Z		Z	Z			
Billiard Parlor		6.110											Z			Z	Z			
Bingo Parlor		6.110											Z			Z	Z			
Blueprint and Drafting Service		3.110										Z	Z	Z	Z	Z	Z			
Boat and Trailer/Sales (See Auto, Truck…Sales)																				
Book Store	179	2.120											Z	Z		Z	Z	Zs		
Bottling Works		4.120														S	Z		Z	Z
Bowling Lanes	179	6.110											Z			Z	Z	Zs		

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Use	Supplemental Regulation Section Number or Article	Parking Requirement Found in Section 291(e)	RC80	RA40	RA20	R40	R20	R15	R10	R8	R6	O	B-1	B-2	B-3	B-4	HC	B-6	LI	HI
Building Materials and Home Decorating Center		2.210											S	S		S	S			
Building Material and Lumber Storage and Sales		2.120											S	S		S	Z			
Bus Charter Service Company		24.000															Z			
Bus Terminal, Passenger		24.000											S			S	Z			
Business Park (See Office Building)																				
Cabinet and Woodwork Shops (all operations conducted within fully enclosed building)	164	4.110		S									Z	Z		Z	Z		Z	Z
Camera and Photography Supply Store		2.120											Z	Z		Z	Z			
Camping & Recretational Vehicle Park	180H, Appendix G	6.270		Ss													Ss			
Campsite, Primitive	Appendix G	6.270	Zs	Zs	Zs	Zs	Zs	Zs	Zs	Zs	Zs		Zs	Zs	Zs	Zs	Zs		Zs	Zs
Candy and Nut Store		2.120											Z	Z		Z	Z			
Car Wash (See Automobile Wash)																				

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Use	Supplemental Regulation Section Number or Article	Parking Requirement Found in Section 291(e)	RC80	RA40	RA20	R40	R20	R15	R10	R8	R6	O	B-1	B-2	B-3	B-4	HC	B-6	LI	HI
Card Shop (See Gift, Novelty and Souvenir Store)																				
Carnivals, Circus, Festivals, Fairs	161, 179	33.000	Ss	Ss	Ss	Ss	Ss	Ss	Ss	Ss	Ss	Ss	Ss	Ss	Ss	Ss	Ss	Ss	Ss	Ss
Carpet Store (See Floor Covering Stores)																				
Catalogue Sales Store		2.120											Z	Z		Z	Z			
CD, Tape, Record Store		2.120											Z	Z		Z	Z			
Cemetery, Columbarium (Accessory Use)	176, 179	33.000	Zs	Zs	Zs	Zs	Zs	Zs	Zs	Zs	Zs	Zs	Zs	Zs	Zs	Zs	Zs	Zs		
Cemetery/Columbarium (Principal Use)	176	33.000	Ss	Ss	Ss	Ss	Ss	Ss									Ss			
Check Cashing Establishment		2.120											Z	Z		Z	Z			
Child Care Home		1.400	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S			
Child Care Institution		7.200		S	S		S	S	S	S	S	S				S	Z			
China and Tableware Shop		2.120											Z	Z		Z	Z			
Churches, Place of Worship/Synagogues/Temples	179	5.200	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Zs		

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Use	Supplemental Regulation Section Number or Article	Parking Requirement Found in Section 291(e)	RC80	RA40	RA20	R40	R20	R15	R10	R8	R6	O	B-1	B-2	B-3	B-4	HC	B-6	LI	HI
Civil Defense Operation (See Public Safety Station)																				
Cleaning and Maintenance Service, Building (no outside storage)		3.120											Z	Z		Z	Z			
Clock and Watch Sales and Repair Shop		2.120											Z	Z		Z	Z			
Clothing, Footwear, and Apparel Store		2.120											Z	Z		Z	Z			
Coin and Stamp Shop		2.120											Z	Z		Z	Z			
College/University	179	5.130																Zs		
Commercial Vehicle Storage and Operations Center		10.200														S	Z		Z	Z
Community Centers		6.100											Z	Z		Z	Z			
Computer and Data Processing Service		2.120										Z	Z	Z		Z	Z			
Computer Store (See Office Equipment and Computer Store)																				
Condominimum (See Dwelling, Multi-Family)																				

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Use	Supplemental Regulation Section Number or Article	Parking Requirement Found in Section 291(e)	RC80	RA40	RA20	R40	R20	R15	R10	R8	R6	O	B-1	B-2	B-3	B-4	HC	B-6	LI	HI
Consignment Shop (See Second Hand and Consignment Shops)																				
Continuing Care Facilities	179, 180 L	1.400	Ss	Ss	Ss	Ss	Ss	Ss	Ss	S	S	S	S	S	S	S	S	Ss		
Contractors Offices and Storage Yard		10.200														S	Z		Z	Z
Convalescent Homes (See Rest Homes)																				
Convenience Stores (with Retail, Fuel Sales), Mini-Marts, Express Fuel	165, 184	2.111		Ss									Ss	Ss		Ss	Zs			
Copying Service (See Photocopying Service)																				
Correctional Facility		34.000											Z	Z	Z	Z	Z		Z	Z
Cosmetic Store (See Beauty Supply and Cosmetic Store)																				
Costume Rental Store (See Formal Wear and Costume Rental Store)																				
Country Club (Principal Use)		6.210	S	S	S	S	S	S	S	S	S		Z	Z	Z	Z	Z			
Craft Store (See Hobby, Toy, and Craft Shop)																				

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Use	Supplemental Regulation Section Number or Article	Parking Requirement Found in Section 291(e)	RC80	RA40	RA20	R40	R20	R15	R10	R8	R6	O	B-1	B-2	B-3	B-4	HC	B-6	LI	HI
Craft Studio	164	4.110		S									Z	Z		Z	Z		Z	Z
Crematorium		33.000																	S	S
Dairy Bars, Ice Cream Stores and Ice Cream Manufacturing for on-premise retail sales only		2.113		S									Z	Z		Z	Z			
Dance School (See School for the Arts)																				
Day Care Center/Nursery School	179	22.000	S	S	S	S	S	S	S	S	S	Z	Z	Z	Z	Z	Z	Zs	S	S
Day Care Center Association with Church	179	5.200	S	S	S	S	S	S	S	S	S	Z	Z	Z	Z	Z	Z	Zs		
Department Store		2.120											Z	Z		Z	Z			
Detective Agency		3.120										Z	Z	Z	Z	Z	Z			
Diet Facility/House		3.120											Z	Z		Z	Z			
Distribution Center, Product		10.200														S	Z		Z	Z
Doctors', Dentist's Office (Excluding Animal Hospital)		3.130										Z	Z	Z	Z	Z	Z			

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Use	Supplemental Regulation Section Number or Article	Parking Requirement Found in Section 291(e)	RC80	RA40	RA20	R40	R20	R15	R10	R8	R6	O	B-1	B-2	B-3	B-4	HC	B-6	LI	HI
Domestic Shop (See Drapery and Linen Shop)																				
Drapery and Linen Shop		2.120		S									Z	Z		Z	Z			
Dry Cleaning and/or Laundry Plant, Service Outlets (Principal Use)		16.000											Z	Z		Z	Z			
Duplex (See Dwelling, Two-family)																				
Dwelling, Duplex		1.110		Z	Z	S	Z	Z	S	Z	Z		Z					Zs		
Dwelling, Manufactured (See Manufactured Home)																				
Dwelling, Modular Home (one unit per lot)		1.110	Z	Z	Z	Z	Z	Z	Z	Z	Z		Z					Zs		
Dwelling, Multi-Family	180 L	1.300		Z	Z	Zs	Z	Z	Zs	Z	Z		z							
Dwelling, Patio Homes		1.110		Z/D	Z/D		Z/D	Z/D		Z/D	Z/D		Z/D							
Dwelling, Single-Family Detached (one unit per lot)	179	1.110	Z	Z	Z	Z	Z	Z	Z	Z	Z		Z					Zs		
Dwelling, Temporary Dependent Care	178, 179	1.000	Ss	Ss	Ss	Ss	Ss	Ss	Ss	Ss	Ss		Ss				Ss	Ss		
Dwelling, Temporary Emergency, Construction,	160, 179	1.000	Zs	Zs	Zs	Zs	Zs	Zs	Zs	Zs	Zs		Zs	Zs	Zs	Zs	Zs	Zs		

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Use	Supplemental Regulation Section Number or Article	Parking Requirement Found in Section 291(e)	RC80	RA40	RA20	R40	R20	R15	R10	R8	R6	O	B-1	B-2	B-3	B-4	HC	B-6	LI	HI
Repair																				
Dwelling, Two-Family Conversion	179	1.200	Z	Z	Z	Z	Z	Z	Z	Z	Z		Z					Zs		
Dwelling, Two-Family Residence or one Primary Residence and one Accessory Apartment	179	1.200		Z	Z	S	Z	Z	S	Z	Z		Z					Zs		
Electric, Heating, Air Conditioning, Ventilating, Plumbing Supplies and Equipment Sales (no outside storage)		2.120		S									Z	Z		Z	Z		Z	Z
Electric, Heating, Air Conditioning, Ventilating, Plumbing Supplies and Equipment Sales (with outside storage)		2.130														S	Z		Z	Z
Employment Agency		3.110										Z	Z	Z	Z	Z	Z			
Engineering, Architect or Surveying Service		3.110										Z	Z	Z	Z	Z	Z			
Equipment Repair, Other within an enclosed building (not Auto, Truck, Boat, Motorcycle, Applicance, Lawnmower, Power Saw Equipment)		4.120		S									Z	Z		Z	Z		Z	Z

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Use	Supplemental Regulation Section Number or Article	Parking Requirement Found in Section 291(e)	RC80	RA40	RA20	R40	R20	R15	R10	R8	R6	O	B-1	B-2	B-3	B-4	HC	B-6	LI	HI
Equipment Repair, Other, with outside storage or repair (not Auto, Truck, Boat, Motocycle, Appliance, Lawnmower, Power Saw Equipment)		4.200															S		Z	Z
Exterminators Office		3.220											Z	Z	Z	Z	Z			
Fabric and/or Notions Store		2.120		S									Z	Z	Z	Z	Z			
Fairgrounds	179	6.210	S	S	S	S	S	S	S	S	S		S	S	S	S	Z	Zs		
Farm Equipment Sales and Service		9.100		S									S			Z	Z			
Farm Supply Store (no outside storage)		2.120		S									Z	Z		Z	Z	Z		
Farm Supply Store (with outside storage)		2.120														S	Z			
Farmers' Market		19.000		S									S	S		Z	Z			
Finance Companies		3.230										Z	Z	Z	Z	Z	Z			
Fire Stations (See Public Safety Station)																				
Firing Range, Skeet Shooting, Target Practice, Outdoors (Principal Use)		6.220		S																

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Use	Supplemental Regulation Section Number or Article	Parking Requirement Found in Section 291(e)	RC80	RA40	RA20	R40	R20	R15	R10	R8	R6	O	B-1	B-2	B-3	B-4	HC	B-6	LI	HI
Fish Hatchery		14.000	Z	Z	Z	Z	Z	Z											Z	Z
Fitness Center (See Health Club)																				
Flea Market (Indoor)		2.120		S									Z	Z		Z	Z			
Flea Market , Craft Market (Outdoor)		19.000		S									S			S	Z			
Flex Space Facility		2.120											Z	Z		Z	Z			
Floor Covering Store		2.120											Z	Z		Z	Z			
Floral and Christmas Items Store		2.120											Z	Z		Z	Z			
Florist, Retail or Wholesale		2.120		S									Z	Z		Z	Z			
Flour and Feed Mill (See Manufactured Goods Class 2)																				
Food Catering Facility		2.120		S									Z	Z		Z	Z			
Formal Wear and Rental Store		2.120											Z	Z		Z	Z			
Fortune Teller		2.120											Z	Z		Z	Z			

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Fraternal and Service Organization Meeting Facilities (e.g., Union Hall, Boy Scout Hut, VFW Elks, Lodge, American Legion Hut, Masonic Lodge) Non-Profit and Not-for-Profit		5.400		S								Z	Z	Z	Z	Z	Z			
Fraternities, Sororities	179	1.550							S									Zs		
Funeral Homes and Mortuaries		20.000										S	Z			Z	Z			
Furniture Repair Shop (no outside stripping)		2.120		S									Z	Z		Z	Z		Z	Z
Furniture Repair Shop (with outside stripping)		4.110																	Z	Z
Furniture Store (Retail)		2.120											Z	Z		Z	Z			
Furriers		2.120											Z	Z		Z	Z			
Game Room/Video Arcade		6.110											Z			Z	Z			
Garden Supply, Nursery, Seed Store (with or without outside storage, sales)		25.000		S									Z	Z		Z	Z		Z	Z
Gas Station (See Automobile Service Station)																				

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Gift, Novelty, Souvenir Store		2.120											Z	Z		Z	Z			
Glass and Mirror Shop		2.120											Z	Z		Z	Z			
Glass Contractor		4.120											Z	Z		Z	Z		Z	Z
Golf Course (Except Miniature and Driving Range) (Public or Private)		6.120	S	S	S	S	S	S	S	S	S	Z	Z	Z	Z	Z	Z			
Golf Course (Driving Range, Par 3)	180 B	6.230		Ss												Ss	Zs			
Golf Course (Miniature)		6.230														S	Z			
Governmental Uses, Union County Owned & Operated	179	13.000	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Zs	Z	Z
Greenhouses as Accessory Residential Use		1.000	Z	Z	Z	Z	Z	Z	Z	Z	Z									
Greenhouse, Nursery, Commercial (no on-premise sales)		14.000	Z	Z	Z	S							Z	Z		Z	Z		Z	Z
Greenhouse, Nursery, Commercial (sales of products grown on premises)	174	25.000		Z	S	Ss							Z	Z		Z	Z		Z	Z
Grocery Store, Food Store		2.111											Z	Z		Z	Z			

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Use	Supplemental Regulation Section Number or Article	Parking Requirement Found in Section 291(e)	RC80	RA40	RA20	R40	R20	R15	R10	R8	R6	O	B-1	B-2	B-3	B-4	HC	B-6	LI	HI
Gun and Ammunition Sales Shop, Gunsmith		2.120											Z	Z		Z	Z			
Half-Way House		1.400													S					
Handicapped, Aged, Infirm Homes, Family Care Homes	179	1.400	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Zs		
Handicapped, Aged, Infirm Institutions, Group Homes		7.200		S	S		S	S	S	S	S	S			Z	Z	Z			
Hardware Store (See Building & Home Materials Center)																				
Health Club, Spa, and Gymnasiums (Principal Use) (Indoors)		6.110										Z	Z	Z		Z	Z			
Heating and Air Conditioning Supplies and Sales (See Electric, Heating, Air Conditioning, Ventilating)																				
Helliport/Helistop (associated with hospital)	179	15.200										S				S	S	Ss		
Hobby, Toy and Craft Shop		2.120											Z	Z		Z	Z			
Home Electronics, Radio and Television, VCR Sales		2.120											Z	Z		Z	Z			

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Use	Supplemental Regulation Section Number or Article	Parking Requirement Found in Section 291(e)	RC80	RA40	RA20	R40	R20	R15	R10	R8	R6	O	B-1	B-2	B-3	B-4	HC	B-6	LI	HI
Home for the Aged/Infirm (See Handicapped, Aged, Infirm Home/Institution)																				
Home Occupation	179	1.700	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Zs		
Hospital	179	7.100										S				S	Z	Zs		
Hospital, Psychiatric	179	7.100										S				S	Z	Zs		
Hotel/Motel, Residency Facility		1.540											S	S	S	S	Z			
Ice and Cold Storage Plants and Freezer Lockers (no outside storage)		10.200												Z		Z	Z		Z	Z
Ice and Cold Storage Plants and Freezer Lockers (with outside storage)		10.200														S	S		Z	Z
Independent Living Center (See Continuing Care Facility)																				
Industrial Equipment Sales, Supplies, Repair		2.120											S	S		S	Z		Z	Z
Insurance Agency		3.110										Z	Z	Z	Z	Z	Z			
Interior Decorating Service		3.210										Z	Z	Z	Z	Z	Z			

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Intermediate Care Home		1.400	S	S	S	S	S	S	S	S	S	S	Z	Z	Z	Z	Z			
Intermediate Care Institution		7.200		S	S		S	S	S	S	S	S	Z	Z	Z	Z	Z			
Jewelry and Jewelry Repair Store		2.120		S									Z	Z		Z	Z			
Junkyard, Automobile Salvage Yard, Scrap Materials	180 O	11.000																		S
Key Shop		2.120		S									Z	Z		Z	Z			
Laboratories - Dental, Medical, Optical and Research		3.220										S	Z	Z		Z	Z		Z	Z
Landfill, Onsite Demolition	179, 180	14.000	Zs	Zs	Zs	Zs	Zs	Zs	Zs	Zs	Zs	Zs	Zs	Zs	Zs	Zs	Zs	Zs	Zs	Zs
Landfill, Offsite Demolition	180	14.000		S															Zs	Zs
Landfill, Reclamation (less than 1 acre, non-commercial use only)	179, 180	14.000	Zs	Zs	Zs	Zs	Zs	Zs	Zs	Zs	Zs	Zs	Zs	Zs	Zs	Zs	Zs	Zs	Zs	Zs
Landfill, Reclamation (more than 1 acre)	180	14.000		Ss		Ss													Zs	Zs
Landfill, Sanitary, County Owned/Operated		15.300	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z		Z	Z

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Landfill, Sanitary, Non-County Owned/Operated	180																			S
Laundromat		2.120											Z	Z		Z	Z			
Lawn and Garden Care and/or Landscaping Service		2.120											S	S		S	Z			
Lawnmower, Power Saw Sales and Service		2.220												S		Z	Z			
Library, Private	179	5.300										Z	Z	Z	Z	Z	Z	Zs		
Limousine/Chauffeur Service																Z	Z			
Livestock Aution		32.000																	S	S
Locksmith		2.120										Z	Z	Z		Z	Z			
Lounge/Bar/Night Club (Principal Use)		8.200											S	S		S	Z			
Luggage and Leather Goods Shop		2.120											Z	Z		Z	Z			
Lumber and Saw Mills		2.130																	S	S
Machine Shop (in enclosed building)	164	4.120		S									Z	Z		Z	Z			

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Machine Shop (with outside storage or facilities)		4.200														S	S		Z	Z
Magazine, Newspaper Store		2.120											Z	Z		Z	Z			
Maintenance Service (See Cleaning and Maintenance Service)																				
Manufactured Goods, Class 1 (no outside storage)	164	4.100		Ss													Zs		Zs	Zs
Manufactured Goods, Class 1 (with outside storeage)	164	4.200															Ss		Zs	Zs
Manufactured Goods, Class 2 (no outside storage)	164	4.100		Ss													Zs		Zs	Zs
Manufactured Goods, Class 2 (with outside storeage)	164	4.200															Ss		Zs	Zs
Manufactured Home and Recreational Vehicle Sales		9.100														S	Z			
Manufactured Home, Class A, one unit per lot; Year - 1976 or newer	162	1.110	Zs	Zs	Zs	Zs	Zs	Zs	Zs	Zs										
Manufactured Home, Class B, one unit per lot	162	1.110	Zs	Zs	Zs	Ss	Ss	Ss		Zs										
Manufactured Home, Class C, one unit per lot	162	1.110	Ss	Zs	Zs					Zs										

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Manufactured Home Park	162, Appendix F	1.110								Ss										
Medical Center/Clinic	179	3.130										Z	Z	Z	Z	Z	Z	Zs		
Medical Supply Shop		2.120											Z	Z		Z	Z			
Membership Warehouse Club (no outside storage)		2.120											Z	Z		Z	Z			
Mental Health Care Clinic	179	7.110										Z	Z	Z	Z	Z		Zs		
Message and Errand Service												Z	Z	Z	Z	Z				
Military Reserve Center		15.400																	S	S
Mini-Warehouse, Class 1 (No Outside Storage)		10.200												S		S	Z		Z	Z
Mini-Warehouse, Class 2 (Outside Storage)		10.200														S	S		Z	Z
Mining/Quarry Operations	141, 171	14.000		Ss	Ss	Ss	Ss	Ss	Ss	Ss	Ss		Ss	Ss	Ss	Ss	Ss		Ss	Zs
Monument Sales		2.220														Z	Z			
Motion Picture Production (no outside facilities on lot)		2.120											Z	Z		Z	Z			

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Moving and Storage Facilities (no outside storage except for trucks used in the business)		10.200														S	Z		Z	Z
Museum	179	5.300										Z	Z	Z	Z	Z	Z	Zs		
Music Store Sales and Service		2.120											Z	Z		Z	Z			
Newspaper Offices		3.110										Z	Z	Z	Z	Z	Z			
Newsstand (Principal Use)		2.120										Z	Z	Z		Z	Z			
Office Building(s)		3.110										Z	Z	Z	Z	Z	Z			
Office Equipment and Computer Store		2.120											Z	Z		Z	Z			
Optician and Optical Supply Store		3.110											Z	Z	Z	Z	Z			
Orphanage		7.200		S												Z				
Park and Ride Lots/Deck		10.200											Z	Z	Z	Z	Z			
Pawn Shop		2.120											Z	Z		Z	Z			

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Pet Shop		2.120											Z	Z		Z	Z			
Petroleum Bulk Sales and Storage		4.200																	S	S
Pharmacy		2.120		S									Z	Z		Z	Z			
Philanthropic and Eleemosynary Instituions		5.300											Z	Z	Z	Z	Z			
Photocopying Service		2.120										Z	Z	Z	Z	Z	Z			
Photofinisher Laboratory		2.120											Z	Z		Z	Z			
Photographic Studio		2.120										Z	Z	Z		Z	Z			
Picture Frame Shop		2.120											Z	Z		Z	Z			
Planned Industrial Development	180D	33.000															Zs		Zs/Ss	Zs/Ss
Planned Residential Development	Article 67, 158, 187, 188	1.110		Ds		Ds			Ds											
Planned Unit Development	Article XV, XVI, 138, 67, 159, 187, 188	33.000					Ds		Ds	Ds	Ds		Ds	Ds	Ds					
Post Office (Excluding Contract Stations)		15.100										Z	Z	Z	Z	Z	Z			

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Postal Store and Contract Station		15.100										Z	Z	Z	Z	Z	Z			
Postal, Parcel Processing, and Bulk Mail Facility		15.100														S	Z		Z	Z
Printing, Publishing, and Reproducing Establishments	164	4.100		S									Z	Z		Z	Z		Z	Z
Private Club (See Lounge)																				
Produce Stand	150 c	19.000		Ss									Ss	Ss		Zs	Zs			
Public Safety Station (Police, Fire, Rescue)	179	13.000	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Zs	Z	Z
Racetrack, Outdoor (other than auto and motorcycle)		6.110		Ss												S	Z			
Radio and Television Broadcast Towers	180 (M)	1.000	Ss	Ss	Ss	Ss	Ss	Ss	Ss	Ss	Ss	Ss	Ss	Ss	Ss	Ss	Ss	Ss	Ss	Ss
Radio, Television Stations (excluding telecam towers and antennas)		4.200														Z	Z		Z	Z
Railroad Depot		24.000											S			S	S			
Railroad Terminal and Yards		22.000																	S	S
Real Estate Agency		3.110										Z	Z	Z	Z	Z	Z	Z		

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Recreation Centers and Sports Centers, Indoor, Public, Private or Non-Profit (e.g., YMCA, Boys Club, Firing Range, etc.).		6.110											Z	Z		Z	Z		Z	Z
Recreation Equipment Sales, Display Lots		2.210														S	Z			
Recreation Facilities, Outdoor, Privately Owned (Parks, Playgrounds, Swimming Pools, Swim Clubs, Lodges, Waterslides, Skakeboard Parks, Paintball, etc., excluding firing ranges both indoor and outdoor)		6.220	S	S	S	S	S	S	S	S	S	S	S	S	S	S	Z			
Recreational Uses, Acessary	179	1.000	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Zs	Z	Z
Recycling Processing Facility (Indoors)		4.110														Z	Z		Z	Z
Recycling Station (Principal Use)		2.210														S	Z		Z	Z
Refrigerator or Large Appliance Repair		4.120														S	Z		Z	Z
Rehabilitiation or Counseling Services		3.130										Z	Z	Z	Z	Z	Z			
Rental Center, Class 1		2.120											Z	Z		Z	Z			

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Rental Center, Class 2		2.220														S	Z			
Research, Development or Testing Services		3.220														Z	Z		Z	Z
Restaurant (Principal Use, includes drive-in and drive-thru)		8.200/8.400											Z	Z		Z	Z			
Retail Establishments or Shopping Centers, less than 25,000 sq ft of total floor area		2.120											Z	Z	Z	Z	Z			
Retail Establishments or Shopping Centers, 25,000 - 50,000 sq ft of total floor area		2.120											S	S		Z	Z			
Retail Establishments or Shopping Centers, 50,001 - 120,000 sq ft of total floor area	180 (N)	4.110											Ss	Ss		Ss	Z			
Retail Establishments or Shopping Centers, greater than 120,000 sq ft of total floor area	180 (N)	4.110														Ss	Z			
Riding Stable/Academy	175	6.240	Zs	Zs	Ss	Zs	Ss													
Rooming and Boarding Houses		1.510		S					S					Z	Z	Z				

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Satellite Dish 1 meter or less in diameter (39.37 inches)	150 c (5)	1.000																		
Satellite Dish 1.001-2 meters or less in diameter (78.74 inches)	150 c (6), 150 c (7)	1.000	Allowed without a permit in all residential, commercial, and industrial zoning districts.																	
Satellite Dish 2 meters up to 14 feet in diameter	150 c (7), 179	1.000	Zs	Zs	Zs	Zs	Zs	Zs	Zs	Zs	Zs	Zs	Allowed without a permit in commerical & industrial.							
Sawmill Operations, Portable		1.000		S															Z	Z
School for the Arts	179	5.120										Z	Z	Z		Z		Zs		
School, Home (See Home Occupations)																				
School, Vocational/Seminary	179	5.120										S	Z	Z		Z	Z	Zs		
Schools, Elementary and Junior High (Public and Private)	179	5.110	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Zs		
Schools, Senior High (Public and Private)	179	5.110	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Zs		
Schools, Sports Instructional	179	5.120											Z	Z		Z	Z	Zs		
Second-Hand, Swap and Consignment Stores		2.120											Z	Z		Z	Z			

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Shoe Store and Shoe Repair		2.120											Z	Z		Z	Z			
Sign and Banner Shop		2.120											Z	Z		Z	Z			
Silvicultural Operations (less than 10 acres)		14.000	Z	Z	Z	Z	Z	Z	Z											
Solid Waste Vehicle Storage Facility		10.200															Z		Z	Z
Special Event	161		S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S
Sporting Goods and Sporting Apparel Shop		2.120											Z	Z		Z	Z			
Stationery Store		2.120											Z	Z		Z	Z			
Stock or Security Brokerage Firm		3.110										Z	Z	Z	Z	Z	Z			
Stockyards, Slaugtherhouses, Rendering Plants																			S	S
Street Vendors	180 k	1.000											Z	Z		Z	S			
Subdivisions, Major	Article VI, Part II; Article V; Article VI; 180A	1.110	DS/s	DS/s	DS/s	DS/s	DS/s	DS/s	DS/s	DS/s	DS/s	DS/s	DS/s	DS/s	DS/s	DS/s	DS/s	DS/s	DS/s	DS/s

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Use	Supplemental Regulation Section Number or Article	Parking Requirement Found in Section 291(e)	RC80	RA40	RA20	R40	R20	R15	R10	R8	R6	O	B-1	B-2	B-3	B-4	HC	B-6	LI	HI
Subdivisions, Minor	Article VI, Part II; Article V; Article VI; 180A	1.110	Zs	Zs	Zs	Zs	Zs	Zs	Zs	Zs	Zs	Zs	Zs	Zs	Zs	Zs	Zs	Zs	Zs	Zs
Swimming Pool, Hot Tub Sales, Service and Supplies		2.120												S		S	Z			
Tailor and Alteration Store		2.120											Z	Z		Z	Z			
Tanning and Nail Salon (Principal Use)		2.120											Z	Z		Z	Z			
Tattoo Parlor		2.120											S	S		S	Z			
Tax Preparation Service		3.110										Z	Z	Z	Z	Z	Z			
Taxi Cab Company		10.200															Z		Z	Z
Taxidermist		2.120											Z	Z		Z	Z			
Telecommunications Antennae on Existing Towers and Equipment Buildings	179, 180E, 180F, 180G	1.000	Zs/Ss	Zs/Ss	Zs/Ss	Zs/Ss	Zs/Ss	Zs/Ss	Zs/Ss	Zs/Ss	Zs/Ss	Zs/Ss	Zs/Ss	Zs/Ss	Zs/Ss	Zs/Ss	Zs/Ss	Zs/Ss	Zs/Ss	Zs/Ss
Telecommunications Towers and Facilities (new)	179, 180E, 180F, 180G	1.000	Ss	Ss	Ss	Ss	Ss	Ss	Ss	Ss	Ss	Ss	Zs	Zs	Zs	Zs	Zs	Zs	Zs	Zs
Temporary Structures (Other than Residences)	167, 179	23.000	Zs	Zs	Zs	Zs	Zs	Zs	Zs	Zs	Zs	Zs	Zs	Zs	Zs	Zs	Zs	Zs	Zs	Zs

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D - Major Development Permit Required
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Use	Supplemental Regulation Section Number or Article	Parking Requirement Found in Section 291(e)	RC80	RA40	RA20	R40	R20	R15	R10	R8	R6	O	B-1	B-2	B-3	B-4	HC	B-6	LI	HI
Textile Machinery Sales and Service		2.120														S	Z		Z	Z
Theather, Indoor Movie		6.120											Z	Z		Z	Z			
Theather, Outdoor Movie		6.260														S	Z			
Tire Recap or Repair Facility		2.220														S	Z		Z	Z
Tobacco Shops		2.120											Z	Z		Z	Z			
Tourist Home		1.530		S	S				S					Z	Z	Z				
Tourist Information Office		3.110										Z	Z	Z	Z	Z	Z			
Townhouse (See Dwelling, Multi-Family)																				
Toy Shop (See Hobby, Toy and Craft Shop)																				
Travel Agency		3.110										Z	Z	Z	Z	Z	Z			
Trophy and Plaque Shop		2.120											Z	Z		Z	Z			
Truck Terminal or Tractor Trailer Truck Transfer Companies/Transfer Lots		10.200															Z		Z	Z

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Use	Supplemental Regulation Section Number or Article	Parking Requirement Found in Section 291(e)	RC80	RA40	RA20	R40	R20	R15	R10	R8	R6	O	B-1	B-2	B-3	B-4	HC	B-6	LI	HI
Truck and Utility Trailer Rental Facility		5.120														S	Z		Z	Z
Truck Driving School		5.120														S	Z		Z	Z
Truck Stop		5.120														S	Z		Z	Z
Truck Washing Facility		9.500														S	Z		Z	Z
Upholstery Shop		2.120											Z	Z		Z	Z			
Utility Facilities (County owned and operated)	179	1.000	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Zs	Z	Z
Utility Facilities, Community/Regional	177A	1.000	Zs	Zs	Zs	Zs	Zs	Zs	Zs	Zs	Zs	Zs	Zs	Zs	Zs	Zs	Zs	Zs	Zs	Zs
Utility Facilities, Electric Substations	177	1.000	Ss	Ss	Ss	Ss	Ss	Ss	Ss	Ss	Ss	Zs	Zs	Zs	Zs	Zs	Zs	Zs	Zs	Zs
Utility Facilities, Neighborhood	179	1.000	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z
Variety Store		2.120											Z	Z		Z	Z			
Vending Companies		2.220														S	Z		Z	Z
Veterinarian Office (See Animal Hospital)																				

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Use	Supplemental Regulation Section Number or Article	Parking Requirement Found in Section 291(e)	RC80	RA40	RA20	R40	R20	R15	R10	R8	R6	O	B-1	B-2	B-3	B-4	HC	B-6	LI	HI
Video Rental and Sales		2.120											Z	Z		Z	Z			
Vocational Workshop Facility													Z	Z		Z	Z			
Warehouse (Excluding Wholesales Sales Operation and Mini-Warehouses and Excluding Storage of Dangerous and Offensive Items such as Uncured Hides and Explosives) Outside storage allowed		10.200														S	S		S	S
Warehouse (Excluding Wholesales Sales Operations and Mini-Warehouses and Excluding Storage of Dangerous and Offensive Items such as Uncured Hides and Explosives (No outside storage allowed		10.200														S	Z		Z	Z
Water Supply Reservoirs		1.000	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z
Welding Shop		4.110														S	Z	Z	Z	Z
Wholesales Sales Operation		2.130														Z	Z		Z	Z
Yard Sales, Garage Sales		1.000	Zs	Zs	Zs	Zs	Zs	Zs	Zs	Zs	Zs	Zs	Zs	Zs	Zs	Zs	Zs	Zs	Zs	Zs

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Use	Supplemental Regulation Section Number or Article	Parking Requirement Found in Section 291(e)	RC80	RA40	RA20	R40	R20	R15	R10	R8	R6	O	B-1	B-2	B-3	B-4	HC	B-6	LI	HI
Zoo		6.210	S	S	S	S	S	S	S	S	S	S	Z	Z	Z	S	Z			

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APPENDIX J
RECENT AMENDMENTS

J-1. Recent Amendments