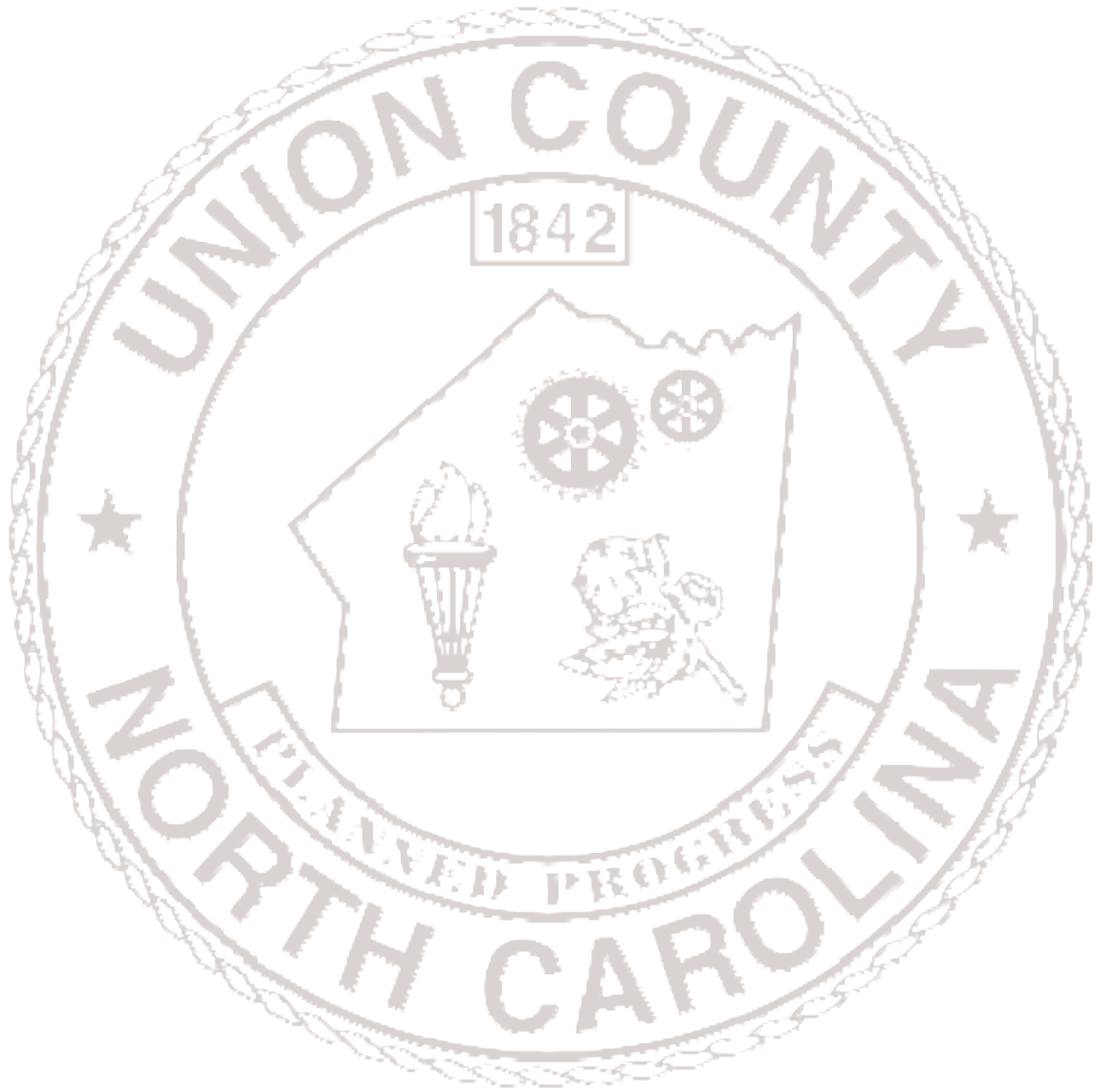


The logo consists of two vertical orange bars on the left. The top bar is shorter than the bottom bar. To the right of these bars, the text "Union County" is stacked above "Development Ordinance".

**Union County**  
**Development Ordinance**

Adopted October 6, 2014



## Development Ordinance

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## Section 1.010 Official Name (Title)

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

## Section 1.020 Authority

This ordinance is adopted pursuant to the powers granted by the North Carolina General Statutes (NCGS), specifically including Chapter 160D,, Chapter 143, Article 21; Chapter 113A, Article 4 and 1987 Session Laws, Chapter 604. (Amended 7-1-2021).

## Section 1.030 Effective Date

The provisions of this ordinance become effective on October 6, 2014, except as otherwise expressly stated.

## Section 1.040 Applicability and Jurisdiction

The provisions of this ordinance apply within all of Union County outside the corporate or extraterritorial jurisdiction of any municipality. The ordinance also applies within the jurisdiction of any municipality whose governing body has adopted a resolution authorizing such applicability. This ordinance also applies to the entirety of any lot lying partially within the area set forth in this subsection for Union County’s planning and development regulation jurisdiction and partially within the planning and development regulation jurisdiction of another local government upon agreement of the property owner and the other local government having planning and development regulation jurisdiction, in accordance with NCGS 160D-203. (Amended 7-1-2021).

## Section 1.050 Bona Fide Farm Zoning Exemption

**1.050-A** As provided by NCGS 160D-903, the zoning regulations of this ordinance in no way regulate, restrict, prohibit or otherwise deter or affect property used for bona fide farm purposes, except that: (Amended 7-1-2021).

1. Farm property used for non-farm purposes must comply with applicable zoning regulation; and

2. Bona fide farms and other farm properties must comply with any flood protection regulations required to be imposed by the National Flood Insurance Program.

**1.050-B** For purposes of determining whether a property is being used for bona fide farm purposes, any one of the following constitutes sufficient evidence that the property is being used for bona fide farm purposes:

1. A farm sales tax exemption certificate issued by the Department of Revenue;
2. A copy of the property tax listing showing that the property is eligible for participation in the present-use value program, pursuant to NCGS 105-277.3;
3. A copy of the farm owner's or operator's most recent Schedule F federal income tax return;
4. A forest management plan; or
5. A farm identification number issued by the United States Department of Agriculture.

### **Section 1.060 Purposes**

This ordinance is adopted for the purposes of:

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

### **Section 1.070 Minimum Requirements**

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

### **Section 1.080 Compliance Required**

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

### **Section 1.090 Conflicting Provisions**

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

**1.090-B Conflict with Other County Regulations**

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

**1.090-C Conflict with Private Agreements and Covenants**

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

**Section 1.100 Rules of Language and Construction**

**1.100-A Meanings and Intent**

The language of this ordinance must be read literally. Regulations are no more or less strict than stated. Words and terms expressly defined in this ordinance (see, for example, [Article 105](#)) have the specific meanings assigned unless the context indicates another meaning. Words that are not expressly defined in this ordinance have the meaning given in the latest edition of Merriam-Webster's *Unabridged Dictionary*.

**1.100-B Public Officials and Agencies**

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

**1.100-C Delegation of Authority**

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

**1.100-D Computation of Time**

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

**1.100-E Tenses and Usage**

1. Words used in the singular include the plural. The reverse is also true.
2. Words used in the present tense include the future tense. The reverse is also true.
3. The words "must," "will," "shall" and "may not" are mandatory.
4. The word "may" is permissive, and "should" is advisory, not mandatory or required.



5. When used with numbers, "up to x," "not more than x" and "a maximum of x" all include "x."
6. The word "person" includes a firm, association, organization, partnership, trust company or corporation, as well as an individual.
7. The words "used" and "occupied" include "intended, designed or arranged to be used or occupied."
8. The term "lot" includes "tract."

**1.100-F Conjunctions**

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

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

**1.100-G Headings and Illustrations**

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

**1.100-H Current Versions and Citations**

1. All references in this ordinance to other county, state or federal regulations refer to the most current version and citation for those regulations, unless otherwise expressly indicated. When the referenced regulations have been repealed and not replaced by other regulations, ordinance requirements for compliance are no longer in effect.
2. 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 reference is deemed amended to refer to the amended section or the section that most nearly corresponds to the superseded section.

**1.100-I Lists and Examples**

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

**Section 1.110 Zoning Map**

**1.110-A Establishment**

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

**1.110-B Maintenance and Updates**

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

**1.110-C Map Interpretations**

Where any uncertainty exists about a zoning district boundary, the administrator is authorized to make an administrative interpretation or refer the matter to the land use board for a quasi-judicial decision. In either case, map interpretations must be based on the best, most reliable information available to the authorized decision-maker. (Amended 7-1-2021)  
(Amended 5-15-2023)

**1.110-D Split-zoned Lots**

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

**Section 1.120 Transitional Provisions**

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

**1.120-A Applications, Permits and Approvals**

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

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

3. Building permits may be issued for construction or development approved under [§1.120-A2](#), even if such building, development or structure does not fully comply with provisions of this ordinance. If building is not commenced and completed within the time allowed under the building permit, then the building, development or structure may be constructed, completed and occupied only if it complies with the regulations of this ordinance.
4. When a use classified as a special use under this ordinance exists as an approved conditional use, special use or permitted use on the effective date specified in [Section 1.030](#), that use will be considered a lawfully established special use under this ordinance. When any amendment to this ordinance changes the classification of a permitted use to a special use, any use lawfully established before such amendment will be considered a lawfully established special use after the effective date of the amendment. A lawfully established existing use that is not allowed as a special use, conditional use or permitted use in the district in which the use is now located will be considered a nonconforming use and will be subject to all applicable regulations of [Article 90](#).

#### **1.120-B Violations Continue**

1. Any violation of the previous land use ordinance will continue to be a violation under this ordinance and be subject to penalties and enforcement under [Article 95](#).
2. If the use, development, construction or other activity that was a violation under the previous land use ordinance complies with the express terms of this ordinance, enforcement action will cease, except to the extent of collecting penalties for violations that occurred before the effective date specified in [Section 1.030](#)Section 1.020.
3. The adoption of this ordinance does not affect any pending or future prosecution of, or action to abate, violations of the previous land use ordinance that occurred before the effective date specified in [Section 1.030](#)Section 1.020.

#### **Section 1.130 Severability**

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

#### **Section 1.140 Development Approvals**

No person shall commence or proceed with development without first securing all required development approvals from the County, including all development approvals required by this ordinance. A development approval shall be in writing. The county may issue a development approval in print and/or electronic form. Any development approval issued exclusively in electronic form shall be protected from further editing once issued. An application for a development approval may be made by the owner, a lessee or person holding an option or contract to purchase or lease the subject property, an authorized agent of the owner, or an easement holder so authorized by the easement (unless a provision in this ordinance specifically addressing an application for a specific type of development approval provides otherwise). Unless otherwise provided by

law or this ordinance, all development approvals pursuant to this ordinance attach to and run with the land. [\(Amended 7-1-2021\)](#)

## Section 1.150 Permit Choice

### 1.150-A Definitions

For purposes of this Section 1.150, the term “development permit” shall have the meaning as defined in NCGS 143-755(e)(2).

### 1.150-B Generally

If any provisions within this ordinance are amended after an application is submitted for a development permit, but before the development permit decision is made, the applicant may choose the version of the rule that applies to the development permit application. If the development permit applicant chooses the version of the ordinance applicable at the time of permit application, the development permit applicant shall not be required to await the outcome of the proposed ordinance amendment prior to acting on the development permit. However, if a development permit application is placed on hold at the request of the applicant for a period of six consecutive months or more, or the applicant fails to respond to comments or provide additional information reasonably requested by the county, the application is considered discontinued and the provisions of this ordinance in effect at the time of development permit application processing will apply to any subsequently submitted application. Permit choice is valid for eighteen months after approval of the initial application.

### 1.150-C Multiple Permits for Development Projects

Subject to NCGS 160D-108(d), where multiple local development permits are required to complete a development project, the permit applicant may choose the version of each of this ordinance’s regulations applicable to the project upon submittal of the application for the initial development permit. This provision is applicable only for those subsequent development permits filed within 18 months of the date following approval of an initial development permit. For purposes of this subsection, an erosion and sedimentation control permit or a sign permit is not an initial development permit. [\(Amended 7-1-2021\)](#)

# Article 5 | Residential Districts

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 Section 5.020 Allowed Uses..... 5-2  
 Section 5.030 Lot and Building Regulations..... 5-2  
 Section 5.040 Other Relevant Regulations..... 5-7

## Section 5.010 General

### 5.010-A Districts

The county’s residential zoning districts are listed in [Table 5-1](#). When this ordinance refers to “residential” zoning districts or “R” districts, it is referring to these districts.

*Table 5-1: Residential Zoning Districts*

Map Symbol	District Name
RA-200	Residential-Agriculture-200
RA-40	Residential-Agriculture-40
RA-20	Residential-Agriculture-20
R-40	Residential-40
R-20	Residential-20
R-15	Residential-15
R-10	Residential-10
R-8	Residential-8
R-6	Residential-6
R-4	Residential-4

### 5.010-B Purposes

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

#### 1. RA-200

The RA-200 district is primarily intended to accommodate agriculture and agriculture-related uses and very low-density residential development in rural areas of the county. The district is generally intended to apply in areas where central water and/or central sewer service is not widely available.

#### 2. RA-40

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

#### 3. RA-20

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

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

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

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

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

**Section 5.020 Allowed Uses**

Principal uses are allowed in R districts in accordance with [Section 25.010 \(Table 25-1\)](#). Not more than one principal dwelling unit is allowed on a single lot (parcel) of land unless otherwise approved as a townhouse or multi-unit development (*amended 5-18-2015*).

**Section 5.030 Lot and Building Regulations**

**5.030-A General**

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

**5.030-B Conventional Development (*amended 3-15-2021*)**

“Conventional development” is any development that utilizes Table 5-2 to establish minimum lot sizes.

**1. Applicability**

The conventional development standards established in this subsection apply to all conventional development new subdivisions in all RA and R districts.

**2. Lot and Building Regulations**

The lot and building regulations of Table 5-2 apply to all conventional development in R districts. Conventional developments are also subject to the supplemental regulations of this subsection (5.030-B).

**3. Density Standards**

1. For Major Subdivisions utilizing conventional development standards the following density standards apply:
  - a. Density is not transferable across state roads. Existing and proposed street rights-of-way may not be counted as lot area for the purposes of calculating maximum site density.

- b. Areas within a special flood hazard area, as shown on the Flood Insurance Rate Maps (FIRM) for Union County, and areas designated as Riparian Buffers under Article 70 of this ordinance, shall not be used to calculate maximum site density.

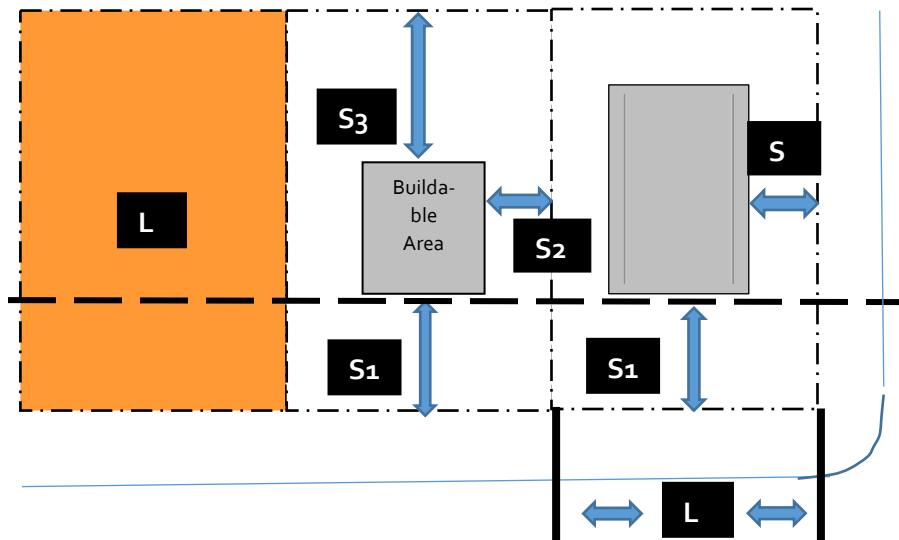
Table 5-2: R District Lot and Building Regulations--Conventional Development (amended 8-6-2018)

Figure 5-1

Regulations	RA-200	R-40 RA-40	R-20 RA-20	R-15	R-10	R-8	R-6	R-4	
<b>Minimum Lot Size</b>									
L1	Area (square feet)	200,000	40,000	20,000	15,000	10,000	8,000	6,000	4,000
	Area per dwelling unit (sq. ft.)								
	Detached House	200,000	40,000	20,000	15,000	10,000	8,000	6,000	4,000
	Two-unit house	NA	30,000	15,000	11,250	7,500	6,000	4,500	3,000
	Townhouse	NA	NA	NA	NA	6,250	5,000	3,750	2,000
	Multi-unit building	NA	NA	NA	NA	6,250	5,000	3,750	2,000
L2	Width (feet) [1]	300	120	100	80	70	60	50	35
<b>Minimum Setbacks (feet)</b>									
S1	Street/front [2]	40	40	40	30	30	30	25	20
S2	Side [3]	15	15	12	10	10	10	8	5
S3	Rear	40	40	40	30	30	30	25	25
S4	Corner Side	20	20	20	15	15	15	12.5	12.5
	<b>Max. Building Height (feet)</b>	35	35	35	35	35	50	50	50
	<b>Max. Coverage for bldgs. &amp; structures</b>	40%	40%	40%	40%	40%	40%	40%	40%

- [1] Lot width does not apply to townhouses
- [2] Corner lots – one street side yard shall be ½ of the required street/front setback
- [3] For townhouses, side setbacks apply to end units only.
- [4] Non-residential uses allowed in residential districts may exceed the 35 ft. height limitation, but shall not exceed 50 ft. in overall height.

Figure 5-1: Residential Lot and Building Regulations (Conventional Development) (amended 8-6-2018)



5.030-C Cluster Development

“Cluster development” refers to a subdivision of detached houses that allows for smaller lot sizes than conventional developments but that results in greater preservation of common

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

**1. Applicability**

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

**2. Lot and Building Regulations**

The lot and building regulations of

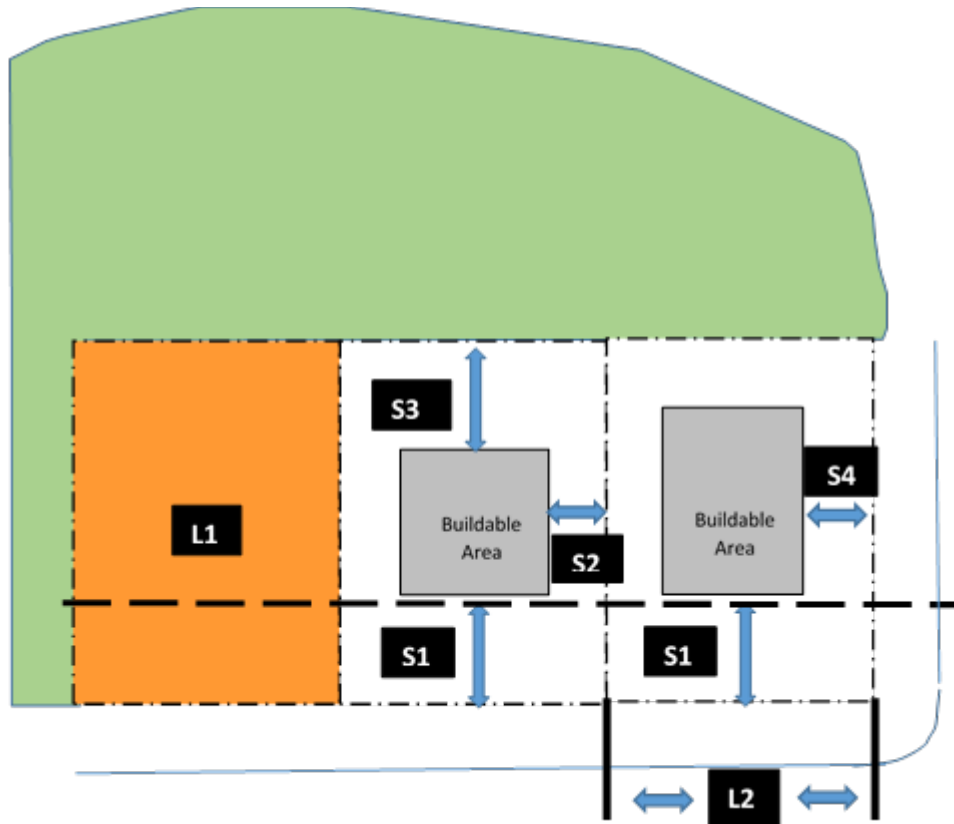
Table 5-3 apply to all cluster developments in R districts. Cluster developments are also subject to the supplemental regulations of this section ([5.030-C](#)).

*Table 5-3: R District Lot and Building Regulations—Cluster Development (amended 8-6-2018)*

Regulations	RA-200	R-40 RA-40	R-20 RA-20	R-15
<b>Overall Site</b>				
Minimum contiguous area (acres, gross)	100	25	25	25
Minimum open space (% site)	See <a href="#">§5.030-C4</a>			
<b>Minimum Lot Size</b>				
Minimum Lot Area (sq. ft.)	87,120	20,000	15,000	10,000
<b>Minimum Setbacks (feet)</b>				
Street	25	25	25	25
Side	10	7.5	5	5
Rear	25	25	25	25
Corner Side	12.5	12.5	12.5	12.5
<b>Max. Building Height (feet)</b>	35	35	35	35

*Figure 5-2: Residential Lot and Building Regulations (Cluster Development) (amended 8-6-2018)*





### 3. Site Area and Density

- a. Lots split by state roads are considered separate lots and may not be combined to meet applicable minimum site area requirements.
- b. Density is not transferable across state roads. As required with conventional (non-cluster) subdivisions, existing and proposed street rights-of-way may not be counted as lot area for the purposes of calculating maximum site density.
- c. Areas within a special flood hazard area, as shown on the Flood Insurance Rate Maps (FIRM) for Union County, and areas designated as Riparian Buffers under Article 70 of this ordinance, shall not be used to calculate maximum site density.  
*(amended 3-15-2021)*

### 4. Open Space

- a. Each cluster development must include permanently protected common open space equal to at least 10% of the gross area of the subdivision or the difference between the cumulative total lot area that would have been required under the conventional development minimum lot area requirements of [§5.030-B](#) and the actual cumulative total area provided within the cluster development, whichever results in a greater amount of open space.
- b. Required open space must be directly accessible to residents of the development.
- c. Street rights-of-way and waste water disposal fields may not be counted toward satisfying minimum common open space requirements, and no more than 50% of

the required minimum open space area may consist of FEMA-regulated floodplain area.

- d. At least 50% of the common open space required to be set aside must be usable open space, meaning an area that is capable of being used and enjoyed for passive recreation and that:
  - (1) Is left in its natural or undisturbed state (as of the date development began), if wooded, except for the cutting of trails for walking or jogging (see below), if not wooded at the time of development is property vegetated and landscaped with the objective of creating a wooded area or other area that is consistent with the objective of providing passive recreational opportunities: or
  - (2) Consists of a pond, lake or other natural or human-made body of water.
- e. Common open space must be protected in perpetuity by a binding legal instrument that is recorded with the deed. The legal instrument must be one of the following:
  - (1) A permanent conservation easement in favor of either:
    - (a) A land trust or similar conservation-oriented non-profit organization with legal authority to accept such easements. The organization must be bona fide and in perpetual existence and the conveyance instruments must contain an appropriate provision for transfer in the event the organization becomes unable to carry out its functions;
    - (b) A governmental entity (if the entity accepting the easement is not the county, then a third right of enforcement favoring the county must be included in the easement);
  - (2) An open space tract protected by a permanent restrictive covenant for conservation purposes in favor of a governmental entity; or
  - (3) An equivalent legal tool that provides permanent protection, as approved by the county attorney.
- f. The applicant must identify the owner of the open space. The designated owner and the owner's successors are responsible for maintaining the open space and any associated facilities. If a property owners association is the owner, membership in the association is mandatory and automatic for all property owners within the development and their successors.
- g. The applicant must submit a management plan for the open space and all common areas. The management plan must:
  - (1) Allocate responsibility and guidelines for the maintenance and operation of the open space and any associated facilities, including provisions for ongoing maintenance and for long-term capital improvements;
  - (2) Estimate the costs and staffing requirements needed for maintenance, operation and insurance and outline the means by which necessary funding will be obtained or provided; and
  - (3) Describe means of enforcing the management plan.

**5. Subdivision Design Improvements**

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

**6. Stormwater Management**

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

**7. Central Water and Central Sewer**

Cluster developments must have water service from a central water source and sewer service from a central sewer service provider. *(amended 5-18-2015)*

**8. Streets**

All lots shall be served by newly created interior streets. *(amended 5-18-2015)*

**9. Recreational Facilities**

Cluster developments must have at least one recreational amenity including but not limited to neighborhood pool/club house, or other recreational facilities such as bike paths, ball fields, pocket parks, walking trails, or basketball courts. These facilities must be constructed before releasing more than 75% of the lots for final plat. *(amended 5-18-2015)*

**5.030-D Master Planned Developments**

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

**Section 5.040 Other Relevant Regulations**

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

**5.040-A Accessory Uses and Structures**

See [Article 35](#).

**5.040-B Temporary Uses**

See [Article 40](#).

**5.040-C Parking**

See [Article 45](#).

**5.040-D Signs**

See [Article 50](#).

**5.040-E Landscaping and Screening**

See [Article 55](#).

**5.040-F Outdoor Lighting**

See [Section 55.130](#).

**5.040-G Nonconformities**

See [Article 90](#).

## Article 10 | Office, Commercial and Industrial Districts

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### Section 10.010 General

#### 10.010-A Districts

##### 1. List

The county's office, commercial and industrial zoning districts are listed in [Table 10-1](#). When this ordinance refers to "office," "commercial" or "industrial" zoning districts it is referring to these districts.

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

Map Symbol	District Name	Type
O	Office	Office
B-2	Community Business	Commercial
B-3	Business Transitional	Commercial
B-4	General Commercial	Commercial
HC	Highway Corridor	Commercial
LI	Light Industrial	Industrial
HI	Heavy Industrial	Industrial

##### 2. Purposes

###### a. O, Office

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

###### b. B-2, Community Business

The B-2, Community Business district is primarily intended to accommodate low-intensity commercial uses. It is generally appropriate as a transition zone or to accommodate small-scale commercial development in rural areas, particularly at crossroads or other high traffic areas that are not generally suited for residential development.

###### c. B-3, Business Transitional

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

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

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

**e. HC, Highway Corridor**

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

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

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

**Section 10.020 Allowed Uses**

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

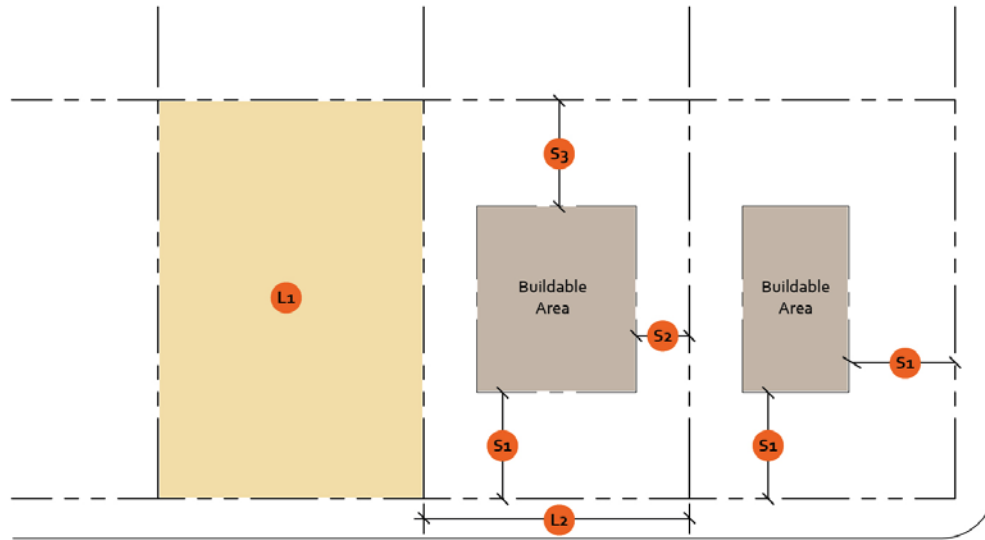
**Section 10.030 Lot and Building Regulations**

This section establishes lot and building regulations for all development in office, commercial and industrial districts. These regulations are not to be interpreted as a guarantee that allowed densities and development intensities can be achieved on every lot. Other factors, such as central water and central sewer service availability, health department requirements, other requirements of this ordinance or other factors may sometimes work to further limit development potential. General exceptions to lot and building regulations and rules for measuring compliance can be found in [Article 100](#).

*Table 10-2: Office, Commercial and Industrial District Lot and Building Regulations*

<a href="#">Figure 10-1</a>	Regulations	O	B-2	B-3	B-4	HC	LI	HI
	<b>Minimum Lot Size</b>							
L1	Area (square feet)	No min.	No min.	No min.	No min.	No min.	No min.	No min.
	Area per dwelling unit (sq. ft.)	2,000	1,500	1,000	1,000	1,000	NA	NA
L2	Width (feet)	80	No min.	No min.	No min.	No min.	100	100
	<b>Minimum Setbacks (feet)</b>							
S1	Street	25	25	25	40	40	50	50
S2	Side	15	15	15	20	20	20	20
S3	Rear	25	25	25	40	40	50	50
	<b>Max. Building Height (feet)</b>	50	35	35	50	50	100	100

Figure 10-1: Office, Commercial and Industrial Lot and Building Regulations



### Section 10.040 Other Relevant Regulations

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

#### 10.040-A Accessory Uses and Structures

See [Article 35](#).

#### 10.040-B Temporary Uses

See [Article 40](#).

#### 10.040-C Parking

See [Article 45](#).

#### 10.040-D Signs

See [Article 50](#).

#### 10.040-E Landscaping and Screening

See [Article 55](#).

#### 10.040-F Outdoor Lighting

See [Section 55.130](#).

#### 10.040-G Nonconformities

See [Article 90](#).

## Article 15 | Overlay Districts

Section 15.010	General.....	15-1
Section 15.020	AO, Airport Overlay .....	15-1
Section 15.030	Water Supply Watershed Overlays .....	15-6
Section 15.040	M, Mining Overlay .....	15-15
Section 15.050	Planned Unit Development Overlay (Legacy District).....	15-15

### Section 15.010 General

#### 15.010-A Establishment

Overlay zoning districts may be established, amended or removed only in accordance with the zoning map amendment procedures of [Section 80.040](#).

#### 15.010-B Interpretation

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

### Section 15.020 AO, Airport Overlay

#### 15.020-A Purpose

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

1. Prevent and control influences that are adverse to the airport property and to the safe conduct of aircraft in the vicinity of the Monroe Regional Airport;
2. Prevent creation of conditions hazardous to aircraft operation;
3. Prevent conflict with land development that may result in loss of life and property; and
4. Encourage development that is compatible with airport use characteristics within the intent and purpose of zoning.

#### 15.020-B Definitions

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

- 1. Airport**  
Monroe Regional Airport
- 2. Airport Elevation**  
The highest point of the airport's useable landing area measured in feet above mean sea level (679.0 feet).
- 3. Approach Surface**  
A surface longitudinally centered on the extended runway centerline, extending outward and upward from the end of the primary surface and at the same slope as the approach zone height limitation slope set forth in §15.020-D.
- 4. Approach, Transitional, Horizontal, and Conical Zones**  
These zones are set forth in §15.020-C.
- 5. Conical Surface**  
A surface extending outward and upward from the periphery of the horizontal surface at a slope of 20 to 1 for a horizontal distance of 4,000 feet.
- 6. Hazard to Navigation**  
An obstruction determined to have a substantial adverse effect on the safety and efficient utilization of the navigable airspace.
- 7. Height**  
For the purpose of measuring compliance with the height limits in all AO district airport zones, the datum is mean the sea level elevation (679.0 feet).
- 8. Horizontal Surface**  
A horizontal plane 150 feet above the established airport elevation, the perimeter of which in plan view coincides with the perimeter of the horizontal zone.
- 9. Larger than Utility Runway**  
A runway that is constructed for and intended to be used by jet powered aircraft and propeller driven aircraft of greater than 12,500 pounds maximum gross weight.
- 10. Nonprecision Instrument Runway**  
A runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area type navigation equipment, for which a straight-in nonprecision instrument approach procedure has been approved or planned.
- 11. Obstruction**  
Any structure, growth, or other object, including a mobile object that exceeds the height limits established in §15.020-D.
- 12. Precision Instrument Runway**  
A runway having an existing instrument approach procedure utilizing an instrument landing system or a precision approach radar. It also means a runway for which a precision approach system is planned and is so indicated on an approved airport layout plan or any other planning document.
- 13. Primary Surface**  
A surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends 200 feet beyond each end of that runway; for military runways or when the runway has no specially prepared hard surface, or



planned hard surface, the primary surface ends at each end of that runway. The width of the primary surface is set forth §15.020-C... The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.

**14. Runway**

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

**15. Structure**

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

**16. Transitional Surfaces**

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

**17. Tree**

Any object of natural growth.

**18. Utility Runway**

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

**19. Visual Runway**

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

**15.020-C Airport Zones Established and Defined**

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

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

The inner edge of the precision instrument runway approach zone coincides with the width of the primary surface and is 1,000 feet in width. The precision instrument runway approach zone expands outward uniformly to a width of 16,000 feet at a horizontal distance of 50,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.

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

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

**3. Transitional Zones (AO-T)**

The transitional zones are the areas beneath the transitional surfaces.

**4. Horizontal Zone (AO-H)**

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

**5. Conical Zone (AO-C)**

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

**15.020-D Airport Zone Height Limitations**

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

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

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

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

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

**3. Transitional Zones (AO-T)**

The maximum height plane slopes 7 feet horizontally outward for each foot vertically beginning at the sides of and at the same elevation as the primary surface, and extending to a height of 150 feet above the airport elevation (or 829 feet above mean sea level). In addition, there are established height limits sloping 7 feet horizontally for each foot vertically beginning at the sides of and the same elevation as the approach surface, and 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 7 feet horizontally for each foot vertically beginning at the side of and the same elevation as the approach surface, and extending a horizontal distance of 5,000 feet measured at 90 degree angles to the extended runway centerline.

**4. Horizontal Zone (AO-H)**

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

**5. Conical Zone (AO-C)**

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

#### **15.020-E Use Restrictions**

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

#### **15.020-F Nonconforming Uses**

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

#### **15.020-G Permits**

##### **1. Future Uses**

Except as expressly stated, no material change may be made in the use of land, no structure may be erected or otherwise established, and no tree may be planted in any AO district airport zone unless a permit has been applied for and approved by the administrator. Each application for a permit must indicate the purpose for which the permit is desired, with sufficient information to allow a determination of whether the resulting use, structure or tree would conform to the AO district regulations of this section. If such determination is in the affirmative, the permit must be granted. No permit for a use inconsistent with the AO district regulations may be granted unless a variance has been approved.

##### **2. Exemptions**

- a. In the area lying within the limits of the horizontal zone and conical zone, no permit is required for any tree or structure less than 100 feet in height above the ground except when, because of terrain, land contour, or topographic features, such tree or structure would extend above the height limits prescribed for such zones.
- b. In areas lying within the limits of the approach zones, but at a horizontal distance of not less than 4,200 feet from each end of the runway, no permit is required for any tree or structure less than 100 feet in height above the ground, except when such tree or structure would extend above the height limits prescribed for such approach zones.

- c. In areas lying within the limits of the transition zones beyond the perimeter of the horizontal zone, no permit is required for any tree or structure less than 100 feet in height above the ground, except when, such tree or structure, because of terrain, land contour, or topographic features, would extend above the height limits prescribed for such transition zones.
- d. Nothing contained in any of the foregoing permit exemptions is intended to permit any construction or alteration of any structure in excess of any of the height limits established by this ordinance.

**3. Existing Uses**

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

**15.020-H Variances**

1. In order to approve a variance from the regulations of this section, the land use board make a quasi-judicial decision and must find that a literal application or enforcement of the regulations will result in unnecessary hardship and relief, if granted, will not be contrary to the public interest, will not create hazard to air navigation, will do substantial justice and will be in accordance with the spirit of this ordinance. (Amended 5-15-2023)
2. The application for a variance must accompanied by a determination from the Federal Aviation Administration as to the effect of the proposal on the operation of air navigation facilities and the safe, efficient use of navigable airspace.
3. Additionally, no application for a variance may be considered by the land use board unless a copy of the application has been furnished to the director of the Monroe Regional Airport for advice as to the aeronautical effects of the requested variance. If the airport director does not respond within 30 days after receipt, the land use board may act on its own to grant or deny the variance application. (Amended 5-15-2023)
4. Any permit or variance granted may, if such action is deemed advisable to effectuate the purpose of this ordinance and be reasonable in circumstances, be so conditioned as to require the owner of the structure or tree in question to install, operate, and maintain, at the owner's expense, such markings and lights as may be necessary. Such markings and lights will be at the expense of the Monroe Regional Airport Authority.

**Section 15.030 Water Supply Watershed Overlays**

**15.030-A General**

**1. Establishment of Watershed Overlay Districts**

The following water supply watershed overlay districts have been established:

- a. T-CA, Lake Twitty Critical Area
- b. T-BW, Lake Twitty Balance of Watershed
- c. L-CA, Lake Lee Critical Area
- d. L-PA, Lake Lee Protected Area

**2. Effective Date**

The water supply watershed overlay district regulations of this section were adopted on December 6, 1993 and became effective on December 31, 1993.

**3. Jurisdiction and Applicability**

The water supply watershed overlay district regulations of this section apply within areas designated as water supply watershed overlay districts by the North Carolina Environmental Management Commission, as further identified on the zoning map.

**4. Exemptions**

- a. Existing development is not subject to the water supply watershed overlay district regulations of this section. For the purposes of this exemption provision, "existing development" means development in existence on or before December 31, 1993 or on or before December 31, 1993 for which construction had begun on or before December 31, 1993 and projects that have established a vested right under North Carolina law as of December 31, 1993 based on at least one of the following criteria:
  - (1) having expended substantial resources (time, labor, money) based on a good faith reliance upon a valid approval to proceed with the project;
  - (2) having an outstanding valid building permit; or
  - (3) having expended substantial resources (time, labor, money) and having an approved plan that qualifies as a site-specific vesting plan under NCGS 160D-108.1 and is designated as such in accordance with the requirements of this ordinance. (Amended 7-1-2021)
- b. Expansions to structures classified as existing development must comply with the water supply watershed overlay district regulations of this section, but the built-upon area of the existing development is not required to be included in the density calculations. Any existing building or built-upon area not in conformance with the water supply watershed overlay district regulations of this section that has been damaged or removed may be repaired and/or reconstructed, but the total amount of space devoted to built-upon area may not be increased unless stormwater control that equals or exceeds the previous development is provided. There are no restrictions on single-family residential redevelopment.
- c. An existing lot owned by an individual before December 31, 1993, regardless of whether or not a vested right has been established, may be developed for single-family residential purposes without being subject to the water supply watershed overlay district regulations of this section. However, this exemption is not applicable to multiple contiguous lots under single ownership. Whenever 2 or more contiguous residential vacant lots of record are in single ownership at any time after December 31, 1993 and such lots individually have less area than the minimum requirements for the residential purposes for the watershed area in which such lots are located, such lots must be combined to create one or more lots that meet the water supply watershed overlay district regulations of this section, or if that is impossible, reduce the nonconformity of the lots to the maximum extent that is possible.

## 5. Threats to Public Health

- a. No activity, situation, structure or land use is allowed within a water supply watershed overlay district that poses a threat to water quality and the public health, safety and welfare. Such conditions may arise from inadequate on-site sewage systems that utilize ground absorption; inadequate sedimentation and erosion control measures; the improper storage or disposal of junk, trash or other refuse within a buffer area; the absence or improper implementation of a spill containment plan for toxic and hazardous substances; the improper management of stormwater runoff; or any other situation found to pose a threat to water quality.
- b. All uses involving the possession, storage, maintenance, or use of any quantity of any hazardous substance is prohibited on any lot located within the boundaries of a water supply watershed overlay district.
  - (1) The prohibitions on hazardous substances established in [§15.030-A5.b](#) do not apply to the following:
    - (a) Gasoline, kerosene, diesel fuel, and other petroleum products when such products are held solely for the purpose of on-premises sales to retail customers; however, storage tanks for such products must be emptied no later than 60 days after sale of the products stored is discontinued;
    - (b) Hazardous substances contained in consumer products packaged and held for retail sale to the general public; and
    - (c) Hazardous substances contained in commercial products used for janitorial or maintenance purposes on the premises where stored.
  - (2) The prohibitions on hazardous substances established in [§15.030-A5.b](#) do not apply to the possession, storage, maintenance or use of hazardous substances if and to the extent that the person in charge of such possession, storage, maintenance, or use is in possession of a currently valid "Hazardous Substances Authorization Certificate," issued by the administrator, covering such hazardous substances.
    - (a) An application for a Hazardous Substances Authorization Certificate must be filed on forms supplied by the county and contain the information requested on such forms. All hazardous substances stored, manufactured, or used on the premises must be listed according to the American Chemical Society standard nomenclature, and all such substances must be described in terms of quantity, form, solubility, and the manner in which such substances are stored, used, transported, and disposed of.
    - (b) A Hazardous Substances Authorization Certificate must be issued by the county if the applicant demonstrates to the reasonable satisfaction of the administrator that, considering the quantity, form and solubility of the hazardous substances and the manner in which they are stored, used, transported, and disposed of, as well as other relevant factors, there is little danger of any substantially adverse impact on the watershed environment or the community water supply. A certificate may be issued regarding some but not other hazardous substances.

- (c) A Hazardous Substances Authorization Certificate is valid for a period of one year from the date of issuance and must be renewed upon or before its expiration.

## 6. Variances

*[§15.030-A6 ["variances"] added 11.03.2014]*

Applications to vary from any of the water supply watershed overlay regulations of this section ([Section 15.030](#)) require review and approval by the land use board pursuant to the procedures of [Section 80.120](#). The following additional variance provisions also apply within water supply watershed overlays. (Amended 5-15-2023)

- a. A variance may be granted by the board of adjustment if the land use board concludes as follows:
  - (1) the application for a variance requests the relaxation of any management requirement that takes the form of a numerical standard by a factor of less than 10%; and
  - (2) the variance, if granted, will not result in a serious threat to the water supply. (Amended 5-15-2023)
- b. If the application for variance requests relaxation of any management requirement that takes the form of a numerical standard by a factor of more than 10%, the land use board must take one of the following actions: (Amended 5-15-2023)
  - (1) Deny the variance request; or
  - (2) Refer the application for a variance to the North Carolina Environmental Management Commission with a request that the Environmental Management Commission approve the variance. Upon referral to the Environmental Management Commission, the land use board must forward a preliminary record of the evidentiary hearing compiled by the administrator. This preliminary record must include the following: (Amended 7-1-2021) (Amended 5-15-2023)
    - (a) The variance application;
    - (b) Evidence that proper notification of the land use board evidentiary hearing has been made; (Amended 7-1-2021) (Amended 5-15-2023)
    - (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 land use board's recommendation, including all recommended conditions of approval, if any. (Amended 5-15-2023)
- c. If the Environmental Management Commission approves the variance, the administrator must 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, must be included in any zoning permit issued by the administrator.

- d. If the land use board denies a variance involving property within a water supply watershed overlay, then the application is not forwarded to the Environmental Management Commission. The administrator must send written notice of the denial to the applicant. (Amended 5-15-2023)
- e. Application for a zoning permit must be made within one year of receiving variance approval within a water supply watershed overlay.
- f. Prior to consideration of any application for a variance, the land use board must 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. (Amended 5-15-2023)

**7. Subdivisions**

*[§15.030-A7 ["subdivisions"] added 11.03.2014]*

- a. No subdivision of land that is located within a water supply watershed overlay district may be filed or recorded by the register of deeds office until it has been approved in accordance with the provisions of this section. Likewise, the clerk of superior court may not order or direct the recording of a plat if the recording of such plat would be in conflict with this section.
- b. All subdivisions of land must have a statement signed by the planning director indicating whether or not the subdivision lies within a designated water supply watershed. This statement must take one of the following forms, as appropriate: (amended 8-5-2019)

*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 Director**

*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 Director**

*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 Director**



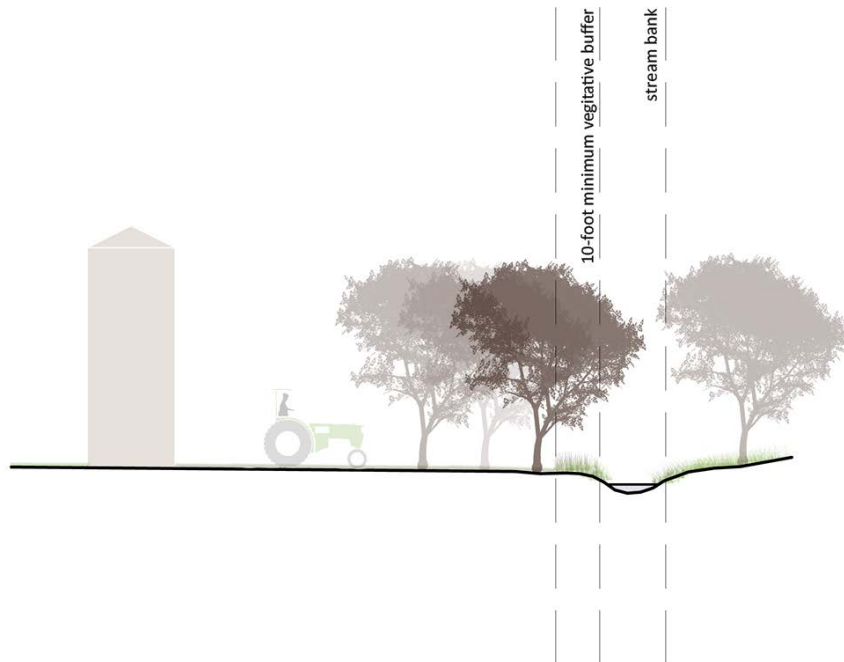
## 15.030-B T-CA, Lake Twitty Watershed Areas—Critical Area

### 1. Allowed Uses

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

- a. Bona fide farms, except as otherwise limited by applicable state or federal agencies. Agricultural activities conducted after January 1, 1993 must maintain a minimum 10-foot vegetative buffer, or equivalent control as determined and enforced by the Soil and Water Conservation Commission, along all perennial waters indicated on the most recent versions of U.S.G.S. 1:24,000 (7.5 minute) scale topographic maps or as determined by local government studies.

*Figure 15-1: Required Vegetative Buffer for Agricultural Activities (T-CA)*



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

### 2. Density and Built-upon Limits

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

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

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

##### **1. Allowed Uses**

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

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

##### **2. Density and Built-upon Limits**

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

- a. Single-family residential development may not exceed a density of 2 dwelling units per 40,000 square feet, on a project-by-project basis. No residential lot may be less than 20,000 square feet in area, except within an approved cluster development. [Note: Single Family Residential development may satisfy either the density limit of this paragraph or the 24% built-upon limit established in the following paragraph, b].
- b. All other residential and nonresidential development is subject to a maximum 24% built-upon area limit, on a project-by-project basis, except that up to 10% of the balance of the watershed may be developed for nonresidential uses to 70% built-upon area (on a project-by-project basis), which will be allocated on a first-come-first-serve basis. For the purpose of calculating built-upon area, total project area includes the total acreage of the tract on which the project is to be developed.
- c. Projects must minimize built-upon surface area, direct stormwater away from surface waters and incorporate Best Management Practices used to meet the requirements of 15A NCAC 02H .1017 to minimize water quality impacts. *§15.030-C2.c amended 11.03.2014*

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

#### **1. Applicability**

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

#### **2. Allowed Uses**

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

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

#### **3. Density and Built-upon Limits**

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

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

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

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

#### **2. Uses Allowed**

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

- a. Bona fide farms, except as otherwise limited by applicable state or federal agencies.
- b. Silviculture, subject to the provisions of the Forest Practices Guidelines Related to Water Quality (15 NCAC 11.6101-.0209) as regulated by state and federal agencies.

- c. Residential development.
- d. Nonresidential development, expressly excluding the storage of toxic and hazardous substances unless a spill containment plan is implemented.

**3. Density and Built-upon Limits**

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

- a. Single-family residential development may not exceed a density of 2 dwelling units per 40,000 square feet, on a project-by-project basis. No residential lot may be less than 20,000 square feet in area or one-third (1/3) acre for projects without curb and gutter system, except within an approved cluster development. [Note: Single Family Residential development may satisfy either the density limit of this paragraph or the 24% built-upon limit established in the following paragraph, b].
- b. All other residential and nonresidential development is subject to a maximum 24% built-upon area limit, on a project-by-project basis. For projects without a curb and gutter street system, development may not exceed 36% built-upon area, on a project-by-project basis. For the purpose of calculating built-upon area, total project area includes the total acreage of the tract on which the project is to be developed.

**15.030-F Cluster Development**

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

- 1. Built-upon area or stormwater control requirements of the project may not exceed the maximums established by the water supply watershed overlay district regulations of this section.
- 2. All built-upon areas must be designed and located to minimize stormwater runoff impact to the receiving waters and minimize concentrated stormwater flow by incorporating Best Management Practices used to meet the requirements of 15A NCAC 02H .1017. *[\$15.030-F2 amended 11.03.2014]*
- 3. The remainder of the tract must remain in a vegetated or natural state. If the development has an incorporated property owners' association, the title of the open space area must be conveyed to the association for management. Where a property owners' association is not incorporated, a maintenance agreement must be filed with the property deeds.

**15.030-G Riparian Buffers**

- 1. Within water supply watershed overlay districts, vegetative buffers with a minimum width of 30 feet must be preserved along all perennial waters indicated on the most recent versions of U.S.G.S. 1:24,000 (7.5 minute) scale topographic maps as determined by local government studies. Stream bank or shoreline stabilization is permitted within such buffers.

Figure 15-2: Water Supply Overlay Riparian (Vegetative) Buffer



2. No new development is allowed in required riparian buffers except for water-dependent structures and public projects such as street crossings and greenways where no practical alternative exists. These activities must minimize built-upon surface area, direct runoff away from the surface waters and maximize use of stormwater best management practices.

## Section 15.040 M, Mining Overlay

### 15.040-A General

1. No land may be classified in a mining overlay district after October 6, 2014.
2. All mining and extraction uses within an existing mining overlay district are subject to the regulations of [Section 30.140](#).

## Section 15.050 Planned Unit Development Overlay (Legacy District)

### 15.050-A General

No land may be classified in a planned unit development overlay district after October 6, 2014. Planned unit development districts established on or before October 6, 2014 are governed by terms of the approved PUD permit and the regulations of this section.

### 15.050-B PUD Types and Elements

1. One element of each PUD district must be the medium density residential element. Here there are two possibilities, each one corresponding either to the R-20 or R-10 residential districts. Within that portion of the PUD district that is developed for medium

density residential purposes, all development must be in accordance with the regulations applicable to the medium density residential district to which the particular PUD zoning district corresponds.

2. A second element of each PUD district must be the higher density residential element. Here there are two possibilities, each one corresponding either to the R-8 or R-6 zoning districts. Within that portion of the PUD district that is developed for higher density residential purposes, all development must be in accordance with the regulations applicable to the higher density residential district to which the PUD district corresponds.
3. A third element of each PUD district must be the commercial element. Here there are two possibilities, each one corresponding either to the B-2 or B-3 commercial district. Within that portion of a PUD district that is developed for purposes permissible in a commercial district, all development must be in accordance with the regulations applicable to the commercial district to which the PUD district corresponds.
4. A manufacturing/processing element is an optional fourth element of any PUD district. Here there are two alternatives. The first is that uses permitted within the LI district would be permitted within the PUD district. The second alternative is that uses permitted only within the LI or HI zoning districts would not be permitted. If an LI element is included, then within that portion of the PUD district that is developed for purposes permissible in an LI district, all development must be in accordance with the regulations applicable to the LI district.

#### **15.050-C Minimum Area**

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

#### **15.050-D Regulations**

1. In a planned unit development, the developer may make use of the land for any purpose authorized in a particular PUD zoning district in which the land is located, subject to the provisions of this ordinance.
2. Within any lot developed as a planned unit development, not more than 35% of the total district area may be developed for higher density residential purposes (R-8 or R-6, as applicable), not more than 10% of the total district area may be developed uses allowed in a B-2 or B-3 zoning district (whichever corresponds to the PUD zoning district in question), and not more than 5% of the total PUD district area may be developed for uses allowed in the LI zoning district (assuming the PUD zoning district expressly allows such uses).
3. The plans for the proposed planned unit development must indicate the particular portions of the district that the developer intends to develop for higher density residential purposes, lower density residential purposes, commercial purposes (as applicable), and industrial purposes. For purposes of determining the substantive regulations that apply to the planned unit development, each portion of the PUD district so designated must then be treated as if it were a separate district

4. A planned unit development permit may be approved showing one or more portions of the tract as reserved for future development of a specified type (e.g., residential, commercial, or manufacturing). No construction of any land may take place within areas designed as reserved areas until an amendment to the approved PUD district has been approved by Board of Commissioners in accordance with the zoning map amendment procedures of [Section 80.040](#).
5. The nonresidential portions of any planned unit development may be occupied only in accordance with a schedule approved at the time of approval of the PUD or any amendment to the PUD. The schedule must relate occupancy of nonresidential 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 mixed-use development. In approving a proposed schedule, the authorized decision-making body may consider, among other factors, the number of dwelling units proposed for the residential portion of the PUD, the nature and scope of the nonresidential portions of the PUD, the physical relationship of the 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.

# Article 20 | Special Purpose Districts

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

## Section 20.010 General

### 20.010-A Purpose and Intent

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

### 20.010-B Establishment

Special districts may be established, amended or removed only in accordance with the zoning map amendment procedures of [Section 80.040](#).

## Section 20.020 MPD, Master Planned Development District

### 20.020-A Purpose and Intent

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

1. Variety in housing types and sizes to accommodate households of all ages, sizes, incomes and lifestyle choices;
2. Compact, mixed-use development patterns where residential, commercial, employment, civic, and open space areas are located in close proximity to one another;
3. A coordinated transportation system that includes an inter-connected hierarchy of appropriately designed improvements for motorized and non-motorized travel;
4. Buildings and other improvements that by their arrangement, massing, design, character and site design elements establish a high-quality, livable environment;
5. Sustainable development practices;
6. Incorporation of open space amenities and natural resource features into the development design;
7. Low-impact development (LID) and best management practices for managing storm-water; and
8. Flexibility and creativity in responding to changing social, economic and market conditions.



**20.020-B Unified Control**

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

**20.020-C Procedure**

MPDs must be reviewed and approved in accordance with the procedures of [Section 80.100](#).

**20.020-D Developer's Statement of Intent**

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

**20.020-E Use Regulations and Lot and Building Standards**

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

**20.020-F Other Development Standards**

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

# Article 25 | Allowed Uses

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

## Section 25.010 Allowed Uses

### 25.010-A Use Classification System

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

### 25.010-B Permitted Uses

Uses identified with a “P” are permitted as-of-right in the subject zoning district, subject to compliance with any supplemental regulations identified in the final column of the table and with all other applicable regulations of this ordinance. When any such use is established, changed, or modified, a zoning permit is required. *(amended 8-6-2018)*

### 25.010-C Special Uses

Uses identified with an “S” may be allowed if reviewed and approved in accordance with the special use procedures of [80.100-A](#). Special uses are subject to compliance with any supplemental regulations identified in the final column of [Table 25-1](#) and with all other applicable regulations of this ordinance.

### 25.010-D Prohibited Uses

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

### 25.010-E Supplemental Regulations

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

### 25.010-F Accessory Uses

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

Table 25-1: Table of Allowed Uses

USE CATEGORY	RA 200	RA 40	RA 20	R 40	R 20	R 15	R 10	R 8	R 6	R 4	O	B 2	B 3	B 4	H C	L I	H I	Supplemental Regulations
Subcategory Specific use																		
<b>RESIDENTIAL</b>																		
<b>Household Living</b>																		
Detached House	P	P	P	P	P	P	P	P	P	P	-	-	-	-	-	-	-	
Dwelling unit above ground-floor office/commercial use	-	-	-	-	-	-	-	-	-	-	P	P	P	P	P	-	-	
Townhouse	-	-	-	-	-	-	P	P	P	P	-	-	-	-	-	-	-	
Two-unit House	-	P	P	S	P	P	S	P	P	P	-	-	-	-	-	-	-	
Multi-unit Building	-	-	-	-	-	-	P	P	P	P	-	-	-	-	-	-	-	<a href="#">Section 30.050</a>
Manufactured Housing Unit, Class A	P	P	P	P	P	P	P	P	-	-	-	-	-	-	-	-	-	<a href="#">0</a>
Manufactured Housing Unit, Class B	P	P	P	S	S	S	-	P	-	-	-	-	-	-	-	-	-	<a href="#">0</a>
Manufactured Housing Unit, Class C	-	P	P	-	-	-	-	P	-	-	-	-	-	-	-	-	-	<a href="#">0</a>
Manufactured Housing Unit, Temporary	P	P	P	P	P	P	P	P	P	-	-	-	-	-	-	-	-	<a href="#">Section 30.120</a>
Manufactured Housing Park	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	<a href="#">Section 30.130</a>
Dependent Care Residence (Temporary)	S	S	S	S	S	S	S	S	S	S	-	-	-	-	-	-	-	<a href="#">Section 30.060</a>
<b>Group Living</b> (except as identified below)	-	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	-	
Continuing Care Facility	-	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	-	<a href="#">Section 30.050</a>
Family Care Home	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	-	
Fraternity/Sorority	-	-	-	-	-	-	S	-	-	-	-	-	-	-	-	-	-	
Group Home	-	S	S	S	S	S	S	S	S	S	S	S	P	P	P	-	-	
Nursing Home/Rehabilitation Center	-	S	S	S	S	S	S	S	S	S	S	P	P	P	P	-	-	
<b>PUBLIC, CIVIC AND INSTITUTIONAL</b>																		
<b>Aviation Facility</b>																		
Airport	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	S	S	
Airstrip	S	S	S	S	S	-	-	-	-	-	-	-	-	-	-	S	S	
<b>Cemetery</b>	S	S	S	S	S	S	-	-	-	-	-	-	-	-	-	-	-	<a href="#">Section 30.040</a>
<b>College or University</b>																		
Campus	-	-	-	-	-	-	-	-	-	-	S	S	S	S	S	-	-	
Satellite	-	-	-	-	-	-	-	-	-	-	P	P	P	P	P	-	-	
<b>Detention or Correctional Facility</b>	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	S	S	
<b>Fraternal Organization</b>	-	S	-	-	-	-	-	-	-	-	P	P	P	P	P	-	-	
<b>Governmental Service</b>	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
<b>Hospital</b>	-	-	-	-	-	-	-	-	-	-	S	-	-	S	P	-	-	
<b>Library or Cultural Exhibit</b>	-	-	-	-	-	-	-	-	-	-	P	P	P	P	P	-	-	
<b>Natural Resource Preservation</b>	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
<b>Parks and Recreation</b>																		
Low-impact	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	-	-	
High-impact	S	S	S	S	S	S	S	S	S	S	P	P	P	P	P	-	-	

Article 25 | Allowed Uses  
Section 25.010 | Allowed Uses

USE CATEGORY	RA 200	RA 40	RA 20	R 40	R 20	R 15	R 10	R 8	R 6	R 4	O	B 2	B 3	B 4	H C	L I	H I	Supplemental Regulations
Subcategory Specific use																		
<b>Postal Service</b>	-	-	-	-	-	-	-	-	-	-	P	P	P	P	P	P	P	
<b>Religious Assembly</b>	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	-	-	
<b>Safety Service</b>	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
<b>School</b>	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
<b>Utility or Public Service Facility</b>																		
Minor	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Major	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	P	
Renewable Energy Facility	S	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	<i>(amended 1-16-18)</i>
<b>COMMERCIAL</b>																		
<b>Adult Use</b>	-	-	-	-	-	-	-	-	-	-	-	-	-	S	-	-	-	<a href="#">Section 30.010</a>
<b>Animal Service</b>																		
Boarding or Shelter	S	S	-	-	-	-	-	-	-	-	-	-	-	S	S	-	-	
Grooming or Training	S	S	-	-	-	-	-	-	-	-	P	P	-	P	P	-	-	
Supplies	S	S	-	-	-	-	-	-	-	-	-	P	-	P	P	-	-	
Veterinary	S	S	-	-	-	-	-	-	-	-	P	P	-	P	P	-	-	
<b>Commercial Service</b>																		
Building and Maintenance Service	-	-	-	-	-	-	-	-	-	-	-	P	P	P	P	P	P	
Business Support Service	-	-	-	-	-	-	-	-	-	-	P	P	P	P	P	P	P	
Communication Service	-	-	-	-	-	-	-	-	-	-	P	P	P	P	P	P	-	
Consumer Maintenance and Repair Service	-	-	-	-	-	-	-	-	-	-	-	P	P	P	P	P	-	
Personal Improvement Service	-	-	-	-	-	-	-	-	-	-	S	P	P	P	P	P	-	
Research Service	-	-	-	-	-	-	-	-	-	-	-	P	P	P	P	P	-	
Studio, Instructional or Service	-	-	-	-	-	-	-	-	-	-	S	P	P	P	P	P	-	
<b>Day Care Center</b>	S	S	S	S	S	S	S	S	S	S	S	P	P	P	P	-	-	
<b>Eating Establishment</b>	-	-	-	-	-	-	-	-	-	-	-	P	-	P	P	-	-	
<b>Entertainment and Spectator Sports</b>																		
Indoor, Minor	S	S	-	-	-	-	-	-	-	-	-	P	-	P	P	-	-	
Indoor, Major	S	S	-	-	-	-	-	-	-	-	-	S	-	P	P	-	-	
Outdoor, Minor	S	S	-	-	-	-	-	-	-	-	-	S	-	P	P	-	-	<a href="#">Section 30.080</a>
Outdoor, Major	S	S	-	-	-	-	-	-	-	-	-	-	-	S	S	S	S	<a href="#">Section 30.080</a>
<b>Financial Service</b> (except as identified below)																		
Bank, Savings and Loan, Credit Union	-	-	-	-	-	-	-	-	-	-	-	P	P	P	P	P	-	
<b>Funeral and Mortuary Service</b>	-	-	-	-	-	-	-	-	-	-	S	P	P	P	P	-	-	
<b>Lodging</b>																		
Bed & Breakfast Inn	S	S	S	S	-	-	-	-	-	-	-	-	-	-	-	-	-	
Campground/RV Park	S	S	-	-	-	-	-	-	-	-	-	-	-	-	S	-	-	<a href="#">Section 30.030</a>
Campsite, Primitive	P	P	P	P	P	P	P	P	P	-	-	P	-	P	P	-	-	<a href="#">Section 30.030</a>

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Section 25.010 | Allowed Uses

USE CATEGORY	RA 200	RA 40	RA 20	R 40	R 20	R 15	R 10	R 8	R 6	R 4	O	B 2	B 3	B 4	H C	L I	H I	Supplemental Regulations
Subcategory																		
Specific use																		
Hotel/Motel	-	-	-	-	-	-	-	-	-	-	-	S	-	S	P	-	-	
Office	-	-	-	-	-	-	-	-	-	-	P	P	P	P	P	P	P	
Parking, Non-accessory	-	-	-	-	-	-	-	-	-	-	S	S	-	S	P	P	-	
Retail Sales (except as identified below)	-	-	-	-	-	-	-	-	-	-	-	P	P	P	P	-	-	
Flea Market	-	-	-	-	-	-	-	-	-	-	-	-	-	S	S	-	-	
Large-format Retail (50,000 sq. ft. or more)	-	-	-	-	-	-	-	-	-	-	-	S	-	P	P	-	-	
<b>Sports and Recreation, Participant</b>																		
Indoor, Minor	-	-	-	-	-	-	-	-	-	-	-	S	S	P	P	P	-	
Indoor, Major	-	-	-	-	-	-	-	-	-	-	-	-	-	S	P	P	-	
Outdoor, Minor (except as identified below)	P	P	S	P	S	-	-	-	-	-	-	S	S	P	P	P	-	
Outdoor, Major (except as identified below)	S	S	-	S	-	-	-	-	-	-	-	-	-	-	P	P	-	
Shooting Range, Outdoor	S	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	<a href="#">Section 30.170</a>
Stable or Riding Academy	P	P	S	P	S	-	-	-	-	-	-	-	-	-	-	-	-	<a href="#">Section 30.180</a>
<b>Self-service Storage Facility</b>																		
Type 1	-	-	-	-	-	-	-	-	-	-	P	S	P	P	P	-	-	
Type 2	-	-	-	-	-	-	-	-	-	-	-	S	S	S	P	P	-	
Type 3	-	-	-	-	-	-	-	-	-	-	-	-	-	S	S	P	-	
<b>Trade School</b>	-	-	-	-	-	-	-	-	-	-	-	S	S	P	P	-	-	
<b>Vehicle Sales and Service</b>																		
Commercial Vehicle Repair and Maintenance	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	
Commercial Vehicle Sales and Rentals	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	
Fueling Station	-	-	-	-	-	-	-	-	-	-	-	S	-	S	P	P	-	
Personal Vehicle Repair and Maintenance	-	-	-	-	-	-	-	-	-	-	-	S	-	S	P	P	-	
Personal Vehicle Sales and Rentals	-	-	-	-	-	-	-	-	-	-	-	S	-	S	P	P	-	
Vehicular Equipment and Supplies	-	-	-	-	-	-	-	-	-	-	-	P	-	P	P	-	-	
Vehicle Body and Paint Shops	-	-	-	-	-	-	-	-	-	-	-	-	-	S	S	P	-	
<b>WHOLESALE, DISTRIBUTION &amp; STORAGE</b>																		
Equipment and Materials Storage, Outdoor	-	-	-	-	-	-	-	-	-	-	-	-	-	-	S	S	P	
Trucking and Transportation Terminals	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	S	P	
Warehouse	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	
Wholesale Sales and Distribution	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	
<b>INDUSTRIAL</b>																		
General Industrial	-	-	-	-	-	-	-	-	-	-	-	-	-	-	S	P	P	
Intensive Industrial	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	
Junk or Salvage Yard	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	S	
Mining/Extraction	S	-										-	-	-	-		S	<a href="#">Section 15.040</a>

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Section 25.010 | Allowed Uses

USE CATEGORY	RA 200	RA 40	RA 20	R 40	R 20	R 15	R 10	R 8	R 6	R 4	O	B 2	B 3	B 4	H C	L I	H I	Supplemental Regulations
Subcategory Specific use																		
<b>RECYCLING AND WASTE-RELATED</b>																		
Construction and Demolition Debris Recycling Facility	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	S	P	
Recyclable Material Processing Center	-	-	-	-	-	-	-	-	-	-	-	-	-	-	S	P	P	
<b>Landfill</b>																		
Construction and Demolition Debris, On-site	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	<a href="#">Section 30.090</a>
Construction and Demolition Debris, Off-site	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	S	P	
Reclamation (1 acre or less)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	<a href="#">Section 30.090</a>
Reclamation (more than 1 acre)	S	-	-	-	-	-	-	-	-	-	-	-	-	-	-	S	P	<a href="#">Section 30.090</a>
Sanitary	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	S	
Solid Waste Convenience Center	S	S	-	-	-	-	-	-	-	-	-	-	-	P	P	P	P	
Solid Waste Transfer Station	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	S	P	
<b>AGRICULTURE &amp; AGRICULTURE-RELATED, NON-EXEMPT</b>																		
Agribusiness	S	S	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Agriculture	P	P	P	P														
Agritourism	P	S	S	S	-	-	-	-	-	-	-	-	-	-	-	-	-	
Nursery or Greenhouse	P	P	P	S	-	-	-	-	-	-	-	P	-	P	P	P	P	
Silvicultural Operations	P	P	P	P	P	P	P	-	-	-	-	-	-	-	-	P	P	
<b>OTHER</b>																		
Drive-in or Drive-through Facility	-	-	-	-	-	-	-	-	-	-	P	S	-	P	P	P	-	
<b>Wireless Facility (Amended 11/21/2022)</b>																		
Carrier on Wheels (COW)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Section 30.150
Collocation	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Section 30.150
Concealed Wireless Facilities	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Section 30.150
All other Wireless Facilities (excluding wireless support structures) (Amended 11/21/2022)	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	Section 30.150
<b>Support Structures (Amended 11/21/2022)</b>																		
Wireless Support Structures and Radio, Television, or other Broadcast Support Structures (up to 60 feet in height), excluding concealed wireless facilities (Amended 11/21/2022)	P	P	P	S	S	S	S	S	S	S	S	S	P	P	P	P	P	Section 30.190, Section 30.150 is also applicable to wireless support structures
Wireless Support Structures and Radio, Television, or other Broadcast Support Structures (60.01 feet in height and greater) excluding concealed wireless facilities (Amended 11/21/2022)	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	Section 30.190, Section 30.150 is also applicable to wireless support structures

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USE CATEGORY	RA 200	RA 40	RA 20	R 40	R 20	R 15	R 10	R 8	R 6	R 4	O	B 2	B 3	B 4	H C	L I	H I	Supplemental Regulations
Subcategory																		
Specific use																		

## Section 25.020 Use Categories

### 25.020-A General

#### 1. The System

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

- a. Residential. See §25.020-B.
- b. Public, Civic and Institutional. See §25.020-C.
- c. Commercial. See §25.020-D.
- d. Wholesale, Distribution and Storage. See §25.020-E.
- e. Industrial. See §25.020-F.
- f. Recycling and Waste-Related. See §25.020-G.
- g. Agriculture and Agriculture-Related (Non-exempt). See §25.020-H.
- h. Other. See §25.020-I.

#### 2. Use Subcategories

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

#### 3. Specific Use Types

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

#### 4. Determination of Use Categories and Subcategories

- a. The administrator is authorized to classify uses on the basis of the use category, subcategory and specific use type descriptions of this article.
- b. When a use cannot be reasonably classified into a use category, subcategory or specific use type, or appears to fit into multiple categories, subcategories or specific use types, the administrator is authorized to determine the most similar and thus most appropriate use category, subcategory or specific use type based on the actual or projected characteristics of the principal use or activity in relationship to the use category, subcategory and specific use type descriptions provided in this section. In making such determinations, the administrator must consider:
  - (1) The types of activities that will occur in conjunction with the use;
  - (2) The types of equipment and processes to be used;
  - (3) The existence, number and frequency of residents, customers or employees;
  - (4) Parking demands associated with the use; and
  - (5) Other factors deemed relevant to a use determination.



- c. If a use can reasonably be classified in multiple categories, subcategories or specific use types, the administrator must categorize the use in the category, subcategory or specific use type that provides the most exact, narrowest and appropriate “fit.”
- d. If the administrator is unable to determine the appropriate use category for a proposed use, the administrator is authorized to deny permits and certificates for establishment of the proposed use. This determination may be appealed to the land use board in accordance with appeal procedures of [Section 80.130](#). [\(Amended 7-1-2021\)](#) [\(Amended 5-15-2023\)](#)

#### **25.020-B Residential Use Category**

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

##### **1. Household Living**

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

##### **a. Detached House**

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

##### **b. Townhouse**

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

##### **c. Two-unit House**

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

##### **d. Multi-unit Building**

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

##### **e. Manufactured Housing Unit**

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

**f. Manufactured Housing Unit, Class A**

A manufactured housing unit 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 ([Amended 7-1-2021](#))

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

**g. Manufactured Housing Unit, Class B**

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

**h. Manufactured Housing Unit, Class C**

A manufactured housing unit that meets or exceeds the construction standards promulgated by the U.S. Department of Housing and Urban Development that were in effect at the time of construction but that does not satisfy all of the criteria necessary to qualify the house either as a class A or class B manufactured housing unit. ([Amended 7-1-2021](#))

**i. Manufactured Housing Unit, Class D**

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

**j. Manufactured Housing Park**

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

**2. Group Living**

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

**a. Continuing Care Facility**

A facility that provides lodging together with nursing services, medical services, or other health-related services, under a contract approved by the state department of insurance, as further outlined in NCGS 58-64.

**b. Family Care Home**

A detached house occupied by support and supervisory personnel who provide room and board, personal care and habilitation services in a family environment for

not more than 6 children or 6 persons with disabilities. Also includes uses that provide room and board for adults or children who have been abused or displaced.

**c. Group Home**

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

**d. Transitional Living Facility**

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

**25.020-C Public, Civic and Institutional Use Category**

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

**1. Aviation Facility**

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

**a. Airport**

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

**b. Airstrip**

An area of land or water, located on private property used for the landing and take-off of not more than 2 aircraft owned or leased by the owner of such property, or aircraft engaged in crop dusting of land owned or leased by the owner of the airstrip. Uses that offer flying lessons or the rental or sale of aircraft, parts or fuel are airports, not airstrips.

**2. Cemetery**

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

**3. College or University**

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

**a. Campus**

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

**b. Satellite**

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

- 4. Detention or Correctional Facility**

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

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

Any government use by Union County, North Carolina which is allowed or required by law. *(amended 5-18-2015)*
- 7. Hospital**

Uses providing medical or surgical care to patients and offering inpatient (overnight) care.
- 8. Library or Cultural Exhibit**

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

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

Recreational, social or multi-purpose uses associated with public parks and open spaces, including playgrounds, playfields, play courts, community centers and other facilities typically associated with public park and open space areas. Also includes open space and recreation facilities within subdivisions, typically managed by property owner associations.

  - a. Low-impact**

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

Park and recreation facilities that include any of the following:

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

**11. Postal Service**

Private facilities including post offices and mail sorting and distribution facilities.  
*(amended 5-18-2015)*

**12. Religious Assembly**

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

**13. Safety Service**

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

**14. School**

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

**15. Utility or Public Service Facility**

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

**a. Minor**

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

**b. Major**

Utility and public service facilities that are not classified as "minor" or as a "renewable energy facility". Typical uses include but are not limited to water and wastewater treatment facilities, high-voltage electric substations, utility-scale power generation facilities (excluding renewable energy facilities), and utility-scale water storage facilities, such as water towers. *(amended 1-6-2018)*

**c. Renewable Energy Facility**

Facilities that utilize renewable energy, including without limitation, solar energy, wind, falling water, the heat of the earth (geothermal energy systems), and plant materials (biomass). Renewable energy facilities produce power, heat or mechanical energy by converting those resources either to electricity or to motive power.  
*(amended 1-16-2018)*

**25.020-D Commercial Use Category**

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

**1. Adult Use**

Any structure, business or use of land that meets the definition of "Adult Establishment," as outlined in NCGS 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 NCGS 14-202.10 and the definitions are adopted by reference. Massage businesses are not considered adult uses if all employees associated with massage meet the ethical and educational requirements specified by the American Massage Therapy Association, or equivalent national or state standards.

**a. Adult Motel or Hotel**

A hotel, motel or similar commercial establishment that:

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

**2. Animal Service**

Uses that provide goods and services for care of animals.

**a. Boarding or Shelter**

Breeding, boarding, care or training services for dogs, cats and small animals, including boarding kennels, pet resorts/hotels, pet adoption centers, dog training centers animal rescue shelters.

**b. Grooming**

Grooming of dogs, cats and similar small animals, including dog bathing and clipping salons and pet grooming shops. Grooming does not include overnight boarding or outdoor animal runs or kennels.

**c. Stable**

Riding stables, riding academies, equestrian training facilities and similar uses.

**d. Supplies**

Sales of animal feed, pharmaceuticals and animal-related supplies. Typical uses include feed stores, tack shops and animal supply stores.

**e. Veterinary**

Animal hospitals and veterinary clinics. Any veterinary uses that involve outdoor animal runs or kennels are regulated as boarding or shelter uses.

**3. Commercial Service**

Uses that provide for consumer or business services and for the repair and maintenance of a wide variety of products.

**a. Building and Maintenance Service**

Uses that provide maintenance and repair services for all structural and mechanical elements of structures, as well as the exterior spaces of a premise. Typical uses include janitorial, landscape maintenance, extermination, plumbing, electrical, HVAC, window cleaning and similar services.

**b. Business Support Service**

Uses that provide personnel services, printing, copying, photographic services or communication services to businesses or consumers. Typical uses include employment agencies, day labor hiring services, armored car services, copy and print shops, caterers, telephone answering services and photo developing labs.

**c. Communication Service**

Uses that provide for audio or video production, recording or broadcasting. Typical examples include recording studios, radio and television production and broadcast facilities. Broadcast towers are classified as support structures (see [§ 25.020-13](#)).  
(Amended 11/21/2022)

**d. Consumer Maintenance and Repair Service**

Uses that provide maintenance, cleaning and repair services for consumer goods on a site other than that of the customer (i.e., customers bring goods to the site of the repair/maintenance business). Typical uses include laundry and dry cleaning pick-up shops, tailors, taxidermists, dressmakers, shoe repair, picture framing shops, gunsmiths, locksmiths, vacuum repair shops, electronics repair shops and similar establishments. Business that offer repair and maintenance service technicians who visit customers' homes or places of business are classified as a "building service."

**e. Personal Improvement Service**

Uses that provide a variety of services associated with personal grooming, instruction and maintenance of fitness, health and well-being. Typical uses include barbers, hair and nail salons, day spas, health clubs and yoga and martial arts studios.

**f. Research Service**

Uses engaged in scientific research and testing services leading to the development of new products and processes. Such uses resemble office buildings or campuses and do not involve the mass production, distribution or sale of products. Research services do not produce odors, dust, noise, vibration or other external impacts that are detectable beyond the lot lines of the subject property.





(3) Provides such services to the public.

**b. Pawnshop**

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

(1) The lending of money on the deposit or pledge of personal property, other than chosen in action, securities or written evidence of indebtedness;

(2) The purchase of personal property either from an individual, another pawn business or any other business with an expressed or implied agreement or understanding to offer the property for sale to the public, and if that sale is unsuccessful, then to sell it back to the previous owner at a subsequent time at a stipulated price or negotiated price;

(3) The purchase of precious metals with the intent to melt down, provided that such activity is not clearly incidental to the principal use of the establishment; or

(4) The lending of money upon personal property, goods, wares, or merchandise pledge, stored or deposited as collateral security.

**c. Payday Lender**

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

**d. Bail Bond**

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

**8. Funeral and Mortuary Service**

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

**9. Lodging**

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

**a. Bed and Breakfast**

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

**b. Hotel/Motel**

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

**c. Campground**

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

**(1) Campground, Developed**

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

**(2) Campground, Fully Developed**

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

**(3) Campground, Semi-Developed**

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

**(4) Campground, Semi-Primitive**

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

**(5) Campground, Primitive**

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

**10. Office**

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

**a. Business and Professional Office**

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

**b. Medical, Dental and Health Practitioner**

Office uses related to diagnosis and treatment of human patients' illnesses, injuries and physical maladies that can be performed in an office setting with no overnight care. Surgical, rehabilitation and other medical centers that do not involve overnight patient stays are included in this subcategory, as are medical and dental laboratories, unless otherwise indicated. Ancillary sales of medications and medical products are allowed in association with a medical, dental or health practitioner office.

**11. Parking, Non-Accessory**

Parking that is not provided to comply with minimum off-street parking requirements and that is not provided exclusively to serve occupants of or visitors to a particular use, but rather is available to the public at-large. A parking facility that provides both accessory and non-accessory parking will be classified as non-accessory parking if it leases

25% or more of its spaces to non-occupants of or persons other than visitors to a particular use. The following are non-accessory parking specific use types:

- a. **Surface Parking, Non-Accessory**  
A non-accessory parking lot.
- b. **Structured Parking, Non-Accessory**  
A non-accessory parking garage.

**12. Retail Sales**

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

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

**13. Self-service Storage Facility**

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

- a. **Type 1**  
Class 1 self-service storage facilities are those in which individual storage spaces are accessed exclusively via interior hallways and contained within completely enclosed (typically climate-controlled) buildings.
- b. **Type 2**  
Class 2 self-service storage facilities are those in which all storage spaces are contained within completely enclosed buildings and in which some or all individual storage spaces have direct customer access from the building's exterior without use of an interior hallway.
- c. **Type 3**  
Class 3 self-service storage facilities are those that involve any outdoor storage.

**14. Sports and Recreation, Participant**

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

**a. Indoor, Minor**

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

**b. Indoor, Major**

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

**c. Outdoor, Minor**

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

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

**d. Outdoor, Major**

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

**e. Shooting Range, Outdoor**

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

**15. Trade School**

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

**16. Vehicle Sales and Service**

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

- a. Commercial Vehicle Repair and Maintenance**  
Uses, excluding vehicle paint finishing shops, that repair, install or maintain the mechanical components or the bodies of large trucks, mass transit vehicles, large construction or agricultural equipment, aircraft or similar large vehicles and vehicular equipment. Includes truck stops and truck fueling facilities.
- b. Commercial Vehicle Sales and Rentals**  
Uses that provide for the sale or rental of large trucks, large construction or agricultural equipment, aircraft, or similar large vehicles and vehicular equipment.
- c. Fueling Station**  
Uses engaged in retail sales of personal or commercial vehicle fuels, including natural gas fueling stations and rapid vehicle charging stations and battery exchange facilities for electric vehicles.
- d. Personal Vehicle Repair and Maintenance**  
Uses, excluding vehicle paint finishing shops, that repair, install or maintain the mechanical components or the bodies of autos, small trucks or vans, motorcycles, motor homes or recreational vehicles including recreational boats or that wash, clean or otherwise protect the exterior or interior surfaces of these vehicles.
- e. Personal Vehicle Sales and Rentals**  
Uses that provide for the sale or rental of new or used autos, small trucks or vans, trailers, motorcycles, motor homes or recreational vehicles including recreational boats. Typical examples include automobile dealers, auto malls, car rental agencies and moving equipment rental establishments (e.g., U-haul).
- f. Vehicular Equipment and Supplies Sales and Rentals**  
Uses related to the sale, lease or rental of new or used parts, tools or supplies for the purpose of repairing or maintaining vehicles.
- g. Vehicle Body and Paint Shop**  
Uses that primarily conduct vehicle body work and repairs or that any uses that apply paint to the exterior or interior surfaces of vehicles by spraying, dipping, flow-coating or other similar means.

**25.020-E Wholesale, Distribution & Storage Use Category**

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

- 1. Equipment and Materials Storage, Outdoor**  
Uses related to outdoor storage of equipment, products or materials, whether or not stored in containers.
- 2. Trucking and Transportation Terminals**  
Uses engaged in the dispatching and long-term or short-term storage of trucks, buses and other vehicles, including parcel service delivery vehicles, taxis and limousines. Minor repair and maintenance of vehicles stored on the premises is also included. Includes uses engaged in the moving of household or office furniture, appliances and equipment from one location to another, including the temporary on-site storage of those items.

**3. Warehouse**

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

**4. Wholesale Sales and Distribution**

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

**25.020-F Industrial Use Category**

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

**1. General Industrial**

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

**2. Intensive Industrial**

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

**3. Junk or Salvage Yard**

An area or building where waste or scrap materials are bought, sold, exchanged, stored, baled, packed, disassembled or handled for reclamation, disposal or other like purposes, including but not limited to automobiles, scrap iron and other metals, paper, rags, rubber tires and bottles. This use subcategory does not apply to property used for bona fide farm purposes, including the production and activities relating or incidental to the production of crops, fruits, vegetables, ornamental and flowering plants, dairy, livestock, poultry, and all other forms of agricultural products having a domestic or foreign market.

**4. Mining/Extraction**

The extraction of oil, gas, minerals, or aggregate resources from the ground. Examples include oil and gas extraction; quarrying or dredging for sand, gravel or other aggregate materials; mining and top soil extraction. Also includes crushing, washing and grading

minerals, top soil or aggregate resources; manufacture of Portland cement, concrete or asphaltic concrete, at the source of supply of crushed rock, sand, or gravel.

**25.020-G Recycling and Waste-Related Use Category**

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

**1. Construction and Demolition Debris Recycling**

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

**2. Recyclable Material Processing Center**

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

**3. Landfills**

**a. Sanitary**

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

**b. Construction and Demolition Debris**

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

**c. Reclamation**

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

**4. Solid Waste Convenience Center**

A collection point for the temporary storage of solid waste and consumer recyclable material provided for individual solid waste/recyclable material generators within the county who choose to transport solid waste/recyclable material generated on their own property to an established point, rather than directly to a disposal or collection facility. A convenience center may not receive waste/recyclable material from collection vehicles that have collected waste/recyclable material from more than one real property owner.

**5. Solid Waste Transfer Station**

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

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

This category includes agricultural uses that do not qualify as bona fide farms, which are exempt from the zoning regulations of this ordinance. It also includes uses and activities

that are directly related to agriculture and that are necessary to provide service and financial support for farming and agriculture uses.

**1. Agribusiness**

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

**2. Agriculture, Non-exempt**

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

**3. Agritourism**

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

**a. Agriculture Cultural Center**

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

**b. Agritainment**

Events and activities that allow for recreation, entertainment, and tourism in conjunction with agriculture support and services directly associated with ongoing agricultural activities on-site that are for-profit. Events and activities include the following: hay rides, corn mazes, hay mazes, petting zoos (farm animals only) and agricultural festivals.

**c. Corn Maze**

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

**d. Eco-Tourism Enterprise**

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



- e. Farm Markets**  
An on-site, accessory use to a working or active farm that includes the sale of horticulture or agricultural products, including, perennial, annuals, bulbs, dried flowers, compost, Christmas trees, fresh produce, honey, cider, and similar agricultural products. A minimum of 50% of the products sold must be agricultural products produced on-site.
- f. Farmer's Market, Community-Scale**  
A facility with a maximum area of less than 5,000 square feet in gross floor area or ground area that sells or provides fresh agricultural products directly to the consumer in a market setting. Farmer's markets may include multiple vendors who offer homegrown produce raised by the vendor or produce bought by the vendor on consignment, for retail sale.
- g. Farmer's Market, Regional-Scale**  
A facility that is 5,000 square feet in gross floor area or ground area that sells or provides fresh agricultural products directly to the consumer in a market setting. Farmer's markets may include multiple vendors who offer homegrown produce raised by the vendor or produce bought by the vendor on consignment, for retail sale.
- h. Restaurant, Farm-based**  
Restaurants on tracts occupied by a working farm that serve food and beverages primarily to customers seated at tables or counters located within a building or designated outdoor seating areas. At a minimum, 50% of the food served at this type of restaurant must be grown on-site, or on tracts that are part of the subject farm.
- i. Participatory Farms**  
Farm-based, tourism-driven enterprises where individuals or groups pay to participate on a working farm or dude ranch.
- j. Rural Retreat**  
An establishment that is part of a working farm that provides temporary overnight accommodations for individuals or groups engaged in supervised training or personal improvement activities. Examples include corporate retreat facilities, educational retreat facilities and working farm learning centers. Restaurants are an allowed accessory use.
- k. Wine Tasting Room**  
A facility in which wine products grown or processed on the owner's property may be tasted and sold. This definition may include the following as ancillary uses: gift/retail sales, assembly areas and meeting rooms.
- l. Winery**  
A manufacturing facility or establishment engaged in the processing of grapes to produce wine or wine-like beverages.

**25.020-l Other Use Category**

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

**1. Drive-in or Drive-through Facility**

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

**2. Wireless Facility**

Any wireless facility.

A wireless facility is the set of equipment and network components, exclusive of the underlying wireless support structure, including, but not limited to, antennas, accessory equipment, transmitters, receivers, base stations, power supplies, cabling and associated equipment necessary to provide wireless telecommunications services.

**3. Support Structures**

Any wireless support structure or radio, television, or other broadcast support structure. (Amended 11/21/2022)

## Article 30 | Supplemental Use and Building Regulations

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### Section 30.010 Adult Uses

#### 30.010-A Purpose

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

#### 30.010-B Regulations

##### 1. General

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

**2. Advertisements and Sound**

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

**3. Over-concentration**

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

**4. Proximity to Other Uses**

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

**5. Other**

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

**Section 30.020 Agribusinesses**

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

- 30.020-A** The lot where the agribusiness use is located must have sufficient frontage along a boulevard or thoroughfare street so that the principal means of ingress and egress for the use comes along such street.
- 30.020-B** No building or structure that houses any part of the agribusiness use may be located within 500 feet of any existing dwelling unit (other than a residence owned by the applicant) that is occupied, held ready for occupancy, or under construction on the date the permit is issued.
- 30.020-C** An opaque screen must be installed on all sides of the property containing the agribusiness use (except a side that borders a public street) to provide visual screening for adjacent properties. The required screen must comply with [§55.090-C](#).
- 30.020-D** Agribusiness uses may not have truck pick-up or delivery traffic before 7:00 a.m. or after 7:00 p.m.

**30.020-E** In order to approve the special use permit, the land use board must find that the proposed use will not substantially injure the value of abutting or neighboring properties. A petition signed by all owners of properties entitled to receive notice of the evidentiary hearing for the special use permit, and stating that such property owners believe their property values will not be adversely affected by the proposed use, constitutes sufficient evidence for the land use board to make this required finding, but does not obligate the land use board to approve the special use permit. Other types of evidence may also be considered by the board of adjustment. [\(Amended 7-1-2021\)](#) [\(Amended 5-15-2023\)](#)

## **Section 30.030 Campsites, Campgrounds and RV Parks**

### **30.030-A Required Reviews**

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

### **30.030-B Permanent Residency Prohibited**

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

### **30.030-C Minimum Land Area**

1. Primitive campsites require a minimum land area of 2 acres.
2. Modern campgrounds and RV parks require a minimum land area of 25 acres.
3. Each camping site must have a minimum area of 2,500 square feet with a minimum width of 40 feet.
4. Where cabins are to be used, a minimum of 20,000 square feet of area must be provided per cabin. Clustering is allowed provided the minimum site area is allotted.

### **30.030-D Spacing of Camping Units**

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

### **30.030-E Water, Sewer and Sanitation**

1. Water supply, sewage disposal, sewage collection, other sanitary facilities and insect and rodent control plans and specifications must be approved by the authorized local and state agencies.
2. Sanitary facilities such as a toilet, lavatory, and bathing facilities must be provided in the following minimum numbers:
  - a. Every campground must have at least one toilet for each sex, except that in isolated campgrounds limited to infrequent or casual use and where access is by foot, horseback, or trail vehicles, one privy or toilet may be utilized by both sexes.
  - b. A water supply must be provided by a hand pump or water spigot.

- c. Where a campground is designed and operated for exclusive use by independent or self-contained camping vehicles only, at least one toilet and one lavatory must be provided for each sex at the rate of one for every 100 camping unit sites or fraction thereof.
  - d. Where a campground accepts or accommodates dependent camping vehicles and camping equipment campers, at least one toilet and one lavatory must be provided for each sex at the rate of one each for every 15 camping unit sites or fraction thereof, and at least one shower must be provided for each sex for every 30 camping unit sites or fraction thereof. Lavatories must be provided at each building containing toilet facilities.
3. One recreational vehicle disposal station must be provided for each 100 recreational vehicle sties, or fraction thereof, that are not equipped with individual sewer and water connections. Each station must be level, have convenient access from the service road, and provide easy ingress and egress. Sanitary disposal stations must be constructed according to specifications approved by authorized local and state agencies.
  4. Pads must be provided for all trash and recycling containers. Such container pads must be designed to prevent containers from being tipped, to minimize spillage and container deterioration, and to facilitate cleaning of surrounding areas. Dumpsters must be screened in accordance with [§55.080-B](#).

**30.030-F Accessory Uses**

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

**30.030-G Common Open Area**

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

**30.030-H Streets**

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

*Table 30-1: Street and Driveway Standards for Campgrounds*

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

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

**30.030-I Parking Spaces**

1. At 1.5 parking spaces must be provided in the campground per camping unit site. At least one parking space must be provided at each site. Additional off-street parking may be provided in common areas or on individual sites.

2. Parking spaces must have a stabilized surface of shell, marl, paving, or other county-approved material.

#### **30.030-J Street Access; Ingress and Egress**

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

#### **30.030-K Buffers**

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

#### **30.030-L Fire Safety**

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

### **Section 30.040 Cemeteries**

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

### **Section 30.050 Continuing Care Facilities**

- 30.050-A** When used as a continuing care facility, the density and number of units permitted may be doubled in the RA-200, RA-40, R-40, RA-20, R-20, R-15, and R-10 zoning districts.
- 30.050-B** Whenever the gross floor area of a continuing care facility is more than 20,000 square feet or a lot is less than 20,000 square feet, the development must be served by central water and central sewer.

### **Section 30.060 Dependent Care Residence (Temporary) *(amended 8-6-2018)***

- 30.060-A** The requirements of this Section 30.060 only apply to dependent care residences (temporary) which do not meet all of the statutory requirements for a temporary healthcare structure as set forth in NCGS 160D-915 (or any successor statute(s)). The requirements of Section 30.060 do not apply to those temporary healthcare structures meeting all of the statutory requirements for such structures as set forth in NCGS 160D-915 (or any successor statute(s)). *(Amended 7-1-2021)*
- 30.060-B** In order to approve a temporary dependent care residence greater in size and different in type than those allowed under NCGS 160D-915, the applicant must demonstrate a personal hardship situation exists. The hardship must involve the need to care for elderly family

members or other dependents of the family occupying the principal dwelling. Reasons justifying the need for separate quarters include incompatibility, contagious disease, illness, or lack of suitable space within the principal dwelling. A monetary hardship does not qualify as a personal hardship. [\(Amended 7-1-2021\)](#)

- 30.060-C** Zoning permits authorizing temporary dependent care residences may be issued for a maximum of 6 months, but may be renewed for successive 6-month periods for so long as the hardship continues to exist. Application for renewal of the permit must be made at least 30 days before the expiration date.
- 30.060-D** Temporary dependent care residences must be served by approved water and sewer systems and maintained so as not to create nuisance conditions or adversely affect the visual character of the surrounding residential area.
- 30.060-E** Not more than one temporary dependent care residence may be permitted on a temporary basis. Temporary residences must be located in the rear yard behind the principal dwelling. [\(amended 5-18-2015\)](#)
- 30.060-F** Class A, B, or C manufactured homes may be utilized as the underlying zoning district.
- 30.060-G** The square footage of the temporary dependent care residence shall not exceed the square footage of the principal dwelling. [\(amended 5-18-2015\)](#)
- 30.060-H** Authorized temporary dependent care residences are not counted in calculating density but are subject to applicable setback and building height regulations.

### **Section 30.070 Driving Ranges and Par-3 Golf Courses**

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

### **Section 30.080 Entertainment and Spectator Sports**

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



**30.080-A Minor Outdoor Entertainment and Spectator Sports** *(amended 8-6-2018)*

Proposed minor outdoor entertainment and spectator sports uses proposed to be located in R districts must meet one of the following conditions:

- a. Be separated by a distance of at least 200 feet from any other R zoned lot or;
- b. Demonstrate that if a distance of less than 200 feet exists to the nearest R zoned lot, the following can be met at the proposed location:
  - i. Amplified audio levels will be maintained below 65 db; measured at the nearest R zoned lot property line.
  - ii. Lighting, as described in Section 55.130, will measure at or below 0.5 foot-candle; measured at the nearest R zoned lot property line.

**30.080-B Major Outdoor Entertainment and Spectator Sports** *(amended 8-6-2018)*

1. Proposed major outdoor entertainment and spectator sports uses proposed to be located in R districts must meet one of the following conditions:
  - a. Be separated by a distance of at least 500 feet from any other R zoned lot; or
  - b. Demonstrate that if a distance of less than 500 feet exists to the nearest R zoned lot, the following can be met at the proposed location:
    - i. Amplified audio levels will be maintained below 65 db; measured at the nearest R zoned lot property line.
    - ii. Lighting, as described in Section 55.130, will measure at or below 0.5 foot-candle; measured at the nearest R zoned lot property line.
2. Major outdoor entertainment and spectator sports uses require special use approval in accordance with [80.100-A](#). The special use application must be accompanied by a development and operating plan that includes all of the following:
  - a. A site plan drawn to scale depicting public assembly and activity areas, site improvements, road access, driveways, parking areas and sanitary facilities;
  - b. A description of facilities for any animals involved in the planned activities;
  - c. The methods proposed to control dust, erosion, odor, noise, glare, waste disposal (manure, trash, etc.) and traffic congestion;
  - d. A transportation impact study and a traffic management plan;
  - e. A lighting plan demonstrating compliance with the outdoor lighting regulations of [Section 55.130](#).
  - f. The hours of operation;
  - g. The projected number of people on the property during activities;
  - h. A description of all items for sale during event activities, such as food, beverages and souvenirs; and
  - i. Additional information as may be required by the administrator to enable competent review of the required special use permit.

## Section 30.090 Landfills

### 30.090-A Demolition and Reclamation Landfills

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

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

### 30.090-B Other Landfills

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

1. **Setback Requirements**  
Unless a written waiver is granted by the abutting property owner, no portion of any landfill may be located within 100 feet of any lot line. This includes structures, offices, equipment storage, parking, and fill areas, except that access drives may cross such areas. Operation within 100 feet of an exposed body of water or mine shaft opening is prohibited, with no exceptions.
2. **Screening**  
Existing trees and vegetation must be maintained within 100 feet of abutting lot lines and any public street right-of-way. Where the natural growth within 100 of abutting lot lines and street rights-of-way does not comply with the S2, high-profile screening standards of §55.090-C to effectively screen the landfill site from the view from abutting properties and rights-of-way, then screening in accordance with the requirements of §55.090-C must be provided. Access to the site may cross this 100-foot screening buffer.
3. **Hours of Operation**  
Landfills may only operate from 8:00 a.m. until sunset. Sunday operation is prohibited.
4. **Access**  
Vehicular access to the landfill site must be provided from a state-maintained thoroughfare or higher classification street. Access from the state-maintained thoroughfare or higher classification street must be paved with asphalt or concrete for the first 25 feet and to a minimum width of 20 feet. If a shared easement, right-of-way, or driveway provides access, such roadway must have a minimum width of 20 feet and be surfaced with an all-weather material. The roadway must be maintained by the landfill operator

up to such landlocked tract. Although not required to be paved, all other roads within the landfill site must be maintained to minimize dust and airborne particles. A metal fence and gate, sufficient to block access to the site, must be located at all entrances to the landfill site and must be locked when the landfill is not in operation. An attendant must be on-site during all hours of operation.

**5. Flood Area**

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

**6. Closure**

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

**7. Sedimentation/Erosion Control**

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

**8. Health Permits**

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

**9. Site Recordation**

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

**Section 30.100 Livestock and Poultry**

Except where livestock or poultry are kept on a bona fide farm that is exempt from regulations under this ordinance or under §35.010-D (2), all areas where livestock or poultry are housed must be set back at least 150 feet from all lot lines. This setback is not required from lot lines abutting a lot that is under the same ownership as the subject lot. *(amended 1-19-2016)*

**Section 30.110 Manufactured Housing Units**

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

**30.110-B** All manufactured housing units located outside of manufactured housing parks must be sited on the lot so that the front door of the unit is parallel or substantially parallel to the road upon which the lot fronts.

**30.110-C** Class A and class B manufactured housing units located outside of manufactured housing parks must have a permanent masonry curtain wall, but if stucco is used, it may be applied to a masonry foundation only. In all other circumstances, a curtain wall or skirting composed of vinyl, masonite, fiberglass, treated lumber, or similar weather-resistant material is acceptable. Stucco alone does not meet these requirements.

**30.110-D** If a special use permit is required, the land use board may not approve the special use permit unless the land use board makes an affirmative finding that the proposed use will not

substantially injure the value of abutting or neighboring properties. A petition signed by all owners of properties entitled to receive notice of the special use permit hearing, and stating that such property owners believe their property values will not be adversely affected by the proposed use, constitutes sufficient evidence for the land use board to make this required finding, but does not obligate the land use board to approve the special use permit. Other types of evidence may also be considered by the land use board. (Amended 5-15-2023)

### **Section 30.120 Manufactured Housing Units, Temporary**

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

### **Section 30.130 Manufactured Housing Parks**

#### **30.130-A Required Reviews**

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

#### **30.130-B Minimum Land Area**

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

#### **30.130-C Building Additions**

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

#### **30.130-D Offices**

An administrative office is allowed within the manufactured housing park, provided it complies with the North Carolina building code and all county development regulations.

#### **30.130-E Setbacks**

Zoning district setback requirements apply to each manufactured housing unit site.

#### **30.130-F Accessory Structures**

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

### **30.130-G Circulation and Parking**

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

### **30.130-H Refuse and Recycling Area**

Pads must be provided for all trash and recycling containers. Such container pads must be designed to prevent containers from being tipped, to minimize spillage and container deterioration, and to facilitate cleaning of surrounding areas. Dumpsters must be screened in accordance with [§55.080-B](#).

### **30.130-I Open Space and Recreational Areas**

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

## **Section 30.140 Mining/Extraction Uses**

**30.140-A** All mining and extraction uses require review and approval in accordance with the special use procedures of [80.100-A](#).

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

**30.140-C** The following additional regulations apply to mining and extraction uses:

1. The area covered by the state or federal mining permit must be greater than 10 acres;
2. Mining must be on an industrial extraction basis only and is not permitted by hobbyists or others not engaged in the mineral extraction business; and

3. The outer limits of any extraction area where mining is allowed must be at least 50 feet from all property lines and at least 150 feet from any R-zoned lot or any lot occupied by a residential use.

**Section 30.150 Wireless Facilities and Wireless Support Structures (Amended 11/21/2022)**

Wireless facilities and wireless support structures are subject to the supplemental use regulations of this section. Wireless support structures are also subject to the regulations of Section 30.190 for support structures.

- 30.150-A** The regulations of this section are intended to provide for the public health, safety and welfare by ensuring that residents, businesses and public safety operations in Union County have reliable access to telecommunications networks and state of the art mobile broadband communications services, while also ensuring that this objective is accomplished in accordance with the overall purposes of this ordinance.
- 30.150-B** The regulations of this section must be applied within the constraints of state and federal, including NCGS 160D-930 to 934, the federal *Telecommunications Act of 1996* and Section 6409 of the federal *Middle Class Tax Relief and Job Creation Act of 2012*.
- 30.150-C** Wireless facilities and wireless support structures are allowed in accordance with Section 25.010 (Table 25-1). In addition, the following activities are permitted as of right:
- a. Removal or replacement of transmission equipment on an existing wireless support structure that does not result in a substantial modification of the wireless facility; and
  - b. Ordinary maintenance of existing wireless facilities and wireless support structures.
- 30.150-D** Wireless support structures must be engineered and constructed to accommodate a minimum number of collocations based on their overall height, as follows:

- a. Wireless support structures that are 60 to 100 feet in height must be engineered and constructed to accommodate at least 2 telecommunications providers;
- b. Wireless support structures that are 101 to 150 feet in height must be engineered and constructed to accommodate at least 3 telecommunications providers; and
- c. Wireless support structures greater than 150 feet in height must be engineered and constructed to accommodate at least 4 telecommunications providers.
- d. The equipment compound area surrounding a wireless support structure must be of sufficient size to accommodate accessory equipment for the required or actual number of telecommunications providers, whichever is greater.
- e. Concealed wireless facilities must be designed to accommodate the collocation of other antennas whenever economically and technically feasible. Antennas must be enclosed or otherwise not readily apparent to a casual observer.
- f. Requests for waivers of the requirement that new wireless support structures accommodate the collocation of other service providers must be heard by the land use board in accordance with the special use procedures of 80.100-A. In order to approve the waiver request, the land use board must find that collocation at the site is not essential to the public interest, or that the construction of a shorter wireless support structure with fewer antennas will better promote the purposes of this ordinance. **(Amended 5-15-2023)**

**30.150-E** Wireless facilities or wireless support structures may not be illuminated or marked unless required by the Federal Communications Commission (FCC) or the Federal Aviation Administration (FAA). All allowed lighting must be directed toward the wireless facility or accessory uses in a manner that eliminates glare onto adjacent properties. Signs located at the wireless facility are limited to ownership and contact information, FCC antenna registration number (if required) and any other information as required by government regulation. Any other commercial message is strictly prohibited.

**30.150-F** Accessory equipment, including any buildings, cabinets or shelters, may be used only to house equipment and other supplies in support of the operation of the wireless facility. Any equipment not used in direct support of such operation may not be stored on the site.

**30.150-G** Ground-mounted accessory equipment must be secured and enclosed with a fence not less than 8 feet in height.

**30.150-H** Wireless facilities and wireless support structures lawfully existing on or before the effective date specified in Section 1.030, are allowed to remain in place and continue in use and operation. Ordinary maintenance and collocation is permitted, provided that any substantial modification requires review and approval in accordance with the special use procedures of 80.100-A.

**30.150-I** See Article 105 for definitions.

### **Section 30.160 Recyclable Material Processing Center**

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

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

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

- 30.160-C** The material recycling facility must be operated in a safe, sanitary, and litter-free manner that protects human health and the environment.
- 30.160-D** Dust, odors, noise, and other nuisances resulting from the operation of the material recycling facility must be minimized to the greatest extent practicable.
- 30.160-E** Unauthorized entry into recyclable material processing facilities must be prevented.
- 1.** Measures to prevent unauthorized entry include appropriate signs located at entrances and other locations in a sufficient number and size to be seen from any approach to the facility and may include fencing where appropriate.
  - 2.** If recyclable commodities are accepted directly from the public:
    - a.** A designated and clearly identified public consumer recyclable commodities acceptance area that minimizes the potential for accidents and unauthorized entry into non-public areas of the recyclable material processing facility must be provided; and
    - b.** The types of consumer recyclable commodities accepted from the public and the containers in which they are accepted must be clearly identified.
- 30.160-F** If the material processing facility is located on a site where activities other than the recycling of consumer recyclable commodities occur, the recycling of consumer recyclable commodities must be kept separate from all other activities at the site.
- 30.160-G** Outdoor storage must be screened from view with a solid fence or wall at least 6 feet and no more than 8 feet in height. Stored material may not exceed the height of the fence or wall.

### **Section 30.170 Shooting Range**

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

- 30.170-A** A site plan sealed by a North Carolina registered engineer must be submitted attesting that the proposed shooting range plan complies with all applicable safety and design standards for outdoor firing range provisions and live fire shoot houses set out in Section 4, Outdoor Range Design; Section 6, Live Fire Shoot House; and Attachments 1-2 through 120, of the Range Design Criteria (June 2012) as published by the U.S. Department of Energy's Office of Health, Safety and Security for the type of shooting range proposed; except that Section 4.b(10), the words "or administrative" in the first sentence of Section 4.c(7), the second sentence of Section 4.c(7) and Section 6.a(1) do not apply to outdoor shooting ranges under this ordinance.
- 30.170-B** The detailed site plan must show the boundary of the subject property in its entirety and depict all discernible, existing uses and structures within 300 feet of the subject property's boundary.
- 30.170-C** Surface danger zones must be located entirely on the subject property and must be designed to contain all projectiles and debris caused by the type of ammunition, targets and activities to be used or to occur on the property. The layout of the proposed range with the accompanying safety fans must be delineated on the required site plan. All firing stations must be set back at least 180 feet from all boundaries of the subject property.



- 30.170-D** A minimum 60-foot buffer, undisturbed except for fence installation and vegetative planting, must be provided around the entire perimeter of the subject property and be delineated on the site plan.
- 30.170-E** Shooting ranges must have direct access to a state-maintained road.
- 30.170-F** Unauthorized access to the shooting range facility must be controlled while firearms are being discharged.
- 30.170-G** The developer/operator of the shooting range facility must provide to the administrator at the time of application for permits or final inspection, a certification prepared by a North Carolina registered engineer that the shooting range facility has an environmental stewardship plan, which may include semi-annual soil and water sampling, regular liming of the soil to prevent lead migration, reclamation and recycling of the lead and is compliant with the Best Management Practices, specifically relating to lead management, as specified by the Environmental Protection Agency's *Best Management Practices for Lead at Outdoor Shooting Ranges*.

### **Section 30.180 Stables and Riding Academies**

Stables and riding academies are subject to the following regulations:

- 30.180-A** Stables and riding academies may not keep more than one horse per acre of land area on the subject lot. Colts or fillies less than 6 months of age are not counted for purpose of this animal density regulation. The number of horse stalls may not exceed the number of horses allowed by these regulations
- 30.180-B** Barns and similar structures used to house horses must be set back in accordance with the following minimum requirements:
1. 50 feet from lot lines; and
  2. 100 feet from lots occupied by residential uses.
- 30.180-C** Barns and similar structures used to house horses must be located in the rear yard when accessory to a residential structure and when located on lots of less than 4 acres in area.

### **Section 30.190 Support Structures (Amended 11/21/2022)**

#### **30.190-A Purpose**

The regulations of this section are intended to provide for the public health, safety and welfare by ensuring that residents, businesses and public safety operations in Union County have reliable access to telecommunications networks and state of the art mobile broadband communications services, as well as access to radio, television, or other broadcast services while also ensuring that this objective is accomplished in accordance with the overall purposes of this ordinance.

#### **30.190-B State and Federal Law**

The regulations of this section must be applied to wireless support structures within the constraints of state and federal law, including NCGS 160D-930 to 934, the federal *Telecommunications Act of 1996* and Section 6409 of the federal *Middle Class Tax Relief and Job Creation Act of 2012*. (Amended 7-1-2021)

### **30.190-C General Standards**

#### **1. Setbacks**

- a. Except as otherwise expressly stated, support structure must be set back from all property lines a distance that is at least equal to the support structure height.
- b. All support structures must be setback 300 ft. from any adjacent property zoned R-40, R-20, R-15, R-10, R-8, R-6 or R-4.

#### **2. Appearance**

##### **a. Lighting and Marking**

Support structures may not be illuminated or marked unless required by the Federal Communications Commission (FCC) or the Federal Aviation Administration (FAA). Support structures with a height of less than 200 feet may not contain lights or light fixtures at a height exceeding 15 feet, unless required by the Federal Aviation Administration. All allowed lighting must be directed toward the support structure or accessory uses in a manner that eliminates glare onto adjacent properties.

##### **b. Signs**

Signs located at the support structure are limited to ownership and contact information, FCC antenna registration number (if required) and any other information as required by government regulation. Any other commercial message is strictly prohibited.

#### **3. Accessory Equipment**

Accessory equipment, including any buildings, cabinets or shelters, may be used only to house equipment and other supplies in support of the operation of the support structure. Any equipment not used in direct support of such operation may not be stored on the site.

#### **4. Fences**

Ground-mounted accessory equipment and support structures must be secured and enclosed with a fence not less than 8 feet in height.

5. Landscape screening that meets at least the minimum requirements for an S2 screen (see §55.090-C) must be provided along the outside area of the perimeter fenced to mitigate the visual impacts of the tower base, equipment buildings and any guy wire anchor locations from nearby viewers. The permit-issuing authority is authorized to waive or modify these screening requirements upon determining that the existing topography or existing natural materials on the site will screen the property as effectively as the otherwise required screening.

6. All guy wire anchors are subject to the minimum building setback requirements of the subject zoning district.

### **30.190-D Removal of Abandoned Antenna and Towers**

Any support structure that is not being actively used for a continuous period of 12 consecutive months will be considered abandoned, and the owner of the support structure must remove it within 60 days of receiving written notice from the county. The county must ensure and enforce removal by means of its existing regulatory authority, with costs of removal charged to the owner.

**30.190-E Existing Towers and Antennas**

Support structures lawfully existing on or before the effective date specified in [Section 1.030](#), are allowed to remain in place and continue in use and operation. Ordinary maintenance and collocation is permitted, provided that any substantial modification requires review and approval in accordance with the special use procedures of [80.100-A](#).

**30.190-F Definitions**

See [Article 105](#).

**Section 30.200 Addition Considered as Part of a Principal Structure (amended 8-6-2018)**

**30.200-A Addition to Principal Structure**

An addition that is considered part of a principal structure increases the floor area of height of the principal structure and meets one of the following minimum criteria:

- a. Has a common wall with the principal structure a minimum of ten (10) feet in length: or
- b. Is connected to the principal structure by a covered breezeway built to North Carolina Building Code requirements (i) a minimum of 6 (six) feet in width and no greater than twenty five (25) feet in length, and (ii) with doors on each end of the breezeway for access to the principal structure and the addition.

## Article 35 | Accessory Uses and Structures

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### Section 35.010 Authorization

**35.010-A** Accessory uses and structures are permitted in connection with lawfully established principal uses.

**35.010-B** Permitting: *(amended 8-6-2018)*

1. A zoning permit is required for the construction, modification, or expansion of accessory structures/buildings such as accessory dwelling units, garages, sheds, carports, horse barns and pole barns (not qualified as a farm exemption), storage buildings, swimming pools, outdoor and other similar or like structures customarily incidental to the principal structure. This also includes athletic facilities (outdoor) installed as an accessory use to a principal use.
2. A zoning permit is required to establish, change or modify a Home Occupation.

**35.010-C** Accessory uses and structures include those expressly regulated in this article as well as those that, in the determination of the administrator, satisfy all of the following criteria:

1. Customarily found in conjunction with the subject principal use;
2. Constitutes only an incidental or insubstantial part of the total activity that takes place on the subject lot; and
3. Is integrally related to the principal use.

**35.010-D** For purposes of interpreting [§35.010-B](#):

1. A use or structure 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 or structure to be connected with such principal use more times than not, but only that the association is such that there is common acceptance of their relatedness.
3. The total square footage of all accessory use buildings on any single lot may not exceed the total square footage as listed below. *(amended 1-19-2016)*

- a. On lots less than 2 acres in size, the accessory use buildings for any single lot may not exceed the total square footage of the principal building on that same lot.
- b. On lots at least 2 acres but less than 4 acres in size, the accessory use buildings for any single lot may not exceed 125% of the total square footage of the principal building on that same lot.
- c. On lots at least 4 acres but less than 7 acres in size, the accessory use buildings for any single lot may not exceed 150% of the total square footage of the principal building on that same lot.
- d. On lots at least 7 acres but less than 10 acres in size, the accessory use buildings for any single lot may not exceed 175% of the total square footage of the principal building on that same lot.
- e. On lots 10 acres or greater, there is no size limit for the accessory use buildings for any single lot.

**35.010-E** The following activities may 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.
2. A chicken coop that is larger than 144 sq. ft. and that exceeds 12 ft. in height, with the exception of chicken coops that otherwise fall under the exceptions of Section 30.100 Livestock and Poultry. (*amended 1-19-2016*)

## **Section 35.020 General Regulations**

### **35.020-A Time of Construction and Establishment**

1. Accessory uses may be established only after the principal use of the property is in place.
2. Accessory buildings may be established in conjunction with or after the principal building. They may not be established before the principal building is in place.

### **35.020-B Location**

Accessory uses and structures must be located on the same lot as the principal use to which they are accessory, unless otherwise expressly stated.

### **35.020-C Lot and Building Regulations**

1. Unless otherwise expressly stated, accessory buildings are subject to the same lot and building regulations as apply to principal buildings, provided that accessory buildings in residential districts are subject to the regulations of [§35.020-C2](#).
2. Accessory buildings located in the rear yard (completely behind the rear building line) of an allowed residential use are subject to minimum rear and interior side setbacks of 5 feet, provided that if the high point of the roof or any appurtenance of an accessory building exceeds 12 feet in height, the accessory building must be set back from rear and side lot lines an additional one foot for every one foot of height exceeding 12 feet up to the required principal building setback; thereafter, no further setback is required.

3. In residential zoning districts, the maximum lot coverage of all principal and accessory buildings on the lot may not exceed 40% of the lot.

## Section 35.030 Accessory Dwelling Units

### 35.030-A Where Allowed

Accessory dwelling units are allowed in all residential zoning districts and only on lots occupied by a single principal dwelling unit. (Amended 1-2-2024)

### 35.030-B General Standards

Accessory dwelling units are subject to all applicable regulations of the zoning district in which they are located, except as otherwise expressly stated in this section.

### 35.030-C Number and Size

No more than one accessory dwelling unit is allowed per parcel. The accessory unit shall not be greater than 50% of the size of the principal dwelling unit. (amended 5-18-2015)

### 35.030-D Methods of Creation

An accessory dwelling unit may be created only through the following methods:

1. Converting existing living area within a dwelling unit (e.g., attic or basement);
2. Adding floor area to an existing dwelling unit;
3. Constructing a detached accessory dwelling unit on a lot with an existing dwelling unit; accessory dwelling units must meet NC Building Code. (amended 5-18-2015)
4. Converting space within detached accessory buildings; or
5. Constructing a new dwelling unit with an internal or detached accessory dwelling unit.

### 35.030-E Density (Minimum Lot Area per Unit)

A lot that includes both a detached house and an accessory dwelling unit must meet the minimum lot size requirement for a single-family dwelling for the zoning district in which it is located. (Amended 1-2-2024)

## Section 35.040 Home Occupations

### 35.040-A Description

Home occupations are jobs or professions conducted wholly or partly from a residential dwelling.

### 35.040-B Exemptions

Nonresidential uses that are expressly allowed in conjunction with residential uses (e.g., bed and breakfast uses and some form of day care) are not subject to home occupation regulations.

### 35.040-C Allowed Uses

The home occupation regulations of this section establish performance standards for home occupations rather than limiting allowed uses to a specific list. Uses that comply with the regulations of this section are allowed as of right unless otherwise expressly stated.

### 35.040-D Types of Home Occupations

1. Two types of home occupations are regulated under this section: (i) suburban home occupations and (ii) rural home occupations.

2. Suburban home occupations are those that comply with all regulations of [§35.040-E](#); rural home occupations are those that cannot comply with all applicable suburban home occupation regulations but that do comply with all regulations of [§35.040-F](#).
3. The difference in regulations recognizes that work-at-home activities that are customary and compatible in large-lot rural settings are often very different from those that are customary and compatible in smaller lot suburban settings.

**35.040-E Suburban Home Occupations**

Home occupations that comply with all of the regulations of this subsection are permitted in conjunction with any allowed principal residential use.

1. Suburban home occupations must be clearly incidental and subordinate to the subject property's principal residential use.
2. At least one individual engaged in a suburban home occupation must reside in the dwelling unit in which the suburban home occupation is located as their primary place of residence. A maximum of 2 nonresident employees are allowed with a suburban home occupation. The total number of resident and nonresident employees working on-site may not exceed 3.
3. Suburban home occupations may be conducted within the principal dwelling unit or within an accessory building, provided that the area occupied or used for the suburban home occupation may not exceed the lesser of 1,000 square feet or 25% of the gross floor area of the principal residential dwelling.
4. Only vehicles licensed as passenger vehicles may be used in connection with a suburban home occupation.
5. Only one suburban home occupation is allowed per dwelling unit.
6. No goods, stock in trade, or other commodities may be displayed outside a fully enclosed structure.
7. No on-premises retail sales of goods not produced on-site may occur.
8. Suburban home occupations must not change the character of the residential building they occupy or adversely affect the character of the surrounding neighborhood. Home occupations may not, for example, produce light, noise, vibration, odor, parking demand, or traffic impacts to that are not typical of a residential neighborhood in Union County. Home occupations must be operated so as not to create or cause a nuisance.
9. Any tools or equipment used as part of a suburban home occupation must be operated in a manner or sound-proofed so as not to be audible beyond the lot lines of the subject property.
10. External structural alterations or site improvements that change the residential character of the lot upon which a suburban home occupation is located are prohibited. Examples of such prohibited alterations include construction of parking lots, the addition of commercial-like exterior lighting or the addition of a separate building entrance that is visible from abutting streets.
11. The use or storage of hazardous substances is prohibited, except at the "consumer commodity" level, as that term is defined in 49 C.F.R. Sec. 171.8.

12. Only passenger automobiles, passenger vans and passenger trucks may be used in the conduct of a suburban home occupation. No other types of vehicles may be parked or stored on the premises. This provision is not intended to prohibit deliveries and pickups by common carrier delivery vehicles (e.g., postal service, united parcel service, FedEx, et al.) of the type typically used in residential neighborhoods.
13. The following uses are expressly prohibited as suburban home occupations:
  - a. Any type of assembly, cleaning, maintenance or repair of vehicles or equipment with internal combustion engines or of large appliances (such as washing machines, clothes dryers or refrigerators);
  - b. Dispatch centers or other businesses where employees come to the site and are dispatched to other locations;
  - c. Equipment or supply rental businesses;
  - d. Taxi, limo, van or bus services;
  - e. Tow truck services;
  - f. Taxidermists;
  - g. Restaurants;
  - h. Funeral or interment services;
  - i. Animal care, grooming or boarding businesses; and
  - j. Any use involving the use or storage of vehicles, products, parts, machinery or similar materials or equipment outside of a completely enclosed building; except as provided in Section 35.040-E (14); and *(amended 2-1-2016)*
  - k. Any use that does not comply with the suburban home occupation regulations of this section.



14. The following exceptions apply to suburban home occupations on lots 200,000 square feet or greater in size for the R-40 zoning district. *(amended 2-1-2016)*
  - a. Outside storage of equipment, parts, products and materials used in the occupation is allowed on no more than two outside storage area(s), provided the storage area(s) in the aggregate do not exceed 1000 square feet, or the size of the principal dwelling, whichever is less.
  - b. Parts, products, and materials used in the occupation and stored outside shall not exceed twenty percent (20%) of the total 1000 square foot storage area(s).
  - c. Any storage area must be screened to an S2 level screening. This can be accomplished through solid fencing or plantings to meet the screening requirement.
  - d. Any storage area must be setback at least 50 feet from the side and rear property lines. A storage area located in the front of the principal dwelling must be setback at least 75 feet from the road right of way or front property line if the lot does not have frontage on a public or private right of way.
  - e. Any storage area in front of the principal dwelling must meet an S2 level screen at maturity immediately or provide solid fencing to meet the S2 screening requirement.

#### **35.040-F Rural Home Occupations**

Home occupations that do not comply with all of the suburban home occupation regulations of [§35.040-E](#) but that do comply with all of the regulations of this subsection are permitted in conjunction with any allowed principal residential use on RA-zoned lot of at least 100,000 square feet in area.

1. Rural home occupations must be clearly incidental and subordinate to the subject property's principal residential or agricultural use and only one rural home occupation is allowed per parcel. *(amended 8-6-2018)*
2. At least one individual engaged in a rural home occupation must reside in the principal dwelling unit on the subject property as their primary place of residence. A maximum of 3 nonresident employees are allowed with a rural home occupation.
3. Rural home occupations may be conducted within the principal dwelling unit or within an accessory building, provided that the total accessory building floor area occupied by a rural home occupation may not exceed the lessor of 3,000 square feet of 75% of the gross floor area of the principal residential dwelling. *(amended 8-6-2018)*
4. Accessory buildings, material storage and outdoor work areas must be set back at least 300 feet from adjacent residences.
5. Any storage must be screened in accordance with at least the S2 screen requirements of [§55.090-C](#) and shall not exceed 1500 sq. ft. *(amended 8-6-2018)*
6. The following uses are expressly prohibited as rural home occupations:
  - a. Dispatch centers or other businesses where employees come to the site and are dispatched to other locations;
  - b. Equipment or supply rental businesses;
  - c. Taxi, limo, van or bus services;

- d. Tow truck services;
- e. Junk yards;
- f. Restaurants;
- g. Funeral or interment services;
- h. Animal Boarding Business: and *(amended 8-6-2018)*
- i. Any use that does not comply with the rural home occupation regulations of this section.

### Section 35.050 Farm Stands

The sale of agricultural products (whether in a "farm stand," "roadside stand" or on a "you-pick-'em" or "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 is allowed as an accessory use to an agricultural operation.

### Section 35.060 Keeping of Horses

The keeping of horses is allowed as an accessory use in In RA-200, RA-40, R-40, RA-20, R-20 and R-15 districts only, and only in compliance with the following minimum requirements:

- 35.060-A** No more than one horse over 6 months of age may be kept as an accessory use per one acre of land area;
- 35.060-B** Any barn, stable or other structure occupied by a horse must be set back at least:
  - 1. 50 feet from adjacent property lines;
  - 2. 100 feet from any adjacent residences; and
  - 3. 30 feet from the principal structure on the property.
- 35.060-C** In addition, any structure that houses a horse must be located in the rear yard when accessory to a residential structure on a lot of less than 4 acres in area.
- 35.060-D** The keeping of horses is allowed as a principal use on lots 4 acres or greater. *(amended 1-19-2016)*

### Section 35.070 Room Rental

The renting of one or 2 rooms within a detached house to not more than 2 persons who are not part of the household that resides in the detached house is allowed as an accessory unit. The rental of a secondary or accessory dwelling unit is subject to the regulations of [Section 35.030](#).

### Section 35.080 Receive-Only Antennas

Over-the-air and satellite dish antennas are an allowed accessory use. Satellite dish antennas that (i) are over one meter (39.37") in diameter and located in a residential district or (ii) are over 2 meters (78.74 inches) in diameter and located in a commercial (B-2, B-3, B-4, HC, B-6) or industrial (LI, HI) zoning district require a permit. Satellite dish antennas that require a permit are subject to the following regulations:

- 35.080-A** Antennas that require a permit must be in the rear yard unless unsatisfactory reception is incurred.

**35.080-B** Ground-mounted antennas that require a permit must be screened in accordance with the S1 screen requirements of §55.090-B, except to the extent that such screening would interfere with satellite reception.

**35.080-C** Roof-mounted antennas that require a permit must be screened in accordance with §55.080-C2, except to the extent that such screening would interfere with satellite reception.

## **Section 35.090 Electric Vehicle Charging Stations**

### **35.090-A General**

1. Private (restricted-access) electric-vehicle (EV) charging stations are permitted as accessory uses in all zoning districts.
2. Public EV charging stations are permitted as accessory uses to allowed nonresidential uses in all zoning districts.

### **35.090-B Parking**

1. Electric vehicle charging stations may be counted toward satisfying minimum off-street parking space requirements.
2. Public electric vehicle charging stations must be reserved for parking and charging electric vehicles. Electric vehicles may be parked in any space designated for public parking, subject to the restrictions that apply to any other vehicle.

### **35.090-C Equipment**

Vehicle charging equipment must be designed and located so as to not impede pedestrian, bicycle or wheelchair movement or create safety hazards on sidewalks.

## **Section 35.100 Geothermal Heat Exchange Systems**

### **35.100-A General**

Geothermal heat exchange systems are permitted as an accessory use in all zoning districts.

### **35.100-B Location**

Geothermal heat exchange systems must be located entirely within the lot lines of the subject property or within appropriate easements.

## **Section 35.110 Solar Energy Systems**

### **35.110-A General**

Accessory solar energy systems must comply with all applicable building and electrical code requirements.

### **35.110-B Building-Mounted Solar Energy Systems**

1. Building-mounted solar energy systems may be mounted on principal and accessory structures.
2. All applicable setback regulations apply to building-mounted solar energy systems. Systems mounted on principal structures may encroach into interior side and rear setbacks in accordance with §100.050-B.

3. Only building-integrated and/or flush-mounted solar energy system may be installed on street-facing building elevations.
4. Solar energy systems may not extend more than 3 feet above the applicable maximum building height limit for the subject building type or more than 5 feet above the highest point of the roof line, whichever is less.

**35.110-C Ground-Mounted Solar Energy Systems**

1. In residential zoning districts, ground-mounted solar energy systems may not be located in a required street setback or street yard area.
2. Ground-mounted solar energy systems may be located within required interior side and rear setbacks.
3. Ground-mounted solar energy systems are subject to applicable accessory structure height and lot coverage regulations.

# Article 40 | Temporary Uses and Special Events

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## Section 40.010 Description and Purpose

**40.010-A** A temporary use is the use of private property that does not require a building permit and that may or may not comply with the use and lot and building regulations of the zoning district in which the temporary use is located.

**40.010-B** The temporary use regulations of this article are intended to permit such occasional, temporary uses and activities when consistent with the purposes and regulations of this ordinance.

## Section 40.020 Authority to Approve

**40.020-A** Except as expressly stated in [Section 40.050](#), all temporary uses require issuance of a permit by the administrator.

**40.020-B** The administrator is authorized to approve temporary uses that comply with the provisions of this article and to impose reasonable conditions on the operation of temporary uses to help ensure that they do not create significant adverse impacts on surrounding properties and that they operate safely and without causing nuisances, consistent with the general purposes of this ordinance. In lieu of making a determination to approve or deny a temporary use, the administrator is also authorized to refer proposed temporary uses to the land use board for consideration in accordance with the special use procedures of [§80.100-A](#). The administrator’s administrative decision to refer a proposed temporary use to the land use board may be based on the use’s proposed size, scale, duration or other considerations that, in the reasonable opinion of the administrator, warrants public review and notice. **(Amended 7-1-2021) (Amended 5-15-2023)**

**40.020-C** Temporary uses that do not comply with all applicable regulations and all conditions of approval imposed by the administrator require review and approval in accordance with the special use procedures of [§80.100-A](#).

**40.020-D** Temporary uses and special events on county-owned land require review and approval by the Board of Commissioners.

## Section 40.030 Authorized Uses

The administrator is authorized to approve a permit for temporary uses upon determining that the proposed use is a customary temporary use in the subject location and will generally be compatible with surrounding uses and not be a detriment to public safety. The following is a non-exhaustive list of the types of temporary uses and activities for which a temporary use permit may be approved by the administrator:

- 40.030-A** Christmas tree and similar holiday sales lots for a maximum of 90 days per lot per calendar year;
- 40.030-B** Outdoor carnivals, concerts, festivals, revivals and public gatherings for a maximum of 30 days per lot per calendar year and no more than 10 consecutive days per occurrence;
- 40.030-C** Construction staging areas, construction offices and storage of materials related to ongoing construction for the period in which construction is ongoing and all required permits remain valid;
- 40.030-D** Temporary sales and leasing offices and model homes, when located on the same lot or in the same subdivision as the units or floor space actively being offered for lease or sales; and
- 40.030-E** Temporary portable storage containers, subject to the following supplemental regulations:
1. Portable storage containers in R-40, R-20, R-15, R-10, R-8, R-6, and R-4 zoning districts are subject to the following regulations:
  2. Temporary portable storage containers are permitted for a period not to exceed a total of 90 days within any calendar year unless a valid building or construction permit is in place for the subject property, in which case the portable storage container may remain in place for a maximum of 120 days or until the permit expires, whichever occurs first. If a dwelling unit on the subject lot has been damaged by natural disaster act of God, the administrator is authorized to grant time extensions of otherwise applicable portable storage container time limits.
  3. No more than one container may be located on any lot.
  4. Containers may not exceed 16 feet in length, 8 feet in width, and 8.5 feet in height.
  5. Containers must be setback at least 5 feet from all property lines.
  6. Containers must be placed on an all-weather surface. Containers are prohibited within landscape areas, open spaces, stormwater basins, or any other location that may cause hazardous conditions, constitute a threat to public safety, or create a condition detrimental to surrounding land uses and development.
  7. No materials may be stacked or stored on the exterior of the container and no running gear or transport trailer may be stored on site outside of a completely enclosed building.
- 40.030-F** Portable storage containers in RA zoning districts and all office, commercial and industrial zoning districts are subject to the following regulations:
1. Temporary portable storage containers are permitted for a period not to exceed a total of 90 days within any calendar year unless a valid building or construction permit is in place for the subject property, in which case the portable storage container may remain in place for a maximum of 180 days or until the permit expires, whichever occurs first. If the principal building on the subject lot has been damaged by natural disaster act of God, the administrator is authorized to grant time extensions of otherwise applicable portable storage container time limits.
  2. No more than 3 containers may be located on any lot.
  3. Containers may not exceed 20 feet in length, 8 feet in width, and 8.5 feet in height.

4. Containers must comply with all setback requirements that apply to principal buildings.
5. Containers may not be placed or located on a required parking space, circulation aisle/lane, or fire access lane.
6. Vertical stacking of containers and stacking of any other materials or merchandise on top of any portable storage container is prohibited. No running gear or transport trailer may be left underneath any portable storage container.
7. Containers are prohibited within landscape areas, required open spaces, stormwater basins, or any other location that may cause hazardous conditions, constitute a threat to public safety, or create a condition detrimental to surrounding land uses and development.

#### **Section 40.040 Procedure**

Upon receipt of a complete application for a permit for a temporary use, the administrator must review the proposed use for its likely effects and surrounding properties and its compliance with the general provisions of this article. The administrator may impose such conditions of approval on the permit as the administrator determines necessary to mitigate potential adverse impacts. Such conditions may include the following:

- 40.040-A** Requirements for vehicle access and parking;
- 40.040-B** Restrictions on overall duration of the use and hours of operation;
- 40.040-C** Limitations on signs and outdoor lighting;
- 40.040-D** Requirements for financial guarantees covering the costs of cleanup and/or removal of structures or equipment; and
- 40.040-E** Other conditions necessary to help carry out the stated purposes of this ordinance.

#### **Section 40.050 Exemptions**

The following temporary uses are permitted as of right, without obtaining a permit from the administrator:

- 40.050-A** Yard sales or garage sales, so long as such sales are not conducted on the same lot for more than 3 days (whether consecutive or not) during any 90-day period or any other temporary use the administrator deems exempt from having to obtain a permit. *(amended 5-18-2015)*

## Article 45 | Parking

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### Section 45.010 General

#### 45.010-A Purpose

The provisions of this article are intended to help protect the public health, safety and general welfare by:

1. Promoting economically viable and beneficial use of land;
2. Providing flexible methods of responding to the transportation and access demands of various land uses in different areas of the county; and
3. Helping avoid the negative impacts that can result from requiring excessive supplies of off-street parking (e.g., impervious surfaces, stormwater runoff, visual environment).

#### 45.010-B Applicability

##### 1. General

Off-street parking and loading must be provided and maintained in accordance with the provisions of this article. Unless otherwise expressly stated, the regulations apply to all districts and uses.

##### 2. New Uses and Development

The regulations of this article apply to all new buildings constructed and all new uses established in all zoning districts.

##### 3. Change of Use

If a new use of a building or structure requires more off-street parking than the use that most recently occupied the building or structure, additional off-street parking is required in an amount equal to the difference between the parking required for the new use and the parking that would have been required for the previous use if current parking requirements had been applicable.



**4. Enlargements and Expansions**

- a. The regulations of this article apply whenever an existing building or use is enlarged or expanded to include additional dwelling units, floor area, seating capacity or other units of measurement used for establishing off-street parking requirements.
- b. In the case of enlargements or expansions that trigger requirements for additional parking, additional spaces are required only to serve the enlarged or expanded area, not the entire building or use. There is no requirement to address parking space deficits associated with existing, lawfully established buildings or uses.

**5. Permitting**

A zoning permit is required for the construction, modification or expansion of all non-residential parking areas for new development, changes in use, or enlargements and expansions. *(amended 8-6-2018)*

**Section 45.020 Maximum Parking Ratios**

Large-format retail uses (gross floor area of 50,000 sq. ft. or more) may not provide more than 5 spaces per 1,000 square feet of gross floor area unless otherwise approved in accordance with the alternative compliance provisions of [§45.050-C](#).

**Section 45.030 Minimum Parking Ratios**

Off-street parking spaces must be provided in accordance with the minimum ratios established in [Table 45-1](#) unless otherwise approved in accordance with the alternative compliance provisions of [§45.050-C](#). See also [Section 45.050](#) for an explanation of exemptions and allowed reductions of minimum parking requirements.

*Table 45-1: Minimum Motor Vehicle Parking Ratios*

USE CATEGORY	
Subcategory	Minimum Number of Parking Spaces Required
Specific use	
<b>ESIDENTIAL</b>	
<b>Household Living</b> (except as identified below)	2 spaces per dwelling unit
Dwelling unit above ground-floor nonresidential use	1.25 spaces per unit
Multi-unit Building	1 space per studio 1.25 spaces per 1 bedroom unit 1.75 spaces per 2 bedroom unit 2 spaces per 3+ bedroom unit
Manufactured Housing Unit	2 spaces per dwelling unit
Dependent Care Residence (Temporary)	None
<b>Group Living</b>	0.5 spaces per bed
<b>PUBLIC, CIVIC AND INSTITUTIONAL</b>	
<b>Hospital</b>	1 space per bed + 1 space per 300 sq. ft. of admin. or medical office
<b>Library or Cultural Exhibit</b>	1 space per 300 sq. ft.
<b>Religious Assembly</b>	1 space per 4 seats in assembly areas + 1 space per 200 sq. ft. of non-assembly space
<b>School</b>	Elementary and middle school: 1.6 spaces per classroom or 1 space per 3 seats in auditorium, whichever is greater Sr. High School: 5 spaces per classroom or 1 space per 3 seats in auditorium, whichever is greater
<b>Other public, Civic and Institutional</b>	As approved by administrator (See <a href="#">§45.040-G</a> )
<b>COMMERCIAL</b>	
<b>Adult Use</b>	1 space per 100 sq. ft.
<b>Animal Service</b>	1 space per 300 sq. ft. of sales, office, or customer service area
<b>Commercial Service</b>	1 space per 400 sq. ft.

USE CATEGORY	
Subcategory	Minimum Number of Parking Spaces Required
Specific use	
Day Care Center	1 space per 500 sq. ft.
Eating Establishment	1 space per 100 sq. ft.
Entertainment and Spectator Sports	1 space per 4 seats
Financial Service	1 space per 300 sq. ft.
Funeral and Mortuary Service	1 space per 100 sq. ft.
Lodging	1 space per guest room
Office	1 space per 300 sq. ft.
Parking, Non-accessory	None
Retail Sales	1 space per 400 sq. ft. (Maximum ratios apply to large-format [50,000+ sq. ft.] retail uses. See <a href="#">Section 45.020</a> )
Sports and Recreation, Participant	1 space per 400 sq. ft. or as approved by administrator (See <a href="#">§45.040-G</a> )
Self-service Storage Facility	0.5 spaces per employee or 1 space per 5,000 sq. ft. of indoor and outdoor storage area, whichever is greater
Trade School	1 space per 400 sq. ft.
Vehicle Sales and Service	
Commercial Vehicle Repair and Maintenance	2 spaces per service bay
Commercial Vehicle Sales and Rentals	1 space per 300 sq. ft. of office and customer area
Fueling Station	4 spaces per pump island
Personal Vehicle Repair and Maintenance	2 spaces per service bay
Personal Vehicle Sales and Rentals	1 space per 300 sq. ft. of office and customer area
Vehicular Equipment and Supplies	1 space per 400 sq. ft.
Vehicle Body and Paint Shops	1 space per 400 sq. ft.
<b>WHOLESALE, DISTRIBUTION &amp; STORAGE</b>	
Equipment and Materials Storage, Outdoor	0.5 spaces per employee
Trucking and Transportation Terminals	0.5 spaces per employee
Warehouse	0.5 spaces per employee or 1 space per 5,000 sq. ft. of indoor and outdoor storage area, whichever is greater
Wholesale Sales and Distribution	0.5 spaces per employee or 1 space per 5,000 sq. ft. of indoor and outdoor storage area, whichever is greater
<b>INDUSTRIAL</b>	
General Industrial	0.5 spaces per employee
Intensive Industrial	0.5 spaces per employee
Junk or Salvage Yard	0.5 spaces per employee or 1 space per 5,000 sq. ft. of indoor and outdoor storage area, whichever is greater
Mining/Extraction	0.5 spaces per employee
<b>RECYCLING AND WASTE-RELATED</b>	
Construction and Demolition Debris Recycling Facility	0.5 spaces per employee or 1 space per 5,000 sq. ft. of indoor and outdoor storage area, whichever is greater
Recyclable Material Processing Center	0.5 spaces per employee
Landfill	0.5 spaces per employee
Wireless Facility ( <a href="#">Amended 11/21/2022</a> )	None

### Section 45.040 Calculation of Required Parking

In determining the number of parking spaces required, the following calculation rules apply:

#### 45.040-A Multiple Uses

Unless otherwise expressly stated, lots containing more than one use must provide parking in an amount equal to the total of the requirements for all uses on the lot. Parking reductions are authorized for shared parking arrangements in accordance with [§45.050-B](#).

**45.040-B Fractions**

When calculations of the number of parking spaces required result in a fractional number, any fraction of less than  $\frac{1}{2}$  (0.5) is rounded down to the next lower whole number, and any fraction of  $\frac{1}{2}$  (0.5) or more is rounded up to the next higher whole number. The rounding must occur after the calculation is made. If, for example, a minimum parking ratio of 2.5 spaces per 1,000 square feet is applied to a 2,000 square foot building, the minimum parking requirement for that building is 5 spaces ( $2.5 \times 2 = 5.0$ )

**45.040-C Area Measurements**

Unless otherwise expressly stated, all area-based (square footage) parking standards must be computed on the basis of gross floor area.

**45.040-D Occupancy- or Capacity-based Standards**

For the purpose of computing parking requirements based on employees, students, members, residents or occupants, calculations must be based on the largest number of persons working on any single shift, the maximum enrollment or membership or the maximum fire-rated capacity, whichever is applicable and whichever results in the greater number of spaces.

**45.040-E Bench Seating**

For the purpose of calculating parking requirements based on seating, each 22 linear inches of bench or pew length is equivalent to one seat,

**45.040-F Unlisted Uses**

Upon receiving a development application for a use not specifically listed in an off-street parking schedule, the administrator is authorized to apply the off-street parking ratio specified for the listed use that is deemed most similar to the proposed use or establish a minimum off-street parking requirement for the proposed use in accordance with [§45.040-G](#).

**45.040-G Establishment of Other Parking Ratios**

The administrator is authorized to establish required minimum parking ratios for uses not included in [Table 45-1](#) and in those instances where [Table 45-1](#) expressly provides authority to establish a parking requirement. Such ratios must be established on the basis of (1) a similar use/parking determination (as described in [§45.040-F](#)), (2) a parking study that complies with the provisions of [§Section 45.060](#) or (3) other information available to the administrator.

**Section 45.050 Exemptions, Reductions and Alternative Compliance**

**45.050-A Restaurant Outdoor Seating Areas**

Restaurant outdoor seating areas that are not beneath a roof structure are exempt from off-street parking requirements.

**45.050-B Shared Parking**

**1. General**

Sharing parking among different users can result in overall reductions in the amount of motor vehicle parking required. Shared parking is encouraged as a means of conserving scarce land resources, reducing stormwater runoff, reducing the heat island effect caused by large paved areas and improving community appearance.

**2. Special Use Approval**

Shared parking arrangements require review and approval by the administrator.

**3. Eligibility**

Shared parking may be approved for mixed-use projects and for multiple nonresidential uses that have different periods of parking demand. Required residential parking and accessible parking spaces (for people with disabilities) may not be shared.

**4. Methodology**

The number of parking spaces required under a shared parking arrangement must be determined in accordance with the following:

- a. Multiply the minimum parking required for each individual use, as set forth in [Section 45.030](#) by the percentage identified for each of the 6 designated time periods.
- b. Add the resulting sums for each of the 6 columns.
- c. The minimum shared parking requirement is the highest sum among the 6 columns resulting from the above calculations.
- d. Select the time period with the highest total parking requirement and use that total as the shared parking requirement.

*Table 45-2: Shared Parking Calculations*

Land Use	Time					
	Weekday			Weekend		
	Midnight–7:00 a.m.	7:00 a.m.–6:00 p.m.	6 p.m.–Midnight	Midnight–7:00 a.m.	7:00 a.m.–6:00 p.m.	6 p.m.–Midnight
Office and Industrial	5%	100%	10%	0%	60%	5%
Lodging	100%	60%	90%	100%	65%	80%
Eating and Drinking	50%	70%	100%	45%	70%	100%
Religious Assembly	0%	10%	30%	0%	100%	30%
Assembly & Entertain.	10%	50%	100%	5%	80%	100%
Retail & Comm. Service	5%	70%	90%	0%	100%	60%

**5. Other Uses**

If one or more of the land uses proposing to make use of shared parking arrangement do not conform to the land use classifications in [Table 45-2](#), as determined by the administrator, then the applicant must submit sufficient data to indicate the principal operating hours of the uses. Based upon this information, the administrator is authorized to determine the appropriate shared parking requirement, if any, for such uses.

**6. Other Shared Parking Methodologies**

As an alternative to the shared parking methodology established in [§45.050-B4](#), the administrator is authorized to approve shared parking calculations based on the latest edition of the Urban Land Institute’s or the Institute of Transportation Engineer’s shared parking model or based on studies prepared by professional transportation planner or traffic engineer. The shared parking analysis must demonstrate that the peak parking demands of the subject uses occur at different times and that the parking area will be large enough for the anticipated demands of both uses.

**7. Location**

Shared parking may be located on-site or off-site. Off-site parking is subject to the regulations of [§45.080-B](#).

#### **45.050-C Alternative Compliance Parking Ratios**

The motor vehicle parking ratios of this article are not intended to prevent development and redevelopment or to make development and redevelopment economically impractical or not viable. In order to allow for flexibility in addressing the actual expected parking demand of specific uses, alternative compliance parking ratios may be approved by the permit-issuing authority if:

1. The applicant submits a parking study demonstrating that the motor vehicle parking ratios of [Section 45.030](#) do not accurately reflect the actual day-to-day parking demand that can reasonably be anticipated for the proposed use based on a parking study that complies with the provisions of [Section 45.060](#); and
2. The permit-issuing authority determines that the proposed alternative parking ratios are supported by competent data and study findings and are not likely to cause adverse impacts on traffic circulation and safety or on the general welfare of property owners and residents in the surrounding area.

#### **Section 45.060 Parking Studies**

Whenever parking studies are required they must be based on field surveys of observed parking demand for similar uses within the county or on parking demand data from credible research organizations, such as the Urban Land Institute (ULI) or the Institute of Transportation Engineers (ITE). Comparability will be determined by density, scale, bulk, area, type of activity and location. Parking studies must document the source of all data used to develop recommended requirements.

#### **Section 45.070 Use of Off-Street Parking Areas**

- 45.070-A** Required off-street parking spaces are intended to serve residents, tenants, patrons, employees, or guests of the principal use. Required off-street parking areas may be used solely for the temporary parking of licensed motor vehicles in operating condition.
- 45.070-B** Required off-street parking spaces may not be used for the storage, display or sale of goods equipment or materials. No motor vehicle repair work of any kind is permitted in a required parking space except in a zoning district that permits motor vehicle repair uses as of right.

#### **Section 45.080 Location of Off-Street Parking**

##### **45.080-A General**

Except as otherwise expressly stated in this article, required off-street parking spaces must be located on the same lot as the building or use they are required to serve.

##### **45.080-B Off-site Parking**

###### **1. When Allowed**

Permit-issuing authorities are authorized to allow all or a portion of required off-street parking for nonresidential use to be provided off site, in accordance with the regulations of this section. Required accessible parking spaces (see [Section 45.110](#)) and parking required for residential uses may not be located off site.

###### **2. Location**

Off-site parking areas must be located within a 600-foot radius of the use served by such parking, measured between the entrance of the use to be served and the outer perimeter of the furthest parking space within the off-site parking lot.

**3. Design**

Off-site parking areas must comply with all applicable parking area design regulations of [Section 45.090](#).

**4. Control of Off-Site Parking Area**

The property to be occupied by the off-site parking facilities must be under the same ownership as the lot containing the use to be served by the parking. The off-site parking area may be under separate ownership only if an agreement is provided guaranteeing the long-term availability of the parking, commensurate with the use served by the parking. Off-site parking privileges will continue in effect only as long as the agreement, binding on all parties, remains in force. If an off-site parking agreement lapses or is no longer valid, then parking must be provided as otherwise required by this article.

**Section 45.090 Parking Area Design**

**45.090-A General**

1. Parking and vehicular use areas must be designed so that sanitation, emergency, and other public service vehicles can serve the subject property without backing unreasonable distances or making dangerous or hazardous turning movements.
2. Parking and vehicular use areas must be designed so that vehicles cannot extend beyond the perimeter of such area onto adjacent properties or public rights-of-way. Such areas must also be designed so that vehicles do not extend over sidewalks or damage required landscaping.
3. 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.

**45.090-B Ingress and Egress**

All parking areas must be designed to allow vehicles to enter and exit a street and cross public sidewalks in a forward motion, except that this requirement does not apply to driveways serving detached houses or two-unit houses.

**45.090-C Stall Size**

1. Required parking spaces must be at least 9.0 feet in width and 19 feet in length, exclusive of access drives and aisles.
2. In parking areas containing 10 or more parking spaces, up to 20% of the parking spaces may be "compact" vehicle parking spaces with minimum dimensions of 7.5 feet in width and 15 feet in depth. All compact parking spaces must be conspicuously designated as reserved for small or compact cars only.
3. In parking areas where permanent wheel stops have been installed, 2.5 feet of the parking space length (depth) beyond the wheel stop may be counted as part of the required stall length if that area is not part of another parking stall or drive aisle and complies with [§45.090-A2](#).

**45.090-D Parking Area Layout (Geometrics)**

Parking areas provided to meet the minimum parking regulations of this article must be designed in accordance with the following minimum dimensional standards. This table shows

required dimensions for various parking layouts (angles). Requirements for layouts or angles not shown in the table may be interpolated from the layouts shown, as approved by the administrator.

*Table 45-3: Parking Area Geometrics*

A	B <sup>[1]</sup>	C	D
0°	9.0	22.0	12.0/20.0
30°	9.0	19.0	11.0/-
45°	9.0	19.0	13.0/-
60°	9.0	19.0	15.0/-
90°	9.0	19.0	24.0/24.0

A = Stall Angle, B = Stall Width, C = Stall Length, D = Aisle Width (1-way/2-way)

[1] "Compact" spaces use stall width established in [§45.090-C2](#).

#### **45.090-E Striping**

In all parking lots containing 5 or more parking spaces, parking space markings consisting of painted stripes or other visible permanent markings must be provided for each parking space. Parking areas with pervious pavement, pervious pavement systems or aggregate (when allowed) must have the parking spaces marked as required by this article, except that surfacing systems that utilize gravel or turf may use alternative marking to indicate the location of the parking space, including markings at the end of spaces on the drive aisle or curbing, wheel stops, or concrete or paver strips in lieu of painted lines.

#### **45.090-F Tandem Parking**

Tandem parking spaces may be used to satisfy parking requirements for household living uses when the spaces are assigned to the same dwelling unit. In all other cases, required parking spaces must be designed to allow each parking space to be accessed without passing through another parking space. Tandem parking arrangement must have a minimum stall width of 9 feet and a minimum length of 38 feet.

#### **45.090-G Surfacing**

1. All off-street parking and vehicular use areas containing 5 or more parking spaces must be surfaced with an all-weather material unless otherwise expressly stated.
2. Permit-issuing authorities are authorized to waive the surfacing requirement of [§45.090-G1](#) for uses in LI, HI and RA districts and for temporary uses in all districts and to allow, as an alternative, surfacing with size-13 crushed stone. The perimeter of such parking areas must be defined by bricks, stones, or other similar devices. In addition, whenever such a parking or vehicular use area abuts a paved street, the driveway leading from such street (or, if there is no driveway, the portion that opens onto the street), must be surfaced as provided in [§45.090-G1](#) for a distance of 15 feet back from the edge of the paved street. These perimeter stabilization and driveway surfacing requirements may be waived for any use that is required to have fewer than 3 parking spaces and for any temporary use.
3. Pervious pavement or pervious pavement systems, including pervious asphalt, pervious concrete, modular pavers designed to funnel water between blocks, lattice or honeycomb shaped concrete grids with turf grass or gravel filled voids to funnel water, plastic geocells with turf grass or gravel, reinforced turf grass or gravel with overlaid or embedded meshes, or similar structured and durable systems are allowed as parking lot sur-

facing materials that meet the requirements of §45.090-G1. Gravel, turf, or other materials that are not part of a structured system designed to manage stormwater are not considered pervious pavement or a pervious pavement system. Pervious pavement and pervious pavement systems must comply with the following:

- a. All materials must be installed in accordance with industry standards. Appropriate soils and site conditions must exist for the pervious pavement or pervious pavement system to function. For parking lots of 10 spaces or more, documentation that verifies appropriate soils and site conditions must be provided.
- b. All materials must be maintained in accordance with industry and county standards. Damaged areas must be promptly repaired. Gravel that has migrated from a pervious pavement systems onto adjacent areas must be regularly swept and removed.
- c. Pervious asphalt or pervious concrete may be used for accessible parking spaces and accessible routes from the accessible space to the principal structure or use served, but no other pervious pavement system may be used for such areas.
- d. Pervious pavement or pervious pavement systems are prohibited in areas used for the dispensing of gasoline or other liquid engine fuels or where hazardous liquids could be absorbed into the soil through the pervious pavement or pervious pavement system.
- e. Pervious asphalt, pervious concrete, or modular pavers may be used for drive aisles and driveways, but no other pervious pavement systems may be used in such areas.
- f. Pervious pavement or pervious pavement systems that utilize turf grass may not be used to meet minimum off-street parking requirements, but may be used for overflow parking spaces that are not used for required parking and that are not occupied on a daily or regular basis.
- g. Pervious pavement or pervious pavement systems that utilize gravel with overlaid or embedded mesh or geocells are limited to LI, HI and RA zoning districts.

**45.090-H Landscaping and Screening**  
See [Article 55](#).

**45.090-I Lighting**  
See [Section 55.130](#).

## Section 45.100 Stacking Spaces for Drive-through Facilities

### 45.100-A Spaces Required

Unless otherwise approved by the permit-issuing authority in accordance with the alternative compliance provisions of §45.050-C, establishments with drive-through facilities must provide stacking spaces for each drive-through station as follows:

*Table 45-4: Drive-through Stacking Space Requirements*

Use	Minimum Spaces (per lane)
Automated teller machine	3 (measured from ATM)
Bank teller	4 (measured from teller window or service area)
Car wash, full service	4 (measured from vehicle entrance)
Car wash, self-service	2 (measured from vehicle entrance)



Use	Minimum Spaces (per lane)
Drug store	3 (measured from pick-up window)
Restaurant drive-through	4 (measured from order board)
Kiosks	2 (measured from service window)
Other	As determined by administrator

**45.100-B Dimensions**

Each lane of stacking spaces must be at least 9 feet in width and at least 19 feet in length. Staking lanes must be delineated with pavement markings.

**45.100-C Location and Design**

Stacking lanes may not be located within required driveways or drive aisles, parking spaces or loading areas and may not interfere with access to parking and ingress and egress from the street. Drive-through facilities located within 50 feet of any residential district must be screened with an S2 screen in accordance with [§55.090-C](#).

**45.100-D Pedestrian Access**

The principal pedestrian access to the entrance of the use from a public sidewalk may not cross the drive-through facility stacking lane.

**Section 45.110 Accessible Parking for People with Disabilities**

Accessible parking facilities must be provided in accordance with the North Carolina State Building Code.

**Section 45.120 Loading**

**45.120-A Minimum Requirements**

Whenever the normal operation of any use involves regular delivery or shipment to or from the subject use, off-street loading area must be provided in accordance with this section to accommodate the delivery or shipment operations in a safe and convenient manner.

**1. Office, Lodging and Hospital Uses**

The following minimum requirements apply to office, lodging and hospital uses unless approved in accordance with the alternative compliance provisions of [§45.120-D](#).

*Table 45-5: Loading Requirements for Office, Lodging and Hospital Uses*

Gross Floor Area [1] (sq. ft.)	Minimum Loading Spaces Required
0–25,000	0
25,001–100,000	1
100,001–250,000	2
250,001 or more	3

[1] Outdoor storage, work, sales or display areas must be included in floor area calculation if such areas contain materials that are delivered by trucks.

**2. Industrial, Retail and Wholesale, Distribution and Storage Uses**

The following minimum requirements apply to industrial, retail and wholesale, distribution and storage uses unless approved in accordance with the alternative compliance provisions of [§45.120-D](#).

*Table 45-6: Loading Requirements for Industrial, Retail and Wholesale, Distribution and Storage Uses*

Gross Floor Area [1] (sq. ft.)	Minimum Loading Spaces Required
0–15,000	0
15,001–50,000	1
50,001–100,000	2
100,001–250,000	3
250,001 or more	4

[1] Outdoor storage, work, sales or display areas must be included in floor area calculation if such areas contain materials that are delivered by trucks.

#### **45.120-B Location and Setbacks**

1. Loading areas must be located and designed so that the vehicles intended to use them can:
  - a. Maneuver safely and conveniently to and from a public right-of-way, and
  - b. Complete the loading and unloading operations without obstructing or interfering with any public right-of-way or any parking space or drive aisle.
2. All required loading spaces must be located on the same lot as the use served.
3. Unenclosed off-street loading areas may not be located within 50 feet of any abutting R-zoned properties unless the loading areas is screened on all sides abutting the R-zoned property in accordance with the S2 screening standards of [§55.090-C](#).

#### **45.120-C Design**

1. **Size**

Required off-street loading spaces must be at least 10 feet in width and 30 feet in length, exclusive of drive aisles. Spaces must have a minimum vertical clearance of at least 14 feet. When delivery or shipment regularly occurs by semi-tractor trailers, the loading space must be at least 12 feet in width and 55 feet in length.
2. **Access**

Required off-street loading spaces must be provided access to and from a public street or alley by an access drive of at least 10 feet in width.
3. **Surfacing**

Unenclosed off-street loading areas must be surfaced with an all-weather material.

#### **45.120-D Alternative Compliance Loading Ratios**

The minimum loading ratios of this section are not intended to prevent development and redevelopment or to make development and redevelopment economically impractical or not viable. In order to allow for flexibility in addressing the actual expected loading demand of specific uses, alternative compliance loading ratios may be approved by the permit-issuing authority if:

1. The applicant submits a loading study demonstrating that the loading ratios of this section do not accurately reflect the actual day-to-day loading demand that can reasonably be anticipated for the proposed use based on a study that complies with the provisions of [§Section 45.060](#); and
2. The permit-issuing authority determines that the proposed alternative loading ratios are supported by competent data and study findings and are not likely to cause adverse impacts on traffic circulation and safety or on the general welfare of property owners and residents in the surrounding area.

## Article 50 | Signs

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### Section 50.010 General

#### 50.010-A Purpose

The sign regulations of this article are intended to achieve balance among the following differing, and at times, competing goals:

1. To support the desired character of Union County, as expressed in adopted plans, policies and regulations;
2. To promote an attractive visual environment;
3. To encourage the effective use of signs as a means of communication for businesses, organizations and individuals;
4. To provide a means of way-finding, thus reducing traffic confusion and congestion;
5. To provide for adequate business identification and communication;
6. To prohibit signs of such excessive size and number that they obscure one another to the detriment of the economic and social well-being of county and its residents, property owners and visitors;
7. To protect the safety and welfare of the public by minimizing the hazards to pedestrian and vehicular traffic;
8. To differentiate among those signs that, because of their location, may distract drivers on public streets and those that may provide information to them while they remain in their cars but out of active traffic;
9. To minimize the possible adverse effects of signs on nearby public and private property; and
10. To provide broadly for the expression of individual opinions through the use of signs on private property.

#### 50.010-B Scope and Applicability

All signs are subject to the regulations of this section and all other applicable provisions of this ordinance.

### **50.010-C Content Neutrality**

Any sign allowed under this article may contain, in lieu of any other message or copy, any lawful noncommercial message that does not direct attention to a business operated for profit, or to a product, commodity or service for sale or lease, or to any other commercial interest or activity, so long as the sign complies with the size, height, area and other requirements of this article.

## **Section 50.020 Prohibited Signs and Sign Characteristics**

The following signs and sign characteristics are prohibited except as otherwise expressly stated:

- 50.020-A** Signs that obstruct, impair, obscure, interfere with the view of, or that may be confused with, any authorized traffic control sign, signal, or device;
- 50.020-B** Signs that interfere with the view necessary for motorists to proceed safely through intersections or to enter onto or exit from public streets or private streets;
- 50.020-C** Signs that revolve or are animated or that utilize movement or apparent movement to attract attention of the public, including banners, streamers, animated display boards, electronic message centers, digital display signs, video signs, pennants, and propellers, provided that this provision is not intended to prohibit digital displays indicating the time, date or weather conditions but that contain no commercial message;
- 50.020-D** Roof signs;
- 50.020-E** Signs that obstruct any fire escape, required exit, window or door opening used as a means of egress;
- 50.020-F** Signs that interfere with an opening required for ventilation;
- 50.020-G** Signs affixed directly to a tree, utility pole or traffic control device;
- 50.020-H** Signs attached to or painted on an inoperable or unlicensed vehicle (motorized or non-motorized) located in view of the right-of-way;
- 50.020-I** Signs attached to or painted on a licensed vehicle that is located in view of the right-of-way when the administrator determines that the vehicle is parked solely for the purpose of displaying the sign to passing motorists or pedestrians (this prohibition is not intended to apply to vehicles regularly used for deliveries or otherwise integral to the operation of a legally operated business on the subject property);
- 50.020-J** Search lights, strobe lights, and rotating beams of light, including those that resemble emergency lights;
- 50.020-K** Signs that include flashing lights, projected or moving images, moving parts or that emit noise, unless otherwise expressly authorized by regulations of this section;
- 50.020-L** Illuminated tubing or strings of lights that outline property lines, sales areas, roof lines, doors, windows, or similar areas, except for temporary holiday displays; and
- 50.020-M** Signs located in or that extend into the public right-of-way or that project beyond property lines (this prohibition on signs in the right-of-way does not apply to signs established by, or by order of, any governmental agency).

## Section 50.030 Signs Allowed without Sign Permits

Signs that comply with all regulations of this section are allowed without a sign permit and are not counted as signs for the purpose of calculating the number and amount of signage on a lot. Unless otherwise expressly stated, such signs may not be illuminated. All illuminated signs allowed by this ordinance require a permit.

- 50.030-A** Signs not exceeding 4 square feet in area that are customarily associated with residential use and that contain no commercial message;
- 50.030-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;
- 50.030-C** Official signs erected by public utilities;
- 50.030-D** Flags, pennants, or insignia of any governmental or non-profit organization when not displayed in connection with a commercial promotion and when they contain no commercial message;
- 50.030-E** Integral decorative or architectural features of buildings or works of art, so long as such features or works do not contain a commercial message, moving parts, or lights;
- 50.030-F** Signs directing and guiding traffic on private property that do not exceed 4 square feet in area or more than 6 feet in height. Commercial messages may comprise no more than 50% of the area of a directional sign;
- 50.030-G** Signs attached to the interior of a building window or glass door, or visible through such window or door, provided that such signs, individually or collectively, do not cover more than 33% of the surface area of the window or glass door;
- 50.030-H** 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;
- 50.030-I** Signs advertising the price of gasoline provided that such signs are attached to the pump island or a permitted freestanding sign;
- 50.030-J** A North Carolina vehicle inspections sign so long as such sign is not located in any right-of-way;
- 50.030-K** Temporary campaign or election signs, provided that:
  - 1. Individual signs may not exceed 32 square feet in area; and
  - 2. All signs must be removed within 15 days following the elected or conclusion of the vote;
- 50.030-L** One temporary "for sale," "for rent" or similar temporary real estate sign is allowed per street frontage, provided that they are removed within 15 days after the sale, rental, or lease has been accomplished.
  - 1. Temporary real estate signs on lots containing a detached house, townhouse or two-unit house are limited to a maximum area of 9 square feet per sign.

2. Temporary real estate signs on lots containing agricultural, multi-unit residential, public/quasi-public, office, commercial, or industrial use or that are zoned for such use may not exceed the greater of 32 square feet or 0.20 square feet of sign area per each linear foot of street frontage for the first 150 feet of street frontage and 0.10 square feet of sign area for each linear foot of street frontage for street frontage in excess of 150 feet. These area calculations must be based on the street frontage to which the sign is oriented. No such sign may exceed 150 square feet in area;

**50.030-M** One temporary construction sign is allowed per street frontage during the time that construction or development activity, pursuant to a valid permit, is occurring on the subject lot, as follows:

1. Temporary construction signs on a lot containing a detached house, townhouse or two-unit house may not exceed 24 square feet in area.
2. Temporary construction signs on a lot containing agricultural, multi-unit residential, public/quasi-public, office, commercial, or industrial use or a lot zoned for such uses may not exceed the greater of 32 square feet or 0.20 square feet of sign area per each linear foot of street frontage for the first 150 feet of street frontage and 0.10 square feet of sign area for each linear foot of street frontage for street frontage in excess of 150 feet. These area calculations must be based on the street frontage to which the sign is oriented. No such sign may exceed 150 square feet in area.
3. Temporary construction signs for new residential subdivisions consisting of fewer than 50 dwelling units may not exceed 100 square feet. For subdivisions of more than 50 dwelling units, up to 2 signs totaling no more than 200 square feet are permitted.
4. Temporary construction signs must be removed within 15 days after completion of the construction or development;

**50.030-N** Temporary signs indicating that a temporary 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 30 days before the event and must be removed not later than 3 days after the event;

**50.030-O** Temporary 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 3 such signs may be erected, and no sign may exceed 32 square feet in surface area. Such signs may not be erected more than 7 days before the seasonal opening of such enterprise and must be removed not later than 15 days after the enterprise closes for the season; and

**50.030-P** Temporary signs not covered in ~~§50.030-K~~, ~~§50.030-L~~, ~~§50.030-M~~, ~~§50.030-N~~, or ~~§50.030-O~~, so long as such temporary signs comply with the following restrictions:

1. Not more than one such sign may be located on any lot.
2. No such sign may exceed 4 square feet in surface area.
3. Such sign may not be displayed for longer than 10 consecutive days or more than 20 days in any calendar year.

## Section 50.040 Signs in R Zoning Districts and Signs Accessory to Residential Uses

### 50.040-A Applicability

The regulations of this section apply to signs accessory to residential uses in all zoning districts and to all nonresidential uses in residential districts. These are in addition to any signs allowed without a permit pursuant to §[Section 50.030](#).

### 50.040-B Multi-unit Living, Neighborhood and Subdivision Identification Signs

1. Multi-unit (residential) buildings are allowed a maximum of one freestanding sign per street frontage and a maximum of one wall sign per building wall. Wall signs may not exceed 16 square feet in area.
2. Residential subdivisions, including manufactured housing parks, are allowed a single freestanding sign at each street entrance to the subdivision.
3. Freestanding multi-unit building and subdivision identification signs must be monument signs. They may not exceed 32 square feet in area. *(amended 5-18-2015)*

### 50.040-C Nonresidential Uses

The following regulations apply to all principal nonresidential uses in residential zoning districts.

#### 1. Wall Signs

Wall signs shall be allowed on walls that have a public entrance and on the wall that has street frontage on the street corresponding with the property's assigned address. *(amended 8-6-2018)*

- a. The cumulative maximum area of all allowed wall signs per wall may not exceed one half (.5) square foot per each linear foot of building frontage, up to a maximum of 125 square feet. *(amended 8-6-2018)*

#### 2. Freestanding Signs

- a. Nonresidential uses in R districts are allowed a maximum of one freestanding sign per street frontage. Allowed freestanding signs are subject to a maximum height limit of 6 feet and may not exceed 40 square feet in area. *(amended 5-18-2015)*
- b. Freestanding signs must be a monument sign and must be set back at least 12.5 feet from all current public rights-of-way and from the back of curb or outer edge of all driveways. *(amended 5-18-2015 and 10-1-2018)*
- c. The ground area surrounding the base of all freestanding signs must be landscaped. The landscape area must be at least as large as the sign area. The landscape area must include shrubs, perennial and/or annual flowers, ornamental grasses, and/or other vegetative ground cover. Landscape plans, indicating plant materials and location must be submitted with the sign permit application. The administrator is authorized to approve alternative landscape or base treatments if the administrator determines that landscaping at the base of the freestanding sign is impractical because of soil conditions, space constraints or other factors beyond the reasonable control of the applicant. Alternative landscape treatments may include additional landscaping elsewhere on the site, the use of masonry materials to conceal the base of the sign or other treatments that provide an equivalent or higher level of visual amenity than the otherwise required sign base landscaping. *(amended 5-18-2015)*

- d. The sign must have a base with a minimum height of eighteen (18) inches. The horizontal section of the sign must be greater than the vertical section. *(amended 5-18-2015)*

## Section 50.050 Signs in Office, Commercial and Industrial Zoning Districts

### 50.050-A Applicability

The regulations of this subsection apply to signs accessory to all office, commercial and industrial zoning districts.

### 50.050-B Wall Signs

#### 1.

Wall signs shall be allowed on walls that have a public entrance and on the wall that has street frontage on the street corresponding with the property's assigned address. *(amended 8-6-2018)*

#### 2. Maximum Area

- a. Except as expressly stated in [§50.050-B2.b](#), the cumulative maximum area of all allowed wall signs may not exceed one square foot per each foot of building frontage.
- b. Regardless of the maximum wall sign area calculated pursuant to [§50.050-B2.a](#), the maximum area of any single wall sign may not exceed 250 square feet.

#### 3. Coverage *(amended 8-6-2018)*

- a. A wall sign may not cover more than 30% of the wall area to which it is attached.
- b. Wall signs may not extend above any parapet or be placed on any roof surface, except that for purposes of this provision, roof surfaces constructed at an angle of 75 degrees or more from horizontal are regarded as wall area.

### 50.050-C Projecting Signs

#### 1. When Allowed

Projecting signs may be substituted for allowed wall signs, provided that the total number and area of all wall signs and projecting signs combined may not exceed the limits established for wall signs in [§50.050-B1](#) and [§50.050-B2](#).

#### 2. Maximum Projection

Projecting signs may not project more than 10 feet beyond the wall of the subject building.

#### 3. Vertical Clearance

The bottom of a projecting sign must be at least 9 feet above the ground elevation beneath the sign.

### 50.050-D Awning and Canopy Signs

- 1. Non-illuminated awnings with no more than 6 square feet of sign (copy) area on the border of the awning may be used in addition to wall signs.



2. Other awning signs or canopy signs may be substituted for allowed wall signs, provided that the total number and area of all wall signs, awning signs and canopy signs combined may not exceed the limits established for wall signs in [§50.050-B1.](#) and [§50.050-B2.](#)

#### 50.050-E Freestanding Signs

1. **Maximum Number**

A maximum of one freestanding sign is allowed per lot. If a lot has more than 1,300 feet of street frontage, a maximum of 2 freestanding signs are allowed.

2. **Maximum Area**

The maximum area of a freestanding sign may not exceed 0.3 square feet per linear feet of street frontage or 175 square feet, whichever is less.

3. **Maximum Height**

Freestanding signs in the Highway 74 corridor may not exceed 25 feet in height. Freestanding signs in all other office, commercial and industrial zoning districts may not exceed 12.5 feet in height including the base. *(amended 5-18-2015)*

4. **Location**

- a. Freestanding signs must be set back at least 1 foot outside all current or assumed public rights-of-way and outside of all site triangles. *(amended 5-18-2015)*
- b. Freestanding signs must be set back at least 50 feet from all residential zoning districts.

5. **Design**

- a. Freestanding signs in all office, commercial and industrial zoning districts must be monument signs, provided that this provision does not apply to lots with frontage on Highway 74.
- b. The ground area surrounding the base of all freestanding signs must be landscaped. The landscape area must be at least as large as the sign area. The landscape area must include shrubs, perennial and/or annual flowers, ornamental grasses, and/or other vegetative ground cover. Landscape plans, indicating plant materials and location must be submitted with the sign permit application. The administrator is authorized to approve alternative landscape or base treatments if the administrator determines that landscaping at the base of the freestanding sign is impractical because of soil conditions, space constraints or other factors beyond the reasonable control of the applicant. Alternative landscape treatments may include additional landscaping elsewhere on the site, the use of masonry materials to conceal the base of the sign or other treatments that provide an equivalent or higher level of visual amenity than the otherwise required sign base landscaping.
- c. The sign must have a base with a minimum height of eighteen (18) inches. *(amended 5-18-2015)*

#### 50.050-F Multi-tenant Developments

1. **Directory Signs**

In addition to other allowed signs, multi-tenant developments may have up to one directory sign for each driveway within the development. Directory signs may not exceed

16 square feet in area and, if freestanding, may not exceed 6 feet in height. Directory signs are intended to convey information to pedestrians and motorists within the boundaries of the development.

**2. Freestanding Signs on Outlots and Outparcels**

A maximum of one freestanding sign is allowed per outlot or outparcel in a multi-tenant development. Freestanding signs on outlots and outparcels are subject to the following regulations:

**a. Maximum Area**

Freestanding signs on outlots or outparcels may not exceed 32 square feet in area.

**b. Maximum Height**

Freestanding signs on outlots or outparcels may not exceed 8 feet in height.

**c. Location and Design**

Freestanding signs on outlots or outparcels are subject to the location and design standards that apply to all other freestanding signs (see ~~§50.050-E4~~ and ~~§50.050-E5~~).

**3. Master Sign Plans**

**a. Applicability**

As an alternative to the allocation of permitted wall sign area on the basis of individual building frontages, a differing allotment of sign area may be assigned to tenants upon receipt and approval by the administrator of written authorization from the owner or authorized management firm of the building or development. Such written authorization must be in the form of a master sign plan that complies with the provisions of this section. Master sign plans may not authorize a number or area of wall signs that exceed the overall limits established in ~~§50.050-B~~.

**b. Contents**

Master sign plans must indicate the number, location, materials, colors and dimensions of all freestanding and wall signs in the multi-tenant development. The master sign plan must also identify the types of signs proposed and any other information necessary to determine whether the proposed signs comply with the sign regulations of this article.

**50.050-G Menu Board Signs**

Menu board signs accessory to allowed drive-through uses are permitted in addition to other allowed signs, as follows:

**1. Number and Dimensions**

One primary menu board not to exceed 32 square feet in area or 8 feet in height is allowed per order station up to a maximum of 2 primary menu boards. One secondary menu board not to exceed 16 square feet in area or 6 feet in height is also allowed.

**2. Residential Separation**

Menu board signs must be set back at least 75 feet from residential zoning districts.

## Section 50.060 Off-Premise Signs

### 50.060-A Where Allowed

Off-premises signs are allowed only in the HC zoning district and only if and to the extent that such signs:

1. Comply with all applicable requirements of this ordinance;
2. Are located on lots with frontage on Highway 74;
3. Are located within a 1,000 foot radius of a principal building used for nonresidential purposes; and
4. Are not located within a 500-foot radius of an existing dwelling unit that is not owned by the owner of the land where the sign is to be located. A dwelling unit is deemed existing for purposes of this subsection if, at the time an application has filed for a sign permit authorizing initial construction of the sign, the dwelling unit is in place or under construction or if a valid building permit exists authorizing construction of the dwelling unit.

### 50.060-B Spacing from Other Off-Premise Signs

No off-premises sign may be located within a 1,000 foot radius of any other existing off-premises sign. For purposes of this subsection, a sign is deemed existing if, at the time an application is filed for the second sign, the first sign was in place or under construction or a valid building permit exists authorizing construction of such off-premise sign.

## Section 50.070 Illumination

**50.070-A** Except as otherwise expressly prohibited by this ordinance, signs may be illuminated if such illumination complies with the regulations of this section.

**50.070-B** Light trespass from any illuminated sign may not cause the light level along the right-of-way line or any property line of a lot occupied by a residential dwelling unit to exceed 0.5 foot-candles above ambient light levels. Maximum illumination levels are measured 3 feet above grade or from the top of any fence or wall along the property line.

**50.070-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 onto abutting property.

## Section 50.080 Nonconforming Signs

**50.080-A** A nonconforming sign is a sign that was lawfully established in accordance with all regulations in effect at the time of its establishment but that is no longer allowed by the sign regulations currently in effect.

**50.080-B** Subject to the remaining restrictions of this section, nonconforming signs may be continued.

**50.080-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.

**50.080-D** A nonconforming sign may not be moved or replaced except to bring the sign into complete conformity with this ordinance.

- 50.080-E** If a nonconforming sign is destroyed, 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 must 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 that is damaged.
- 50.080-F** The message of a nonconforming sign may be changed so long as this does not create any new nonconformities (for example, by creating an off-premises sign under circumstances where such a sign would not be allowed).
- 50.080-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 12-month period 50% of the value listed for tax purposes of the subject sign.
- 50.080-H** If a nonconforming sign other than an off-premise sign advertises a business, service, commodity, accommodation, attraction or other enterprise or activity that is no longer operating or being offered or conducted, that sign is considered abandoned and must be removed within 30 days of such abandonment by the sign owner, owner of the subject property or by the person having control over the sign.
- 50.080-I** If a nonconforming off-premise sign remains blank for a continuous period of 12 months, that off-premise sign is deemed abandoned and must, within 30 days after such abandonment, be altered to comply with this article or be removed by the sign owner, owner of the subject property, or by the person having control over the 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.

## **Section 50.090 Administration**

- 50.090-A** Except for signs expressly exempt from permit requirements no sign may be constructed, erected, moved, enlarged, illuminated, or substantially altered except in accordance with a sign permit.
- 50.090-B** Any person proposing to erect any sign requiring a sign permit must submit a sign permit application to the administrator. Application for such permit must be accompanied by detailed plans, including scaled drawings of the proposed sign, a detailed site plan and other information deemed necessary by the administrator to determine compliance with applicable regulations.
- 50.090-C** Sign permit fees must be paid prior to the issuance of a sign permit.
- 50.090-D** If the work associated with a sign permit has not been completed within one year of the date of the issuance of the permit, such permit will lapse and become null and void.

## Section 50.100 Maintenance

- 50.100-A** All signs and all sign components, including supports, braces, and anchors, must be kept in a state of good repair.
- 50.100-B** 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 must, within 30 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.
- 50.100-C** 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:
1. Within the right-of-way of any public street, unless the work is done pursuant to the express written authorization of the North Carolina Department of Transportation;
  2. 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;
  3. In any area where such trees are required to remain under a permit issued under this ordinance.

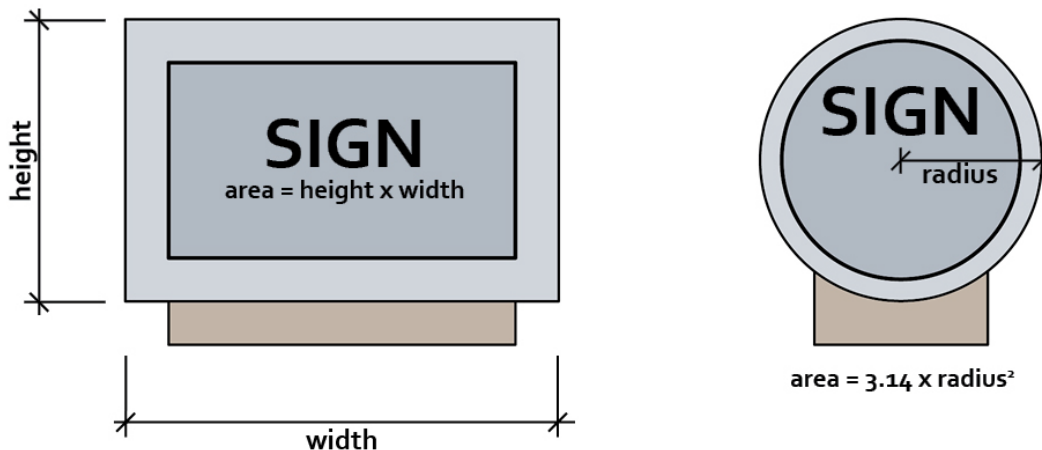
## Section 50.110 Rules of Measurement

### 50.110-A Sign Area

#### 1. Signs Enclosed in Frames or Cabinets

The area of a sign enclosed in a frame or cabinet is determined based on the outer dimensions of the frame or cabinet surrounding the sign face (see [Figure 50-1](#)).

*Figure 50-1: Sign Area Measurement (Signs in Cabinets or Frames)*



#### 2. Channel (individual) Letter Signs

- a. The area of a sign comprised of individual letters or elements attached to a building wall is determined by calculating the area of the smallest geometric figure (e.g.,

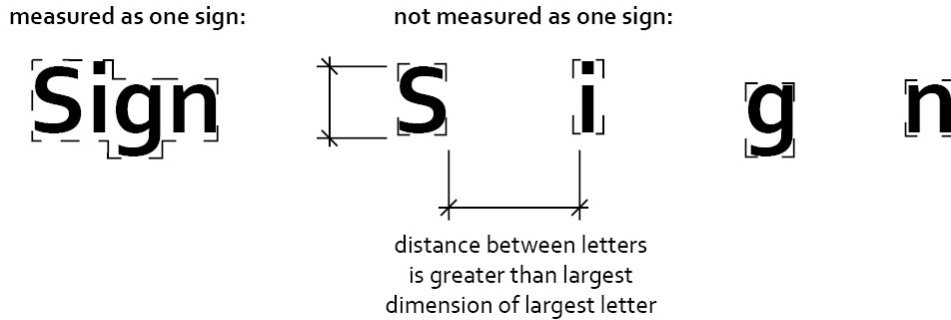
square, rectangle, circle, polygon, etc.) that can be drawn around the letters and/or elements (see [Figure 50-2](#)).

- b. Signs consisting of individual letters and/or elements are measured as one sign when the distance between the letters and/or elements is less than the largest dimension of the largest sign letter (see [Figure 50-3](#)).

*Figure 50-2: Sign Area Measurement (Individual Letter Signs)*



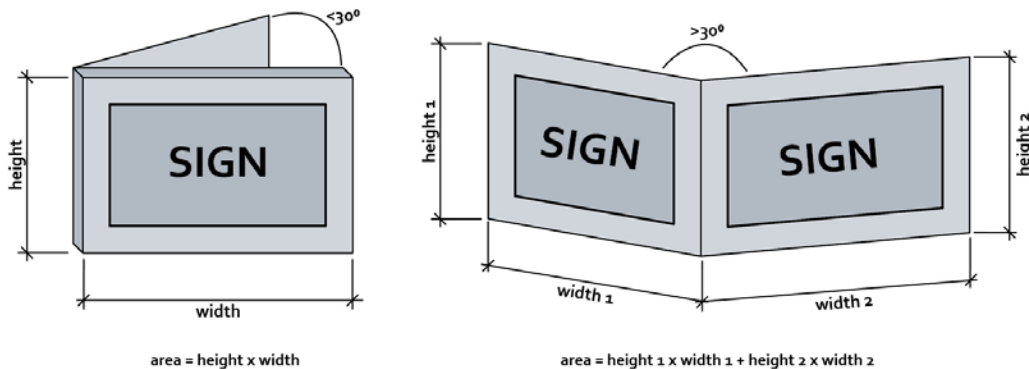
*Figure 50-3: Sign Area Measurement (Single vs. Multiple Signs)*



### 3. Multi-Sided Signs

Unless otherwise expressly stated, when the sign faces of a multi-sided sign are parallel or within 30 degrees of parallel, only one side is counted for those purpose of determining the area and number of signs. If the sign faces are not parallel or within 30 degrees of parallel, all sign faces are counted (see [Figure 50-4](#)).

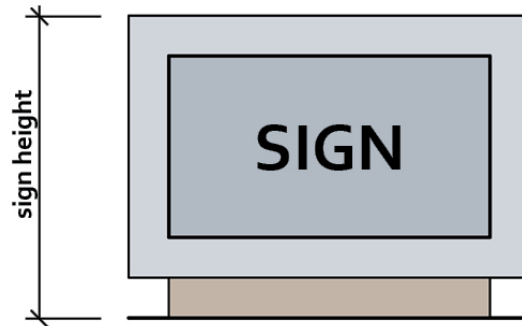
*Figure 50-4: Multi-Sided Signs*



**50.110-B Sign Height**

The height of a sign is measured as the vertical distance from curb level to the highest point of the sign.

*Figure 50-5: Sign Height Measurement*



**50.110-C Setback, Spacing and Separation Distances**

Required setback, spacing and separation distances between signs must be measured in a straight line from the nearest points on the respective sign structures. Required separation distances between signs and zoning districts, area or lots must be measured in a straight line from the nearest point on the sign structure to the nearest point of the subject district, area or lot.

**50.110-D Illumination**

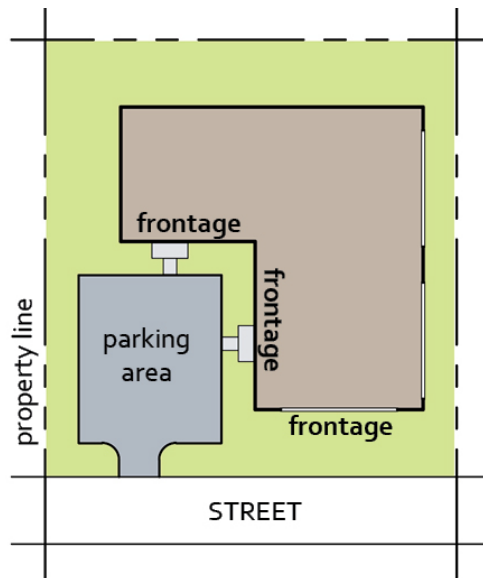
Sign illumination in foot-candles is measured at a maximum distance of 2 feet from the sign face.

**50.110-E Building Frontage**

Many of the wall sign regulations of this ordinance are based on "building frontage." The following rules govern the measurement of building frontage.

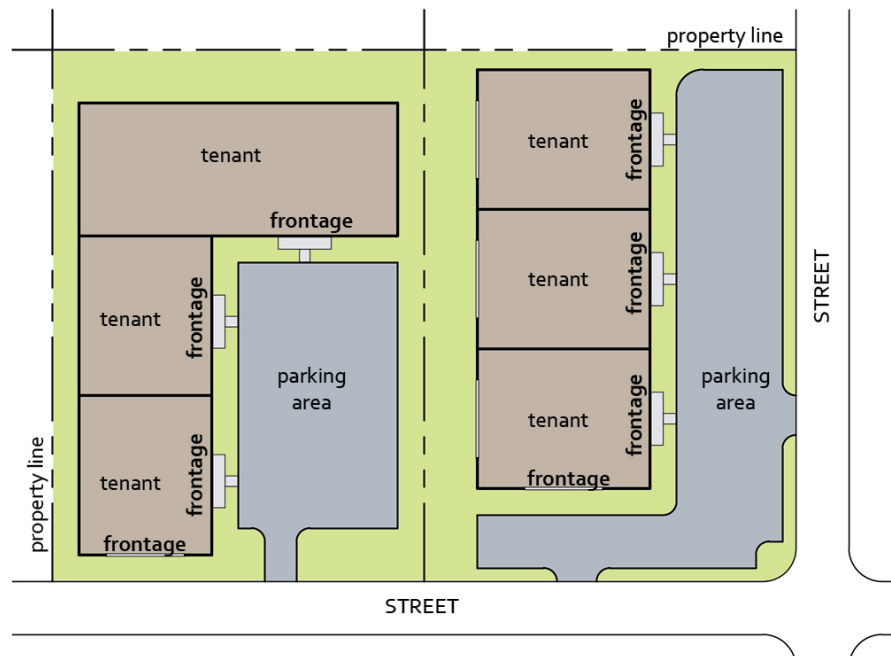
1. For buildings occupied by a single tenant or multiple tenants that access the building via a common entrance, building frontage is the exterior building wall (or walls) that: (1) is adjacent to a street or a parking area or other vehicle circulation area that is accessory to and serves the subject building and (2) contains either windows or a public building entrance. Allowed wall sign area for a building that has 2 or more building frontages must be calculated on the basis of each individual building frontage.

Figure 50-6: Building Frontage (1)



2. On buildings housing more than one tenant where each tenant has their own outside entrance, a tenant's building frontage is the exterior building wall (or walls) that directly abut the tenant's interior floor space and that: (1) abuts, parallels, or is the nearest to parallel with a street or a parking area or other vehicle circulation area that is accessory to and serves the subject building and (2) contains either windows or a public building entrance. A tenant that has 2 or more building frontages must calculate the permitted sign area on the basis of each individual building frontage.

Figure 50-7: Building Frontage (2)



3. Regardless of the height, number of stories, or number of tenants in a building, building frontage will be determined by one measurement of the horizontal length of the wall at



finished grade. Buildings walls must be measured along a flat, unbroken plane, regardless of the presence of recesses or projections along the building wall.

4. As an alternative to the allocation of permitted sign area on the basis of individual building frontages, a differing allotment of sign area may be assigned to the various tenants upon receipt and approval by the administrator of written authorization from the owner or authorized management firm of the building or development. Such written authorization must be in the form of a master sign plan that complies with the provisions of §50.050-F3.
5. In no instance may the total combined sign area for all signs exceed the maximum allowed sign area for the individual building frontages.

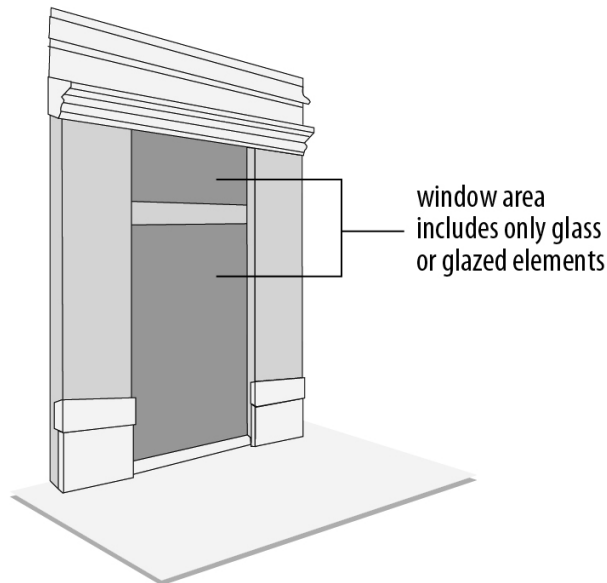
**50.110-F Wall Area**

The area of a wall is calculated by multiplying the building's frontage by the building's height or 20 feet, whichever is less.

**50.110-G Window Area**

The area of a window includes only the glass or glazed elements of the window. Frames, mullions and similar features are not counted as part of the window area (see [Figure 50-8](#)).

*Figure 50-8: Measurement of Window Area*



## Article 55 | Landscaping, Screening and Lighting

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### Purposes

#### **55.010-A Landscaping and Screening**

The landscaping and screening regulations of this article establish minimum requirements for landscaping and screening. The regulations are intended to advance the general purposes of this ordinance and more specifically to:

1. Enhance quality of life for county residents and visitors;
2. Protect property values;
3. Enhance the quality and appearance of new development and redevelopment projects;
4. Mitigate possible adverse impacts of higher intensity land uses abutting lower intensity land uses;
5. Promote the preservation, expansion, protection and proper maintenance of existing trees and landscaping
6. Help ensure wise use of water resources;
7. Improve air quality;
8. Protect water quality and reduce the negative impacts of stormwater runoff by reducing impervious surface area and providing vegetated areas that filter and retain greater amounts of stormwater on site;
9. Moderate heat by providing shade; and
10. Reduce the impacts of noise and glare.

#### **55.010-B Lighting**

The outdoor lighting regulations of this article (See [Section 55.130](#)) are intended to help ensure adequate lighting for motorized and non-motorized travelers; provide for the efficient use of energy; and reduce the impacts of nuisance lighting and glare on nearby areas.

## Section 55.020 Applicability

### 55.020-A Landscaping and Screening

The landscaping and screening regulations of this article apply as set forth in the individual sections of this article. In general, the regulations apply to new development that requires permitting or review by the county and significant expansion of existing uses and developments. Construction of detached houses, townhouses and two-unit houses on existing plat-  
ted lots are exempt from compliance with the landscaping and screening regulations of this article. Parking and circulation areas located within a parking structure are exempt from parking lot landscaping requirements.

### 55.020-B Lighting

See §55.130:A)

## Section 55.030 Tree Removal and Replacement

### 55.030-A Applicability

The tree removal and replacement provisions of this section apply to naturally occurring trees located outside the buildable area of a lot or development site. For the purpose of these provisions “buildable area” means all areas located outside of:

1. Required zoning district setbacks;
2. Existing and proposed street rights-of-way and easements;
3. Utility easements.

### 55.030-B Inventory

The location, size and species of all trees with a diameter breast height (DBH) of 12 inches or greater must be inventoried and shown on proposed development plans.

### 55.030-C Requirements

1. The removal of trees with a DBH of 12 inches or greater must be mitigated by providing one or more replacement trees with a total combined DBH equal to at least 125% of the total DBH of trees that are removed. The permit-issuing authority is authorized to modify or waive this tree replacement requirement when it is determined that inadequate area exists for healthy growth of replacement trees or when they determine that the removed trees are diseased, dying or of an invasive or undesirable species.
2. Property owners are responsible for ensuring that all existing trees shown on approved plans as being retained to meet the requirements of this article are protected during the construction process from removal, destruction, or injury. Before any excavation takes place on the subject site, a barrier must be erected around the drip line of all such trees sufficient to put on notice all construction personnel that any disturbance of the area within the dripline of such trees is prohibited, except as expressly approved by the administrator. Required tree barriers must be shown on construction plans.

## Section 55.040 Street Frontage Landscaping

### 55.040-A Applicability

The street frontage landscaping regulations of this section apply to all lots in commercial or industrial districts in the following cases:

1. When new development occurs; or
2. When the gross floor area, number dwelling units or area of impervious surface on an existing development site is expanded by more than 15%.

**55.040-B Requirements**

Street frontage landscaping must be provided adjacent to public street rights-of-way. Landscaping and screening is required in accordance with the S1 screening standards of [§55.090-B](#).

**55.040-C Materials, Design and Maintenance**

Street frontage landscape areas are subject to the regulations of [Section 55.100](#).

**Section 55.050 Perimeter Parking Lot Landscaping**

**55.050-A Applicability**

Perimeter parking lot landscaping must be provided to visually screen parking lots from public rights of way and from abutting residential zoning districts in all of the following cases:

1. When any new parking lot is constructed that contains 10 or more parking spaces or more than 3,500 square feet of paved area; and
2. When any existing parking lot is expanded to create 10 or more new parking spaces or more than 3,500 square feet of additional paved area.

**55.050-B Requirements**

Parking lot perimeter landscaping must be provided to visually screen parking lots from public street rights-of-way and abutting residential zoning districts. Landscaping and screening is required in accordance with the S1 screening standards of [§55.090-B](#). Landscaping and screening material provided to meet the street frontage landscaping requirements of [Section 55.040](#) count toward satisfying the perimeter parking lot landscaping requirements of this section if they are in a location that provides an effective screen.

**55.050-C Materials, Design and Maintenance**

Perimeter parking lot landscaping is subject to the regulations of [Section 55.100](#).

**Section 55.060 Interior Parking lot Landscaping**

**55.060-A Applicability**

Interior parking lot landscaping must be provided in accordance with the regulations of this section in all of the following cases:

1. When any new parking lot is constructed that contains 10 or more parking spaces or more than 3,500 square feet of paved area; and
2. When any existing parking lot is expanded to create 10 or more new parking spaces or more than 3,500 square feet of additional paved area, in which case the interior parking lot landscaping requirements of this section apply only to the expanded area.

**55.060-B Requirements**

1. Interior parking lot landscaping must be provided in the form of at least one shade tree and 4 shrubs per 10 parking spaces.

2. Required interior parking lot landscaping must be provided in landscape islands.
3. Landscape islands must have an area of at least 150 square feet and be at least 8 feet in width. Combining landscape islands to form larger interior landscape areas is allowed.
4. Trees and landscape material located outside the perimeter of the parking lot may not be counted toward satisfying interior parking lot landscaping requirements. Trees and landscape material within the corners of the parking lot may be counted.
5. Landscape islands must be dispersed so that the distance between islands is no greater than 10 parking spaces, but if landscape islands are combined to form depressed bio-retention areas used for landscaping and stormwater management, the maximum allowable distance between such larger landscape islands is increased to 20 parking spaces.

*Figure 55-1: Interior Parking Lot Landscaping (Typical)*



**55.060-C Materials, Design and Maintenance**

Interior parking lot landscaping is subject to the regulations of [Section 55.100](#).

**Section 55.070 Land Use Buffers**

**55.070-A Purpose**

The land use buffer regulations of this section are intended to:

1. Screen lower density and intensity uses from higher density or intensity uses and reduce adverse visual effects and the impacts of noise, dust and odor; and
2. Tailor land use buffer requirements to suit the varying intensities of use.

**55.070-B Applicability**

The land use buffer requirements of this section apply in in all of the following cases:

1. When new development occurs; and

- When an existing development is expanded by more than 15% in terms of gross floor area, number of dwelling units or paved area.

**55.070-C Location of Land Use Buffers**

Land use buffers must be located:

- Along the perimeter of the developing lot that abuts the protected zoning district; or
- In instances where the area represented by a site plan is significantly less than the total area of the lot, the permit-issuing authority is authorized to permit the screening required between the proposed use and protected district to be located in a land use buffer surrounding the smaller area.

**55.070-D Land Use Buffer Table**

[Table 55-1](#) establishes minimum screening requirements. To determine the applicable requirement, first identify the zoning of the subject property or the proposed use type (first column). Then identify the zoning district classification of the abutting property. The intersection of the row associated with the zoning classification or use of the subject property and the column associated with the abutting zoning shows the type of screen required (See [Section 55.090](#) for an explanation of S1 and S2 screen types).

*Table 55-1: Land Use Buffer Table*

Subject Property (Zoning or Use)	Zoning of Abutting Property (Protected Districts)																
	RA-200	RA-40	RA-20	R-40	R-20	R-15	R-10	R-8	R-6	R-4	O	B-2	B-3	B-4	HC	LI	HI
B-2	S2	S2	S2	S2	S2	S2	S2	S2	S2	S2	-	-	-	-	-	-	-
B-3	S2	S2	S2	S2	S2	S2	S2	S2	S2	S2	-	-	-	-	-	-	-
B-4	S2	S2	S2	S2	S2	S2	S2	S2	S2	S2	-	-	-	-	-	-	-
HC	S2	S2	S2	S2	S2	S2	S2	S2	S2	S2	-	-	-	-	-	-	-
LI	S2	S2	S2	S2	S2	S2	S2	S2	S2	S2	-	-	-	-	-	-	-
HI	S2	S2	S2	S2	S2	S2	S2	S2	S2	S2	-	-	-	-	-	-	-
Adult Use	S2	S2	S2	S2	S2	S2	S2	S2	S2	S2	S2	S2	S2	S2	S2	S2	
Multi-unit Building	S1	S1	S1	S1	S1	S1											
Wireless Support Structure or Radio Television, or other Broadcast Support Structure (Amended 11/21/2022)	S2	S2	S2	S2	S2	S2	S2	S2	S2	S2	S2	S2	S2	S2	S2	S2	S2

**Section 55.080 Equipment Screening**

**55.080-A Purpose**

Equipment screening is intended to partially or completely shield identified site features from view of abutting streets or other abutting lots.

**55.080-B Dumpsters**

All dumpsters, must be screened from view of public rights-of-way and adjacent properties (other than properties in LI or HI zoning districts). Garbage and recycling receptacles for pedestrian use are exempt and household size containers serving individual dwelling units are also exempt. Dumpster screening must comply with at least the F1 standards of [§55.090-D](#).

**55.080-C Mechanical Equipment**

**1. Ground-mounted Equipment**

Mechanical equipment located at ground level, such as heating or cooling equipment, pumps, or generators must be screened from view of public rights-of-way and any

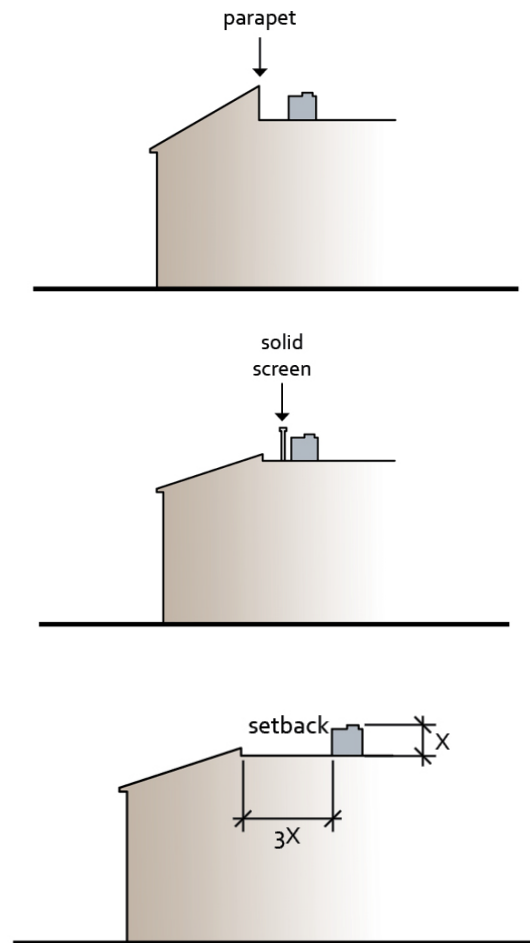
abutting R districts by walls, fences or vegetation that is at least as tall as the equipment it screens.

**2. Roof-mounted Equipment**

Mechanical equipment placed on roofs must be screened in one of the following ways, if the equipment is within 50 feet of an R zoning district:

- a. A parapet along facades facing the R district that is at least as tall as the tallest part of the equipment;
- b. A screening structure around the equipment that is at least as tall as the tallest part of the equipment; or
- c. The equipment must be set back from roof edges facing the R district 3 feet for each one foot of equipment height.

*Figure 55-2: Roof-mounted Equipment Screening Options (Parapet, Screening Wall, or Setback)*



**Section 55.090 Types of Screening**

**55.090-A Preservation of Existing Trees**

The preservation of existing canopy and understory tree species is the preferred means of meeting the minimum buffer and screening requirements of this section. Incentives are offered for use of existing mature trees (See [§55.100-A](#)).

**55.090-B S1, Low-profile Screen**

**1. Purpose**

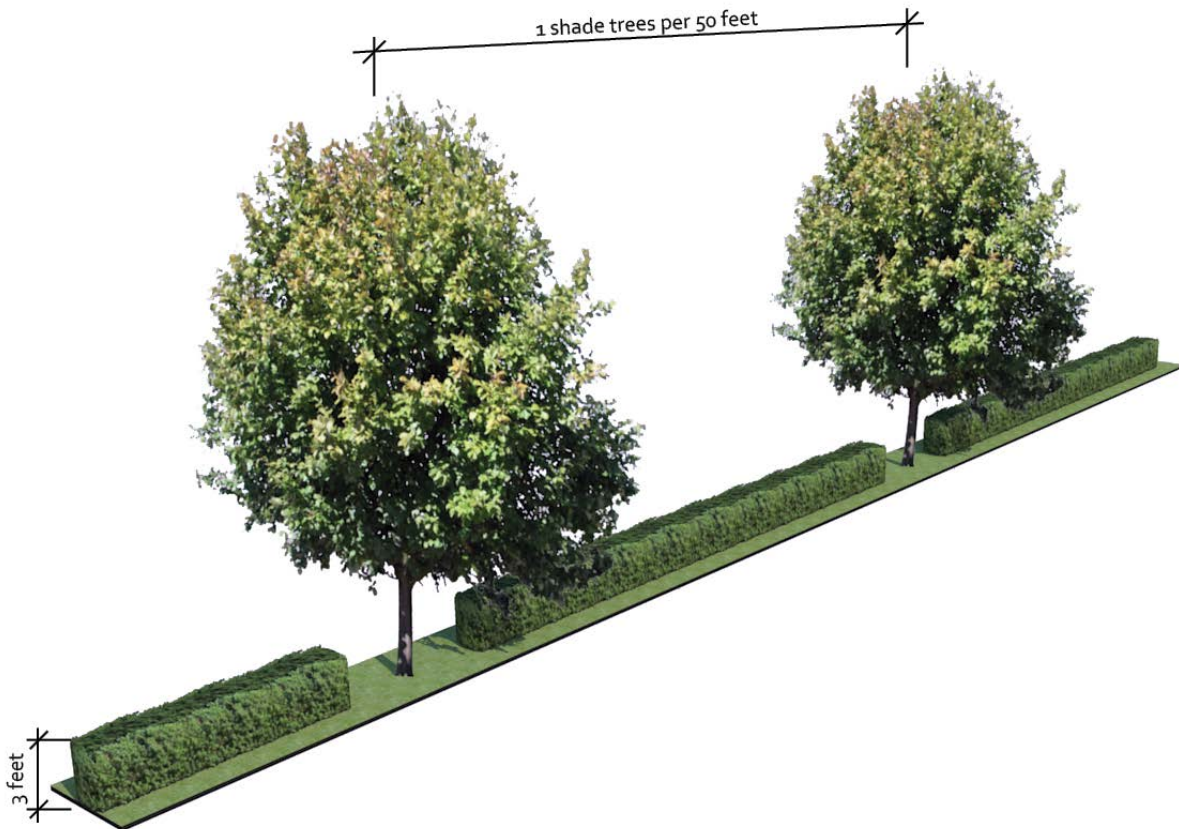
The S1, low-profile screen is intended to help soften visual impacts of certain site features and provide a defined visual “edge” along the border of lots and other site features, while maintaining some visibility of the areas required to be screened.

**2. Design**

The S1 screen requires a hedgerow, dense planting of shrubs or ornamental grasses, decorative masonry wall or any combination of such features that results in a continuous visual barrier at least 3 feet in height. In addition, at least one tree is required per 50 linear feet of screen. Required trees may be clustered or irregularly spaced, but the maximum spacing of trees may not exceed 100 feet on-center. Vegetative material used as a screen must have a minimum height of 18 inches at the time of installation, with a height at maturity of at least 3 feet.

- 3.** A minimum width of 10 feet must be provided for all screening areas. *(amended 5-18-2015)*

*Figure 55-3: S1 Screen (Typical)*



**55.090-C S2, High-profile Screen**

**1. Purpose**

The S2, high-profile screen is intended to be used in those instances where physical and visual separation is needed to buffer high-intensity land uses and site features from lower intensity land uses.

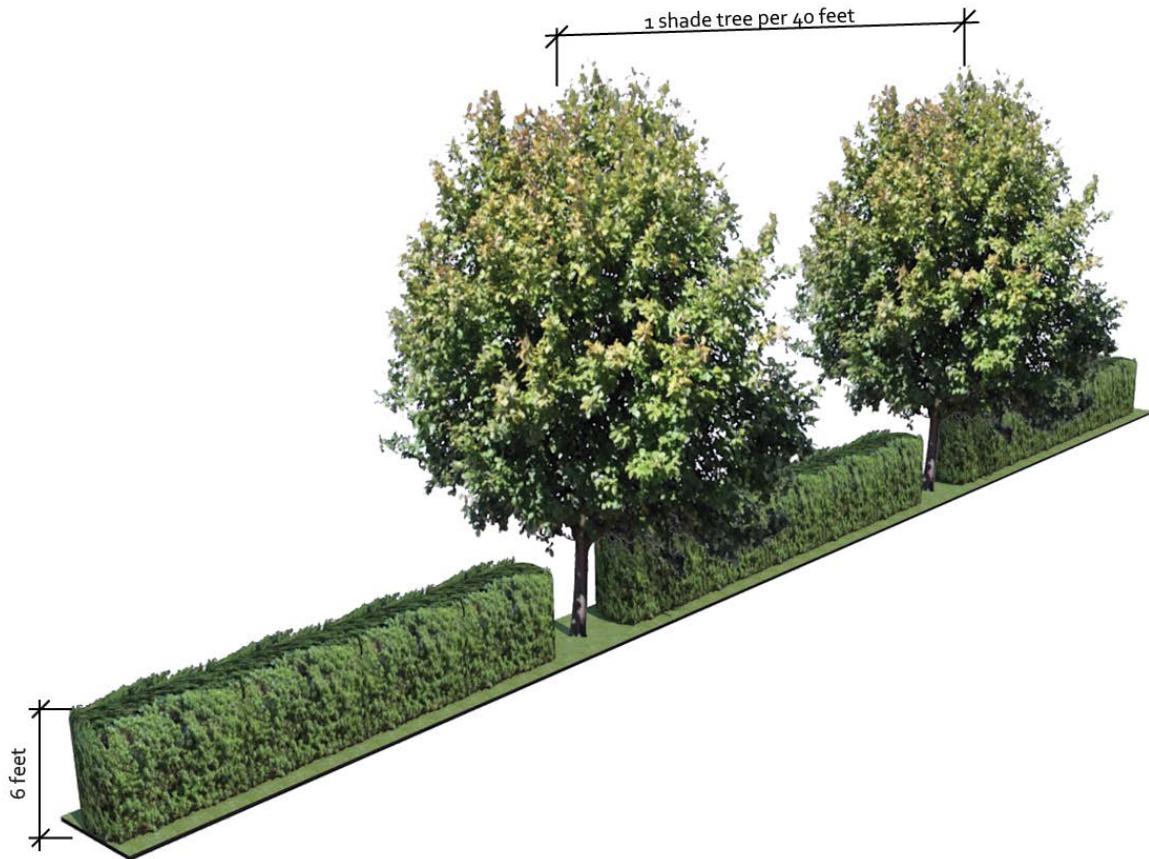


**2. Design**

The S2 screen requires trees, shrubs and ground cover plants that form a continuous visual barrier at least 6 feet in height. In addition, one tree is required per 40 linear feet of screen. Required trees may be clustered or irregularly spaced, but the maximum spacing of trees may not exceed 80 feet on-center. A 6-foot-high masonry wall may be substituted for the required shrubs, but trees and ground cover plants are still required.

3. A minimum width of 10 feet must be provided for all screening areas. *(amended 5-18-2015)*

*Figure 55-4: S2 Screen (Typical)*



**55.090-D F1, Screening Fence or Wall**

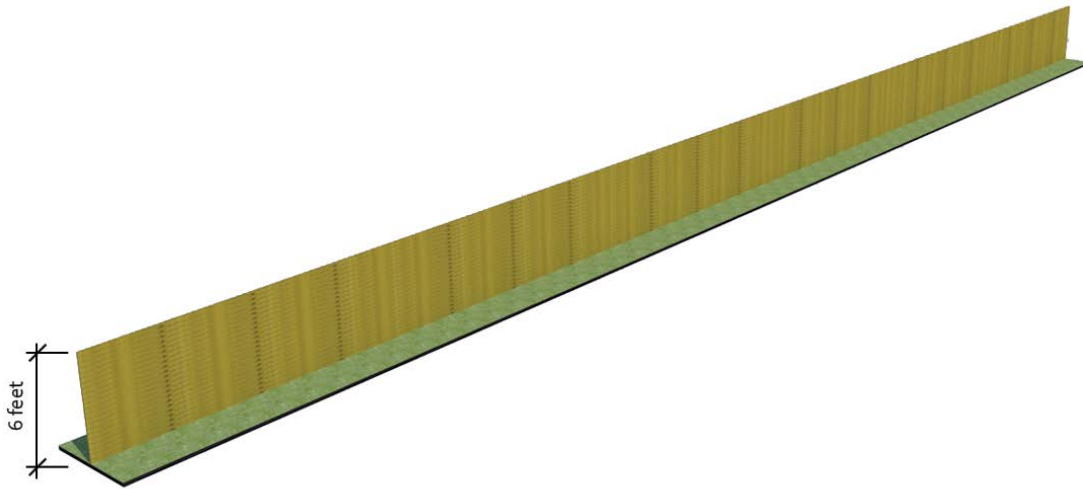
**1. Purpose**

The F1, screening fence or wall is intended for use in those instances where a complete visual barrier is needed but where landscaping is generally not a practical solution.

**2. Design**

F1 fences or walls must be completely opaque and at least 6 feet in height. F1 fences may be made of wood, metal, or masonry construction.

Figure 55-5: F1 Screening Fence or Wall (Typical)



## Section 55.100 Materials, Maintenance and Design

### 55.100-A Existing Trees and Vegetation

Existing trees and vegetation may be counted toward satisfying the landscaping and screening regulations of this article. Any preserved tree with a diameter at breast height of at least 6 inches and any newly planted tree with a minimum caliper size of 4 inches or more is counted as 2 trees for the purpose of determining compliance with the minimum tree planting requirements of this article, provided there is no alteration of the soil grade under an existing tree's drip line.

### 55.100-B Plant Selection and Installation

1. Trees and plants selected for required landscape areas must be well-suited to the climate and on-site soil conditions. Tree and plant species used to satisfy the minimum requirements of this article must be rated for survival in USDA Plant Hardiness Zone 7b.
2. Trees and plant material must comply with the specifications found in *American Standards for Nursery Stock* (ANSI Z60.1).
3. All required landscaping must be installed in conformance with the practices and procedures established by the most recent edition of the American Standard for Nursery Stock (ANSI Z60.1) as published by the American Association of Nurserymen.
4. Required landscaping must be installed in accordance with the landscape plan approved pursuant to [Section 55.110](#).
5. All landscaped areas adjacent to parking, driveways adjacent to pavement shall be protected with curbs or equivalent barriers.
6. Trees and landscaping must be located and maintained so as not to interfere with utilities, street lighting and traffic control devices.

**55.100-C Maintenance and Protection**

1. The property owner is responsible for the maintenance and protection of all required landscaping and screening, in accordance with American Standard for Nursery Stock (ANSI Z60.1) as published by the American Association of Nurserymen
2. Failure to maintain landscaping is a violation of this ordinance.

**55.100-D Tree and Plant Species**

Tree and plant species listed in the North Carolina Department of Transportation's *Invasive Exotic Plants of North Carolina* may not be credited toward satisfying the landscaping and screening requirements of this article.

**55.100-E Trees**

1. Ornamental and understory tree species planted to satisfy the tree planting requirements of this article must have a 2-inch minimum caliper size and a minimum height of 6 feet at the time of planting.
2. Conifers or evergreen tree species planted to satisfy the tree planting requirements of this article must have a minimum height of 6 feet at the time of planting.
3. Canopy tree species planted to satisfy the tree planting requirements of this article must have a 2.5-inch minimum caliper size and a minimum height of 8 feet at the time of planting.

**55.100-F Shrubs, Ornamental Grasses and Perennials**

Shrubs, ornamental grasses and perennials planted to meet the requirements of this article must be of sufficient size and number to meet the required coverage and height standards within 2 years of planting.

**55.100-G Ground Cover**

All required landscape areas that are not planted with trees and shrubs must be planted in ground cover plants, which may include grasses. Mulch (as a ground cover) must be confined to areas underneath trees and plants and is not an allowed substitute for ground cover plants.

**55.100-H Artificial Plants**

Artificial plants trees or other artificial vegetation may not be used to meet the requirements of this article.

**Section 55.110 Landscape Plans**

All applications for development and construction activities that are subject to the landscape and screening regulations of this article must be accompanied by a landscape plan. No building permit or similar authorization may be issued until the administrator determines that the landscaping and screening regulations of this article have been met.

**Section 55.120 Alternative Compliance Landscape and Screening Plans**

In order to accommodate creativity in landscape and screening design and to allow for flexibility in addressing atypical, site-specific development/redevelopment challenges, permit-issuing authorities are authorized, after receipt of the required application and fee, to approve alternative compliance landscape plans when they determine that one or more of the following conditions are present:

- 55.120-A** The site has space limitations or an unusual shape that makes strict compliance impossible or impractical;
- 55.120-B** Conditions on or adjacent to the site such as topography, soils, vegetation or existing structures or utilities are such that strict compliance is impossible, impractical or of no value in terms of advancing the general purposes of this chapter;
- 55.120-C** Safety considerations such as intersection visibility, utility locations, etc., make alternative compliance necessary; or
- 55.120-D** Creative, alternative landscape plans will provide an equal or better means of meeting the intent of the landscaping and screening regulations of this article.

## **Section 55.130 Outdoor Lighting**

### **55.130-A Applicability and Exemptions**

The outdoor lighting regulations of this section apply to all outdoor lighting installed after the effective date specified in [Section 1.030](#), except that they do not apply to any of the following:

1. Outdoor lighting on lots occupied by residential buildings containing fewer than 4 dwelling units;
2. Street lights on public or private streets;
3. Airport runway and aviation safety lights required by the FAA (e.g., warning lights on radio, communication and navigation towers);
4. Lighting of official government flags;
5. Outdoor lighting used for emergency equipment and work conducted in the interest of law enforcement or for public health, safety or welfare;
6. Pedestrian-oriented lighting mounted no more than 5 feet above grade;
7. Outdoor lighting used for a temporary event lasting no more than 10 days; and
8. Temporary holiday light displays.

### **55.130-B Permitting**

A zoning permit is required for the construction, modification, or expansion of all nonresidential outdoor lighting unless otherwise expressly exempted from regulation as set forth in Section 55.130-A. *(amended 8-6-2018)*

### **55.130-C General Standards**

All outdoor lighting must comply with the following general standards:

#### **1. Safety**

Lighting must provide sufficient and safe illumination for motorized and non-motorized circulation on the subject lot.

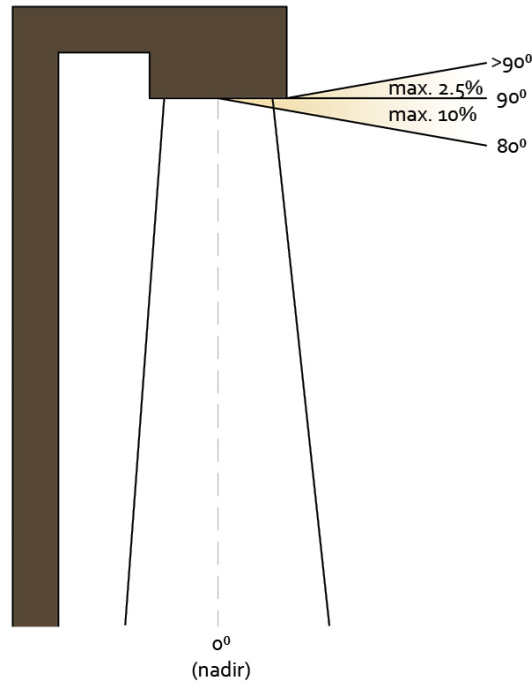
#### **2. Canopy-Mounted Lights**

Canopy lighting (e.g., gas stations) must include recessed fixtures with diffusers that do not extend below the canopy surface.

### 3. Shielding

Light sources must be concealed or shielded with cutoffs so that no more than 2.5% of the light emitted directly from the lamp or indirectly from the fixture is projected at an angle of more than 90 degrees above nadir and no more than 10% of the light emitted directly from the lamp or indirectly from the fixture is projected at an angle of more than 80 degrees above nadir.

Figure 55-6: Required Shielding



### 4. Spillover Light

Illumination along the lot line of the subject property may not exceed 0.5 foot-candles when abutting a residential zoning district and may not exceed 3.0 foot-candles when abutting any other zoning district or public right-of-way. Maximum illumination levels are measured 3 feet above grade or from the top of any screening fence or wall along the property line.

## 55.130-D Lighting Plans

### 1. General

Outdoor lighting plans demonstrating compliance with the standards of this section are required with the submittal of a site plan. If no outdoor lighting is proposed, a note must be placed on the face of the site plan indicating that no outdoor lighting will be provided. Applicants have 2 options for the format of the required lighting plan:

- a. Submit a lighting plan that complies with the fixture height lighting plan requirements of [§55.130-D2](#); or
- b. Submit a photometric plan demonstrating that compliance will be achieved using taller fixture heights, in accordance with [§55.130-D3](#).

**2. Option 1: Fixture Height Standard Lighting Plan**

Option 1 (Fixture Height Standard Lighting Plans) establishes maximum light fixture heights but does not require submittal of a detailed photometric plan. A fixture height lighting plan must demonstrate compliance with the general standards of [§55.130-B](#).

**a. Information Required**

Fixture height standard lighting plans must include at least the following:

- (1) A scale drawing of the site with all outdoor lighting locations shown;
- (2) Fixture specifications, including catalog cut-sheets or generic standards;
- (3) Pole type and height of fixture;
- (4) Lamp type and size;
- (5) Fixture mounting and orientation; and
- (6) A statement signed by the property owner indicating that the proposed lighting complies with the provisions of this ordinance, including the provisions of [§55.130-B](#). The statement must include the owner's acknowledgement that outdoor lighting found to be in violation will be required to be removed, relocated or otherwise redesigned to achieve compliance.

**b. Maximum Fixture Heights**

- (1) Maximum allowed light fixture heights are based on the (ground-level) horizontal distance between the light pole and any residential zoning district or public right-of-way, as established in [Table 55-2](#):

*Table 55-2: Maximum Light Fixture Heights*

Light Pole Distance from Property Line or Public Right-of-Way (feet)	Maximum Fixture Height (feet)
15-50	16
50.01-250	20
More than 250	30

- (2) Allowable heights of light fixtures must be measured from the light-emitting surface to finished grade at the base of the pole.

**c. Shielding and Orientation**

All outdoor lighting shown on the fixture height standard lighting plan must use shielded fixtures. Light fixtures must be parallel to final grade and installed so that no direct light will shine beyond the subject property. The height and location of light poles and type fixtures are subject to approval through the site plan process.

**3. Option 2: Photometric Study**

Option 2 (Photometric Study Lighting Plan) does not establish maximum fixture heights. Instead, it requires preparation and submittal of a photometric study prepared by an electrical engineer or qualified lighting professional with demonstrated experience in preparing such studies. The lighting plan must provide sufficient detail to demonstrate that all applicable outdoor light standards will be met, including the general standards of [§55.130-B](#). The photometric study must include at least the following:

- a. A scale drawing of the site with all outdoor lighting locations shown;

- b. Fixture specifications, including catalog cut-sheets or generic standards;
- c. Lamp type and size;
- d. Fixture mounting heights, mounting orientation, and tilt angles if applicable; and
- e. A representative point-by-point illumination array for the site showing property lines and all off-site lighting impacts.

**55.130-E Measurement of Illumination**

For analysis and enforcement purposes, light levels must be measured with a direct-reading, portable light meter, calibrated annually by an independent laboratory regularly engaged in the calibration of such instruments. The meter's sensor must be located at the top of the visual screening fence or wall along on the property line (or at a height of 3 feet above finished grade at the property line if there is no fence or wall), aimed towards the subject property in horizontal position. Readings must be recorded after the value has stabilized. Measurements are made after establishment of darkness with the light sources to be measured illuminated, and then with those light sources extinguished. The difference between these 2 readings will then be compared to the maximum allowed illumination at the property line. In this way, contributions to light levels by the moon and other ambient light sources are eliminated and the light intensity from the subject light sources can be determined.

## Article 60 | Development Standards

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### Section 60.010 Purpose and Intent

**60.010-A** The regulations of this article establish requirements for designing and installing infrastructure and improvements in subdivisions and developments within the jurisdiction of this UDO. These standards are intended to:

- a. Protect the public health, safety and welfare;
- b. Promote the orderly growth and development of the county; and
- c. Ensures the timely and coordinated provision of required transportation improvements, utilities and other public facilities and services to new subdivisions and developments.

**60.010-B** The planning director or designee is authorized to create a Development Guide to assist users of the UDO with navigating through the various planning processes. Any such Development Guide will be intended to supplement understanding of this UDO, but in no event shall any information contained therein be considered to supersede any requirements or provisions of this UDO. The Development Guide may include checklists and applications needed for various submittals. Any such Development Guide may be found on the Planning Department’s webpage on the Union County website, or by contacting the Planning Department. (amended 8-6-2018) (amended 8-5-2019)

### Section 60.020 Infrastructure and Improvements Required

**60.020-A** Developers are responsible for the construction and installation of the following infrastructure and improvements, in accordance with the standards of this UDO.



1. Survey monuments;
2. Streets within the development and improvements to existing streets that border the development;
3. Sidewalks and trails (*amended 5-18-2015*);
4. Water supply and wastewater systems;
5. Grading, surface drainage and erosion control measures;
6. Stormwater management improvements;
7. Utilities;
8. Street Lights (*amended 5-18-2015*);
9. Street Trees (*amended 5-18-2015*); and
10. Any other on- or off-site infrastructure or improvements required by this ordinance or required at the time of plan or plat approval.

**60.020-B** If a developer files a final plat for only a portion of the subdivision for which a preliminary plan was approved, the improvements required to be constructed, installed, and maintained in accordance with that final plat are those improvements that the planning department director determines to be necessary to serve the lots shown on the proposed final plat. (*updated 8-5-2019*)

**60.020-C** All improvements must be designed and installed so as to provide for a logical inter-connected system of infrastructure and to create continuity of improvements for the development of adjacent properties.

**60.020-D** Upon installation and construction of all required infrastructure and improvements, the developer may seek acceptance of improvements to be dedicated to the public by submitting the required number of as-built (record) plans. In addition, the developer must provide a statement signed by a registered professional engineer that all required improvements have been installed and constructed in accordance with the submitted as-built plans.

**60.020-E** The developer is responsible for maintenance of all required infrastructure and improvements, including rights-of-way, to the standards of this ordinance until such time as a unit of government, public or private utility, property owners association, lot owner, or other legal entity assumes formal, legal responsibility for maintenance of the infrastructure and improvements. Final plats must include the developer's signed and notarized acknowledgment of this responsibility.

## **Section 60.030 Performance Guarantees and Security**

### **60.030-A Purpose**

Performance guarantee and security requirements are established for the purpose of ensuring that developers properly install infrastructure and improvements required by this ordinance in a timely manner, in accordance with approved plans.

### **60.030-B Term**

The term of a performance guarantee shall initially be one year, unless the developer determines that the scope of work for the required infrastructure and improvements necessitates

a longer duration. In the case of a bonded obligation, the completion date shall be set one year from the date the bond is issued, unless the developer determines that the scope of work for the required infrastructure and improvements necessitates a longer duration. If the infrastructure and improvements are not completed to the specifications of the county and the current performance guarantee is likely to expire prior to completion of the required infrastructure and improvements, the performance guarantee shall be extended, or a new performance guarantee issued, for an additional period. An extension under this subsection shall only be for a duration necessary to complete the required infrastructure and improvements. If a new performance guarantee is issued, the amount shall be determined by the procedure set forth in §60.030-C and shall include the total cost of all incomplete infrastructure and improvements. A developer shall demonstrate reasonable, good faith progress toward completion of the required infrastructure and improvements that are secured by the performance guarantee or any extension. (Amended 7-1-2021)

#### **60.030-C Form and Amount of Security**

1. Security must be in the form of an irrevocable letter of credit issued by any financial institution licensed to do business in North Carolina, a surety bond issued by any company authorized to do business in North Carolina, cash or other form of guarantee that provides equivalent security to a surety bond or irrevocable letter of credit. The performance guarantee and security must be conditioned upon the performance of all work necessary to complete the required infrastructure and improvements. The developer shall have the option to post one type of a performance guarantee as provided for in this subsection, in lieu of multiple irrevocable letters of credit, bonds, or other equivalent security, for all development matters related to the same project requiring performance guarantees. (Amended 7-1-2021)
2. The amount of the performance guarantee must equal to 125% of the reasonably estimated total cost of completion of the required infrastructure and improvements at the time the performance guarantee is issued, as determined by subsection (3) below. (Amended 7-1-2021)
3. The estimated total cost of required infrastructure and improvements must be itemized by improvement type and certified by the developer's registered professional engineer. In the case of minor subdivisions, the applicant's registered professional engineer or other licensed or registered professional as authorized by North Carolina General Statute, may provide the itemized cost estimate. Cost estimates must be based on industry norms within Union County. The cost estimate shall include 100% of the costs for labor and materials necessary for completion of the required infrastructure and improvements. Where applicable, the costs shall be based on unit pricing. The additional 25% allowed hereunder includes inflation and all costs of administration regardless of how such fees or charges are denominated. (Amended 7-1-2021)

#### **60.030-D Draws Against Security**

If the subject developer fails to properly install required infrastructure and improvements within the term of the guarantee, the security will be deemed in default. In the case of default, the county is authorized to use the security funds to complete the required infrastructure and improvements or to contract for installation of the required infrastructure and improvements. In the event of default or in cases where the security is inadequate to cover the

cost of installing required infrastructure and improvements, the developer is responsible for paying any excess costs.

#### **60.030-E Release of Performance Guarantee**

1. Once the conditions of the performance guarantee have been completed to the satisfaction of the appropriate agencies the security must be released. (Amended 7-1-2021)
2. No financial guarantee may be released until all required certifications of completion have been provided.
3. Once all required infrastructure and improvements within the development or an approved phase of the development have been certified to be at least 50% complete, the security may be reduced by the ratio that the completed improvements bear to the total improvements required for the development or approved phase of development, provided that no more than one such reduction may be permitted prior to full release of the security.

#### **Section 60.040 Reserved (Amended 7-1-2021)**

#### **Section 60.050 Property Owners Associations**

##### **60.050-A Establishment**

If property owners will be responsible for the maintenance and control of streets, open space, recreational facilities, or other infrastructure or improvements within a subdivision, a property owners association must be established. The property owners association must have legal authority to maintain and exercise control over the common areas and facilities to be maintained, including the power to compel contributions from residents or property owners to cover their proportionate share of the costs associated with maintenance.

##### **60.050-B Documentation**

1. Documents providing for the establishment of a property owners association must be submitted to the administrator before approval and recordation of the final plat.
2. The county's review is limited to ensuring that the property owners association has clear legal authority to maintain and exercise control over the common areas and facilities, including the power to compel contributions from residents and property owners to cover their proportionate share of the costs associated with the maintenance of the common areas and facilities.

#### **Section 60.060 Survey Monuments and Markers**

Permanent survey monuments and markers must be installed in accordance with NCGS 39-32 and 47-30.

#### **Section 60.070 Lots and Access**

##### **60.070-A Lots**

1. The size, shape and orientation of lots must comply with applicable zoning district standards and be appropriate for the location, topography and physical features present and for the type of development and use contemplated.

2. Minimum lot dimensions, building setback lines and lot areas must conform to applicable zoning district requirements.

**60.070-B Access to Lots**

Every lot must front on or have access to a public or private street or a private drive that complies with all applicable standards of this ordinance. See also Section 60.100 and Section 60.110 for information about private drives and public and private streets.

**60.070-C Access to Major Streets or Highways**

1. When a tract of land to be subdivided or developed abuts a freeway, expressway or boulevard street, the county or NCDOT may require that the developer take one or more of the following actions:
  - a. Provide a frontage road parallel to the major street or highway;
  - b. Utilize reverse frontage and take access to an interior street for the lots abutting the major street or highway;
  - c. Limit the number of driveways accessing the major street or highway; and
  - d. Establish deed restrictions or other legally enforceable means of preventing private driveway access to the major street or highway.
2. Whenever a tract proposed for subdivision borders on or contains an existing or proposed boulevard, then all lots created out of such tract must have sufficient frontage on another (non-boulevard) street (either pre-existing or created as part of the subdivision) so that direct access to such lot need not be provided by the boulevard 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 must expressly indicate a limitation on driveway access to the boulevard street for those lots that have alternative access.
3. Traffic service and land access are necessary but conflicting functions of a highway system. Although boulevard streets provide both traffic service and limited access, access is a secondary function that must 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 [§60.070-C2](#) is not reasonably practicable.
  - a. The term "access control," as used in this subsection, refers to all techniques intended to minimize the traffic interference associated with driveway access.
  - b. To separate basic conflict areas and gain some semblance of access control, techniques that 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.
  - c. Where highway speed is 55 mph, driveway spacing must be at 300-foot intervals or greater. Where highway speed is 45 mph, spacing must be at 230-foot intervals or greater.

- d. Adjacent or adjoining lots with small highway frontages may be required to share access along one driveway.
- e. Whenever separate or single parcels are assembled under one purpose, plan, entity, or usage, consolidation of existing direct access is required to the extent feasible. Approval depends on the developers' plans to use existing driveways, close other existing driveways, and/or redesign and rebuild some existing driveways. However, the number of access points may not exceed the limits provided in this subsection, based on highway frontage.
- f. Decision-making bodies are authorized to approve deviations from the access control standards of this subsection when the technical feasibility (the geometric design and operational requirements for implementation) does not compromise the "access control" and when the decision-making body determines, based on evidence provided by the applicant, that the lots in question could not be developed without such deviations or 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 subsection.

Lot Frontage	Maximum Number of Driveways
Less than 500 feet	1
Greater than 500 feet but less than 1,000 feet	2
Greater than 1,000 feet.	3

#### 60.070-D Flag Lots

- 1. The creation of flag lots is prohibited, except that flag lots may be approved when the authorized decision-making authority determines that a flag lot is necessary to address one or more of the following circumstances:
  - a. To avoid direct access onto boulevard or thoroughfare streets;
  - b. 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 without creating substantially adverse effects on neighboring properties or the public health or safety;
  - c. When a flag lot would provide greater protection of natural resources areas (e.g., streams); or
  - d. To help hide or conceal utility buildings/substations, or wireless support structures or radio, television, or other broadcast support structures- (Amended 11/21/2022)
- 2. Under no circumstances may a flag lot be created if the effect is to increase the number of access points onto a boulevard or thoroughfare street.
- 3. A flag lot may be used only for a detached house (including any uninhabited accessory structures); a utility; or a wireless support structure or a radio, television, or other broadcast support structure (when permitted by zoning). (Amended 11/21/2022)
- 4. The flagpole section of the flag lot may not exceed 200 feet in length.
- 5. The flagpole section of the lot must have a minimum width of at least 20 feet for its entire length.

6. Use of a single driveway to serve abutting flag lots or to serve a flag lot and an abutting conventional lot is permitted and encouraged. In the latter case, the preferred location for the driveway is on the flagpole portion of the flag lot, with the conventional lot granted an access easement over the flagpole.

### Section 60.080 Driveways and Entrances

**60.080-A** All driveway entrances and other openings onto streets must be constructed so that:

1. Vehicles can enter and exit from the lot in question without posing any substantial danger to motorized or non-motorized traffic; and
2. Interference with the free and convenient flow of traffic on abutting or surrounding streets is minimized.

**60.080-B** Driveway entrances and other openings onto streets that are constructed in accordance with NCDOT's *Policy on Street and Driveway Access to North Carolina Highways* are deemed to be prima facie evidence of compliance with the standard set forth in [§60.080-A](#).

**60.080-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 the specific evidence alone that the proposed development complies with [§60.080-A](#).

**60.080-D** As provided in [Section 60.160](#), developers may be required to submit a traffic impact analysis.

### Section 60.090 Blocks

**60.090-A** The length, width and shape of blocks must be suited for the planned use of the land, and need for convenient access, control and safety of street traffic and the limitations and opportunities relating to the terrain and natural environment.

**60.090-B** Blocks may not exceed 660 feet in length in residential subdivisions with a gross density of 4 or more dwelling units per acre. In nonresidential subdivisions and lower density residential subdivisions blocks may not exceed 1,320 feet in length. The administrator is authorized to allow longer block lengths if topography, sensitive natural resources or other physical constraints make shorter block lengths undesirable or impractical. If blocks exceed 800 feet in length, the administrator is authorized to require the provision of emergency vehicle access routes, pedestrian connections (easements), crosswalks and other pedestrian access features that provide safe and adequate vehicle access and pedestrian connections to schools, playgrounds, shopping areas, transportation and other community facilities in the area.

**60.090-C** Blocks must have a width that accommodates 2 rows of lots, except when reverse frontage along major streets is provided or where prevented by topographic conditions or size of the property or location next to a boulevard.

### Section 60.100 Private Drives

#### 60.100-A When Allowed

Any number of existing and newly created lots that each have a minimum lot area of at least 10 acres may take their required access from an existing, new or extended private drive. In addition, any lot of record as of February 14, 1978, may be divided one time to create up to 2 additional lots that have their required access from a private drive.

### 60.100-B Standards

1. All private drives created after the effective date specified in [§65.010-C](#) must be provided within a perpetual access easement that must be officially recorded with the register of deeds.
2. Access easements for private drives must be at least 20 feet in width and be the subject of a binding maintenance agreement among all current and future owners of lots that take access to the private drive. *(amended 5-18-2015)*

## Section 60.110 Public and Private Streets and Sidewalks

### 60.110-A General; Applicability

Except as expressly allowed by [Section 60.100](#), all lots created after the effective date specified in [Section 1.030](#) must have access to a public or private street, provided that any residential subdivision that includes 25 or more lots and that is served by newly created public streets may create up to 2 lots with access to a private drive. The street and sidewalk standards of this section apply to all public and private streets unless otherwise expressly stated.

### 60.110-B Design

Streets within developments must conform to the arrangement, width and location indicated in the comprehensive plan, comprehensive transportation plan and any other adopted transportation plans, so long as conformance is not inconsistent with the character or scale of the proposed development, as determined by the permit-issuing authority. In addition, the street system must be laid out and designed with due regard for topography and drainage and to: *(amended 10-1-2018)*

1. Create an integrated system of lots, streets, and infrastructure that provides for efficient movement motor vehicles and non-motorized modes of transportation, both within the development and to and from adjacent developments;
2. Provide for the efficient movement of through traffic by providing an interconnected network of streets in order to avoid isolation of development areas and over-reliance on major roads; and
3. Be uncomplicated, so that emergency services, public services, and visitors can find their way to their intended destinations.

### 60.110-C Street Rights-of-Way *(amended 10-1-2018)*

1. Streets must have a right-of-way width that will safely accommodate motorized and non-motorized transportation improvements, street cross-sections and roadway drainage facilities. *(amended 10-1-2018)*
2. When a proposed development has frontage on an existing public street, right-of-way must be dedicated and improved to meet the requirements of this ordinance. For existing streets on which a proposed development has frontage, the applicant must:
  - a. Dedicate 30 feet, as measured from the centerline, claimed by the NCDOT for maintenance purposes; and *(amended 5-18-2015 and 10-1-2018)*
  - b. Install any required sidewalks or multi-use paths as identified in the Comprehensive Transportation Plan. *(amended 5-18-2015)(amended 10-16-2023)*

3. Right-of-way dedication and sidewalk installation must extend for the full length of street frontage of the property under development and must conform to the standards of this ordinance.
4. Utilities installed in public rights-of-way or along private streets must comply with the requirements of [Section 60.190](#) and Union County public works requirements.
5. Half streets (i.e., streets of less than the full required right-of-way and pavement width) are prohibited except when 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.

#### **60.110-D Street Standards**

1. Unless otherwise expressly stated in this ordinance, all public and private streets must be constructed in accordance with standards established by the North Carolina Department of Transportation (NCDOT) Division of Highways, including all standards of design and construction, including right-of-way-widths.
2. All new streets must have 10 inches of ABC or 5 inches of B25.0C (Asphalt Concrete Base Course) and 2 lifts of S9.5B (Asphalt Concrete Surface Course) with a minimum depth of 1.5 inches for each lift. The first 1.5-inch lift of S9.5B must be placed immediately upon the properly prepared base course. The final 1.5-inch lift of S9.5B surface course must be placed on the intermediate surface course once the development or approved phase of the development has received 75% of the occupancy permits for the development or approved phase of development. All known base course and intermediate course failures must be repaired before application of the final 1.5-inch lift of asphalt surface course.
3. When private streets are proposed, the developer will be solely responsible for payment of all engineering, construction and other costs related to installation of the private streets. The county will coordinate street plan review and construction inspection with a private engineering firm, selected by Union County. All plans must be signed and sealed by a North Carolina registered professional engineer. The developer is responsible for providing required funds to the county, and the county, in turn, will be responsible for contracting with the review engineering firm, scheduling and payment for all review and inspection fees incurred from funds provided in advance by the developer. Final Plats will not be released until the review engineer provides written approval of the street profiles and states that "the streets are designed in accordance with NCDOT Subdivision Roads Minimum Construction Standards." Performance guarantees and construction security (See [Section 60.030](#)) may not be released until the review engineer provides a geotechnical report and certifies that all work has been completed and constructed in accordance with NCDOT *Subdivision Roads Minimum Construction Standards*, signed and sealed.

#### **60.110-E Coordination with Surrounding Streets**

1. The street connection and coordination standards of this section apply to all residential subdivisions containing more than 50 lots.
2. A coordinated, interconnected street network is important to:



- a. Provide safe, convenient, and efficient means of access to lots;
  - b. Promote orderly development patterns;
  - c. Facilitate the effective and efficient provision of emergency and public services; and
  - d. Avoid degradation of the traffic carrying capacity on the major street network.
3. The street system within a development must be coordinated with existing, proposed and anticipated streets outside the development or outside the portion of a single tract that is being divided into lot.
  4. Streets must intersect with surrounding boulevard and thoroughfare streets at safe and convenient locations. *(amended 10-1-2018)*
  5. Public streets in new developments must connect with public streets in adjacent developments and provide for future extension of streets into adjacent areas that are likely to be developed in the future. Public street connection requirement waivers may be approved if topography, sensitive natural resources or other physical constraints make such connections undesirable or impractical.
  6. Whenever connections to anticipated or proposed surrounding streets are required by this section, the street right-of-way must 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. Streets proposed for future extension ("stub streets") must be terminated with temporary turnarounds when more than 3 lots have access solely from the stub street. Stub streets are subject to the maximum cul-de-sac length standard of [§60.110-F](#).
  7. Temporary turnarounds must comply with NCDOT standards.
  8. The developer must post a sign at the terminus of all temporary stub streets indicating that the stub street will be opened to through traffic when the adjacent property is developed. The sign must state "FUTURE THROUGH STREET. TO BE CONNECTED WHEN ABUTTING PROPERTY DEVELOPS." The county may provide specifications for required signs.

#### **60.110-F Cul-de-Sacs**

1. Cul-de-sacs streets may not exceed 1,320 feet in length or provide sole access to more than 20 dwelling units. The length of a cul-de-sac street is measured from the center point of its turnaround, along the centerline of its right-of-way to the nearest edge of the right-of-way of the nearest intersecting street.
2. Turnarounds at the end of cul-de-sac streets must be constructed in accordance with NCDOT standards.
3. If a cul-de-sac is longer than 800 feet, the county is authorized to require the provision of a pedestrian access easement to provide safe and convenient pedestrian access between the terminus of the cul-de-sac and any adjacent areas. Such pedestrian access easements must have a minimum width of 10 feet.

### 60.110-G Sidewalk, Curb and Gutter Requirements

1. 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 streets must be constructed to meet the standards set forth in this section.
2. Local streets must 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 have a lot area of at least 20,000 square feet. In addition, whenever curb and gutter is required pursuant to this section, a sidewalk must be installed along one side 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, local streets and curb and gutter must be constructed in accordance with NCDOT standards and/or any standards specified in this ordinance. *(amended 5-18-2015)*
3. Thoroughfare/collector streets must be constructed with curb and gutter in all zoning districts, unless (i) the thoroughfare street is located within a residential district and (ii) all lots in the residential subdivision within which the thoroughfare street is located have a lot area of at least 20,000 square feet. In addition, whenever curb and gutter is required pursuant to this section, sidewalks must 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, thoroughfare streets and curb and gutter must be constructed in accordance with NCDOT standards and/or any standards specified in this ordinance. *(amended 5-18-2015)*
4. The maximum grade at any point on a street constructed without curb and gutter is 8%.
5. Boulevard and thoroughfare streets must be consistent with the Comprehensive Transportation Plan and be constructed in accordance with the standards established by NCDOT. *(amended 10-16-2023)*
6. The sidewalks required by this section must be at least 5 feet in width and constructed in accordance with NCDOT standards, except that the permit-issuing authority is authorized to allow the installation of walkways constructed with other suitable materials when it concludes that:
  - a. Such walkways would serve the residents of the development as adequately as concrete sidewalks; and
  - b. Such walkways would be more environmentally desirable or more in keeping with the overall design of the development.
7. Whenever the permit-issuing authority finds that a means of pedestrian access is necessary from a subdivided development to schools, parks, playgrounds, or other streets or facilities the developer may be required to install a sidewalk along the limits of the development adjacent to the public street. If such access cannot be 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. *(amended 5-18-2015)*

8. As provided in NCGS 136-44.14, whenever curb and gutter construction is used on streets, wheelchair ramps must be provided at intersections and other major points of pedestrian flow. Wheelchair ramps and similar accessibility features must be constructed in accordance with NCDOT standards. *(Amended 7-1-2021)*

**60.110-H Multi-use Trails** *(section added 5-18-2015)*

1. Trails shall be designed for exclusive use of non-motorized users (with the exception of motorized wheelchairs).
2. Trails may be unpaved. Trails must be a minimum width of 5 feet. Unpaved trails must be constructed with 4 inch depth of compacted pit gravel, CABG, or RAP (or other types of surfaces reviewed on a case by case basis by the Planning Department).
3. The trail shall be located a minimum of 3 feet from any other road right-of-way, trees, poles, or other obstacles.
4. If the trail intersects with a road right-of-way, posts or bollards shall be installed at the intersection to prevent unauthorized motor vehicle access. The intersection shall bear warning signs about bicycle and pedestrian crossing.
5. The vertical clearance along the trail shall be a minimum of 8 feet.
6. The longitudinal grades shall be a maximum of 5%, and the cross slope shall be no greater than ¼ inch per foot from the centerline.
7. Curves shall have a minimum radius of 95 feet.

**60.110-I Street Intersections**

1. Streets must intersect as nearly as possible at right angles, and no 2 streets may intersect at less than 60 degrees. No more than 2 streets may 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.
2. Whenever possible, proposed intersections along one side of a street must coincide with existing or proposed intersections on the opposite side of such street. In any event, when a centerline offset (jog) occurs at an intersection, the distance between centerlines of the intersecting streets must be at least 150 feet.
3. Except when no other alternative is practicable or legally possible, no 2 streets may intersect with any boulevard street on the same side at a distance of less than 1,000 feet measured from centerline to centerline of the intersecting streets. Along other (non-boulevard) streets, the minimum distance between intersecting streets must be at least 400 feet.

**60.110-J Street Trees** *(section added 5-18-2015)*

1. Trees shall be provided at the equivalent of not more than fifty (50) feet apart along all frontages of all lots. In 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 (see Section 55.100 for materials, maintenance and alternative compliance).

2. Trees must be spaced linearly outside the public right-of-way but not greater than fifteen (15) feet from the edge of the right-of-way.

**60.110-K Street Lights** *(section added 5-18-2015)*

Street lights must be installed in all zoning districts, unless the development is within a residential district and all lots in the residential subdivision have a lot area of at least 20,000 square feet. Street lights shall be located at each intersection, at the turn-around 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 no greater than fifteen (15) feet in height and of a decorative/ornamental design with wiring underground. In order to accommodate creativity in design and to allow for flexibility in addressing atypical, site-specific development/redevelopment challenges, permit-issuing authorities are authorized, after receipt of the required application and fee, to approve alternative compliance plans when they determine that one or more of the following conditions are present:

- a. The site has space limitations or an unusual shape that makes strict compliance impossible or impractical;
- b. Conditions on or adjacent to the site such as topography, soils, vegetation or existing structures or utilities are such that strict compliance is impossible, impractical or of no value in terms of advancing the general purposes of this chapter;
- c. Safety considerations such as intersection visibility, utility locations, etc., make alternative compliance necessary; or
- d. Creative, alternative lighting plans will provide an equal or better means of meeting the intent of the regulations of this article.

**Section 60.120 Disclosures for Private Drives and Private Streets**

**60.120-A** No final plat that shows lots served by private streets or private drives 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 street or private drive may be prohibited unless the private drives or streets shown on this plat are improved to state standards."

**60.120-B** The recorded plat of any subdivision that includes a private street or private drive must clearly state that such drive or street is privately owned and maintained. Further, the initial purchaser of a newly created lot served by a private drive or private street must be furnished by the seller with a disclosure statement outlining maintenance responsibilities for the street, as provided in NCGS 136-102.6.

**Section 60.130 Street and Sidewalk Requirements in Unsubdivided Developments**

**60.130-A** Within un-subdivided developments, all private streets and access ways must be designed and constructed to facilitate the safe and convenient movement of motorized and non-motorized travel.

**60.130-B** Whenever a private street in an un-subdivided development connects 2 or more boulevard or thoroughfare streets in such a manner that any substantial volume of through traffic is likely to make use of the private street, the private street be constructed in accordance with the standards applicable to subdivision streets and be dedicated.

**60.130-C** In all un-subdivided residential developments, sidewalks must 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 are not required when pedestrians have access to a street that serves fewer than 10 dwelling units.

**60.130-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 streets or facilities the developer may be required to install a sidewalk along the limits of the development adjacent to the public street. If such access cannot be conveniently provided by sidewalks adjacent to the streets, the developer may be required to reserve an unobstructed easement of at least ten feet to provide such access. *(amended 5-18-2015)*

**60.130-E** The sidewalks required by this section must be at least 5 feet in width and constructed in accordance with NCDOT standards and the North Carolina State Building Code, 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/users 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 60.140 Street Names and Street Name Signs**

**60.140-A** Street names may not duplicate or be phonetically similar to existing street names within the county regardless of the use of different suffixes. Proposed streets that are a continuation of an existing street must be given the same name as the existing street. All street names are subject to approval by the permit-issuing authority.

**60.140-B** Appropriate street name signs that meet county specifications must be placed at all intersections by and at the expense of the developer.

#### **Section 60.150 Vehicular Bridges**

All vehicular bridges must be constructed in accordance with the standards and specifications of the North Carolina Department of Transportation.

#### **Section 60.160 Traffic Impact Analyses (TIA)**

##### **60.160-A Purpose**

A traffic impact analysis (TIA) may be required to evaluate the effect a proposed development will have on the county's existing transportation system and may require specific improvements to mitigate the impact of development on public streets.

##### **60.160-B Applicability**

1. A TIA is required for any proposed development that meets any of the following thresholds:
  - a. Residential developments proposing 100 or more lots/units;
  - b. New residential or nonresidential developments or expansions of existing developments that would result in average daily traffic counts of 1,000 or more vehicles per

day (ADT) or 100 plus trips during peak traffic hour (PHT). This traffic count must be based on the latest version of the Institute of Transportation Engineers (ITE) *Trip Generation Manual*; or

- c. New schools with an enrollment of more than 150 students.
2. A TIA is not required if the property to be developed has been the subject of a TIA within the previous 3 years and the projected trip generation of the newly proposed development is equal to or less than the previous TIA performed and the trip distribution has not significantly changed.
3. For sites of special traffic concern (such as those found along blind curves, streets that exceed their design capacity, when driveways will be in close proximity to an existing traffic signal, etc.), the administrator or NCDOT may require a technical memo or signal warrant analysis, prepared by a traffic engineer or transportation planner.

#### **6o.16o-C Preparation**

Any TIA, whether required or voluntarily, must be prepared by a licensed engineer.

#### **6o.16o-D Timing of TIA Submittal**

1. When required, a TIA must be submitted before issuance of any development permits and before preliminary subdivision plat approval.
2. Before preparing the TIA, the developer must hold a scoping meeting with the administrator and NCDOT to identify the area and needs that must be addressed in the analysis.

#### **6o.16o-E TIA Considerations**

1. The TIA must consider the future impact of other proposed land uses in the study area not yet developed, but which may have a statutory or common law vested right as defined in NCGS 16oD-1o8. *(Amended 7-1-2021)*
2. The TIA must consider the future impact of nearby proposed/planned NCDOT roadway improvement projects.
3. The TIA must consider the future impact of any officially-adopted transportation plans in the study area.

#### **6o.16o-F TIA Improvement Requirements**

1. The TIA must provide the following information in an effort to identify the improvements necessary to maintain LOS-D (at build-out) for streets and intersections as defined in the *Highway Capacity Manual*:
  - a. Capacity analysis,
  - b. Detailed description of the proposed development,
  - c. Number of access points proposed,
  - d. Future Level of Service (LOS) for studied intersections and street segments including the LOS at the time of build-out,

- e. Proposed AM and PM Peak Hour Trips, based on the latest edition of the *ITE Trip Generation Manual*,
  - f. Average Daily Trips created by the development at build-out, based on the latest edition of the *ITE Trip Generation Manual*, and
  - g. Any recommended transportation-related improvements
2. Required improvements may include the following: *(amended 10-1-2018)*
- a. **Left Turn Lane, Right Turn Lane, and/or Right Turn Taper**  
Based on requirements of NCDOT's *Policy on Street and Driveway Access to North Carolina Highways* or other NCDOT standards.
  - b. **Off-site Improvements**
    - (1) If a street segment or intersection is currently performing at LOS D or better and is projected to perform at LOS E or F at the time of build-out, the TIA must demonstrate how LOS D could be maintained and also specify what improvements would be required to ensure that the street segment or intersection is not degraded any further than current levels.
    - (2) If a street segment or intersection is currently performing at LOS E or F and is projected to continue to perform at LOS E or F at the time of build-out, the TIA must demonstrate how LOS D could be achieved and also specify the types and costs of improvements that would help ensure that the street segment or intersection is not degraded any further than the current levels.
    - (3) Identified deficiencies in existing or projected levels of service do not automatically preclude approval of the proposed development. The county may, however, require that the developer participate in providing off-site improvements that will preserve or restore LOS D.
  - c. **Safety Improvements**  
Additional traffic safety-related improvements may be required based on the TIA findings related to topographic/environmental conditions, sight distance, street offsets, conflicting movements, existing traffic accident counts, and other improvements deemed necessary by the county to ensure the safety and welfare of the county's citizens and travelers.
3. A TIA may not be used as a basis for the county to require property owners or developers to make transportation improvements not affected by the property for which the TIA is submitted.

#### **60.160-G Installation of Improvements**

Any improvements identified by the TIA that are related to the required subdivision improvements must be installed or be the subject of an approved performance guarantee (See [Section 60.030](#)) prior to approval of any final plat or development permit.

## Section 60.170 Drainage and Stormwater Management

### 60.170-A Natural Drainage Systems

1. All development must conform to the natural contours of the land and natural and pre-existing human-made drainage ways must remain undisturbed, except as otherwise expressly approved by the county.
2. Lot boundaries must be made to coincide with natural and pre-existing human-made drainage ways to avoid the creation of lots that can be built upon only by altering such drainage ways, except as otherwise expressly approved by the county.

### 60.170-B General Drainage Standards

1. All developments must be provided with a drainage system that is adequate to prevent the undue retention of surface water on the development site. Surface water will not be regarded as unduly retained if:
  - a. The retention results from a technique, practice or device deliberately installed as part of an approved sedimentation or stormwater management plan; or
  - b. The retention is not substantially different in location or volume than that experienced by the development site in its pre-development stage, unless such retention presents a danger to health or safety.
2. No surface water may be channeled or directed into a sanitary sewer.
3. Whenever practicable, the drainage system of a development must coordinate with and connect to the drainage systems or drainage ways on surrounding properties or street.
4. Use of drainage swales rather than curb and gutter and storm sewers in subdivisions is provided for in [§60.110-G](#). Private streets and access-ways within un-subdivided developments must utilize curb and gutter and storm drains to provide adequate drainage if the grade of such streets or access ways is too steep to provide drainage in another manner or if other sufficient reasons exist to require such construction.
5. Drainage swales, curbs and gutters, and storm drains must be designed and constructed in accordance with NCDOT standards.
6. No fences or structures may be constructed across an open drainageway that will reduce or restrict the flow of water.
7. The administrator is authorized to require that any water course or stormwater management facility be located within a dedicated drainage easement that provides sufficient width for maintenance and that is officially recorded with the register of deeds.

### 60.170-C Stormwater Management

1. No development may be constructed or maintained so that such development impedes the natural flow of water from higher adjacent properties.
2. No development may be constructed or maintained so that the natural flow of surface waters from such development is discharged in another location. *(amended 5-18-2015)*



3. Post-development stormwater discharge rates at the property boundary for all developments exceeding one acre of land disturbance or .25 acres of impervious area may not exceed the pre-development rate for the 2-, 10- and 50-year storm events.

*(Amended 10-21-2024)*

#### **60.170-D Site Grading**

The following standards apply in establishing the grading plan for a proposed development.

1. **Positive Drainage Required**

Developments must be designed and constructed with a positive drainage flow away from buildings towards approved stormwater management facilities.

2. **Drainage Plans to Account for all Development**

In the design of site grading plans, all impervious surfaces in the proposed development (including off-street parking areas and other built-upon areas) must be considered.

3. **Protection from Sedimentation**

Site grading and drainage facilities must protect wetlands, ponds and lakes from increased sediment loading.

4. **Landscaping**

All disturbed areas within the development must be restored with vegetation. *(amended 5-18-2015)*

### **Section 60.180 Sedimentation and Erosion Control**

**60.180-A** No development may be approved that would cause land-disturbing activity requiring prior submission of an erosion and sedimentation control plan to the North Carolina Department of Environment and Natural Resources (NCDENR) unless NCDENR certifies to the county, either that:

1. An erosion control plan has been submitted to and approved by NCDENR; or that
2. NCDENR 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 NCDENR approves the erosion control plan.

**60.180-B** For purposes of administering and interpreting the sedimentation and erosion control provisions 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 street 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 NCGS 113A-52.01. Sedimentation occurs whenever solid particulate matter, mineral or organic, is transported by water, air, gravity, or ice from the site of its origin.

*(Amended 7-1-2021)*

**Section 60.190 Utilities**

**60.190-A Utility Ownership and Easement Rights**

When developers install or cause the installation of water, sewer, electrical power, telephone, or cable television facilities that are proposed to be owned, operated or maintained by a public utility or any entity other than the developer, the developer must transfer to such utility or entity the necessary ownership or easement rights to enable the utility or entity to operate and maintain such facilities.

**60.190-B Connection to Public Water and Public Sewer**

1. Whenever it is legally possible and practicable in terms of topography and service capacity to connect a lot with a public water or public sewer line by running a connecting line not more than the distance set forth in [Table 60-2](#) from the lot to such line, then no use requiring water or sanitary sewer service may be made of such lot unless connection is made to the public water and/or sewer line.
2. If the subject tract is proposed to be developed with the number of dwelling units indicated in the left hand column or with a nonresidential use that places a equivalent demand on the water or sewer system, then the distance within which the tract must be connected is indicated in the right hand column:

*Table 60-2: Required Connection Distance to Public Water and/or Public Sewer Lines*

Total Dwelling Units	Required to Connect to Public Sewer	Required to Connect to Public Water
	if Subject Tract Located within (feet)	
0-5	200	200
6-20	300	300
21-50	600	600
51-100	1,000	1,500
More than 100	1,500	2,500

3. 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.
4. Connection to a public water or public 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 set forth in
5. [Table 60-2](#), 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.
6. For purposes of this article, a lot is "served" by a public water or public sewer line if connection is required by this section.

**60.190-C Sewage Disposal Facilities Required**

1. Every principal use and every lot within a subdivision must be served by a sewage disposal facilities that are adequate to accommodate the reasonable needs of such use or subdivision lot and that the facilities comply with all applicable public health regulations.
2. The governmental agency with jurisdiction over the proposed sewage disposal facilities is authorized to determine whether a proposed development will comply with the

standard of §60.190-C1, and the developer must comply with the detailed standards and specifications of that agency. The permit-issuing authority is authorized to rely upon a preliminary review by the agency with jurisdiction over the proposed sewage disposal facilities to determine compliance with §60.190-C1. However, construction of such system may not be commenced until the detailed plans and specifications have been reviewed and any appropriate permits issued by the agency with jurisdiction over the proposed sewage disposal facilities.

#### **60.190-D Water Supply System Required**

1. Every principal use and every lot within a subdivision must be served by a water supply system that is adequate to accommodate the reasonable needs of such use or subdivision lot and that the system complies with all applicable health regulations.
2. The governmental agency with jurisdiction over the proposed water supply system has the authority to determine whether a proposed development will comply with the standard of §60.190-D1, and the developer must comply with the detailed standards and specifications of that agency. The permit-issuing authority is authorized to rely upon a preliminary review by the agency with jurisdiction over the proposed water supply system to determine compliance with §60.190-D1. However, construction of such system may not be commenced until the detailed plans and specifications have been reviewed and any appropriate permits issued by the agency with jurisdiction over the proposed water supply system.

#### **60.190-E Underground Utilities**

All electric power not including 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 installed to serve a development that are located on the proposed development site outside of a previously existing public street right-of-way must be placed underground in accordance with the specifications and policies of the respective utility companies.

#### **60.190-F Utilities to be Consistent with Internal and External Development**

1. 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) must be located and constructed so that extensions can be made conveniently and without undue burden or expense or unnecessary duplication of service.
2. All utility facilities must be constructed in such a manner as to minimize interference with motorized and non-motorized traffic and to facilitate maintenance without undue damage to improvements or facilities located within the development.

#### **60.190-G As-Built Drawings Required**

Whenever a developer installs or causes to be installed any utility line in any public right-of-way, the developer must, 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 is a condition of the continued validity of the permit authorizing such development.

### 60.190-H Fire Hydrants

1. Every development that is served by a public water system must include a system of fire hydrants sufficient to provide adequate fire protection for the buildings located or intended to be located within such development.
2. The presumption established by this ordinance is that to satisfy the standard set forth in [§60.190-H1](#), 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 it is reasonably determined that another arrangement more satisfactorily complies with the standard set forth in [§60.190-H1](#).

# Article 65 | Flood Damage Prevention

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## Section 65.010 General

### 65.010-A Statutory Authorization

The Legislature of the State of North Carolina has in Part 6, Article 21 of Chapter 143 Articles 7 and 11 of Chapter 160D; Section 160D-923; and Section 153A-121 of the North Carolina General Statutes, delegated to local governments the responsibility to adopt regulations designed to promote the public health, safety, and general welfare. (Amended 7-1-2021)

### 65.010-B Findings of Fact

1. 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.
2. 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.

### 65.010-C Effective Date

The flood damage prevention regulations of this article became effective on October 6, 2008.

### 65.010-D Purpose

It is the purpose of this article 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:

1. 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;
2. Require that uses vulnerable to floods, including facilities that serve such uses, be protected against flood damage at the time of initial construction;
3. Control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of floodwaters;

4. Control filling, grading, dredging, and all other development that may increase erosion or flood damage; and
5. Prevent or regulate the construction of flood barriers that will unnaturally divert flood waters or which may increase flood hazards to other lands.

#### **65.010-E Objectives**

The objectives of these regulations are to:

1. Protect human life, safety, and health;
2. Minimize expenditure of public money for costly flood control projects;
3. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
4. Minimize prolonged business losses and interruptions;
5. 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;
6. Help maintain a stable tax base by providing for the sound use and development of flood prone areas; and
7. Ensure that potential buyers are aware that property is in a special flood hazard area.

#### **65.010-F Definitions**

See [Article 105](#).

#### **65.010-G Applicability**

The regulations of this article apply to all special flood hazard areas within the jurisdiction of Union County and within the jurisdiction of any other local government whose governing body agrees, by resolution, to such applicability. No structure or land may be located, extended, converted, altered, or developed in any way without full compliance with the regulations of this article and other applicable regulations.

#### **65.010-H Identification of Special Flood Hazard Areas**

1. Special flood hazard areas are those identified under the Cooperating Technical State (CTS) agreement between the State of North Carolina and FEMA in its most recently officially adopted versions of the Flood Insurance Study (FIS) and its accompanying Flood Insurance Rate Maps (FIRM), for Union County which are adopted by reference and declared to be a part of this ordinance. (Amended 7-1-2021)
2. 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.

**65.010-1 Disclaimer**

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 does 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.

**Section 65.020 Flood Hazard Reduction Requirements**

**65.020-A General Standards**

In all special flood hazard areas the following provisions are required:

1. All new construction and substantial improvements must be designed (or modified) and adequately anchored to prevent flotation, collapse, and lateral movement of the structure.
2. All new construction and substantial improvements must be constructed with materials and utility equipment resistant to flood damage.
3. All new construction and substantial improvements must be constructed by methods and practices that minimize flood damages.
4. Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities must 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 must be designed to minimize or eliminate infiltration of floodwaters into the system.
6. New and replacement sanitary sewage systems must 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 must 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 article, must meet the requirements for new construction, as set forth in this article.
9. The flood damage protection regulations of this article are not intended to prevent the repair, reconstruction, or replacement of a building or structure existing on the effective date specified in [§65.010-C](#) 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 article.

10. New solid waste disposal facilities and sites, hazardous waste management facilities, salvage yards, and chemical storage facilities are not permitted, except by variance as specified in [§65.060-H6](#). 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 [§65.070-D](#).
11. All subdivision proposals and other development proposals must be consistent with the need to minimize flood damage.
12. All subdivision proposals and other development proposals must 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 must have adequate drainage provided to reduce exposure to flood hazards.
14. All subdivision proposals and other development proposals must 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 must 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 governs.

#### **65.020-B Specific Standards**

The specific standards of this subsection apply, in addition to the provisions of [§65.020-A](#), in all special flood hazard areas where base flood elevation (BFE) data have been provided, as set forth in [65.010-H](#) or [Section 65.030](#)

##### **1. Residential Construction**

New construction and substantial improvement of any residential structure (including manufactured homes) must have the reference level, including basement, elevated no lower than the regulatory flood protection elevation.

##### **2. Nonresidential Construction**

New construction and substantial improvement of any commercial, industrial, or other nonresidential structure must have the reference level, including basement, elevated no lower than the regulatory flood protection elevation. 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 must certify that the



floodproofing standards of this subsection are satisfied. Such certification must be provided to the floodplain administrator as set forth in [§65.070-D](#), along with the operational plan and the inspection and maintenance plan.

### 3. **Manufactured Homes**

- a. New and replacement manufactured homes must be elevated so that the reference level of the manufactured home is no lower than the regulatory flood protection elevation.
- b. Manufactured homes must 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 36 inches or less above the grade at the site, the chassis must be supported by reinforced piers or engineered foundation. When the elevation of the chassis is above 36 inches in height, an engineering certification is required.
- c. All enclosures or skirting below the lowest floor must meet the requirements of [§65.020-B4](#).
- 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 must 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. May not be designed or used for human habitation, but may 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 must 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 may not be finished or partitioned into separate rooms, except to enclose storage areas;
- b. Must be constructed entirely of flood resistant materials at least to the regulatory flood protection elevation; and
- c. Must 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 registered professional engineer or architect or meet or exceed the following minimum design criteria:
  - (1) A minimum of two flood openings on different sides of each enclosed area subject to flooding;

- (2) The total net area of all flood openings must be at least one square inch for each square foot of enclosed area subject to flooding;
- (3) If a building has more than one enclosed area, each enclosed area must have flood openings to allow floodwaters to automatically enter and exit;
- (4) The bottom of all required flood openings may not be higher than one foot above the adjacent grade;
- (5) 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
- (6) 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:
  - (1) 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.
  - (2) 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 require only the addition 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:
  - (1) Not a substantial improvement, the addition and/or improvements only must comply with the standards for new construction.
  - (2) A substantial improvement, both the existing structure and the addition and/or improvements must comply with the standards for new construction.
- d. Any combination of repair, reconstruction, rehabilitation, addition or improvement of a building or structure taking place during a 5-year period, the cumulative cost of which equals or exceeds 50% of the market value of the structure before the improvement or repair is started must comply with the standards for new construction. For each building or structure, the 5-year period begins on the date of the first improvement or repair of that building or structure after the effective date specified in [Section 1.030](#). If the structure has sustained substantial damage, any repairs are considered substantial improvement regardless of the actual repair work performed. The requirement does not, however, include either:

- (1) Any project for improvement of a building required to correct existing health, sanitary or safety code violations identified by the building official and that are the minimum necessary to assume safe living conditions; or
- (2) Any alteration of a historic structure provided that the alteration will not preclude the structure's continued designation as a historic structure.

#### 6. Recreational Vehicles

Recreational vehicles must 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 Nonresidential 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 structures in the event of a hurricane, flash flood or other type of flood warning notification. The following information must 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 3 months, renewable up to one 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 must be met:

- a. Accessory structures may not be used for human habitation (including working, sleeping, living, cooking or restroom areas);
- b. Accessory structures may not be temperature-controlled;
- c. Accessory structures must be designed to have low flood damage potential;
- d. Accessory structures must be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters;
- e. Accessory structures must be firmly anchored in accordance with the provisions of [§65.020-A1](#);

- f. All service facilities such as electrical must be installed in accordance with the provisions of [§65.020-A4](#); and
- g. Flood openings to facilitate automatic equalization of hydrostatic flood forces must be provided below regulatory flood protection elevation in conformance with the provisions of [§65.020-B4.c](#).
- h. 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 [§65.070-D](#).

**9. Gas and Liquid Storage Tanks**

When gas and liquid storage tanks are to be placed within a Special Flood Hazard Area, the following criteria must be met:

- a. Underground tanks in flood hazard areas must be anchored to prevent flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the design flood, including the effects of buoyancy assuming the tank is empty;
- b. Above-ground tanks in flood hazard areas must be attached to and elevated to a level at or above the design flood elevation on a supporting structure that is designed to prevent flotation, collapse or lateral movement during conditions of the design flood. Tank-supporting structures must meet the foundation requirements of the applicable flood hazard area;
- c. Above-ground tanks that do not meet the elevation requirements of [§65.020-B9.b](#) are permitted in flood hazard areas provided the tanks are anchored or otherwise designed and constructed to prevent flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the design flood, including the effects of buoyancy assuming the tank is empty and the effects of flood-borne debris.
- d. Tank inlets, fill openings, outlets and vents must be elevated to a level at or above the design flood elevation or fitted with covers designed to prevent the inflow of floodwater or outflow of the contents of the tanks during conditions of the design flood and anchored to prevent lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, during conditions of the design flood.

**10. Other Development**

Before 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 structures in the event of a hurricane, flash flood or other type of flood warning notification. The following information must be submitted in writing to the floodplain administrator for review and written approval:

- a. Fences in regulated floodways and non-encroachment areas that have the potential to block the passage of floodwaters, such as stockade fences and wire mesh fences, must comply with [§65.040-B](#).

- b. Retaining walls, sidewalks and driveways in regulated floodways and non-encroachment areas that involve the placement of fill must comply with §65.040-B.
- c. Roads and watercourse crossings in regulated floodways and non-encroachment areas, including roads, bridges, culverts, low-water crossings and similar means for vehicles or pedestrians to travel from one side of a watercourse to the other side, that encroach into regulated floodways must comply with §65.040-B.

### **Section 65.030 Floodplains without Established Base Flood Elevations**

Within the special flood hazard areas designated as Approximate Zone A and established in §65.010-H, where no base flood elevation (BFE) data have been provided by FEMA, the following provisions, in addition to the provisions of §65.020-A apply:

- 65.030-A** No encroachments, including fill, new construction, substantial improvements and other developments are 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 §65.030-A1 or §65.030-A3, 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. *[§65.030-A amended 11.03.2014]*
- 65.030-B** If §65.030-A is satisfied, all development must comply with all applicable flood hazard reduction provisions of this article.
- 65.030-C** The BFE used in determining the regulatory flood protection elevation must 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 must also comply with all applicable provisions of this article and must be elevated or floodproofed in accordance with the general and specific flood hazard reduction requirements of §65.020-A and §65.020-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 must also comply with the requirements of [§65.020-B](#) and [65.040-B](#).
3. All subdivision, manufactured home park and other development proposals must provide base flood elevation (BFE) data if the development is greater than 5 acres or has more than 50 lots/manufactured home sites. Such BFE data must be adopted by reference in accordance with the provisions of and utilized in implementing the flood protection regulations of this article.
4. When base flood elevation (BFE) data are not available from a federal, state, or other source as outlined above, the reference level must be elevated or floodproofed (nonresidential) to or above the regulatory flood protection elevation. All other applicable provisions of [§65.020-B](#) also apply.

## Section 65.040 Riverine Floodplains with Base Flood Elevations

### 65.040-A Floodplains 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 apply to all development within such areas:

1. The general and specific flood hazard reduction requirements of [§65.020-A](#) and [§65.020-B](#); and
2. No encroachments, including fill, new construction, substantial improvements and other developments are permitted unless:
  - a. 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
  - b. With respect to development other than that described in [§65.040-A2.a](#) or [§65.040-A2.c](#), 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
  - c. 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. *[§65.040-A2 amended 11.03.2014]*

3. If [§65.040-A2](#) is satisfied, all development must comply with all applicable flood hazard reduction provisions of this article. *[§65.040-A3 amended 11.03.2014]*

#### **65.040-B Floodplains with Floodways or Non-Encroachment Areas**

Areas designated as floodways or non-encroachment areas are located within the special flood hazard areas established in [§65.010-H](#). 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 general and specific flood hazard reduction requirements of [§65.020-A](#) and [§65.020-B](#), apply to all development within such areas:

1. No encroachments, including fill, new construction, substantial improvements and other developments are permitted unless:
  - a. 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
  - b. With respect to development other than that described in [§65.040-B1.a](#) or [§65.040-B1.c](#), 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.
  - c. 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. *[§65.040-B1 amended 11.03.2014]*
2. If [§65.040-B1](#) is satisfied, all development must comply with all applicable flood hazard reduction provisions of this article.
3. No manufactured homes are permitted, except replacement manufactured homes in an existing manufactured home park or subdivision, provided the following provisions are met:

- a. The anchoring and the elevation standards of [§65.020-B3](#); and
- b. The no-encroachment standard of [65.040-B1](#).

## Section 65.050 Administration and Enforcement

### 65.050-A Floodplain Administrator

#### 1. Appointment

The administrator is appointed as the “floodplain administrator” to administer and implement the provisions of this article.

#### 2. Duties and Responsibilities

The floodplain administrator is responsible for administering and enforcing the regulations of this article, including the following specific duties:

- a. Review all floodplain development applications and issue permits for all proposed development within special flood hazard areas to assure that the flood damage prevention regulations 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 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 [§65.070-D](#).
- 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 [§65.070-D](#).
- h. Obtain actual elevation (in relation to mean sea level) of all public utilities in accordance with the provisions of [§65.070-D](#).
- i. When floodproofing is utilized for a particular structure, obtain certifications from a registered professional engineer or architect in accordance with the provisions of [§65.070-D](#) and [§65.020-B2](#).
- 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 must be given a reasonable opportunity to appeal the interpretation.



- k. When base flood elevation (BFE) data have not been provided in accordance with the provisions of [65.010-H](#), 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 [Section 65.030](#), 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 [65.010-H](#), 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 lot 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 the flood damage prevention regulations 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 must 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 article, the floodplain administrator may order the work to be immediately stopped. The stop-work order must be in writing and directed to the person doing or in charge of the work. The stop-work order must state the specific work to be stopped, the specific reasons for the stoppage, and the conditions 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 reasons for the revocation. Permits may 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 other assigned staff have the 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 [65.050-B](#).
- 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 this ordinance, including any revisions thereto including Letters of Map Change, issued by FEMA.
- v. Notify the state and FEMA of mapping needs.
- w. Coordinate revisions to FIS reports and FIRMs, including Letters of Map Revision Based on Fill (LOMR-Fs) and Letters of Map Revision (LOMRs).

#### **65.050-B Corrective Procedures**

##### **1. Violations to be Corrected**

When the floodplain administrator finds violations of applicable state and local laws, their duty to notify the owner or occupant of the building of the violation. The owner or occupant must immediately remedy each of the violations of law cited in such notification.

##### **2. Actions in Event of Failure to Take Corrective Action**

If the owner of a building or property fails to take prompt corrective action, the floodplain administrator must 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 an administrative hearing will be held before the floodplain administrator at a designated place and time, not later than 10 days after the date of the notice, at which time the owner is entitled to be heard in person or by counsel and to present arguments and evidence pertaining to the matter; and **(Amended 7-1-2021)**
- c. That following the administrative hearing, the floodplain administrator may issue an order to alter, vacate, or demolish the building; or to remove fill as applicable. **(Amended 7-1-2021)**

##### **3. Order to Take Corrective Action**

If, upon an administrative hearing held pursuant to the notice prescribed above, the floodplain administrator finds that the building or development is in violation of these flood damage prevention regulations, the floodplain administrator must issue an order in writing to the owner, requiring the owner to remedy the violation within a specified time period, not less than 60 calendar days, nor more than 180 calendar days. Where the floodplain administrator finds that there is imminent danger to life or other property, they may order that corrective action be taken in such lesser period as may be feasible. **(Amended 7-1-2021)**

**4. Appeal**

Any owner who has received an order to take corrective action may appeal the order to the land use board by giving notice of appeal in writing to the floodplain administrator and the clerk within 10 days following issuance of the final order. In the absence of an appeal, the order of the floodplain administrator is final. The land use board must hear the appeal within a reasonable time and may affirm, modify and affirm, or revoke the order. (Amended 11-21-2022) (Amended 5-15-2023)

**5. 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 is guilty of a misdemeanor and may be punished at the discretion of the court.

**65.050-C 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 a variance or special use approval constitutes a misdemeanor. Any person who violates this article or fails to comply with any of its requirements may, upon conviction thereof, be fined not more than \$50.00 or imprisoned for not more than 30 days, or both. Each day such violation continues constitutes a separate offense. Nothing prevents the county from taking other lawful actions necessary to prevent or remedy any violation.

**Section 65.060 Variances**

**65.060-A** The land use board is authorized to hear and decide requests for variances from the requirements of this article. (Amended 5-15-2023)

**65.060-B** Variances may be issued for:

1. The repair or rehabilitation of historic structures upon the quasi-judicial decision 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; (Amended 7-1-2021)
2. Functionally dependent facilities, provided provisions of [§65.060-H2](#), [§65.060-H3](#) and [§65.060-H5](#) 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.

**65.060-C** In passing upon variances, the land use board must consider all technical evaluations, all relevant factors, all standards specified in other sections of this ordinance, and: (Amended 5-15-2023)

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 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.

**65.060-D** A written report addressing each of the above factors must be submitted with the application for a variance.

**65.060-E** Upon consideration of the factors listed above and the purposes of this article, the land use board may attach such conditions to the granting of variances as it deems necessary to further the purposes and objectives of these flood damage prevention regulations. (Amended 5-15-2023)

**65.060-F** Any applicant to whom a variance is granted must 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 must be maintained with a record of all variance actions, including justification for their issuance.

**65.060-G** The floodplain administrator must 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.

**65.060-H** Conditions for Variances:

1. Variances may not be issued when the variance will make the structure in violation of other federal, state, or local laws, regulations, or ordinances.
2. Variances may 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 may only be issued upon a quasi-judicial decision that the variance is the minimum necessary, considering the flood hazard, to afford relief. (Amended 7-1-2021)
4. Variances may only be issued prior to development permit approval.

5. Variances may only be issued upon:
  - a. A showing of good and sufficient cause;
  - b. A quasi-judicial decision that failure to grant the variance would result in exceptional hardship; and (Amended 7-1-2021)
  - c. A quasi-judicial decision 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. (Amended 7-1-2021)
6. 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.
  - a. The use serves a critical need in the community.
  - b. No feasible location exists for the use outside the special flood hazard area.
  - c. The reference level of any structure is elevated or floodproofed to at least the regulatory flood protection elevation.
  - d. The use complies with all other applicable federal, state and local laws.
  - e. 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 30 calendar days prior to granting the variance.

**65.060-I** Any person aggrieved by the decision of the land use board may appeal such decision to the court, as provided in NCGS Chapter 7A. (Amended 5-15-2023)

## **Section 65.070 Floodplain Development Application, Permit and Certification Requirements**

### **65.070-A Establishment of Floodplain Development Permit**

A floodplain development permit is required before the commencement of any development activities within special flood hazard areas.

### **65.070-B Application Requirements**

Application for a floodplain development permit must be made to the floodplain administrator prior to any development activities located within special flood hazard areas. The following items must be presented to the floodplain administrator to apply for a floodplain development permit:

1. A plot plan drawn to scale which must include at least the following specific details of the proposed floodplain development:
  - a. 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;
  - b. The boundary of the special flood hazard area as delineated on the FIRM or other flood map as determined in [65.010-H](#), or a statement that the entire lot is within the special flood hazard area;

- c. Flood zone designation of the proposed development area as determined on the FIRM or other flood map as determined in [65.010-H](#);
    - d. The boundary of the floodway or non-encroachment area, as determined in [65.010-H](#);
    - e. The base flood elevation (BFE) where provided as set forth in [65.010-H](#); [§65.050-A2](#); or [Section 65.030](#);
    - f. The old and new location of any watercourse that will be altered or relocated as a result of proposed development; and
    - g. The certification of the plot plan by a NC registered land surveyor or registered professional engineer.
  2. Proposed elevation, and method thereof, of all development within a special flood hazard area including but not limited to:
    - a. Elevation in relation to mean sea level of the proposed reference level (including basement) of all structures;
    - b. Elevation in relation to mean sea level to which any nonresidential structure in Zone AE or A will be floodproofed; and
    - c. 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 must include details of the proposed foundation system to ensure all provisions of this article are met. These details include but are not limited to:
    - a. 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
    - b. Openings to facilitate automatic equalization of hydrostatic flood forces on walls in accordance with [§65.020-B4.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 [§65.020-B6](#) and [§65.020-B7](#) 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.

#### **65.070-C Permit Requirements**

1. The Floodplain Development Permit must include at least:
  - a. A description of the development to be permitted under the floodplain development permit.
  - b. The special flood hazard area determination for the proposed development in accordance with available data specified in [§65.010-H](#).
  - c. The regulatory flood protection elevation required for the reference level and all attendant utilities.
  - d. The regulatory flood protection elevation required for the protection of all public utilities.
  - e. All certification submittal requirements with timelines.
  - f. A statement that no fill material or other development is allowed to encroach into the floodway or non-encroachment area of any watercourse, as applicable.
  - g. The flood openings requirements, if in Zone A, AE or A1-30.

#### **65.070-D Certification Requirements**

1. **Elevation Certificates**
  - a. An Elevation Certificate (FEMA Form 81-31) is required prior to the actual start of any new construction. It is 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 must review the certificate data submitted. Deficiencies detected by such review must be corrected by the permit holder prior to the beginning of construction. Failure to submit the certification or failure to make required corrections is cause to deny a floodplain development permit.
  - b. An Elevation Certificate (FEMA Form 81-31) is required after the reference level is established. Within 7 calendar days of establishment of the reference level elevation, it is 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 7 day calendar period and prior to submission of the certification is at the permit holder's risk. The floodplain administrator must review the certificate data submitted. Deficiencies detected by such review must 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 is cause to issue a stop-work order for the project.
  - c. 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 is the duty of the permit holder to submit to the floodplain administrator a certifica-

tion of final as-built construction of the elevation of the reference level and all attendant utilities. The floodplain administrator must review the certificate data submitted. Deficiencies detected by such review must 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 is cause to withhold the issuance of a Certificate of Compliance/Occupancy.

**2. Floodproofing Certificate**

If nonresidential 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 is 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 must be prepared by or under the direct supervision of a registered professional engineer or architect and certified by same. The floodplain administrator must review the certificate data, the operational plan, and the inspection and maintenance plan. Deficiencies detected by such review must be corrected by the applicant prior to permit approval. Failure to submit the certification or failure to make required corrections is cause to deny a floodplain development permit. Failure to construct in accordance with the certified design is 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 [§65.020-B3.b](#).
4. If a watercourse is to be altered or relocated, a description of the extent of watercourse alteration or relocation; a registered 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 must all be submitted by the permit applicant prior to issuance of a floodplain development permit.
5. The following structures, if located within Zone A, AE or A1-30, are exempt from the elevation/floodproofing certification requirements specified [§65.070-D1](#) and [§65.070-D2](#):
  - a. Recreational Vehicles meeting requirements of [§65.020-B6.a](#);
  - b. Temporary Structures meeting requirements of [§65.020-B7](#); and
  - c. Accessory Structures less than 150 square feet meeting requirements of [§65.020-B8](#).



# Article 70 | Riparian Buffers

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## Section 70.010 Purpose

Stream systems are comprised of the stream and their adjacent riparian corridor. Stream systems have the primary natural functions of conveying stormwater and ground water, storing floodwater and supporting aquatic and other life. Vegetated lands adjacent to the streams serve as a riparian buffer that ensures the stream system’s fulfills its natural functions. Primary natural functions of the riparian buffer include:

- 70.010-A** Protect water quality by filtering pollutants;
- 70.010-B** Provide storage for floodwaters;
- 70.010-C** Allow channels to meander naturally; and
- 70.010-D** Provide suitable habitats for wildlife.

## Section 70.020 Applicability

All properties within the Twelve Mile Creek Wastewater Treatment Plant Service Area are subject to the riparian buffer requirements of this article, except for the following:

- 70.020-A** Stormwater improvement projects that have a positive water quality benefit;
- 70.020-B** Bona fide farms that qualify for the bona fide farm zoning exemption of [Section 1.050](#);
- 70.020-C** Redevelopment activities that do not increase the subject site’s impervious area or reduce the subject site’s stormwater controls ;
- 70.020-D** Buildings and developments that were issued a certificate of building code compliance on or before the effective date specified in [Section 1.030](#);
- 70.020-E** Structures for which a building permit was issued on or before the effective date specified in [Section 1.030](#), provided that if the building permit lapses or otherwise becomes invalid, the exemption lapses and any future construction is subject to riparian buffer requirements;
- 70.020-F** Lots included on a final subdivision plat that was approved on or before the effective date specified in [Section 1.030](#);
- 70.020-G** Lots included on a preliminary subdivision plan approved on or before the effective date specified in [Section 1.030](#), provided that if the preliminary subdivision plan lapses or otherwise becomes invalid, the exemption lapses and future subdivision approvals are subject to riparian buffer requirements; and
- 70.020-H** Properties that have secured a vested property right under North Carolina law on or before the effective date specified in [Section 1.030](#).

## Section 70.030 Buffer Standards

### 70.030-A Buffer Widths

1. Required riparian buffer widths vary based on the type of stream, primary (perennial) or secondary (intermittent). In general, primary streams are those defined as solid blue lines on the most recently officially adopted version of the USGS topographic quadrangle map, which is incorporated into this ordinance by this reference. Secondary streams are those stream segments shown on the most recently officially adopted versions of the NRCS Soil Survey maps, which are incorporated into this ordinance by reference. These maps illustrating primary and secondary streams are available for public review in the office of the administrator. (Amended 7-1-2021)
2. The minimum buffer widths required by this article are as follows:
  - a. Primary (perennial) stream buffer width – 100 feet on each side of the stream.
  - b. Secondary (intermittent) stream buffer width – 50 feet on each side of the stream.
3. Required buffer width is measured horizontally on a line perpendicular to the stream, landward from the top of the bank on each side of the stream. Buffer widths include only area that flows directly to the stream and surface water feature and do not include area that flows away from the stream and surface water feature.
4. A site-specific stream jurisdictional determination may be performed that meets the standards (jurisdictional determination and professional training and certification requirements) of the United States Army Corp of Engineers and the North Carolina Department of Environmental and Natural Resources to verify the stream data provided by Union County. Primary streams are equivalent to perennial streams as defined by the site-specific jurisdictional determinations. Secondary streams are equivalent to intermittent streams as defined by the jurisdictional determinations.
5. Stream locations (and associated riparian buffer widths) must be based on a field survey.

### 70.030-B Buffer Zones

1. **General**

Required riparian buffers consist of the following 3 zones

  - a. The streamside zone;
  - b. The managed use zone; and
  - c. The upland zone.
2. **Streamside Zone**

The streamside zone consists of an undisturbed vegetated area approximately 30 feet in width on all sides, as measured horizontally away from the top of the stream bank and perpendicular to the stream centerline (or from the edge of contiguous sensitive areas, e.g. wetlands).

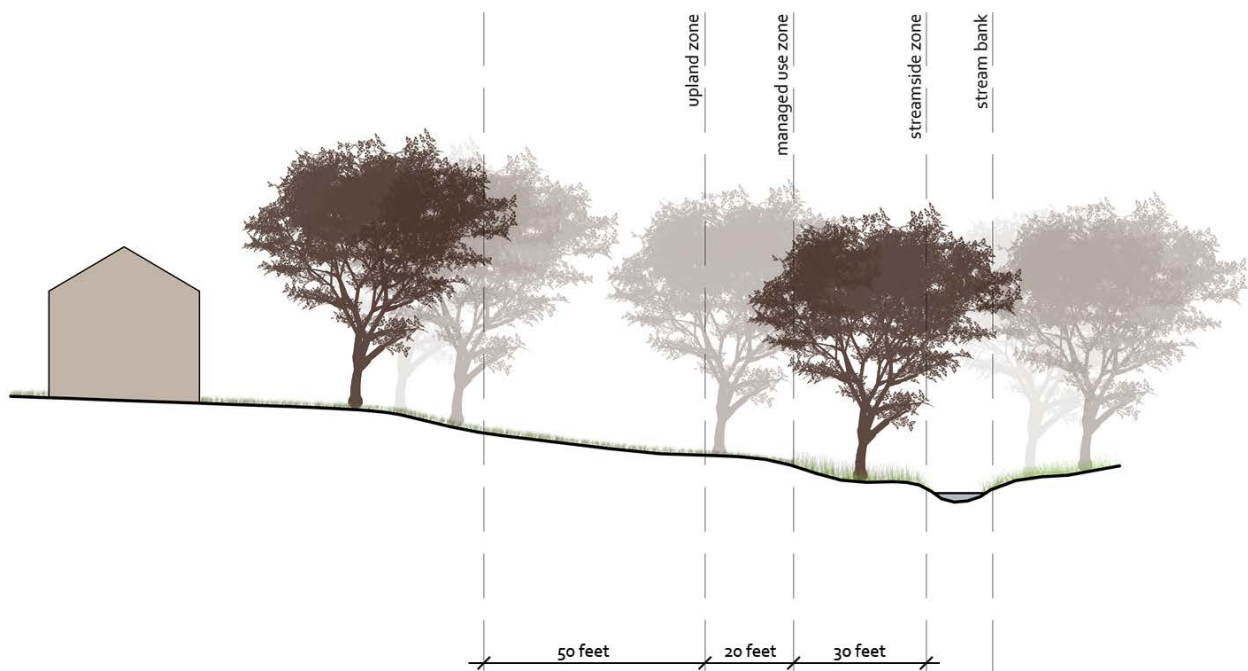
**3. Managed Use Zone**

The managed use zone consists of a stable, vegetated area approximately 20 feet in width on all sides, as measured horizontally away from the streamside zone and perpendicular to the stream centerline (or from the edge of contiguous sensitive areas, e.g. wetlands).

**4. Upland Zone**

The upland zone consists of a stable, vegetated area approximately 50 feet in width on all sides, as measured horizontally away from the upland zone and perpendicular to the stream centerline (or from the edge of contiguous sensitive areas, e.g. wetlands). An upland zone is not required for secondary (intermittent) streams. The buffer zones are illustrated in [Figure 70-1](#).

*Figure 70-1: Riparian Buffer Zones*



**70.030-C Buffer Vegetation and Use**

Riparian buffers as required by this article must remain undisturbed, with the exception of the following allowable uses.

**1. Stream Side Zone**

**a. Function**

Protect the integrity of the ecosystems.

**b. Vegetative Targets**

Undisturbed, no cutting or clearing allowed. If existing tree density is inadequate, reforestation is encouraged.

**c. Allowable Uses**

Only the following uses are allowed in the stream side zone:

- (1) Perpendicular crossings (between 75 degrees and 105 degrees, as measured from the stream centerline) for driveways, streets, roads, sidewalks, railroad crossings and associated bridge components;
- (2) Perpendicular overhead and underground utility crossings (between 75 degrees and 105 degrees, as measured from the stream centerline);
- (3) New parallel sanitary sewer lines as long as no “practicable alternative” exists and mitigation is performed for the riparian buffer impacts;
- (4) Perpendicular (between 75 degrees and 105 degrees, as measured from the stream centerline) greenways/hiking trails; on-grade greenways/hiking trails less than 4 feet in width that do not impact diffuse flow conditions;
- (5) Elevated greenways/hiking trails;
- (6) Fences provided installation does not result in the removal of trees with a 6-inch diameter at breast height or larger;
- (7) Vegetation management;
- (8) Dam maintenance;
- (9) Wetland/stream/buffer restoration; and
- (10) Mitigation approved by state or federal agencies pursuant to Section 401 or 404 of the *Clean Water Act*.

## 2. Managed Use Zone

### a. Function

Provide a distance between upland zone and stream site zone and filter runoff.

### b. Vegetative Targets

Limited clearing. Existing tree density must be retained at a minimum of 8 healthy trees 6-inch (diameter at breast height) trees per 1,000 square feet. If existing tree density is inadequate, reforestation is encouraged.

### c. Allowable Uses

Only the following uses are allowed in the managed use zone:

- (1) All uses allowed in the stream side zone;
- (2) Overhead and underground utilities;
- (3) Greenways/hiking trails less than 10 feet in width that do not impact diffuse flow conditions;
- (4) Playground equipment; and
- (5) Stormwater best management practices.

## 3. Upland Zone

### a. Function

Prevent encroachment and filter runoff.

**b. Vegetative targets**

Clearing. Grass or other herbaceous ground cover allowed. Reforestation is encouraged.

**c. Allowable Uses**

Only the following uses are allowed in the upland zone:

- (1) All uses allowed in the stream side and managed use zones;
- (2) Lawns and gardens;
- (3) Septic systems;
- (4) Unoccupied storage buildings and/or roofed without permanent foundations that are less than 144 square feet in area; and
- (5) Uncovered slatted decks. [*§70.030-C3.c amended 11.03.2014*]

**70.030-D Buffer Re-vegetation**

Re-vegetation of disturbed buffers is required as specified in the *Water and Land Resources Implementation Guidelines* when such disturbances result in the failure of the buffer system to comply with the vegetative targets specified above. The *Water and Land Resources Implementation Guidelines* also contain recommended tree densities for each zone for voluntary reforestation efforts.

**70.030-E Fill and Occupied Building Limitations**

Fill material may not be placed in the stream side or managed use zones of the riparian buffer. Grading is allowed only in the upland zone. Grading must be performed in accordance to the specifications provided in the *Water and Land Resources Implementation Guidelines* including stabilization of disturbed areas to minimize negative water quality impacts. Commercial buildings or occupied structures are not allowed in the riparian buffer.

**70.030-F Minimal Disturbance**

Permitted uses within the riparian buffer zones must be coordinated to ensure minimal disturbance of the buffer system. For example, if it is necessary to install a greenway trail within the riparian buffer, greenway trails must follow cleared areas instead of additional clearing.

**70.030-G Erosion and Sediment Control Devices**

Erosion and sediment control devices are not allowed to be installed within the riparian buffer unless “no practicable alternative” is demonstrated by the applicant.

**70.030-H Diffuse Flow Requirements**

1. Diffuse flow of runoff must be maintained in the buffer by dispersing concentrated flow and reestablishing vegetation. Technical design standards, details, and construction specifications for providing diffuse flow are provided in the *Water and Land Resources Implementation Guidelines*. Concentrated runoff from ditches, pipes, or other manmade conveyances must be converted to diffuse flow before the runoff enters the buffer.
2. Converting large concentrated flow to diffuse flow is not possible. Therefore, discharge from a storm pipe system larger than 24 inches in diameter or channel larger than 4 square feet of flow area is not allowed through the riparian buffer.

3. Periodic corrective action to restore diffuse flow must be taken by the property owner as necessary to prevent the formation of erosion gullies.

**70.030-I Existing Lakes, Ponds and Wetlands**

Existing lakes, ponds, and wetlands that intersect the stream channel must have the same riparian buffers as the original stream measured from the top of the bank of the pond. Buffer requirements do not apply to lakes, ponds, or wetlands used as structural BMPs.

**70.030-J Buffer Delineation**

The following buffer delineations are required:

1. Streams and riparian buffer boundaries including all buffer zones must be clearly delineated on all construction plans, including grading and clearing plans, erosion, drainage and sediment control plans and site plans.
2. The riparian buffer boundaries closest to the land development activities must be clearly marked on-site by safety fence prior to any land disturbing activities. The safety fence must remain in place during all land development and construction activities and comply with the following standards:
  - a. The fence must be at least 4 feet in height and be supported with 72-inch poles spaced no more than 12 feet apart.
  - b. Fence material color must be orange or a similar high-visibility color relative to adjacent natural vegetation.
3. Streams and riparian buffer boundaries, including the delineation of each riparian buffer zone, must be specified with a metes and bounds description on all surveys and record plats.
4. Property owners must submit a letter to the administrator stating that the riparian buffer has not been impacted in order to receive certificate of occupancy.
5. Riparian buffer requirements must be documented in homeowner's association documents.

**70.030-K Buffer Easements/Ownership**

1. Riparian buffers for minor subdivisions are the responsibility of the property owner. A metes and bound easement of all riparian buffer zones must be included with the plat. The metes and bounds easement must authorize and grant permission for the administrator to enter the property to inspect the riparian buffer.
2. Riparian buffers for major subdivisions must be the responsibility of the homeowner's association. A separate lot owned by the homeowner association must be created. The metes and bounds easement must authorize and grant permission for the administrator to enter the property to inspect the riparian buffer.

**Section 70.040 Incentives**

Incentives to offset restrictions that riparian buffer requirements may place on development are presented in this section. These incentives promote open space development that incorporates smaller lot sizes to minimize total impervious area within the development, reduce total construction costs, conserve natural areas, provide community recreational space, and promote protection of streams.

#### **70.040-A Relaxed Lot Setback Requirements**

For all residential lots within a development requiring a riparian buffer, setback requirements are reduced as follows:

1. Front setbacks may be reduced to a minimum of 15 feet for all lots, except front loaded garages must maintain a minimum setback of 20 feet.
2. Rear setbacks may be 100% within a riparian buffer. Rear setbacks may be reduced to 30 feet on all internal lots.
3. Side setbacks may be reduced to a minimum of 5 feet, provided all fire code requirements are satisfied.

#### **70.040-B Open Space**

Riparian buffer areas may be used to meet up to 50% of the required open space minimums for the development.

### **Section 70.050 Mitigation**

#### **70.050-A General**

1. Mitigation is the method by which unavoidable or approved buffer impacts within any of the buffer zones is offset. Mitigation allows the property owner or other entity the opportunity to disturb a buffer, provided that steps are taken to offset the buffer loss. Prior to any buffer impact, any person or entity seeking approval of a buffer impact must submit the required site and mitigation information for approval to the administrator, as specified below, to the extent approval is required by this article. The submitted site and mitigation information must show the extent of the proposed impact and clearly specify the proposed mitigation technique. The mitigation site must be within the Twelve Mile Creek Wastewater Treatment Plant service area.
2. Impacts to stream buffers not specified in the buffers standards of [Section 70.030](#) and proposed to allow development or other land use in a buffer are required to mitigate or offset the proposed impact in accordance with this article.

#### **70.050-B Pre-approved Mitigation Techniques**

The following techniques are available for mitigation of buffer impacts upon review and approval of a specific site mitigation plan by the administrator. The criteria used to set the mitigation ratios are based on each methods preservation of the 4 primary natural functions of stream buffers (pollutant filtration, floodwater storage, space for natural channel meander and wildlife habitat). Specifications for these pre-approved mitigation techniques are provided in the *Land Resources Implementation Guidelines*. All mitigation techniques must be preserved by recording a conversation easement.

1. **Installation of Structural BMPs**

Riparian buffer impacts can be offset on a 4:1 acreage basis of drainage area treated to riparian buffer impacted area by the installation of an on-site structural BMP designed to achieve the standard BMP pollutant removal targets published in the North Carolina Division of Water Quality *Stormwater Best Management Practices Manual*. The BMP must remain outside the stream side zone. A detailed BMP design plan must be submit-

ted to the administrator. This plan must also include a long-term operating and maintenance strategy for the BMP complete with the establishment of adequate financing to support the proposed maintenance practices.

**2. Stream Restoration**

The owner may restore and preserve the riparian buffer area on any stream of equivalent or greater drainage area the condition of which is determined to be qualified for restoration by the administrator on a 1:1 basis in linear feet of stream. This restoration must include stream bank improvements and stream side and managed use zone revegetation, in accordance with the *Water and Land Resources Implementation Guidelines*.

**3. Stream Preservation**

The owner may purchase, fee simple, other stream segments at equivalent or greater drainage area on a 1:1 linear foot basis.

**4. Wetlands Restoration**

On a 2:1 acreage basis for disturbed riparian buffer area (2 acres of wetland for each acre of disturbed area), the owner may provide a combination of the preservation and/or restoration of wetlands, and the implementation of structural or non-structural BMP's.

**5. Riparian Hardwood Preservation**

On a 2:1 acreage basis for impacted riparian buffer area [2 acres of riparian hardwood for each acre of disturbed riparian buffer area], the owner may provide a combination of the preservation of existing riparian hardwood forest by conservation easement or other legal instrument.

**6. Open Space Development**

On a 2:1 acreage basis for impacted riparian buffer area [2 acres of open space for each acre of disturbed riparian buffer area], the owner may preserve undisturbed open space to allow for riparian buffer impacts. The preserved undisturbed open space must be in the same development as the impacted riparian buffer. A maximum of 50 percent of the parcel may be preserved as undisturbed open space.

**70.050-C Alternative Mitigation Techniques**

Alternative mitigation approaches may be approved on a case-by-case basis. The owner must submit such plan with proposed riparian buffer impacts and detailed mitigation information to the administrator for approval. The criteria used to judge the acceptability of any alternative plan must be the degree to which the plan addresses the preservation of the 4 primary natural functions (pollutant filtration, floodwater storage, space for natural channel meander and wildlife habitat) of riparian buffers. Additional information regarding the factors assessed to approve alternative mitigation techniques are presented in the *Water and Land Resources Implementation Guidelines*. Such plans may be submitted in conjunction with a mitigation plan submission to the U.S. Army Corp of Engineers and N.C. Department of Environment and Natural Resources for proposed stream or wetland impacts. The administrator, when considering proposed mitigation alternatives, must give equal weight to proposals that utilize the preservation of unique or endangered habitat or natural areas against proposed buffer impacts.



#### **70.050-D Use of Mitigation Credit**

1. For mitigation credits associated with the installation and/or construction of stream restoration and/or BMPs, the mitigation credit may be used to offset riparian buffer impacts after the stream restoration and/or BMP construction is complete and approved by administrator. Partial mitigation credit may be approved for stream restoration and/or BMPs that have been installed but have not exhibited successful vegetation installation. Successful vegetation installation must be assessed after a full growing season, at which time, additional mitigation credit may be approved.
2. All required easements and/or property ownership rights must be demonstrated. For mitigation credits associated with the conservation and/or preservation of existing natural sources such as stream preservation or riparian buffer preservation, all required easements and/or property ownership rights must be demonstrated.

#### **70.050-E Financial Security for Structural BMPs**

When structural BMPs are approved for mitigation of a riparian buffer disturbance, the approval is subject to the owner filing a letter of credit or other county approved financial guarantee. The financial guarantee must guarantee the installation and maintenance of the required structural BMPs until the issuance of certificates of occupancy for 75% of all construction that might reasonably be anticipated to be built within the area which drains into the BMPs. The financial arrangements must allow credit for improvements completed prior to the submission of the final plat. At such time that this level of occupancy is achieved, written notice thereof must be given by the owner to the administrator. The owner must also verify the adequacy of the operating and maintenance plan for the BMPs including the necessary financing to support the proposed maintenance practices. The administrator must inspect the structural BMPs and verify the effectiveness of the operating and maintenance plan and if found satisfactory, must, within 30 days of the date of the notice, notify the owner that the letter of credit may be released.

### **Section 70.060 Maintenance and Inspections**

#### **70.060-A Maintenance Responsibilities**

Maintenance of all structural BMPs is the responsibility of the property owner and the owner's successors in interest.

#### **70.060-B Site Inspections**

1. Agents, officials, or other qualified persons authorized by Union County may periodically inspect riparian buffers and approved mitigation sites to ensure compliance with this article. Notice of the right to inspect must be included in the letter of approval of each variance and authorization certificate. Authorized agents, officials or other qualified persons have the authority, upon presentation of proper credentials, to enter and inspect at reasonable times any property, public or private, for the purpose of investigating and inspecting the site of any riparian buffer. No person may willfully resist, delay, or obstruct an authorized representative, employee, or agent of Union County, while that person is inspecting or attempting to inspect a riparian buffer or mitigation site nor may any person obstruct, hamper or interfere with any such representative while in the process of carrying out their official duties. Union County has the power to

conduct such investigations as deemed reasonably necessary to carry out the duties as prescribed in this article.

2. The riparian buffer and all techniques used for mitigation must be self-inspected annually by the owner. The inspections must be documented using the forms provided in the *Water and Land Resources Implementation Guidelines*. The inspection documentation must be submitted to the administrator between January 1 and January 31 that documents the inspection results for the preceding year. .

# Article 75 | Sunflower Protection

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## Section 75.010 Purpose

The Schweinitz's sunflower is a perennial aster that may stand as tall as 10 feet and support 100 or more 2-inch wide flowers. The plant includes yellow ray and disc flowers that appear from late August through October. The Schweinitz's sunflower has occurred historically in Piedmont prairies in the Charlotte geologic belt of North and South Carolina. Only 90 populations are presently known and all occur within 50 miles of Union County, North Carolina. The Schweinitz's sunflower has been identified as an endangered species by state and federal agencies. Therefore, protection of the Schweinitz's sunflower is a high priority.

## Section 75.020 Applicability

All new subdivisions with more than 50 lots within the Twelve Mile Creek Wastewater Treatment Plant Service Area are subject to the Schweinitz's sunflower regulations of this article. Determination of the number of lots must be based on the entire subdivision, not individual development phases.

## Section 75.030 Survey and Protection Plan Requirements

### 75.030-A Submittal Requirements

1. All applicable developments must submit, as part of the subdivision approval process and prior to any land disturbance activities, a sunflower identification and protection plan to the administrator. The sunflower identification and protection plan must be reviewed and approved by the administrator as part of the subdivision approval.
2. Sunflower identification surveys must be performed in accordance to industry standard methods, as required by the North Carolina Department of Environment and Natural Resources, North Carolina Department of Agriculture and Consumer Services, Plant Protection Section, Plant Conservation Program, and United States Department of Interior Fish and Wildlife Services. A vegetation identification professional must perform the sunflower identification. The administrator must review the vegetation identification professional's qualifications, training, etc. to determine if the background is sufficient to perform Schweinitz's sunflower identification and certification. *§75.030-A2 amended 11.03.2014*
3. Sunflower surveys must be based on an actual on-the-ground survey and assessment of all Schweinitz's sunflower habitat areas within the proposed development site. The administrator must be invited to attend the identification survey.

### 75.030-B Protection Plan Requirements

The sunflower protection area must extend at least 5 feet outside of all identified sunflowers. All sunflower identification and protection plans must include sufficient construction

details and specifications to minimize the potential for impacts associated with construction. As described in the *Water and Land Resources Implementation Guidelines*, the sunflower protection details and construction specifications must be adequate to ensure that all sunflower plants including root systems are left undisturbed and to prevent any damage of the sunflower during the construction activities. The sunflower protection plans must include a plan view of all protection devices and appropriate details including items such as temporary construction fencing, signage, staking, and separation distances from proposed construction activities.

#### **75.030-C Sunflower Protection Area Delineations and Easements**

The following sunflower protection area delineations and easements are required:

1. Sunflower protection is the responsibility of the property owner and any homeowner's association.
2. Boundaries that are 5 feet beyond field-identified sunflower locations are required to be set, field marked by safety fence, and contained within a recorded easement. The safety fence must comply with the following standards:
  - a. The fence must be at least 4 feet in height and be supported with 72-inch poles spaced no more than 12 feet apart.
  - b. Fence material color must be orange or a similar high-visibility color relative to adjacent natural vegetation.
3. Sunflower protection area boundaries must be clearly delineated on all construction plans, including grading and clearing, drainage, erosion and sediment control, and site plans.
4. Sunflower protection area boundaries must be clearly marked by safety fence prior to any land disturbing activities. The sunflower protection area safety fence must remain in place during all land development and homebuilding activities.
5. Sunflower protection area boundary delineations must be specified with a metes and bounds description on all surveys and record plats.
6. Property owners must provide a third-party certification from a vegetation identification professional that the Schweinitz's sunflowers within those boundaries have not been impacted prior to subdivision plat approval and certificate of occupancy.
7. A recorded easement described by a metes and bounds boundary must grant the administrator the right to enter the property to inspect the Schweinitz's sunflower.

### **Section 75.040 Relocation**

#### **75.040-A General**

As an alternative to Schweinitz's sunflower protection, the property owner may relocate Schweinitz's sunflowers from the original location to an alternative location. The alternative location must be located within the subject development and exhibit similar soils, sunlight exposure, adjacent vegetation and other items needed to support sunflower relocation success. The alternative location shall be approved by the administrator and other appropriate regulatory agencies during the construction plan review and approval process and prior to relocation. The relocation must occur during the Schweinitz's dormant season (November

to March). All invasive plants must be removed prior to Schweinitz's sunflower relocation.

*§75.040-A amended 11.03.2014*

**75.040-B Sunflower Survival Requirements**

Survival rates of the relocation Schweinitz's sunflower must be certified by a vegetation identification professional and measured one month and one growing season after the relocation. The administrator must review and determine if the vegetation identification professional's certification is appropriate for acceptance. Survival rates of less than 75% must be replenished by the property owner by harvesting Schweinitz's sunflowers from an alternative location. Failure to correct a survival rates of less than 75% is considered a violation of this ordinance.

**75.040-C Alternative Relocation Approaches**

Alternative approaches to relocate the Schweinitz's sunflower may be approved by the administrator on a case-by-case basis.

**Section 75.050 Inspection and Financial Guarantees**

**75.050-A Performance Surety**

The property owner must post a performance surety to guarantee that the Schweinitz's sunflower has been properly protected or relocated. The amount of the surety must constitute the cost of replacement of the Schweinitz's sunflower. The property owner must provide information sufficient to determine the cost of replacement.

**75.050-B Site Inspections**

Agents, officials, or other qualified persons authorized by Union County may periodically inspect development sites to ensure compliance with this article. Authorized agents, officials or other qualified persons have the authority, upon presentation of proper credentials, to enter and inspect at reasonable times any property, public or private, for the purpose of investigating and inspecting the site of any Schweinitz's sunflower survey. No person may willfully resist, delay, or obstruct an authorized representative, employee, or agent of Union County, while that person is inspecting or attempting to inspect a survey site nor may any person obstruct, hamper or interfere with any such representative while in the process of carrying out their official duties. Union County has the power to conduct such investigations as deemed reasonably necessary to carry out the duties as prescribed in this article.

# Article 80 | Review and Approval Procedures

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## Section 80.010 Common Provisions

### 80.010-A Applicability

The common provisions of this section apply to all of the procedures in this article unless otherwise expressly stated. The planning director or designee is authorized to create a Development Guide to assist users of the UDO with navigating through the various planning processes. Any such Development Guide will be intended to supplement understanding of this UDO, but in no event shall any information contained therein be considered to supersede any requirements or provisions of this UDO. The Development Guide may include checklists and applications needed for various submittals. Any such Development Guide may be found on the Planning Department’s webpage on the Union County website, or by contacting the Planning Department. *(amended 8-6-2018) (amended 8-5-2019)*

### 80.010-B Review and Decision-making Authority (Summary Table)

[Table 80-1](#) provides a summary of the review and approval procedures of this article. In the case of conflict between this summary table and the detailed procedures contained elsewhere in this article, the detailed procedures govern.

*Table 80-1: Review and Decision-Making Authority Summary Table*

Procedure	Administrator	Land Use Board	Board of Commissioners	Hearing Notice
<a href="#">Ordinance Text Amendments</a>	R	R	<DM>	N
<a href="#">Zoning Map Amendments</a>	R	R	<DM>	N/M/S
<a href="#">Conditional Zoning Map Amendments</a>	R	R	<DM>	N/M/S
<a href="#">Exempt Subdivisions</a>	DM	–	–	–
<a href="#">Minor Subdivisions</a>	DM	–	–	–
<a href="#">Major Subdivisions</a>				
<a href="#">Preliminary Plan</a>	DM	–	–	–
<a href="#">Final Plat</a>	DM	–	–	–

<a href="#">Master Planned Developments</a>				
<a href="#">MPD Development Plans</a>	R	R	<DM>	N/M/S
<a href="#">MPD Site Plans</a>	DM	-	-	-
<a href="#">Special Uses</a>	R	DM	-	M/S
<a href="#">Variances</a>	R	DM	-	M/S
<a href="#">Appeals of Administrative Decisions</a>	R	DM	-	M/S

R = Review body (review and recommendation) | DM = Decision-making body (final decision to approve or deny)  
 < > = Public hearing required | Hearing Notice: N = Newspaper; M = Mail; S = Sign  
 (Amended 5-15-2023)

**80.010-C North Carolina General Statutes**

The review and approval procedures of this article are intended to comply with the provisions of the North Carolina General Statutes (NCGS), expressly including NCGS Chapter 160D. If any provision of this article is in conflict with those statutes or fails to incorporate a provision required for the implementation of the statutes, the general statutes govern.  
 (Amended 7-1-2021)

**80.010-D Applications and Fees**

**1. Property Owner-initiated Applications**

Whenever the provisions of this ordinance allow the filing of an application by the subject property owner, such applications may be accepted only from the subject property owner or other person having the legal authority to file the application, including the owner’s duly authorized agent. The administrator is authorized to require applicants to submit evidence of their authority to submit applications under this article whenever there appears to be a reasonable basis for questioning such authority.

**2. Pre-application Meetings**

**a. Purpose**

Pre-application meetings provide an early opportunity for county staff and applicants to discuss the procedures, standards and regulations required for development approval under this ordinance.

**b. Applicability**

Pre-application meetings are required whenever the provisions of this ordinance expressly state that they are required. Pre-application meetings are encouraged in all cases. If a pre-application meeting is expressly required under this ordinance, no further processing of an application may occur until the pre-application meeting has been completed.

**c. Scheduling**

Pre-application meetings must be scheduled with the administrator.

**d. Guidelines**

The administrator is authorized to establish guidelines for pre-application conferences, including information that must be provided and any available alternatives to face-to-face meetings, such as telephone conversations and email correspondence.

**3. Form of Applications**

- a.** All applications required under this ordinance must be submitted in a form and in such numbers as required by the official responsible for accepting the application.

Applications must include materials and information to allow for a determination that the proposed activity complies with all applicable requirements of this ordinance, including at least all of the following:

- (1) A list of the names and addresses of all owners of record of the property that is the subject of the application; and
- (2) Maps, plats, surveys, engineering documents, environmental reports, traffic studies, and other materials and information as required by this ordinance or applications checklists established by the administrator or other official responsible for accepting the application and made available to the general public.

- b. The administrator and other officials responsible for accepting applications must maintain required forms and checklists of materials and information required to be submitted with each application. This information must be available to the public in the planning department office. The presumption established by this ordinance is that all of the information required to be submitted with application is necessary to ensure competent review of an application. However, it is recognized that each development is unique, and therefore decision-making bodies are authorized to allow less information or require more information to be submitted according to the needs of the particular case. For applications submitted to the land use board or Board of Commissioners, the applicant may rely on the recommendations of the administrator about whether more or less information than otherwise required should be submitted. (Amended 5-15-2023)

#### **4. Application Filing Fees and Notification Costs**

All applications must be accompanied by the application fee that has been established by Board of Commissioners, including the costs of any required public notices.

#### **5. Application Completeness, Accuracy and Sufficiency**

- a. An application will be considered complete and ready for processing only if it is submitted in the required number and form, includes all required information and is accompanied by the required application filing and notification fees.
- b. The official responsible for accepting the application must make a determination of application completeness within 10 business days of application filing.
- c. If an application is determined to be incomplete, the official responsible for accepting the application must notify the applicant of the determination and describe the application's deficiencies.
- d. No further processing of incomplete applications will occur and incomplete applications will be pulled from the processing cycle, unless the applicant, after being notified of that the application is incomplete and not adequate for review, files a written request to proceed with an incomplete application.
- e. Applications deemed complete will be considered to be in the current processing cycle and will be reviewed by staff and other review and decision-making bodies in accordance with applicable review and approval procedures of this ordinance.



- f. The official responsible for accepting the application may require that applications or plans be revised before being placed on an agenda for possible action if the administrator determines that:
  - (1) The application or plan contains one or more significant inaccuracies or omissions that hinder timely or competent evaluation of the plan's/application's compliance with ordinance requirements or other regulations;
  - (2) The application contains multiple minor inaccuracies or omissions that hinder timely or competent evaluation of the plan's/application's compliance with ordinance requirements or other regulations; or
  - (3) The decision-making body does not have legal authority to approve the application.

#### **80.010-E Application Processing Cycles**

The administrator (or other official responsible for accepting applications), after consulting with review and decision-making bodies, is authorized to promulgate reasonable cycles and timelines for processing applications, including deadlines for receipt of complete applications.

#### **80.010-F Public Hearing Notices**

##### **1. Newspaper Notice**

Whenever the procedures of this article require that newspaper notice be provided, the notice must be published in a newspaper of general circulation within Union County. The required newspaper notice must:

- a. Indicate the date, time and place of the public hearing or date of action that is the subject of the notice;
- b. Describe any property involved in the application by map, street address or by legal description;
- c. Describe the nature, scope and purpose of the application or proposal in sufficient detail to allow citizens to determine what is being proposed and whether they would be affected;
- d. Identify who will conduct meetings or hearings or, if no meeting or hearing is required, who will take action on the application; and
- e. Indicate where additional information on the matter can be obtained.

##### **2. Mailed Notice**

- a. Whenever the procedures of this article require that notice of a public hearing before the Board of Commissioners be mailed, such notice must be sent by United States Postal Service certified mail. All other mailed notices required under this article must be sent by United States Postal Service first-class mail unless otherwise expressly stated.
- b. Addresses must be based on the latest property ownership information available from county tax records. When required notices have been properly addressed and deposited in the U.S. mail, alleged failure of a party to receive the mailed notice does not constitute grounds to invalidate any action taken.

- c. Mailed notices must include at least the information required for newspaper notices pursuant to [§80.010-F1](#).

**3. Posted Notice**

When the procedures of this article require that posted notice be provided, at least one notice sign must be posted prominently on the subject site. If access to the subject site is not possible, signs may be posted in the right-of-way abutting the site. When multiple lots are included within the proposal, a posting for each individual lot is not required, but sufficient notices must be posted to provide reasonable notice to interested persons.

**4. Constructive Notice**

- a. Minor defects in required notices will not be deemed to impair the notice or invalidate proceedings pursuant to the notice if a bona fide attempt was made to comply with applicable notice requirements. Minor defects in notice are limited to errors in a legal description or typographical or grammatical errors that do not impede communication of the notice to affected parties. If questions arise at the public hearing regarding the adequacy of notice, the hearing body must make a formal finding about whether there was substantial compliance with the notice requirements of this ordinance.
- b. When the records of the county document the publication, mailing, and posting of notices as required by this article, required notice of the public hearing will be presumed to have been given.

**80.010-G Public Hearings Generally**

- 1. At required public hearings, interested persons must be permitted to submit information and comments, verbally or in writing. The hearing body is authorized to establish reasonable rules and regulations governing the conduct of hearings and the presentation of information and comments.
- 2. Once commenced, a public hearing may be continued by the hearing body. No re-notification is required if the continuance is set for specified date and time and that date and time is announced at the time of the continuance.
- 3. If a public hearing is set for a given date and a quorum of the board conducting the hearing is not then present, the hearing shall be continued until the next regular board meeting without any further required advertisement. (Amended 7-1-2021)
- 4. If a public hearing is continued or postponed for an indefinite period of time from the date of the originally scheduled public hearing by the board at the meeting at which the public hearing was scheduled, new public hearing notice must be given before the re-scheduled public hearing. If the applicant requests and is granted a continuance or postponement requiring re-notification, the applicant must pay any costs of re-notification. (Amended 7-1-2021)
- 5. See also [Section 85.030](#) for provisions governing the land use board's quasi-judicial (evidentiary) hearings and quasi-judicial proceedings. (Amended 7-1-2021) (Amended 5-15-2023)

#### **80.010-H Action by Review Bodies and Decision-Making Bodies**

1. Review and decision-making bodies may take any action that is consistent with:
  - a. The regulations of this ordinance;
  - b. Any rules or by-laws that apply to the review or decision-making body; and
  - c. The notice that was given.
2. Review and decision-making bodies are authorized to continue a public hearing or defer action in order to receive additional information or further deliberate.

#### **80.010-I Conditions of Approval**

When the procedures of this article authorize approval with conditions, review bodies, including staff, are authorized to recommend conditions and decision-making bodies are authorized to approve the subject application with conditions. Any conditions recommended or approved must relate to a situation likely to be created or aggravated by the proposed use or development and must be roughly proportional to the impacts of the use or development.

#### **80.010-J Decision-Making Criteria; Burden of Proof or Persuasion**

Applications must address relevant review and decision-making criteria. In all cases, the burden is on the applicant to show that an application or proposal complies with all applicable review or approval criteria.

#### **80.010-K Time-frames for Review and Action**

1. Recognizing that inordinate delays in acting upon applications may impose unnecessary costs on applicant, the all reviews and decision-making bodies must make every reasonable effort to process applications and conduct required reviews as expeditiously as possible, consistent with the need to ensure that all development conforms to the requirements of this ordinance.
2. Any specific time limit imposed by this ordinance for the timing of a decision or action on behalf of a review or decision-making body may be extended if the applicant agrees to an extension. If a review or decision-making body does not render a decision or take action within any time period required under this ordinance and the petitioner has not agreed to an extension of that time limit, the application is deemed denied.

### **Section 80.020 Vested Rights**

#### **80.020-A Purpose**

The purpose of this section is to implement the provisions of NCGS 160D-108, which establish a statutory zoning vested right upon the approval of a plan that qualifies as a site-specific vesting plan under NCGS 160D-108.1. (Amended 7-1-2021)

#### **80.020-B Procedure**

1. At the time that a property owner submits an application for a conditional zoning district map amendment, special use or subdivision plat that qualifies as a site-specific vesting plan under NCGS 160D-108.1, property owners may elect to declare in writing their desire to acquire a vested right pursuant to NCGS 160D-108 and 160D-108.1 and this ordinance. (Amended 7-1-2021)

2. If a vested right is sought for a subdivision plat, the subdivision plat must be processed in accordance with the conditional zoning district map amendment procedures of [Section 80.050](#), including the requirements for public hearing, legislative hearings, and notices thereunder. (Amended 7-1-2021)
3. For proposed developments that do not require conditional zoning district map amendment, special use or subdivision plat approval, property owners may seek to establish a vested right by submitting a plan that qualifies as a site-specific vesting plan under NCGS 160D-108.1 and following the special use approval procedures of [80.100-A](#). (Amended 7-1-2021)

#### **80.020-C Establishment**

##### **1. Rights**

A vested right confers upon the property owner the right to undertake and complete the development and use of the subject property as delineated on the approved site-specific vesting plan. (Amended 7-1-2021)

##### **2. Transferability**

A vested right obtained under this section attach to and run with the subject property and are not affected by changes of tenancy, ownership, or management. After approval of a site-specific vesting plan, all successors to the original property owner are entitled to exercise such vested rights. After approval of a site-specific vesting plan, all successors to the original property owner are entitled to exercise such vested rights.

(Amended 7-1-2021)

#### **80.020-D Vested Term**

1. A right that has been vested, as provided for in this section (except for the vested term for a multi-phased development, which is set forth in subsection 2 of this §80.020-D), remains vested for a period of 2 years. This vested term may not be extended by any amendments or modifications unless expressly approved by the county. The county may, but is not required to, extend the vested term to a maximum total of 5 years. (Amended 7-1-2021)
2. A multi-phased development shall be vested for the entire development with the development regulations then in place at the time a site plan approval is granted for the initial phase of the multi-phased development for a period of seven years from such initial phase site plan approval. (Amended 7-1-2021)

#### **80.020-E Effect of Establishment; Termination**

A vested right, once established as provided for in this section, precludes any zoning action by the county that changes, alters, impairs, prevents, diminishes, or otherwise delays the development or use of the property as set forth in the site-specific vesting plan approved as part of the vesting request of the property owner, except that the vested right will be terminated in the following circumstances: (Amended 7-1-2021)

1. With written consent of the affected property owner;
2. Upon finding that natural or man-made hazards on or in the immediate vicinity of the property, if uncorrected, would pose a threat to the public health, safety, and welfare if the project were to proceed in accordance with the site-specific vesting plan; (Amended 7-1-2021)

3. To the extent that the subject property owner receives compensation for all costs and losses;
4. Upon finding that the property owner or the property owner’s authorized agent representative, intentionally supplied inaccurate information or made material misrepresentations that made a difference in the plan approval by the county;
5. Upon the enactment of a state or federal law or regulation that precludes development as contemplated in the site-specific vesting plan; or, (Amended 7-1-2021)
6. At the end of the applicable vesting period with respect to buildings and uses for which no valid building permit applications have been filed.

## Section 80.030 Ordinance Text Amendments

### 80.030-A Authority to Initiate

Amendments to the text of this ordinance may be initiated by the Board of Commissioners, the land use board, planning staff or any other interested person. (Amended 5-15-2023)

### 80.030-B Administrator Review

The administrator must review the proposed ordinance text amendment and forward the proposed amendment and any background reports and recommendations to the land use board for their consideration. (Amended 5-15-2023)

### 80.030-C Land Use Board Review

All proposed ordinance text amendments must be referred to the land use board for review and consideration in a public meeting. Following its review, the land use board must act by simple majority vote to recommend that the proposed text amendment be approved, approved with modifications, or denied. The land use board shall also advise and comment on whether the proposed action is consistent with the comprehensive plan, providing a written recommendation that addresses plan consistency and other matters as deemed appropriate by the land use board. The land use board shall transmit its written report and recommendations to the Board of Commissioners. (Amended 7-1-2021) (Amended 5-15-2023)

### 80.030-D Notice of Legislative Hearing

Notice of required legislative hearings on ordinance text amendments must be published in the newspaper at least once a week for 2 successive calendar weeks, with the first of the 2 required newspaper notices published at least 10 days before and no more than 25 days before the date of the legislative hearing (see §80.010-F for additional information on required notices). (Amended 7-1-2021)

### 80.030-E Board of Commissioners Legislative Hearing and Final Action

Following receipt of the land use board’s report and recommendation, the Board of Commissioners must hold a legislative hearing and act, by simple majority vote, to approve the

Figure 80-1: Text Amendments



proposed ordinance text amendment, approve the proposed text amendment with modifications or deny the proposed text amendment. The Board of Commissioners may also remand the proposed text amendment back to the land use board for further consideration. The Board of Commissioners may take action on a proposed amendment without a recommendation of the land use board if a recommendation from the planning board has not been forward within 45 days of the land use board's meeting to consider the amendment.

(Amended 7-1-2021) (Amended 5-15-2023)

**80.030-F Review and Approval Criteria**

In deciding whether to amend the text of this ordinance, the central issue before the Board of Commissioners 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 legislative hearing may be declared irrelevant by the chair and excluded. (Amended 7-1-2021)

**80.030-G Required Statement**

In acting to approve or deny any ordinance text amendment, the Board of Commissioners must also adopt one or more statements (1) describing whether its action is consistent or inconsistent with the comprehensive plan and any other applicable adopted plans and (2) explaining why the Board of Commissioners considers the amendment to be reasonable and in the public interest. (Amended 7-1-2021)

## Section 80.040 Zoning Map Amendments (Rezoning)

### 80.040-A Authority to File

Zoning map amendments may be initiated only by the Board of Commissioners, the land use board, the subject property owner or the subject property owner's authorized agent. (Amended 5-15-2023)

### 80.040-B Pre-application Meeting

A pre-application meeting is required before filing a zoning map amendment application. (See §80.010-D2 for additional information on pre-application meetings).

### 80.040-C Application Filing

Complete applications for zoning map amendments must be filed with the administrator.

### 80.040-D Administrator Review

Following receipt of a complete zoning map amendment application, the administrator must review the proposed zoning map amendment and forward the proposed amendment and any background reports and recommendations to the land use board for their consideration. (Amended 5-15-2023)

### 80.040-E Land Use Board Review

All proposed zoning map amendments must be referred to the land use board for review and consideration in a public meeting. Following its review, the land use board must act by simple majority vote to recommend that the proposed zoning map amendment be approved, approved with modifications, or denied. The land use board shall also advise and comment on whether the proposed action is consistent with the comprehensive plan, providing a written recommendation that addresses plan consistency and other matters as deemed appropriate by the planning board. The land use board shall transmit its written report and recommendations to the Board of Commissioners. (amended 7-1-2021)  
(Amended 5-15-2023)

### 80.040-F Notice of Legislative Hearing

Notice of required legislative hearings on zoning map amendments must be provided as follows (see §80.010-F for additional information on required notices). (amended 7-1-2021)

#### 1. Newspaper Notice

Notice of proposed zoning map amendments must be published in the newspaper at least once a week for 2 successive calendar weeks, with the first of the 2 required newspaper notices published at least 10 days before and no more than 25 days before the date of the legislative hearing. (amended 7-1-2021)

#### 2. Mailed Notice

a. At least 10 days before and no more than 25 days before the date of the legislative hearing, notice must be mailed to the subject property owner and all owners of

Figure 80-2: Zoning Map Amendments



property that abut the subject property or are located on the opposite side of the street, railroad, or other transportation corridor from the subject property. If the owner of the subject property also owns the property abutting the subject the property or across the street from the subject property, the required mail notification radius must be extended to include the nearest properties owned by individuals or entities who are not owners of the subject property. (Amended 7-1-2021)

- b. If the proposed zoning map amendment would reclassify more than 50 properties, owned by a total of at least 50 different property owners, the county may elect to provide mailed notice to individual property owners as stated in §80.040-F2.a or provide expanded newspaper notice of the proposed zoning map amendment. Expanded newspaper notice requires that a map of the area proposed to be rezoned and an explanation of the effect of the rezoning be published in the newspaper once a week for 4 successive calendar weeks before the legislative hearing. The expanded newspaper notice must be at least one-half page in size, and any property owners residing outside the county must be provided with individual mailed notice in accordance with §80.040-F2.a. If expanded newspaper notice is provided in lieu of individual mailed notice, notice (signs) must be posted prominently at least 10 days before and no more than 25 days before the required legislative hearing. (Amended 7-1-2021)

### 3. Posted Notice

In addition to newspaper and mailed notice, notice (signs) must be posted prominently on the subject property at least 10 days before and no more than 25 days before the legislative hearing. (Amended 7-1-2021)

### 80.040-G Board of Commissioners Legislative Hearing and Final Action

Following receipt of the land use board's report and recommendation, the Board of Commissioners must hold a legislative hearing and act, by simple majority vote, to approve the proposed zoning map amendment, approve the proposed zoning map amendment with modifications or deny the proposed zoning map amendment. The Board of Commissioners may also remand the proposed zoning map amendment back to the land use board for further consideration. The Board of Commissioners may take action on a proposed amendment without a recommendation of the land use board if a recommendation from the land use board has not been forwarded within 45 days of the land use board's meeting to consider the amendment. (Amended 7-1-2021) (Amended 5-15-2023)

### 80.040-H Review and Approval Criteria

In deciding whether to adopt a zoning map amendment, the central issue before the Board of Commissioners 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 legislative hearing may be declared irrelevant by the chair and excluded. (Amended 7-1-2021)

### 80.040-I Required Statement; Effect of Statement

In acting to approve or deny any zoning map amendment, the Board of Commissioners must also adopt one or more statements (1) describing whether its action is consistent or inconsistent with the comprehensive plan and any other applicable adopted plans and (2) analyzing the reasonableness of the proposed zoning map amendment. If a zoning map amendment is adopted and the action was deemed inconsistent with the comprehensive



plan, the zoning map amendment shall have the effect of also amending any future land-use map in the approved comprehensive plan, and no additional request or application for a comprehensive plan amendment is required. (Amended 7-1-2021)

#### **80.040-J Successive Applications**

1. The administrator may not accept a zoning map amendment application for the same property within 12 months of the date that an application: (amended 8-5-2019)
  - a. Has been denied by the Board of Commissioners;
  - b. Has been withdrawn by the applicant after land use board consideration; or (Amended 5-15-2023)
  - c. A zoning map amendment for a more restrictive classification than requested by an applicant has been approved by the Board of Commissioners.
2. The time limitation imposed by this subsection (§80.040-J) does not apply to the filing a conditional zoning map amendment application on the same property for which a zoning map amendment was denied before the effective date specified in Section 1.030.
3. The time limitation imposed by this subsection (§80.040-J) does not apply to the initiation of a zoning map amendment by the Board of Commissioners. (amended 8-5-2019)

#### **80.040-K Vested Rights**

No vested right is created solely as the result of the Board of Commissioners' approval of a zoning map amendment.

## Section 80.050 Conditional Zoning District Map Amendments (Conditional District Rezonings)

### 80.050-A Applicability

The conditional district zoning map amendment procedure of this section applies when a property owner proposes to place additional zoning- or development-related restrictions on a particular property, over and above those that would otherwise apply under this ordinance. The conditional zoning map amendment procedure of this section must be followed when whenever an applicant for rezoning proposes to:

1. Reduce or narrow the range of uses or building types allowed in the subject zoning district;
2. Commit to strict compliance with a site-specific development plan that imposes:
  - a. Lot and building regulations that are more restrictive than otherwise required in the subject zoning district; or
  - b. Other development-related standards or conditions that are more restrictive than those that would otherwise apply to the subject property under this ordinance.

### 80.050-B Authority to File

Applications for conditional zoning district map amendments may be filed only by the subject property owner or the subject property owner's authorized agent.

### 80.050-C Pre-application Meeting

A pre-application meeting is required before filing a conditional zoning district map amendment application. (See [§80.010-D2](#) for additional information on pre-application meetings).

### 80.050-D Review and Approval Procedure

The zoning map amendment procedures and requirements of [Section 80.040](#) apply and must be followed for all conditional zoning district map amendments, except as otherwise expressly stated in this section.

### 80.050-E Required Community Meeting

1. Before an application for a conditional zoning district map amendment is considered by the land use board, the applicant must provide the administrator with a written report of at least one community meeting held by the applicant. (Amended 7-1-2021)  
(Amended 5-15-2023)

Figure 80-3: Conditional Zoning District Map Amendments



2. Reasonable notice of the required community meeting must be given to nearby property owners and to affected and interested parties in accordance with county public notice policies.
3. The report must include at least a listing of those persons and organizations contacted about the meeting and the manner and date of contact, time, date, and location of the meeting, a roster of the persons in attendance at the meeting, a summary of issues discussed at the meeting, and a description of any changes to the rezoning application made by the applicant as a result of the meeting.
4. If the applicant has not held at least one community meeting pursuant to this subsection, the applicant must file a report documenting efforts that were made to arrange such a meeting and stating the reasons that a meeting was not held.
5. The adequacy of the meeting and the meeting report must be considered by the Board of Commissioners, but is not subject to judicial review.

#### **80.050-F Submittal Requirements**

The application must include all information required for proposed zoning map amendments. In addition, proposed conditional zoning district map amendments must include detailed narrative text that specifies the conditions that will govern development of the subject property. If proposed conditions include physical site improvements or features that can be illustrated, a site plan must also be submitted.

#### **80.050-G Scope and Effect of Approval**

##### **1. Transferability**

Approved conditional zoning district map amendments run with the land and are not affected by changes of tenancy, ownership, or management. Similarly, all conditions associated with an approved conditional zoning district map amendment are perpetually binding upon the subject property and apply regardless of changes in ownership or tenancy, unless amended in accordance with [§80.050-H](#).

##### **2. Agreed Upon and Written Conditions**

Conditions approved by the Board of Commissioners, and consented to by the applicant in writing, shall be incorporated into the conditional zoning district map amendments. (Amended 7-1-2021)

##### **3. Special Uses**

Once a conditional zoning district has been approved by the Board of Commissioners, property owners are not required to obtain special use approval by the land use board in accordance with [80.100-A](#), as long as all information required for special use approval is included with the conditional zoning map amendment application. If the information otherwise required for special use approval is not submitted and reviewed as part of the conditional zoning district map amendment application, then special use approval in accordance with [80.100-A](#) is required before any permits may be issued for the subject use. (Amended 5-15-2023)

##### **4. Recording**

The subject property owner must obtain written certification of the approval of the conditional zoning map amendment from the administrator and record the legal description and accompanying conditional zoning map amendment and exhibits in the office

of the register of deeds. No building permits or other permits or approvals may be issued by the county until the property owner provides a signed written acknowledgment of recording.

**5. Violations**

Any violation of a condition attached to an approved conditional zoning map amendment is a violation of this ordinance and is subject to the same penalties and enforcement procedures as any other ordinance violation.

**80.050-H Amendments and Modifications**

Amendments to approved conditional zoning district map amendments may be approved in accordance with the following requirements.

**1. Minor Amendments**

- a. The administrator is authorized to approve the following minor amendments to approved conditional zoning district map amendments:
  - (1) Any amendments expressly authorized as minor amendments at the time of approval of the conditional zoning district map amendment; and
  - (2) Changes to the development site or to structures necessitated by engineering, architectural or physical limitations of the site that could not have been foreseen at the time the conditional zoning district map amendment was approved and that are not otherwise classified as major amendments pursuant to [§80.050-H2](#).
- b. Applications for minor amendments to approved conditional zoning district map amendments must be filed in a form established by the administrator. If no action is taken on the minor amendment application within 30 days of filing of a complete application, the minor amendment is deemed denied.

**2. Major Amendments**

- a. All of the following constitute major amendments to approved conditional zoning district map amendments:
  - (1) An increase in overall building coverage by more than 1%;
  - (2) An increase in building height by more than 1% or 1 foot, whichever is less;
  - (3) A change in density of overall development permitted or an increase in the number of residential units allowed; (Amended 7-1-2021)
  - (4) An overall reduction in the amount of common open space or landscaping;
  - (5) A reduction in off-street parking by more than 10% or one space, whichever results in a greater reduction;
  - (6) A change in the vehicle circulation pattern that would increase points of access, change access to another street or increase projected traffic volumes;
  - (7) Any combination of 2 or more minor amendments that were not expressly authorized by the approved conditional zoning district map amendment; and

(8) Any modification of a condition of approval imposed at the time of approval of the conditional zoning district map amendment.

(9) A change in uses permitted. (Amended 7-1-2021)

- b. Major amendments to an approved conditional zoning district map amendment must be processed as a new conditional zoning district map amendment application, including all requirements for fees, notices and public hearings.

#### 8o.o5o-I Vested Rights

If the Board of Commissioners approves a conditional zoning district map amendment that includes a plan qualifying as a site-specific vesting plan under NCGS 16oD-1o8.1, the Board of Commissioners is authorized, upon a written request from the property owner, to designate the approved plan as a site-specific vesting plan that triggers a vested right for a period of not less than 2 nor more than 5 years pursuant to NCGS 16oD-1o8.1. An approved site-specific vesting plan must include the following statement: "Approval of this plan establishes a zoning vested right under NCGS 16oD-1o8 and 16oD-1o8.1. Unless terminated at an earlier date, the vested right remains valid until [insert date]." (Amended 7-1-2021)

### Section 8o.o6o Exempt Subdivisions

#### 8o.o6o-A Purpose

The exempt subdivision determination procedures of this section are intended to result in written documentation that a proposed land division qualifies as an exempt subdivision. While land divisions that do not constitute a subdivision are exempt from subdivision plan procedural requirements, they are not exempt from compliance with other applicable (non-plat) requirements of this ordinance.

#### 8o.o6o-B Applicability

All persons proposing land divisions that do not constitute a subdivision must file an application for determination of exempt subdivision status in accordance with the procedures of this section. Activities that do not constitute a subdivision, are as follows:

1. The combination or recombination of portions of previously subdivided and recorded lots if:
  - a. The total number of lots is not increased; and
  - b. The resulting lots comply with all applicable zoning district requirements and subdivision design and improvements standards.
2. The division of land resulting in the creation of lots that are each more than 1o acres in area, provided that no right-of-way dedication is involved.
3. The public acquisition of land for the establishment (or widening) of roads, rail corridors, parks, open space, trails, greenway corridors, conservation areas, or public water reservoir projects;
4. The division of a tract of land in single ownership into no more than 3 lots if:
  - a. The tract to be divided is no greater than 2 acres in area;
  - b. No right-of-way dedication is involved; and

- c. The resulting lots meet or exceed the minimum lot size regulations of this ordinance.
5. The division of land into cemetery plots;
6. The division of land solely for the purpose of creating lots to be occupied by electrical substations, water towers, community water and wastewater systems, cell towers and similar structures used for public or quasi-public utility purposes, provided no right-of-way dedication is involved; and
7. The division of a tract of land resulting solely from public acquisition of land to be used for public street right-of-way.
8. The division of a tract into parcels in accordance with the terms of a probated will or in accordance with intestate succession under NCGS Chapter 29. (amended 7-1-2021)

#### 80.060-C Application Submittal

A complete application for exempt subdivision determination must be submitted to the planning director and include a copy of the final mylar plat and 3 paper copies of the plat.

#### 80.060-D Planning Director Review and Action (amended 8-5-2019)

1. Following receipt of a request for a determination of exempt subdivision status, the planning director must make a determination of the land division's exempt or non-exempt status.
2. If the planning director determines that the proposed land division does not constitute a subdivision, the planning director must certify the proposed land division as exempt and include the following statement on the plat:

*I, [insert name], Union County Planning Director, certify that this plat does not constitute a subdivision and that it meets all statutory requirements for recording. Because of its "exempt" status, the county has not reviewed this plat for compliance with applicable zoning and subdivision regulations (e.g., street standards). Prospective purchasers should be aware that plans for building and development may be denied for lots that do not meet applicable county standards. This approval expires if not recorded before [insert date].*

3. If the planning director determines that the proposed land division constitutes a subdivision, the applicant must be informed of that determination in writing.

### Section 80.070 Minor Subdivisions

#### 80.070-A Applicability

The minor subdivision review and approval procedures of this section may be used only for land divisions that result in the creation of no more than 8 lots out of a single tract since February 14, 1978. that do not, under the terms of this ordinance, require the construction of new streets, public water or sewer facilities, sidewalks, or similar infrastructure and public facilities.

### 80.070-B Pre-application Meeting

A pre-application meeting is required before filing an application for approval of a minor subdivision. (See [§80.010-D2](#) for additional information on pre-application meetings).

### 80.070-C General Process

The minor subdivision process is a one-step process involving review and approval of a final plat, in accordance with the final plat approval procedures of [§80.080-F](#). No lot proposed to be created through the minor subdivision process may be sold or offered for sale until a final plat showing the subdivision has been approved in accordance with the final plat procedures of [§80.080-F](#) and has been recorded with the register of deeds.

Figure 80-4: Minor Subdivisions



## Section 80.080 Major Subdivisions

### 80.080-A Applicability

The major subdivision review and approval procedures of this section must be followed for all proposed land divisions that do not qualify as exempt subdivisions under [Section 80.060](#) or as minor subdivisions under [Section 80.070](#).

### 80.080-B General Process

1. The major subdivision process is a multi-step process requiring:
  - a. Pre-application meeting;
  - b. Sketch plan;
  - c. Preliminary plan;
  - d. Final plat;
2. Infrastructure and public improvements may be installed only after approval of a preliminary plan, and sale of lots is permitted only after a final plat has been approved and recorded with the register of deeds.

### 80.080-C Pre-application Meeting

A pre-application meeting is required before filing an application for sketch plan review. (See [§80.010-D2](#) for additional information on pre-application meetings).

### 80.080-D Sketch Plan

1. Before submitting an application for preliminary subdivision plan approval, the subject property owner or the property owner's authorized agent must submit to the planning director a sketch plan of the proposed subdivision.
2. Following a review of the sketch plan and other materials by the planning staff and technical review committee, the planning director must advise the applicant of the results of the sketch plan review. A preliminary plan application may not be submitted until after the technical review committee has provided the developer with its comments and recommendations based on the sketch plan review. (amended 8-5-2019)

### 80.080-E Preliminary Plan

#### 1. Authority to File

Applications for preliminary plan approval may be filed only by subject property owner or the subject property owner's authorized agent.

#### 2. Application Filing

Complete applications for preliminary plan approval must be filed with the planning director.

#### 3. Planning Director Review and Action

(amended 8-5-2019)

- a. Upon receipt of a complete application for preliminary plan approval, the planning director must refer the application to the technical review committee and other affected agencies for review and comment.
- b. After completing review of the preliminary plan application and allowing reasonable time for receipt of comments from the technical review committee and other review agencies, the planning director must act to approve the preliminary plan, approve the plan with conditions or deny the preliminary plan and notify the applicant, in writing, of the determination. The planning director's action must be based solely on whether the proposed subdivision and associated development, as shown on the preliminary plan, complies with all applicable provisions of this ordinance. If the application is denied, the written notice to the applicant must state the reasons for denial. (amended 7-1-2021)

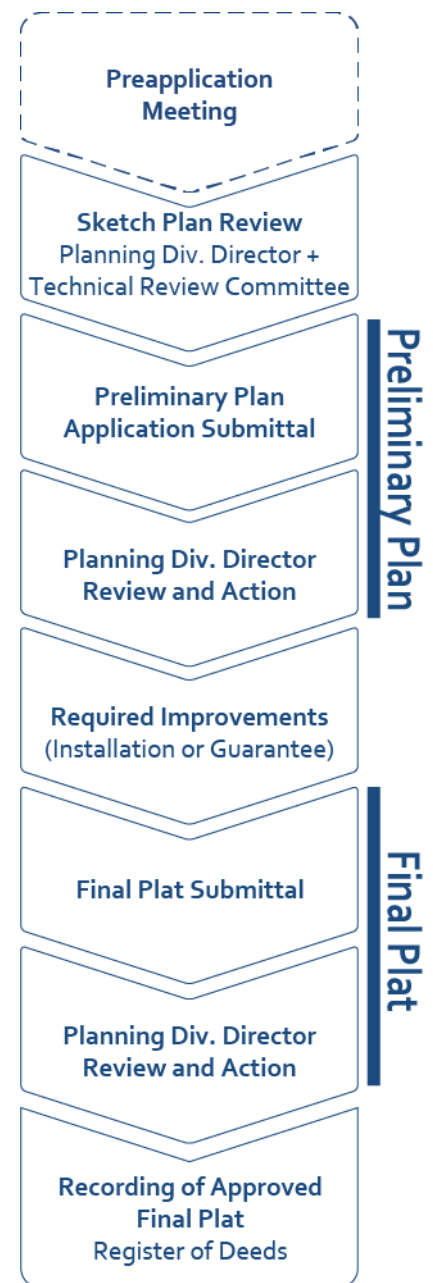
#### 4. Effect of Approval

- a. Upon approval of the preliminary plan, the applicant may proceed with installation of or arrangement for required infrastructure and improvements in accordance with the approved preliminary plan and the requirements of this ordinance, including the infrastructure and public improvement requirements of [Article 60](#). The applicant may also proceed with the preparation and submittal of the required final plat.
- b. No building permits may be issued to develop any lot or tract shown on the approved preliminary plan until a final plat showing such lot or tract is approved and recorded in compliance with [§80.080-F](#).

#### 5. Lapse of Approval

- a. An approved preliminary plan remains valid and effective for a period of 2 years from the date of approval. If final plat approval and recording of the approved final

Figure 80-5: Major Subdivisions





plat has not occurred within this 2-year period, the preliminary plan approval lapses and is of no further effect, except under the following conditions:

- (1) The subdivision is to be built in sections or phases, and a phasing plan was approved as part of the preliminary plan;
  - (2) The period between the approval date of the preliminary plan and the approval date of the final plat for the first phase does not exceed one year; and
  - (3) The period between the approval date of the final plat for the first phase and the approval dates of the final plats of any subsequent phases do not exceed the time limits specified in the phasing plan for the approved preliminary plan.
- b. If a phasing plan for construction of the subdivision is approved, the expiration date of the preliminary plan will be governed by the time periods approved as part of the phasing plan.

#### **80.080-F Final Plat**

##### **1. Authority to File**

A final plat may be filed only by subject property owner or the subject property owner's authorized agent.

##### **2. Application Filing**

- a. Final plats must be filed with the planning director. (amended 8-5-2019)
- b. The application for final plat approval must be accompanied by the property owner's written acknowledgment that all infrastructure and public improvements shown on the preliminary plan must either be installed or covered by an approved performance guarantee (See [Section 60.030](#)) prior to approval of the final plat.

##### **3. Planning Director Review and Action (amended 8-5-2019)**

- a. Upon receipt of a complete final plat, the planning director must refer the final plat to affected agencies for review and comment.
- b. After completing review of the final plat and allowing reasonable time for receipt of comments from review agencies, the planning director must act to approve the final plat, approve the final plat with conditions or deny approval the final plat and notify the applicant, in writing, of the decision. The planning director's action must be based solely on whether the final plat is consistent with the approved preliminary plan and any conditions of approval and with all other applicable provisions of this ordinance. If the final plat is not approved, the written notice to the applicant must state the reasons for denial.

##### **4. Amendments and Modifications**

Any substantial amendments or modifications of an approved preliminary plan require submittal of an amended preliminary plan, which must be reviewed in the same manner as a new preliminary plan application, including the payment of review fees. A substantial amendment or modification is one that significantly changes the subdivision's general function, form, intensity, character, demand on public facilities, relationship to a local street network, relationship to adjacent properties, or other characteristic from

that indicated by the preliminary plan approval. The following are examples of substantial amendments or modifications:

- a. Any substantive change in a condition of approval;
- b. An increase in the number of building lots proposed;
- c. Any substantial change in the location of or any decrease in the amount of open space, buffers, or area reserved for recreation use;
- d. Any substantial change in pedestrian and/or vehicular access or circulation including street classification;
- e. Any change in the provision of services such as water supply and wastewater disposal; or
- f. Any substantial change in the location of utilities or other easements.

#### 5. Approval Certification

Upon approval of the final plat, the planning director must enter the following certification on the approved final plat: (amended 8-5-2019)

*I, [insert name], Union County Planning director, certify that this plat creates a subdivision subject to and approved in accordance with the Union County Development Ordinance, and that it meets all statutory requirements for recording. I also certify that copies of all necessary approvals of other state and local agencies having jurisdiction over the streets, utilities, and other improvements have been submitted to me and are on file in my office. This approval expires if not recorded before [insert date].*

#### 6. Acceptance of Dedications

- a. Approval of a final plat does not constitute acceptance by the county or any other public agency of an 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. The county may not accept an 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, authorized county representative or a registered professional engineer or architect retained by the developer.
- b. All facilities and improvements proposed to be dedicated to the public must be maintained by the property owner until the offer of dedication has been officially accepted by the respective public authority. (amended 7-1-2021)
- c. If the approved final plat includes offers of dedication and the dedication offers have been officially accepted, the planning director must enter the following certification on the approved record plat: (amended 8-5-2019)

*Union County hereby accepts, for the use and benefit of the general public, the rights-of-way, easements, open spaces, and recreation areas shown or otherwise provided for on this plat as dedicated for public streets, public utilities, public recreation facilities, and other public improvements. This acceptance does not include the county's acceptance of any responsibility to construct, install, or maintain the roadway, utility line, recreation facility, or other public improvement intended to be constructed or installed within the right-of-way, easement, open space, or recreation area.*

*[insert name, title and date]*

- d. Recordation of an approved plat with the above signed certification constitutes public acceptance of the dedication, authorizing the use of the dedicated right-of-way, easement, open space, or recreation area for public street access and associated public purposes, utility service, or open space or recreation use (as appropriate), including the construction or installation thereon, in accordance with county and state regulations, of roadways, associated stormwater management improvements and erosion and sedimentation control devices, utility lines and facilities, recreation facilities, and other public improvements appropriate to the public purposes to which the right-of-way, easement, open space, or recreation area is dedicated.

#### 7. Required Certificates and Endorsements

In addition to the approval and dedication acceptance certificates specified in [§80.o80-F5](#) and [§80.o80-F6.c](#), final plats must include the following additional certificates and endorsements in a format specified by the administrator:

- a. **Certificate of Ownership and Dedication**

The property owner/developer's certificate of property ownership and agreement to dedicate (as applicable). Also includes agreement to maintain areas to be dedicated until offer of dedication has been accepted by the county.

- b. **Certificate of Subdivision Type and Survey Accuracy**

Certification of a land surveyor of the type of land division or survey and of map accuracy and method of survey.

- c. **Street Construction Standards Certificate**

Certification of compliance with North Carolina Department of Transportation right-of-way and street construction standards or designation of streets as private streets that will not be accepted into the state highway system.

- d. **Watershed Status Certificates**

The planning director's certification of whether the subdivision lies within a designated water supply watershed. (amended 8-5-2019)

#### 8. Plat Recording

The planning director's approval of any final plat is contingent on the applicant recording the plat with the register of deeds within 90 days of the approval date and submission, to the planning director, of an authenticated copy of the final recorded plat.

(amended 8-5-2019)

**9. Sale of Lots**

No lot proposed to be created through the major subdivision process may be sold or offered for sale until a final plat showing the subdivision has been approved by the planning director and recorded with the register of deeds. (amended 8-5-2019)

**Section 80.090 Subdivision Plat Vacations**

**80.090-A Authority to File**

1. The owner of a subdivision may vacate a recorded plat at any time before any lot in the subdivision is sold. The plat is vacated when a signed, acknowledged instrument declaring the plat vacated is approved by the planning director and recorded in the manner prescribed for the final plat. (amended 8-5-2019)
2. If any lots in the subdivision covered by the recorded plat have been sold or built upon, the recorded plat, or any part of the plat, may be vacated upon application of all the owners of lots in the plat.

**80.090-B Recording**

The instrument of vacation must be recorded with the register of deeds within 15 days after the date of the approval of the vacation. When duly recorded, the instrument of vacation destroys the force and effect of the previously recorded plat that has been vacated and extinguishes any offer or dedication to any streets, improvements or public areas.

**Section 80.100 Master Planned Developments**

**80.100-A Overview**

1. A property owner request for rezoning to the MPD zoning district requires review and approval of a conditional zoning map amendment ([Section 80.050](#)), which is processed concurrently with an MPD development plan (see [§80.100-B](#)).
2. After approval of the conditional zoning map amendment and MPD development plan, MPD site plan review and approval is required in accordance with the procedures of [§80.100-C](#).
3. No building permit may be issued and no building or development may occur in a MPD zoning district until a subdivision plat incorporating the provisions of the approved site plan has been approved and filed of record in the office of the register of deeds.

**80.100-B MPD Development Plans**

**1. Applicability**

Development plans are required for Master Planned Development (MPD) zoning map amendments.

**2. Application Filing**

Complete applications for development plan approval must be filed with the administrator concurrently with a conditional zoning map amendment application.

**3. Administrator Review**

Following receipt of a complete conditional zoning map amendment and MPD development plan application, the administrator must review the proposed conditional zoning map amendment and development plan and forward the proposed conditional zoning

map amendment, development plan and any background reports and recommendations to the land use board for their consideration. (Amended 5-15-2023)

**4. Land Use Board Review**

All proposed zoning map amendments and MPD development plans must be referred to the land use board for review and consideration in a public meeting. Following its review, the land use board must act by simple majority vote to recommend that the proposed conditional zoning map amendment and MPD development be approved, approved with modifications, or denied and transmit its written report and recommendations to the Board of Commissioners. (Amended 5-15-2023)

**5. Notice of Legislative Hearing**

Notice of required legislative hearings on MPD zoning map amendments and development plans must be provided in accordance with the conditional zoning map amendment notification requirements of [§80.040-F](#). (amended 7-1-2021)

**6. Board of Commissioners Legislative Hearing and Final Action**

Following receipt of the land use board's report and recommendation, the Board of Commissioners must hold a legislative hearing and act, by simple majority vote, to approve the proposed conditional zoning map amendment and development plan, approve the proposed conditional zoning map amendment and development plan with modifications or deny the proposed conditional zoning map amendment and development plan. The Board of Commissioners may also remand the proposed conditional zoning map amendment and development plan back to the land use board for further consideration. The Board of Commissioners may take action on a proposed conditional zoning map amendment and development plan without a recommendation of the land use board if a recommendation from the land use board has not been forwarded within 45 days of the land use board's meeting to consider the conditional zoning map amendment. (amended 7-1-2021) (Amended 5-15-2023)

**7. Supplemental Review and Approval Criteria**

In making recommendations and decisions on MPD district zoning map amendments, review and decision-making bodies must consider the conditional zoning map amendment criteria of [§80.040-H](#) and the following factors:

- a. Whether the proposed master planned development is consistent with the comprehensive plan and any other adopted plans for the subject area;
- b. Whether the MPD development plan complies with the MPD district provisions of [Section 20.020](#);
- c. Whether the development will result in public benefits that equal to or greater than those that would have resulted from development under conventional zoning (non-MPD) regulations; and
- d. Whether appropriate terms and conditions have been imposed on the approval to protect the interests of surrounding property owners and residents, existing and future residents of the MPD and the general public.

**8. Requirement for Filing of Site Plan**

A phasing plan for the filing of site plans for individual phases of the approved development plan build-out must be approved at the time of approval of the MPD development

plan. If applications for MPD site plan approval for individual phases of development are not filed within the time required under the approved phasing plan, the approved MPD development plan must be reviewed and reconsidered by the land use board and Board of Commissioners to determine which of the following actions is warranted in light of surrounding land use patterns and other relevant information presented at the time of reconsideration by the land use board and Board of Commissioners: (Amended 5-15-2023)

- a. An extension of time for filing a site plan
- b. An amendment to the approved MPD development plan; or
- c. Rezoning to another zoning district.

**9. Amendments to Approved MPD Development Plans**

**a. Minor Amendments**

- (1) The land use board is authorized to approve the following as minor amendments to approved development plans if the land use board determine that substantial compliance is maintained with the approved MPD development plan. (Amended 5-15-2023)
  - (a) Any deviation expressly authorized as at the time of MPD development plan approval;
  - (b) The addition of customary accessory uses and structures;
  - (c) Adjustment of internal development area boundaries, provided the allocation of land to particular uses and the relationship of uses within the project are not substantially altered;
  - (d) Limitation or elimination of previously approved uses, provided the character of the development is not substantially altered;
  - (e) Modification of the internal circulation system that would not increase points of access from adjacent streets, change access to another street or increase projected traffic volumes;
  - (f) Lot splits that modify a recorded plat and that have been reviewed and approved, as required by the subdivision regulations;
  - (g) Modifications to approved signage, provided the size, location, number and type of signs is not substantially altered;
  - (h) Modification to approved screening and landscaping plans, provided the modification is not a substantial deviation from the original approved plan;
  - (i) Changes reducing the number of permitted dwelling units, the amount of nonresidential floor area or the area covered by buildings or paved areas; and
  - (j) Reductions in off-street parking or loading by more than 10% or one space, whichever results in a greater reduction.

- (2) Any amendment to a condition of approval imposed by the Board of Commissioners must be reviewed and approved by the Board of Commissioners following the same procedure as required for minor amendments to be considered by the land use board. (Amended 5-15-2023)
- (3) Notice of the land use board's public meeting on a development plan minor amendment request must be provided by posting notice signs prominently on the subject property at least 10 days before and no more than 25 days before the public meeting. (Amended 5-15-2023)
- (4) If the land use board determines that the proposed MPD development plan amendment, if approved, will result in a significant departure from the approved development plan or otherwise significantly change the character of the subject area or that the cumulative effect of a number of minor amendment substantially alters the approved MPD development plan, then the amendment must be deemed a major amendment to the MPD development plan and processed as a new MPD development plan following the MPD development plan approval procedure [§80.100-B](#), including all requirements for fees, notices and hearings. (Amended 5-15-2023)
- (5) An appeal from any MPD development plan minor amendment decision by the land use board may be taken by any person aggrieved. Appeals are made to the Board of Commissioners by filing notice of appeal with the administrator within 10 days of the date of the decision being appealed. The appeal must specify the grounds of the appeal. Upon filing of the notice of appeal, the land use board must transmit to the Board of Commissioners, the original or certified copies of all the papers constituting the record in the case, together with the decision of the land use board. The Board of Commissioners must notify the applicant and all interested parties, as recorded in the minutes of land use board, of the appeal hearing location, date and time. (Amended 5-15-2023)

**b. Major Amendments**

Any amendment to an approved MPD development plan that is not expressly authorized as a minor amendment must be processed as a new MPD development plan following the development plan approval procedure of [§80.100-B](#), including all requirements for fees, notices and hearings.

**80.100-C MPD Site Plans**

**1. Applicability**

MPD site plan approval is required before the issuance of any permits for development or construction on any property included with the boundaries of any approved MPD development plan.

**2. Application Filing**

Complete applications for site plan approval must be filed with the administrator.

**3. Review and Action by Land Use Administrator; Appeals**

- a. Unless otherwise required by the Board of Commissioners as a condition of approval of a MPD development plan, the administrator is authorized to review and take action on MPD site plans. The administrator must approve the MPD site plan if

it complies (as applicable) with the approved MPD development plan, all conditions of development plan approval and all applicable regulations of this ordinance. If the submitted MPD site plan does not comply with the approved MPD development plan, any conditions imposed on that plan or applicable regulations of this ordinance, the administrator must disapprove the site plan and advise the landowner in writing of the specific reasons for disapproval.

- b. If the administrator does not approve the site plan, the landowner may either: (1) resubmit the site plan to correct the plan's inconsistencies and deficiencies, or (2) within 60 days of the date of notice of disapproval, appeal the determination of the administrator by filing a notice to appeal with the administrator. If such an appeal is filed, the site plan must be reviewed by the land use board, following the requirements that apply to minor amendments of approved development plans (see [§80.100-B9.a\(3\)](#)). The land use board's decision may be appealed, following the procedures of [Section 80.130](#). (amended 7-1-2021) (Amended 5-15-2023)

#### 4. Effect of Approval

Approval of an MPD site plan must occur before any building permits are issued. Site plan approval, in and of itself, does not constitute effective dedication of rights-of-way or any other public improvements, nor will the site plan be the equivalent of or an acceptable alternative to the final platting of land prior to the issuance of building permits.

#### 80.100-D Subdivision Plats

No building permit may be issued and no building or development may occur in a MPD zoning district until a subdivision plat incorporating the provisions of the approved development plan has been approved and filed of record in the office of the register of deeds.

#### 80.100-E Issuance of Building Permits

Building permits may be issued only after the required MPD subdivision plat is approved and filed of record in the office of the register of deeds. Any permits issued must be accordance with the approved plat incorporating the provisions of the approved MPD development plan.

#### 80.100-F Vested Rights

If the Board of Commissioners approves an MPD zoning map amendment and development plan that includes a plan qualifying as a site-specific vesting plan under NCGS 160D-108.1, the Board of Commissioners is authorized, upon a written request from the property owner, to designate the approved plan as a site-specific vesting plan that triggers a vested right for a period of not less than 2 nor more than 5 years pursuant to NCGS 160D-108.1. An approved site-specific vesting plan must include the following statement: "Approval of this plan establishes a zoning vested right under NCGS 160D-108 and 160D-108.1. Unless terminated at an earlier date, the vested right remains valid until [insert date]."



## Section 80.110 Special Uses

### 80.110-A Applicability

1. The table of allowed uses ([Table 25-1](#)) identifies certain “special uses” that are allowed only if reviewed and approved in accordance with the special use procedures of this section. Special uses are generally those that have widely varying operating characteristics or potential land use impacts that require additional review to ensure that they will comply with all applicable ordinance regulations and approval criteria.
2. The procedures of this section require that the land use board hear factual evidence presented to it at an evidentiary hearing, and then makes findings of fact supported by competent, substantial, and material evidence. Based on those findings, the land use board decides whether or not it can reach each of the conclusions required (See [§80.110-H](#)) to approve the special use. (Amended 5-15-2023)

### 80.110-B Authority to File

Applications for approval of a special use may be filed only by subject property owner or the subject property owner’s authorized agent.

### 80.110-C Pre-application Meeting

A pre-application meeting is required before filing an application for approval of a special use. (See [§80.010-D2](#) for additional information on pre-application meetings).

### 80.110-D Application Filing

Complete applications for special use approval must be filed with the administrator.

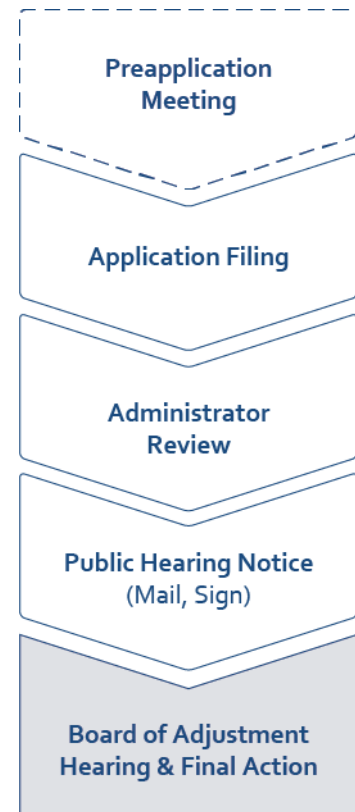
### 80.110-E Administrator Review

1. Following receipt of a complete special use application, the administrator must cause a review and analysis of the application to be conducted by qualified representatives and other agencies or officials, as appropriate in light of the proposal and its likely impacts. Following this review, the administrator must forward the application and any analysis to the land use board and all individuals required to be notified of the public hearing pursuant to [§80.110-E2](#). (Amended 5-15-2023)
2. The land use board must enter the review and analysis required by this subsection into evidence during the land use board’s evidentiary hearing. The analysis must be made available for examination by all interested parties, and the administrator and other officials who conducted the review are subject to cross-examination regarding their analysis. (amended 7-1-2021) (Amended 5-15-2023)

### 80.110-F Notice of Evidentiary Hearing

(see [§80.010-F](#) for additional information on required notices)

Figure 80-6: Special Uses



- a. At least 10 days before and no more than 25 days before the date of the evidentiary hearing, notice must be mailed to the applicant, the subject property owner, all owners of property that abut the subject property or are located on the opposite side of the street from the subject property and all persons who have submitted to the administrator a written request to receive notification. If the owner of the subject property also owns the property abutting the subject the property or across the street from the subject property, the required mail notification radius must be extended to include the nearest properties owned by individuals or entities who are not owners of the subject property. (amended 7-1-2021)
- b. In addition to mailed notice, notice (signs) must be posted prominently at least 10 days before and no more than 25 days before the required evidentiary hearing. (amended 7-1-2021)

#### **80.110-G Land Use Board Hearing and Final Action(Amended 5-15-2023)**

1. The land use board must review an application for special use approval in an evidentiary hearing. (amended 7-1-2021) (Amended 5-15-2023)
2. The evidentiary hearing must be conducted in accordance with the procedures of this section and provisions of Section 85.020 for an evidentiary hearing and quasi-judicial decision. (amended 7-1-2021) (Amended 5-15-2023)
3. After completion of the evidentiary hearing, the land use board of adjustment must take action to approve, approve with conditions or deny the special use application. (amended 7-1-2021) (Amended 5-15-2023)
4. The applicant bears the burden of presenting sufficient evidence in support of the application to allow the land use board, after weighing such evidence against that presented in opposition to the application, to make findings of fact that reasonably support each of the required conclusions. If that burden is met, the land use board must approve the application. If that burden is not met, the land use board must deny the application, provided that if the land use board determines that specific minor changes or additions to, or restrictions on, the proposed development are necessary and sufficient to overcome impediments to its reaching the required conclusions, it may approve the application subject to reasonable conditions requiring such changes or additions or imposing such restrictions, as such conditions are consented to in writing by the special use permit applicant or owner and allowed as set forth in NCGS 160D-705. (amended 7-1-2021) (Amended 5-15-2023)
5. A motion to approve the application must state the required conclusions and include findings of fact on which the conclusions are based, plus any proposed conditions of approval. A simple majority vote of the land use board is required to pass such a motion. If motion to approve the application fails, the application is deemed denied, and those members voting against the motion must state which of the required conclusions they could not reach as well as findings of fact on which their inability to reach the conclusions is based. (Amended 5-15-2023)
6. A motion to deny the application must state which of the required conclusions cannot be reached and include findings of fact on which the inability to reach the conclusions is

based. An affirmative vote of a simple majority of land use board members present is necessary to pass a motion for denial of the application. (Amended 5-15-2023)

#### **80.110-H Findings and Conclusions Required for Approval**

The land use board may not approve an application for a special use permit unless it first reaches each of the following conclusions based on findings of fact supported by competent, substantial, and material evidence presented at the evidentiary hearing. "Considerations" listed below some of the required conclusions suggest some primary concerns pertinent to reaching the respective conclusion, but these considerations are not intended to be all-inclusive. (Amended 7-1-2021) (Amended 5-15-2023)

1. The proposed use and development comply with all regulations and standards generally applicable within the zoning district and specifically applicable to the particular type of special use.
2. The proposed development will not materially endanger the public health or safety. Considerations:
  - a. Traffic conditions in the vicinity, including the effect of additional traffic on streets and street intersections, sight lines at street intersections and curb cuts;
  - b. Provision of services and utilities, including sewer, water, electrical, garbage collections and fire protection;
  - c. Soil erosion and sedimentation; and
  - d. Protection of public, community, or private water supplies, including possible adverse effects on surface waters or groundwater.
3. The proposed development will not substantially injure the value of abutting property, or is a public necessity. Considerations:
  - a. The relationship of the proposed use and the character of development to surrounding uses and development, including possible conflicts between them and how these conflicts will be resolved; and
  - b. Whether the proposed development is so necessary to the public health, safety, and general welfare of the county as a whole as to justify it regardless of its impact on the value of abutting property.
4. The proposed development will be in harmony with the area in which it is located. Considerations:
  - a. The relationship of the proposed use and the character of development to surrounding uses and development, including possible conflicts between them and how these conflicts will be resolved or mitigated.
5. The proposed development will be in general conformity with the comprehensive plan.

#### **80.110-I Notice of Quasi-Judicial Decision**

1. The land use board's quasi-judicial decision must be signed by the chair or other authorized board member. The quasi-judicial decision becomes effective on the date it is filed with the clerk of the land use board. (Amended 7-1-2021) (Amended 5-15-2023)

2. The clerk of the land use board must send the notice of decision to the applicant, the property owner and all individuals who have filed a written request with the clerk of the land use board before the effective date of the decision. If the application is denied, the notice must state the land use board's reasons for its quasi-judicial decision. This required notice may be delivered by personal service, electronic mail or first-class mail. In the absence of evidence to the contrary, notice given by first-class mail is deemed received on the third business day following deposit of the notice for mailing with the United States Postal Service. (Amended 7-1-2021) (Amended 5-15-2023)

#### **80.110-J Scope and Effect of Approval**

##### **1. Transferability**

Approved special use applications run with the land and are not affected by changes of tenancy, ownership, or management. Similarly, all conditions associated with an approved special use are perpetually binding upon the subject property and apply regardless of changes in ownership or tenancy, unless approved in accordance with [§80.110-K](#).

##### **2. Recording**

The subject property owner must record the legal description and written authorization for the special use and any plans, exhibits and conditions in the office of the register of deeds. No building permits or other permits or approvals may be issued by the county until the property owner provides a signed written acknowledgment of recording.

##### **3. Violations**

Any violation of a condition attached to an approved special use is a violation of this ordinance and is subject to the same penalties and enforcement procedures as any other ordinance violation.

##### **4. Appeals**

Any such quasi-judicial decision by the land use board is subject to review by the superior court by an action in the nature of certiorari pursuant to NCGS 160D-1402. A petition for review must be filed within 30 days of the effective date of the quasi-judicial decision or the date that written notice of the decision is provided pursuant to [§80.110-I2](#), whichever date is later. (Amended 7-1-2021) (Amended 5-15-2023)

#### **80.110-K Amendments and Modifications**

Amendments to approved special uses may be approved in accordance with the following requirements. The special use amendment procedures may not be used to vary or modify the standards or requirements of this ordinance.

##### **1. Minor Amendments**

- a. The administrator is authorized to approve the following minor amendments to approved special uses:
  - (1) Any amendments expressly authorized as minor amendments at the time of special use approval; and
  - (2) changes to the development site or to structures necessitated by engineering, architectural or physical limitations of the site that could not have been foreseen at the time the special use permit was approved and that are not otherwise classified as major amendments pursuant to [§80.050-H2](#).

- b. Applications for minor amendments to approved special uses must be filed in a form established by the administrator. If no action is taken on the minor amendment application within 20 days of filing of a complete application, the minor amendment is deemed denied.

## 2. Major Amendments

- a. All of the following constitute major amendments to approved special uses:
  - (1) An increase in overall building coverage by more than 1%;
  - (2) An increase in building height by more than 1% or 1 foot, whichever is less;
  - (3) A change in density of overall development permitted or the number of residential units allowed; (Amended 7-1-2021)
  - (4) An overall reduction in the amount of common open space or landscaping;
  - (5) A reduction in off-street parking by more than 10% or one space, whichever results in a greater reduction;
  - (6) A change in the vehicle circulation pattern that would increase points of access, change access to another street or increase projected traffic volumes;
  - (7) Any combination of 2 or more minor amendments that were not expressly authorized by the approved special use permit; (Amended 7-1-2021)
  - (8) Any modification of a condition of approval imposed at the time of approval of the special use application; and (Amended 7-1-2021)
  - (9) A change in uses permitted. (Amended 7-1-2021)
- b. Major amendments to an approved special use must be processed as a new special use application, including all requirements for fees, notices and public hearings.

### 80.110-L Successive Applications

- 1. If the land use board denies a special use permit application or the applicant withdraws the application after the evidentiary hearing notice required in ~~§80.110-E2~~, the administrator may not accept another application for the same or similar use for 12 months following the date of denial or withdrawal. The time limitation imposed by this subsection (80.110L) does not apply to the initiation of a special use permit application by the Board of Commissioners. (amended 8-5-2019) (Amended 7-1-2021) (Amended 5-15-2023)

### 80.110-M Lapse of Approval

- 1. An approved special use lapses and becomes null and void 12 months after it is granted by the land use board, unless a building permit for the work or improvements authorized has been issued and the project is diligently pursued to completion. If no building permit is required, any improvements that are the subject of the special use must be in place within the 12-month period. (Amended 5-15-2023)
- 2. The land use board may extend the expiration period by up to 6 months, at the time of approval of the special use or any time before expiration of the approved special use.

Requests for extensions after the special use is approved must be processed in accordance with the variance procedures, including applicable fees, notices and public hearings. (Amended 5-15-2023)

3. An approved special use also lapses and becomes null and void upon revocation of a building permit for violations of conditions of approval or upon expiration of the building permit.

#### 80.110-N Vested Rights

If the land use board approves a special use application that includes a plan qualifying as a site-specific vesting plan under NCGS 160D108.1, the land use board is authorized, upon a written request from the property owner, to designate the approved plan as a site-specific vesting plan that triggers a vested right for a period of not less than 2 nor more than 5 years pursuant to NCGS 160D-108.1. An approved site-specific vesting plan must include the following statement: "Approval of this plan establishes a zoning vested right under NCGS 160D-108 and 160D-108.1. Unless terminated at an earlier date, the vested right remains valid until [insert date]." (Amended 7-1-2021) (Amended 5-15-2023)

### Section 80.120 Variances

#### 80.120-A Applicability

A variance is a grant of relief to a property owner from strict compliance with the regulations of this ordinance. The intent of a zoning variance is not to simply remove an inconvenience or financial burden that may result from compliance with applicable ordinance requirements. Variances are intended solely to help alleviate an unnecessary hardship that would be caused by strict application of the subject regulations. They are intended to provide relief when the requirements of this ordinance render property extremely difficult or impossible to put to reasonable use because of some unique or special characteristics of the property itself.

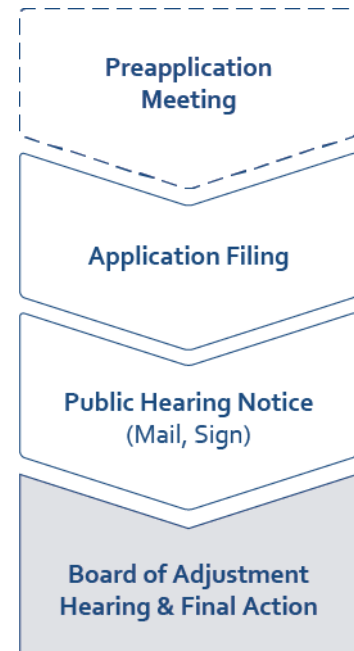
#### 80.120-B Authorized Variances

The land use board is authorized to grant a variance to any regulation in this ordinance, except that the variance procedures may not be used to do any of the following:

(Amended 5-15-2023)

1. Allow a use in a zoning district that is not otherwise allowed in that zoning district (i.e., "use variances" are prohibited);
2. Waive, vary or modify applicable minimum lot-area-per-unit (density) requirements, provided that this provision is not intended to prohibit variances to minimum lot area or width requirements for lots occupied by a single dwelling unit;
3. Waive, modify or amend any sign regulation of [Article 50](#);
4. Waive, modify or amend any definition or use category;

Figure 80-7: Variances



5. Waive, modify or otherwise vary any of the review and approval procedures of this article; or
6. Waive, vary, modify or otherwise override a condition of approval or requirement imposed by an authorized decision-making body or the state or federal government.

**80.120-C Authority to File**

Variance applications may be filed only by the subject property owner or by the property owner's authorized agent.

**80.120-D Pre-application Meeting**

A pre-application meeting is required before filing a variance application. (See [§80.010-D2](#) for additional information on pre-application meetings).

**80.120-E Application Filing**

Complete applications for variances must be filed with the administrator.

**80.120-F Notice of Evidentiary Hearing**

(see [§80.010-F](#) for additional information on required notices)

1. At least 10 days before and no more than 25 days before the date of the evidentiary hearing, notice must be mailed to the applicant, the subject property owner, all owners of property that abut the subject property or are located on the opposite side of the street from the subject property and all persons who have submitted to the administrator a written request to receive notification. If the owner of the subject property also owns the property abutting the subject the property or across the street from the subject property, the required mail notification radius must be extended to include the nearest properties owned by individuals or entities who are not owners of the subject property. (Amended 7-1-2021)
2. In addition to mailed notice, notice (signs) must be posted prominently at least 10 days before and no more than 25 days before the required evidentiary hearing. (Amended 7-1-2021)

**80.120-G Land Use Board Hearing and Final Decision (Amended 5-15-2023)**

1. The land use board must review the variance application in an evidentiary hearing. (Amended 7-1-2021) (Amended 5-15-2023)
2. The evidentiary hearing must be conducted in accordance with the procedures of this section and provisions of [Section 85.020 for an evidentiary hearing and quasi-judicial decision](#). (Amended 7-1-2021) (Amended 5-15-2023)
3. After completion of the evidentiary hearing, the land use board must take action to approve, approve with conditions or deny the variance. (Amended 7-1-2021) (Amended 5-15-2023)
4. The applicant bears the burden of presenting sufficient evidence in support of the application to allow the land use board, after weighing such evidence against that presented in opposition to the application, to make findings of fact that reasonably support each of the required conclusions. If that burden is met, the land use board must approve the application. If that burden is not met, the land use board must deny the application, provided that if the land use board determines that specific minor changes or additions

to, or restrictions on, the proposed development are necessary and sufficient to overcome impediments to its reaching the required conclusions, it may approve the application subject to reasonable conditions requiring such changes or additions or imposing such restrictions.

5. A motion to approve the application must state the required conclusions and include findings of fact on which the conclusions are based, plus any proposed conditions of approval. A simple majority vote is required to pass such a motion. If motion to approve the application fails, the application is deemed denied, and those members voting against the motion must state which of the required conclusions they could not reach as well as findings of fact on which their inability to reach the conclusions is based. Any motion to deny an application must also state which of the required conclusions cannot be reached and include findings of fact on which the inability to reach the conclusions is based. (amended 5-6-2019)

#### **80.120-H Findings and Conclusions Required for Approval**

No variance may be approved by the land use board unless it makes all of the following findings: (Amended 5-15-2023)

1. Strict application of the ordinance will result in an unnecessary hardship, but it is not necessary to conclude that strict application will prevent any reasonable use of the property;
2. The hardship is unique to the subject property, rather than common to neighboring properties or to the general public;
3. The hardship relates to conditions peculiar to the subject property (e.g., location, size, shape, topography), rather than personal circumstances of the applicant or owner of the subject property; however, a variance may be granted when necessary and appropriate to make a reasonable accommodation under the Federal Fair Housing Act for a person with a disability; (Amended 7-1-2021)
4. The hardship is not the result of actions taken by the applicant or subject property owner, although the act of purchasing property knowing that a variance may be needed or required does not constitute a self-created hardship; and
5. By granting the variance, the spirit of this ordinance will be observed, public safety and welfare will be secured, and substantial justice will be done

#### **80.120-I Notice of Quasi-Judicial Decision** (amended 8-6-2018)

1. The land use board's quasi-judicial decision must be signed by the chair or other authorized board member. The quasi-judicial decision becomes effective on the date it is filed with the administrator. (Amended 7-1-2021) (Amended 5-15-2023)
2. The administrator must send the notice of decision to the applicant, the property owner and all individuals who have filed a written request with the administrator before the effective date of the decision. If the application is denied, the notice must state the land use board's reasons for its quasi-judicial decision. This required notice may be delivered by personal delivery, electronic mail or first-class mail. In the absence of evidence to the contrary, notice given by first-class mail is deemed received on the third



business day following deposit of the notice for mailing with the United States Postal Service. (Amended 7-1-2021) (Amended 5-15-2023)

#### **80.120-J Scope and Effect of Approval**

##### **1. Transferability**

Approved variances run with the land and are not affected by changes of tenancy, ownership, or management. Similarly, all conditions associated with an approved variance are perpetually binding upon the subject property and apply regardless of changes in ownership or tenancy, unless approved in accordance with [§80.120-L](#).

##### **2. Recording**

The subject property owner must record the legal description and written authorization for the variance and any plans, exhibits and conditions in the office of the register of deeds. No building permits or other permits or approvals may be issued by the county until the property owner provides a signed written acknowledgment of recording.

##### **3. Violations**

Any violation of a condition attached to an approved variance is a violation of this ordinance and is subject to the same penalties and enforcement procedures as any other ordinance violation.

#### **80.120-K Appeals**

Any such quasi-judicial decision by the land use board is subject to review by the superior court by an action in the nature of certiorari pursuant to NCGS 160D-1402. A petition for review must be filed within 30 days of the effective date of the quasi-judicial decision or the date that written notice of the decision is provided pursuant to [§80.120-I](#), whichever date is later. (Amended 7-1-2021) (Amended 5-15-2023)

#### **80.120-L Deviations, Modifications and Amendments**

- 1.** The administrator is authorized to approve building permits and other permits and approvals that include insignificant deviations from an approved variance. A deviation is insignificant if the administrator determines that it has no discernible impact on neighboring properties, the general public, or those intended to occupy or use the proposed development.
- 2.** The administrator is authorized to approve building permits and other permits and approvals that include minor design modifications from an approved variance. Minor design modifications are those that the administrator determines will have no substantial impact on neighboring properties, the general public, or those intended to occupy or use the proposed development.
- 3.** All requests for changes in approved variance plans that do not constitute insignificant deviations or minor design modifications, as determined by the administrator, must be processed as new applications for a variance.

#### **80.120-M Successive Applications**

- 1.** If the land use board denies a variance application or the applicant withdraws the application after the evidentiary hearing notice required in [§80.110-E2](#), the administrator may not accept another application for the same or similar use for 12 months following

the date of denial or withdrawal, unless the land use board first approves the applicant's request for an earlier rehearing. (Amended 5-15-2023)

2. An application for rehearing within the 12-month period following denial of an application, must be accompanied by an affidavit setting forth evidence that significant physical, economic or land use changes have taken place on the subject tract or within the immediate vicinity, or newly discovered evidence that was not available at the initial hearing, or a significant ordinance amendment has been adopted.

#### **80.120-N Lapse of Approval**

1. An approved variance lapses and becomes null and void 12 months after it is granted by the land use board, unless a building permit for the work or improvements authorized has been issued and the project is diligently pursued to completion. If no building permit is required, the improvement that is the subject of the variance must be in place within the 12-month period. (Amended 5-15-2023)
2. The land use board may extend the expiration period by up to 6 months, at the time of approval of the variance or any time before expiration of the approved variance. Requests for extensions after the variance is approved must be processed in accordance with the variance procedures, including applicable fees, notices and public hearings. (Amended 5-15-2023)
3. An approved variance also lapses and becomes null and void upon revocation of a building permit for violations of conditions of approval or upon expiration of the building permit.

#### **80.120-O Vested Rights**

No vested right is created solely as the result of the land use board's approval of a variance. (Amended 5-15-2023)

**Section 80.130 Appeals of Administrative Decisions (Determinations) (amended 7-1-2021)**

*Figure 80-8: Appeals of Administrative Decisions*

**80.130-A Applicability**

The land use board is authorized to hear and decide appeals of any final and binding order, requirement, or determination made by the administrator or any other administrative official in the administration, interpretation or enforcement of this ordinance. (Amended 5-15-2023)

**80.130-B Right to Appeal**

Any person who has standing under NCGS 160D-1402(c) or the county may appeal a determination to the land use board. (amended 7-1-2021) (Amended 5-15-2023)

**80.130-C Filing of Appeal**

1. Complete applications for appeals of administrative decisions (determinations) must be filed with the county clerk and state the grounds for the appeal.
2. Appeals must be filed within 30 days of the date that a final, binding administrative decision (determination) is delivered in writing by personal delivery, electronic mail, or first-class mail to the owner of the property that is subject to the determination and to the person requesting it, if different than the owner. In the absence of evidence to the contrary, notice given by first-class mail is deemed received on the third business day following deposit of the notice for mailing with the United States Postal Service. If mailed by first-class mail, the notice shall be sent to the last address of the owner in the Union County Tax Office, and the address provided by the development approval or administrative determination applicant if different than the owner. (amended 7-1-2021)
3. Any other person with standing to appeal must file an appeal within 30 days of receipt of actual or constructive notice of the determination. It will be conclusively presumed constructive notice of the determination is given when a sign containing the words "zoning decision," "zoning determination," "subdivision determination," or "subdivision decision" in letters at least 6 inches high and identifying the means to contact an official for information about the determination is prominently posted on the subject property. Such sign must remain on the property for at least 10 days. Posting of signs is not the only form of constructive notice. Any sign posting is at the option of the property owner. If property owners elect to post a sign they must provide written verification of posting to the administrator. (amended 7-1-2021)

**80.130-D Effect of Filing**

1. The filing of an appeal by a person with standing to appeal stays enforcement of the action appealed from unless the official who made the determination certifies to the



land use board, after notice of appeal has been filed, that because of the facts stated in an affidavit, a stay would cause imminent peril to life or property or because the violation is transitory in nature, a stay would seriously interfere with enforcement of this ordinance. In that case, enforcement proceedings may not be stayed except by a restraining order, which may be granted by a court. (amended 7-1-2021) (Amended 5-15-2023)

2. If enforcement proceedings are not stayed, the appellant may file with the official a request for an expedited hearing of the appeal, and the land use board must meet to hear the appeal within 15 days after such a request is filed. Notwithstanding the foregoing, appeals of determinations granting a development approval or otherwise affirming that a proposed use of property is consistent with this ordinance does not stay the further review of an application for development approvals to use such property; in these situations the appellant may request and the land use board may grant a stay of a final decision of development approval applications or building permits affected by the issue being appealed. (amended 7-1-2021) (Amended 5-15-2023)
3. An appeal does not stop action lawfully approved (including construction activities authorized by a building permit); only actions presumed in violation of this ordinance are stayed.

#### **80.130-E Action by Administrative Official**

The official who made the determination being appealed must transmit documents for the hearing as set forth in §85.020-F(4). The official who made the determination, or the person currently occupying that position if the decision-maker is no longer employed by the county, must be present at the evidentiary hearing as a witness. (amended 7-1-2021) (Amended 5-15-2023)

#### **80.130-F Notice of Evidentiary Hearing**

(see [§80.010-F](#) for additional information on required notices)

1. At least 10 days before and no more than 25 days before the date of the evidentiary hearing, notice must be mailed to the appellant, the subject property owner, all owners of property that abut the subject property or are located on the opposite side of the street from the subject property and all persons who have submitted to the administrator a written request to receive notification. If the owner of the subject property also owns the property abutting the subject the property or across the street from the subject property, the required mail notification radius must be extended to include the nearest properties owned by individuals or entities who are not owners of the subject property. (amended 7-1-2021)
2. In addition to mailed notice, if a site is the subject of such a hearing, notice of the hearing (signs) must be posted prominently on any site that is subject of the hearing, or on an adjacent street or highway right-of-way, at least 10 days before and no more than 25 days before the required evidentiary hearing. (amended 8-6-2018) (amended 7-1-2021)

#### **80.130-G Land Use Board Hearing and Final Decision (Amended 5-15-2023)**

1. The land use board must hold an evidentiary hearing on the appeal. (amended 7-1-2021) (Amended 5-15-2023)

2. The public hearing must be conducted in accordance with the procedures of this section and provisions of [Section 85.020 for an evidentiary hearing and quasi-judicial decision.](#) (Amended 5-15-2023)
3. The land use board may reverse or affirm, wholly or partly, and may modify the decision appealed from and make any order, requirement, quasi-judicial decision, or determination that ought to be made. In acting on an appeal, the land use board has all the powers of the official who made the decision. (amended 7-1-2021) (Amended 5-15-2023)
4. The land use board must determine contested facts and make its quasi-judicial decision within a reasonable time. Every quasi-judicial decision must be based upon competent, material, and substantial evidence in the record. Each quasi-judicial decision must be made in writing and reflect the land use board's quasi-judicial decision of contested facts and their application to the applicable standards. (amended 7-1-2021) (Amended 5-15-2023)
5. A motion to reverse, affirm or modify the order, requirement, decision, or determination appealed from must include, insofar as practicable, a statement of the specific reasons or findings of fact that support the motion.
6. If a motion to reverse or modify is not made, or fails to receive approval by a simple majority vote of the members, then the appeal must be denied. For the purposes of this subsection, vacant positions on the land use board and members who are disqualified from voting on a quasi-judicial matter are not considered members of the land use board for calculation of the requisite simple majority if there are no qualified alternates available to take the place of the regular members. The seats of members who are merely absent or who do not vote are counted in the calculation of a majority. (Amended 5-15-2023)

#### **80.130-H Notice of Decision** (amended 8-6-2018)

1. The land use board's quasi-judicial decision must be signed by the chair or other authorized board member. The decision becomes effective on the date it is filed with the administrator. (amended 7-1-2021) (Amended 5-15-2023)
2. The administrator must send the notice of decision to the appellant, the property owner and all individuals who have filed a written request with the administrator before the effective date of the decision. This required notice may be delivered by personal delivery, electronic mail or first-class mail. In the absence of evidence to the contrary, notice given by first-class mail is deemed received on the third business day following deposit of the notice for mailing with the United States Postal Service. (amended 7-1-2021)

#### **80.130-I Appeals**

Any such quasi-judicial decision by the land use board is subject to review by the superior court by an action in the nature of certiorari pursuant to NCGS 160D-1402. A petition for review must be filed within 30 days of the effective date of the quasi-judicial decision or the date that written notice of the decision is provided pursuant to [§80.120-I](#), whichever date is later. (amended 7-1-2021) (Amended 5-15-2023)

#### **Section 80.140 Zoning Permit** (amended 8-6-2018)

**80.140-A Applicability**

The zoning permit procedure of this section applies when a property owner proposes to use or occupy and land or building. A zoning permit shall be required for all uses on Table of Allowed Uses identified with a "P".

**80.140-B Pre-Application Meeting**

A pre-application meeting is required for all non-residential development consisting of new construction, building additions or expansions, or other site feature alterations (See Section 80.120-D2 for additional information on pre-application meetings).

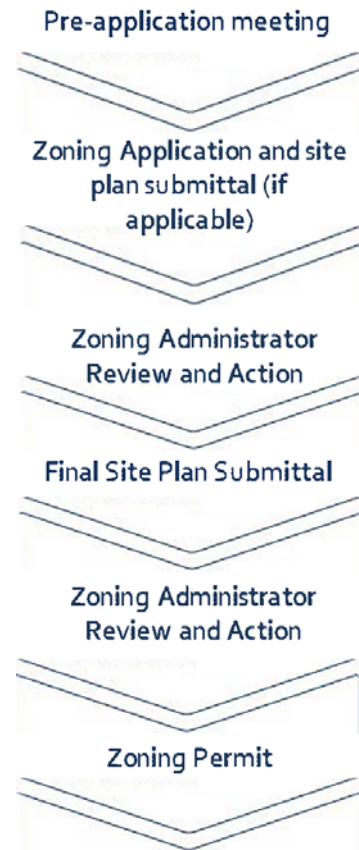
**80.140-C Site Plan Submittal**

A site plan is required for all non-residential development consisting of new construction, building additions or expansion, or other site feature alterations. In certain situations such as minor site plan amendments or minor alterations to site features, the Zoning Administrator may waive the site plan submittal requirement.

**80.140-D General Process**

The zoning permit process for most residential proposals is a single step process involving the review of the application and plot plan. Non-residential proposals require a more intense level of review and require additional steps.

1. Upon receipt of a complete application for site plan approval, the zoning administrator must refer the application to the Technical Review Committee and other affected agencies for review and comment.
2. After completing review of the site plan and allowing reasonable time for receipt of comments from the Technical Review Committee and other review agencies, the zoning administrator must act to approve the site plan, approve the plan with conditions, or deny the site plan and notify the applicant in writing of the determination. The zoning administrator's action must be based solely on whether the proposed site plan and associated development, as shown on the site plan, complies with all applicable provisions of this ordinance. If the application is denied, the written notice to the applicant must state the reason(s) for denial. (amended 7-1-2021)



**80.140-E Lapse of a Zoning Permit**

A zoning permit shall be good for 12 months from time of issuance. If the use the permit has been issued for has not commenced or a building permit is not obtained within 12 months of issuance of a zoning permit, the permit is considered null and void.



Article 85 | **Administration** (amended 8-5-2019) (Amended 5-15-2023)

Section 85.010	Board of Commissioners.....	85-1
Section 85.020	Land Use Board .....	85-1
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**Section 85.010 Board of Commissioners**

**85.010-A Powers and Duties**

The Board of Commissioners is responsible for performing those duties expressly identified in this or any other county ordinance and for acting on all applications before it. In addition, the Board of Commissioners is responsible for:

1. Making appointments to the land use board; (Amended 5-15-2023)
2. Assigning tasks to the administrator or the planning department staff;
3. Creating planning and land-use related study committees and appointing persons to such committees; and
4. Referring matters to the land use board and planning department for study. (Amended 5-15-2023)

**85.010-B Conflicts of Interest**

In addition to any other requirements set forth by applicable law, a member of the Board of Commissioners shall not vote on any legislative decision regarding a development regulation adopted pursuant to this ordinance where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member. A member of the Board of Commissioners shall not vote on any zoning amendment if the owner of the property subject to a rezoning petition or the applicant for a text amendment is a person with whom the member has a close familial, business, or other associated relationship. In such an instance, the board member may be excused from voting in accordance with NCGS 153A-44. If an objection is raised to a member of the Board of Commissioners' participation at or prior to the vote on a particular matter and that member does not recuse himself or herself, the remaining members of the board shall by majority rule vote on the objection. (amended 7-1-2021)

**Section 85.020 Land Use Board (Amended 5-15-2023)**

**85.020-A Appointments and Terms**

1. The Board of Commissioners has created a planning board pursuant to NCGS 160D-301. The planning board shall be called the land use board and may be referred to with such title herein. The land use board is also designated to perform all of the duties of a board of adjustment, in addition to its other duties, in accordance with NCGS 160D-302 and this ordinance. (amended 7-1-2021) (Amended 5-15-2023)
2. The land use board must consist of 7 regular members and 2 alternates, all appointed at large by the Board of Commissioners. All regular and alternate members must reside in



Union County, and no more than 2 members may reside in the same municipality. A land use board member must also have the ability to ably perform the types of duties required of a member of both a planning board pursuant to NCGS 160D-301 (including, without limitation, advisory decisions), as well as duties of a member of a board performing the duties of a board of adjustment, in accordance with NCGS 160D-302 (including, without limitation, quasi-judicial decisions). (Amended 5-15-2023)

3. All regular and alternate members must be appointed for 3-year terms, which must be staggered so that all terms will not expire simultaneously. (amended 3-21-2016)
4. In cases where an individual is appointed to serve the unexpired portion of a board member's term, the appointment must be limited to the remainder of the unexpired term. (amended 3-21-2016)
5. The Board of Commissioners may remove a regular land use board member by simple majority vote for failure to attend 3 consecutive meetings or for failure to attend 30% or more of the meetings within any 12-month period or for any other good cause related to performance of duties. The Board of Commissioners may remove an alternate land use board member by simple majority vote for repeated failure to attend or participate in meetings when requested to do so in accordance with regularly established procedures. The land use board may recommend removal of a member to the Board of Commissioners. Upon request of any member considered for removal, the Board of Commissioners must hold a hearing on removal before it becomes effective. (amended 3-21-2016) (Amended 5-15-2023)
6. If a regular or alternate land use board member moves outside the county, that member will be deemed to have resigned from the land use board. (amended 3-21-2016) (Amended 5-15-2023)
7. Alternates may sit in lieu of any regular member and, when so seated, have the same powers and duties as any regular land use board member. Alternate members are authorized to vote only in the absence of a regular member. (Amended 5-15-2023)
8. All members appointed to the land use board shall, prior to entering their duties, qualify by taking the oath of office required by law. (amended 7-1-2021) (Amended 5-15-2023)

**85.020-B Quorum and Voting** (amended 3-21-2016 renumbered)

1. A quorum of the land use board is necessary for the land use board to take official action. (Amended 5-15-2023)
2. A quorum of the land use board consists of 4 members (which may include alternate members sitting in lieu of regular members). (Amended 5-15-2023)
3. Unless otherwise expressly stated in this ordinance a member who has withdrawn from the meeting without being excused in accordance with [§85.020-B5](#) or [§85.020-B6](#) must be counted as present for purposes of determining whether a quorum is present. (amended 3-21-2016) (Amended 5-15-2023)
4. Once a land use board member is physically present at a land use board meeting, any subsequent failure to vote will be recorded as an affirmative vote unless the planning board member has been excused from voting in accordance with [§85.020-B5](#) or has

been allowed to withdraw from the meeting in accordance with §85.020-B6. (amended 3-21-2016) (Amended 5-15-2023)

5. A land use board member may be excused from voting on, and participating in, in accordance with the below provisions: (Amended 5-15-2023)
  - a. When performing its duties as a planning board under NCGS 160D-301 and this ordinance, by simple 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 subject board member;
    - (2) If the matter at issue involves the land use board member's own official conduct; or
    - (3) If in the case of a zoning amendment, if the owner of the property subject to a rezoning petition or the applicant for a text amendment is a person with whom the member has a close, familial, business, or other associational relationship. (amended 7-1-2021) (Amended 5-15-2023)
  - b. When performing the duties of a board of adjustment in a quasi-judicial matter, by simple majority vote of the remaining members if such member has a conflict of interest related to the issue as set forth in § 85.020-E(2). If such an objection is raised about a member's participation and that member does request recusal, the remaining members must rule on the objection by simple majority vote. (Amended 5-15-2023)
6. A land use board member may be allowed to withdraw from the remainder of a meeting by simple majority vote of the remaining members present for any good and sufficient reason, including for impermissible conflicts described in § 85.020-B5, other than the land use board member's desire to avoid voting on matters to be considered at that meeting. (Amended 5-15-2023)
7. When performing its duties as a planning board under NCGS 160D-301 and this ordinance, a motion to allow a member to be excused from voting on a matter or to withdraw from the remainder of a meeting is in order only if made by or at the initiative of the subject board member. (Amended 5-15-2023)
8. A roll call vote must be taken upon the request of any land use board member. (Amended 5-15-2023)

#### 85.020-C Powers and Duties

**1. Power and Duties as the Planning Board**

The land use board is responsible for performing those duties of a planning board in accordance with NCGS § 160D-301 as expressly identified in this ordinance or assigned by the Board of Commissioners and for acting on all applications before it. In addition, the land use board is authorized to: **(Amended 5-15-2023)**

- a. Make studies and recommend to the Board of Commissioners plans, goals and objectives relating to the growth, development and redevelopment of the county;
- b. Develop and recommend to the Board of Commissioners policies, ordinances, administrative procedures and other means for carrying out plans in a coordinated and efficient manner; and

**2. Performing the Duties of a Board of Adjustment**

The land use board is responsible for performing those duties of a board of adjustment in accordance with NCGS § 160D-302 as expressly identified in this ordinance or assigned by the Board of Commissioners and for acting on all applications before it. **(Amended 5-15-2023)**

**85.020-D Meetings; Advisory Committees** *(amended 3-21-2016 renumbered)*

1. All meetings and hearings shall be open to the public as required by law and shall be conducted in accordance with the procedures set forth in these regulations and rules of procedure adopted by the land use board in accordance with this ordinance, as it may be amended from time to time. Whenever feasible, the agenda for each meeting must be made available to the public before the meeting. Minutes of the land use board's proceedings shall be kept. **(amended 3-21-2016) (amended 7-1-2021) (Amended 5-15-2023)**
2. The land use board must conduct its evidentiary hearings in accordance with the quasi-judicial procedures of § 85.020-F. The board may adopt rules and regulations governing its procedures and operations not inconsistent with the provisions of this ordinance. A copy of any adopted rules of procedure be maintained by the clerk to the land use board and posted on the county's website. **(Amended 5-15-2023)**
3. The Board of Commissioners is authorized to appoint one or more individuals to assist the land use board in carrying out its responsibilities with respect to a particular subject area. By way of illustration, without limitation, the Board of Commissioners may appoint advisory committees to consider adopted transportation plan, housing plans, economic development plans, etc. **(amended 10-1-2018) (Amended 5-15-2023)**

**85.020-E Conflicts of Interest**

**1. Conflicts of Interest Generally**

A land use board member shall not vote on any advisory, administrative, or legislative decision regarding a development regulation where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member. A land use board member shall not vote on any zoning amendment if the owner of the property subject to a rezoning petition or the applicant for a text amendment is a person with whom the member has a close familial, business, or other associational relationship. In such an instance, a land use board member may

be excused from voting in accordance with §85.020-B. (amended 7-1-2021) (Amended 5-15-2023)

**2. Conflicts of Interest When Performing the Duties of a Board of Adjustment**

Land use board members, when the land use board is performing the duties of a board of adjustment, must recuse themselves and 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 before hearing the matter that is not susceptible to change; undisclosed ex parte communications; a close familial, business, or associational relationship with an affected person; or a financial interest in the outcome of a matter. In such an instance, a board of adjustment member may be excused from voting in accordance with § 85.020-B(5). (Amended 5-15-2023)

**85.020-F Quasi-Judicial Role (Amended 5-15-2023)**

1. When performing the duties of a board of adjustment, the land use board acts in a quasi-judicial capacity. However, it is not intended that its proceedings be conducted as formally as those before the courts.
2. The chair of the land use board, any member temporarily acting as chair, or the clerk to the land use board must administer oaths to all witnesses and make rulings necessary to preserve fairness, order, or proper decorum in any matter before the land use board when it is performing the duties of a board of adjustment.
3. Any member of the land use board or any party with standing under NCGS 160D-1402(c) may object to, and the chair may exclude, any evidence, including administrative materials, testimony, or statement that is deemed incompetent, irrelevant, immaterial, or unduly repetitious and therefore fails to reasonably address the issues before the land use board performing the duties of a board of adjustment.
4. All interested parties have a right to know all the evidence being considered as part of the land use board's when making a quasi-judicial decision performing the duties of a board of adjustment. Hence, the land use board may consider only evidence presented at an evidentiary hearing on the application, and it is improper for the applicant or any other interested party in a quasi-judicial matter to communicate with land use board members about the application outside of the evidentiary hearing. The administrator or other staff shall transmit to the land use board all applications, reports, and written materials relevant to the quasi-judicial matter being considered. The administrative materials may be distributed to the members of the land use board prior to an evidentiary hearing if at the same time they are distributed to the land use board a copy is also provided to the appellant or applicant and to the owner if that person is not the appellant or applicant. The administrative materials shall become a part of the evidentiary hearing record. The administrative materials may be provided in written or electronic form.
5. Quasi-judicial decisions of the land use board performing the duties of a board of adjustment must be based solely on evidence that is properly in the hearing record, and written findings of fact must be prepared and supported by competent, substantial and

material evidence. Regardless of the lack of a timely objection, competent evidence for such quasi-judicial decisions of the land use board shall not be deemed to include the opinion testimony of lay witnesses as to any of the following: (i) the use of property in a particular way affects the value of other property, (ii) the increase in vehicular traffic resulting from a proposed development poses a danger to the public safety, and (iii) matters about which only expert testimony would generally be admissible under the rules of evidence.

6. Written quasi-judicial decisions of the land use board performing the duties of a board of adjustment must be signed by the chair or other duly authorized member. The quasi-judicial decision must be delivered to the applicant, the property owner, and any other person who before the effective date of the decision submitted a written request for a copy of the decision. Such quasi-judicial decisions may be delivered by personal delivery, electronic mail or first-class mail.
7. Quasi-judicial decisions of the land use board performing the duties of a board of adjustment become effective on the date the decision is filed with the administrator.

### 3. 85.020-G Evidence and Testimony (Amended 5-15-2023)

#### 1. Testimony

When the land use board is performing the duties of a board of adjustment in an evidentiary hearing:

- a. Any party with standing under NCGS 160D-14.02(c) may present evidence or testimony, cross-examine witnesses, inspect documents, and offer evidence or testimony in explanation or rebuttal.
- b. Any interested party may present evidence or testimony.
- c. Any member of the land use board may question any witness.

#### 2. Subpoenas

When the land use board is performing the duties of a board of adjustment in an evidentiary hearing:

- a. The land use board may subpoena witnesses and compel the production of evidence. Persons with standing under NCGS 160D-14.02(c), may request a subpoena by making a written request to the chair explaining why it is necessary for certain witnesses or evidence to be compelled. The chair shall issue requested subpoenas in those cases where testimony or evidence is deemed to be relevant, reasonable in nature and scope, and not oppressive.
- b. The chair is authorized to rule on any motion to quash or modify a subpoena. Decisions regarding subpoenas made by the chair may be appealed to the full land use board.

- c. If a person fails or refuses to obey a subpoena issued pursuant to this subsection, the land use board or other party requesting the subpoena may apply to the general court of justice for an order requiring that its order be obeyed, and the court will have jurisdiction to issue those orders after notice to all proper parties.
- d. Anyone who, while under oath during such a proceeding before the land use board, willfully offers false testimony, is guilty of a class 1 misdemeanor pursuant to N.C.G.S. § 160D-406.

## **Section 85.030** Reserved (Amended 5-15-2023)

## **Section 85.040** Planning Director and Administrator (amended 8-5-2019)

### **85.040-A** Planning Director

The planning director is the administrative head of the planning department. In addition to management and administrative duties, the planning director is responsible for performing those duties expressly identified in this or any other county ordinance.

### **85.040-B** Administrator

Primary responsibility for administering and enforcing this ordinance may be assigned to one or more individuals by the planning director. The person to whom these functions are assigned is referred to in this ordinance as the "administrator." The administrator is responsible for performing those duties expressly identified in this or any other county ordinance and for performing any other duties associates with administration and enforcement of this ordinance that are expressly assigned to others.

### **85.040-C** Conflicts of Interest (amended 7-1-2021)

(1) No staff member shall make a final decision on an administrative decision if the outcome of that decision would have a direct, substantial, and readily identifiable financial impact on the staff member or if the applicant or other person subject to that decision is a person with whom the staff member has a close familial, business, or other associational relationship. If a staff member has a conflict of interest under this section, the decision shall be assigned to the supervisor of the staff member.

(2) No staff member shall be financially interested or employed by a business that is financially interested in a development subject to regulation under this ordinance or NCGS Chapter 160D unless the staff member is the owner of the land or building involved. No staff member or other individual or an employee of a company contracting with the county to provide staff support shall engage in any work that is inconsistent with his or her duties or with the interest of the county.

## **Section 85.050** Technical Review Committee

### **85.050-A** Establishment

A technical review committee is hereby established.

**85.050-B Composition**

The technical review committee is composed of multiple county departments and non-county agencies working together to review and make administrative decisions on development-related matters as a single review decision-making body. (amended 7-1-2021)

**85.050-C Powers and Duties**

The technical review committee is responsible for performing those duties expressly identified in this or any other county ordinance and for acting on all applications before it.

**85.050-D Conflicts of Interest**

No member of the technical review committee shall make a final decision on an administrative decision if the outcome of that decision would have a direct, substantial, and readily identifiable financial impact on the technical review committee member or if the applicant or other person subject to that decision is a person with whom the technical review committee member has a close familial, business, or other associational relationship. (amended 7-1-2021)

## Article 90 | Nonconformities

Section 90.010	General.....	90-1
Section 90.020	Nonconforming Lots.....	90-2
Section 90.030	Nonconforming Structures.....	90-3
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### Section 90.010 General

#### 90.010-A Scope

The regulations of this article govern nonconformities, which are lots, uses, and structures that were lawfully established but—because of the adoption of new or amended regulations—no longer comply with one or more requirements of this ordinance.

#### 90.010-B Intent

1. Occasionally, lots, uses, and structures that were lawfully established (i.e., in compliance with all regulations in effect at the time of their establishment) have been made nonconforming because of changes in the regulations that apply to the subject property (e.g., through zoning map amendments or amendments to the text of this ordinance). The regulations of this article are intended to clarify the effect of such nonconforming status and avoid confusion with “illegal” buildings and uses (those established in violation of applicable regulations). The regulations of this article are also intended to:
  - a. Recognize the interests of landowners in continuing to use their property for uses and activities that were lawfully established;
  - b. Promote maintenance, reuse and rehabilitation of existing buildings; and
  - c. Place reasonable limits on nonconformities that have the potential to adversely affect surrounding properties.
2. The regulations recognize that buildings and structures have a long useful life and allowing their continued occupancy and modernization can be more desirable than requiring them to remain vacant if they cannot be converted to conforming uses.

#### 90.010-C Authority to Continue

Any nonconformity that existed on the ordinance effective date specified in [Section 1.030](#) or any situation that becomes nonconforming upon adoption of any amendment to this ordinance may be continued in accordance with the regulations of this article unless otherwise expressly stated. However, unless otherwise expressly stated in this ordinance, no person may engage in any activity that causes an increase in the extent of any nonconforming situation.

#### 90.010-D Determination of Nonconformity Status

1. The burden of proving that a nonconformity exists (as opposed to a violation of this ordinance) rests entirely with the subject owner.



2. The administrator is authorized to determine whether adequate proof of nonconforming status has been provided by the subject owner.
3. Building permits, lawfully recorded plats, aerial photography owned by the county and other official government records that indicate lawful establishment of the use, lot or structure constitute conclusive evidence of nonconforming status. If such forms of conclusive evidence are not available, the administrator is authorized to consider whether other forms of evidence provided by the applicant are reliable and adequate to document nonconforming status. Common examples of evidence that may be determined to be reliable and adequate include:
  - a. Professional registrations or licenses;
  - b. Utility billing records;
  - c. Leasing records;
  - d. Advertisements in dated publications;
  - e. Listings in telephone or business directories; and
  - f. Notarized affidavits affirming the date of lawful establishment of the use, lot or structure.
4. The administrator's determination of nonconforming status may be appealed in accordance with [Section 80.130](#).

#### **90.010-E Repairs and Maintenance**

1. Nonconformities must be maintained to be safe and in good repair.
2. Repairs and normal maintenance necessary to keep a nonconformity in sound condition are encouraged and permitted unless the work increases the extent of the nonconformity or is otherwise expressly prohibited by this ordinance.
3. Nothing in this article is intended to prevent nonconformities from being structurally strengthened or restored to a safe condition in accordance with an order from a duly authorized order of a public official.

#### **90.010-F Change of Tenancy or Ownership**

Nonconforming status runs with the land and is not affected by changes of tenancy, ownership, or management.

### **Section 90.020 Nonconforming Lots**

#### **90.020-A Description**

A nonconforming lot is a lot that was lawfully created in accordance with lot area and lot width regulations in effect at the time of the lot's establishment but that does not comply with currently applicable lot area or lot width regulations.

#### **90.020-B Use of Nonconforming Lots**

##### **1. R Districts**

A nonconforming lot in an R district may be used as a building site for a single detached house without complying with the district's minimum lot area and lot width requirements.

**2. All Other Districts**

In all other (non-R) zoning districts, a nonconforming lot may be used as a building site and developed with a use allowed in the subject zoning district without complying with the district's minimum lot area and lot width requirements. If the zoning allows a variety of uses or a variety of intensities of uses and one or more uses or intensities would comply with applicable lot area and lot width regulations, while others would not, then only the uses or intensities that comply with applicable regulations are allowed.

**90.020-C Lot and Building Regulations**

1. Development on all nonconforming lots must comply with applicable lot and building regulations of the subject zoning district except as expressly stated in [§90.020-B](#).
2. Nonconforming lots may not be adjusted in size or shape to increase the extent of nonconformity for lot area, lot frontage, setbacks or other applicable lot and building regulations. Lot area or shape adjustments that decrease the extent of nonconformity are allowed.

**90.020-D Effect of Public Acquisition**

If a portion of a lawfully established lot is acquired by a public agency, the remainder of the lot is deemed to be a conforming lot.

**Section 90.030 Nonconforming Structures**

**90.030-A Description**

A nonconforming structure is any building or structure, other than a sign, that was lawfully established but no longer complies with the lot and building regulations of the zoning district in which it is located.

**90.030-B General**

Nonconforming structures may remain, subject to the regulations of this section.

**90.030-C Alterations and Expansions**

Alterations, including enlargements and expansions, are permitted if the proposed alteration or expansion complies with all applicable lot and building regulations, and does not increase the extent of nonconformity. A building with a nonconforming street setback, for example, may be expanded to the rear as long as the rear expansion complies with applicable rear setback regulations and all other applicable lot and building regulations.

**90.030-D Use**

A nonconforming structure may be used for any use allowed in the zoning district in which the structure is located.

**90.030-E Moving**

A nonconforming structure may be moved in whole or in part to another location only if the movement or relocation eliminates or reduces the extent of nonconformity. A nonconforming structure may be moved to another lot only if the structure would comply with the zoning regulations that apply to that (relocation) lot. This provision is not intended to prohibit elevation of a nonconforming structure for the purpose of floodproofing or repair.

**90.030-F Loss of Nonconforming Status**

1. When a nonconforming structure is destroyed or damaged by acts of God or accidental fire, the structure may be restored or repaired, provided that no new nonconformities

are created and that the existing extent of nonconformity is not increased. A building permit to reconstruct a destroyed or damaged structure must be obtained within 12 months of the date of occurrence of such damage.

2. When a nonconforming structure is demolished, damaged or destroyed by causes within the control of the owner and the cost of renovation, repair or replacement (based on the fair market value of all materials and services) is more than 50% of the appraised valuation of the structure (at the time of the most recent property tax valuation or the valuation determined by the property owner's professionally recognized appraiser), the structure may not be reestablished except in compliance with all regulations applicable to the zoning district in which it is located.

## **Section 90.040 Nonconforming Uses**

### **90.040-A Description**

A nonconforming use is a principal use that was lawfully established in accordance with all regulations in effect at the time of its establishment but that is no longer allowed by the use regulations of the zoning district in which the use is now located. Lawfully established uses that do not comply with any applicable separation (or spacing) distance requirements (e.g., those that require one land use to be located a certain minimum distance from another land use) are also deemed nonconforming uses.

### **90.040-B Change of Use**

A nonconforming use may be changed to any other use that is allowed in the subject zoning district, subject to compliance with all other applicable regulations. Once changed to a conforming use, a nonconforming use may not be re-established.

### **90.040-C Enlargements and Expansions**

A nonconforming use that is located within a completely enclosed building may be expanded into any other portion of that building if, when the use was made nonconforming, the building was manifestly designed or arranged to accommodate that particular use. All other enlargements and expansions of a nonconforming use are prohibited.

### **90.040-D Remodeling and Improvements**

A building in which a nonconforming use is located may be remodeled or otherwise improved as long as the remodeling or improvements do not violate the other regulations of this article.

### **90.040-E Moving**

A nonconforming use may be moved in whole or in part to another location on the same lot only if the movement or relocation does not increase the extent of the nonconformity.

### **90.040-F Loss of Nonconforming Status**

#### **1. Abandonment**

- a. Once a nonconforming use is abandoned, its nonconforming status is lost and any new, replacement use must comply with the regulations of the zoning district in which it is located.
- b. A nonconforming use is presumed abandoned when the use is discontinued or ceases for a continuous period of 6 months or more.

- c. Any period of discontinuance caused by acts of God or accidental fire is not counted in calculating the length of discontinuance.
- d. For purposes of determining whether a right to continue a nonconforming situation is lost pursuant to this section, all of the uses, activities and operations maintained on the lot are generally to be considered as a whole. For example, the failure to rent one unit in a nonconforming multi-unit residential building for an extended period does not result in a loss of the right to rent that apartment or space after 6 months, as long as the building as a whole is continuously maintained and used.

## 2. Damage or Destruction

- a. When a building containing a nonconforming use is destroyed or damaged by acts of God or accidental fire, the building may be restored or repaired and the nonconforming use may be re-established, provided that no new nonconformities are created and that the existing extent of nonconformity is not increased. A building permit to reconstruct a destroyed or damaged structure must be obtained within 12 months of the date of occurrence of such damage.
- b. When a building containing a nonconforming use is demolished, damaged or destroyed by causes within the control of the owner and the extent of demolition, damage or destruction is more than 50% of the market value of the structure, as determined by the property owner's certified appraiser, the nonconforming use may not be reestablished except in compliance with all regulations applicable to the zoning district in which it is located.

### 90.040-G Accessory Uses

No use that is accessory to a principal nonconforming use may continue after the principal nonconforming use has been abandoned.

## Section 90.050 Nonconforming Development Features

### 90.050-A Description

A nonconforming development feature is any aspect of a development—other than a nonconforming lot, nonconforming use, nonconforming structure or nonconforming sign—that was lawfully established, in accordance with all land use and development regulations in effect at the time of its establishment but that no longer complies with one or more regulations of this ordinance. Common examples of nonconforming development features are lawfully established off-street parking areas that contain fewer spaces than required by this ordinance and lawfully developed sites that do not comply with this ordinance's landscaping and screening requirements.

### 90.050-B General

Unless otherwise expressly stated in this ordinance, nonconforming development features may remain, but the nature and extent of nonconforming development features may not be increased, except as otherwise expressly stated in this ordinance.

## Section 90.060 Nonconforming Signs

Nonconforming signs are addressed in [Section 50.080](#).

# Article 95 | Violations, Penalties and Enforcement

Section 95.010	General.....	95-1
Section 95.020	Penalties, Remedies and Enforcement Powers.....	95-2
Section 95.030	Enforcement Procedures.....	95-3

## Section 95.010 General

The provisions of this article apply to all matters covered in this ordinance, except as expressly and more specifically stated in another section of this ordinance.

### 95.010-A Responsibility for Enforcement

The administrator and county attorney are responsible for enforcing this ordinance.

### 95.010-B Responsibility for Violations

The following persons may be jointly and severally responsible for violations of this ordinance and are subject to penalties and enforcement actions:

1. Any owner of property on which a violation of this ordinance occurs;
2. Any architect, engineer, builder, contractor, agent, or any other person who participates in, assists, directs, creates, or maintains a situation that constitutes a violation of this ordinance; and
3. Any tenant or occupant who has control over, or responsibility for, its use or development.

### 95.010-C Violations

Unless otherwise expressly exempted or stated in this ordinance, it is a violation of this ordinance to do any of the following:

1. Use land or buildings inconsistent with the requirements of this ordinance;
2. Erect a building or structure inconsistent with the requirements of this ordinance;
3. Develop or subdivide land inconsistent with the regulations of this ordinance;
4. Subdivide, transfer or sell land by reference to a subdivision plat unless the subdivision has been determined to be exempt in accordance with [Section 80.060](#) or has been approved and recorded in accordance with [Section 80.070](#) or [Section 80.080](#) (the description of metes and bounds in the instrument of transfer or other document used in the process of selling or transferring land does not exempt the transaction from this ordinance);
5. Record a plat of any subdivision unless the plat has been approved in accordance with the applicable procedures of [Article 80](#);
6. Install or use a sign inconsistent with the requirements of [Section 80.070](#) or [Section 80.080](#);
7. Engage in the use of a building or land, the use or installation of a sign, the subdivision or development of land or any other activity requiring one or more permits or approvals under this ordinance without obtaining all required permits or approvals;

8. Engage in the use of a building or land, the use or installation of a sign, the subdivision or development of land or any other activity requiring one or more permits under this ordinance in any way inconsistent with any such permit or approval or any conditions imposed thereon;
9. Violate the terms of any permit or approval granted under this ordinance or any condition imposed on such permit or approval;
10. Obscure, obstruct or destroy any notice required to be posted or otherwise given under this ordinance;
11. Violate any lawful order issued under this ordinance; or
12. Continue any violation of this ordinance.

### **Section 95.020 Penalties, Remedies and Enforcement Powers**

The county may use the following remedies and penalties to prevent, correct, or abate a violation of this ordinance. These remedies and penalties are not mutually exclusive.

#### **95.020-A Permit Denial**

If a violation of this ordinance remains uncorrected, the administrator may deny or withhold approval of any permit provided for in this ordinance that is sought for the property on which the violation exists.

#### **95.020-B Permit Revocation**

The administrator may revoke any permit issued by the administrator under this ordinance, following any review and approval process required for issuance of the permit, for failure to comply with the provisions of this ordinance or the terms and conditions of a permit or authorization granted under this ordinance. The administrator may also refer a permit for the consideration of revocation by any other person or body who issued such permit under this ordinance. (amended 7-1-2021)

#### **95.020-C Fines and Civil Penalties**

1. Violations of the provisions of this ordinance or failure to comply with any of its requirements, including violations of any conditions of approval, constitute a misdemeanor, punishable by a fine of up to \$500 or a maximum 30 days imprisonment as provided in NCGS 14-4.
2. 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 of approval, are subject to the following penalties:
  - a. Warning Citation – Violation Must be Corrected Within 10 days
  - b. First Citation – Fine of \$50.00
  - c. Second Citation – Fine of \$200.00
  - d. Third and Subsequent Citations For Same Offense – Fine of \$500.00
3. Each day's continuing violation is a separate and distinct offense.
4. If the offender fails to pay the required fine within 10 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 land use board if the violator was sent a final notice of violation in accordance with [§95.030-B2](#) and did not take an appeal to the land use board within the prescribed time. The Planning Director has the authority to waive an outstanding civil penalties if the violation is corrected and fully complies with the UDO. (amended 8-6-2018) (Amended 5-15-2023)

**95.020-D Criminal Penalty**

Violation of this ordinance is punishable with criminal penalties, as set forth in NCGS 14-4.

**95.020-E Injunction and Abatement Order**

The county may institute a civil action for mandatory and prohibitory injunctions and order of abatement commanding the violator to correct or cease a violation of this ordinance. Pursuant to NCGS 153A-123, if the violator fails to comply with a court order and the county abates the violation, then the county is authorized to place a lien on the property on which the violation occurred in order to cover the county's costs of abatement.

**95.020-F Forfeiture and Confiscation of Signs**

Any illegal sign installed or placed on public property will be subject to forfeiture to the public and confiscation. In addition to other remedies and penalties of this section, the county has the right to recover from the sign owner, or person who placed the sign, the full costs of sign removal and disposal.

**95.020-G Other Equitable Relief**

In addition to the above remedies and penalties, the county may institute any other appropriate equitable action or proceeding in a court of competent jurisdiction to prevent, correct, or abate a violation of this ordinance.

**Section 95.030 Enforcement Procedures**

**95.030-A Investigation**

Upon receipt of a written complaint, the administrator must investigate the complaint and determine whether a violation exists.

**95.030-B Written Notice**

1. If the administrator finds that any provision of this ordinance is being violated, the administrator must notify the holder of the development approval (if applicable) and to the owner involved, if the owner is not the holder of the development approval or there is no development approval at issue, by personal delivery, electronic mail, or first-class mail to the address on file with the Union County Tax Office, or if there is no such address on file, to the physical address of the violation. Notice may be provided by similar means to the occupant of the property or the person undertaking the work or activity. The notice may be posted on the property. The notice must describe the nature of the violation and state the actions necessary to correct the violation. Additional written notices may be sent at the administrator's discretion. The administrator shall certify that the notice was provided. (amended 8-6-2018) (amended 7-1-2021)
2. The final written notice (which may be the initial written notice) must state what action the administrator intends to take if the violation is not corrected and indicate that the administrator's determination or order may be appealed to the land use board in accordance with [Section 80.130](#). If the appeal is not filed within the time limit specified in [Section 80.130](#), then appeal rights are waived. (amended 7-1-2021) (Amended 5-15-2023)

**95.030-C Extension of Time Limit to Correct Violation**

The recipient of a notice of violation, or the owner of the property on which the violation exists, may submit to the administrator a written request for a time extension to come into compliance. On determining that the request has merit, the administrator may extend the time limit as reasonably necessary to allow timely correction of the violation.

**95.030-D Enforcement Action after Time Limit to Correct Violation**

If the violation has not been abated as directed by the county, the county may proceed to legal enforcement.

**95.030-E Emergency Enforcement without Notice**

If delay in abating a violation would pose a danger to the public health, safety, or welfare, The county may seek immediate enforcement without prior written notice.



## Article 100 | Measurements

Section 100.010	Lot Area.....	100-1
Section 100.020	Lot Area per Unit .....	100-1
Section 100.030	Lot Width.....	100-1
Section 100.040	Street Frontage .....	100-1
Section 100.050	Setbacks.....	100-1
Section 100.060	Impervious Coverage.....	100-5
Section 100.070	Building Height.....	100-5

### Section 100.010 Lot Area

Lot area is measured as the total ground-level surface area contained within the lot lines of a lot, except that:

**100.010-A** 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 is the street right-of-way line, or if the right-of-way line cannot be determined, a line running parallel to and 30 feet from the center of the traveled portion of the street, and

**100.010-B** in an R district, when a private street that serves more than 3 dwelling units is located along any lot boundary, then the lot boundary for purposes of computing the lot area will be deemed to be the inside boundary of the traveled portion of that street.

### Section 100.020 Lot Area per Unit

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

### Section 100.030 Lot Width

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

### Section 100.040 Street Frontage

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

### Section 100.050 Setbacks

#### 100.050-A Measurement

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

1. Street setbacks are measured from the right-of-way line that abuts a street. If the street right-of-way line is readily determinable (by reference to a recorded map, set irons, or other means), the street setback is measured from that street right-of-way

line. If the right-of-way line is not so determinable, the street setback is measured starting 30 feet from the street centerline. *(amended 10-1-2018)*

2. Side (interior) setbacks are measured from a side lot line that does not abut a street or other right-of-way. *(amended 5-18-2015)*
3. Rear setbacks are measured from the rear lot line or the edge of a right-of-way other than a street right-of-way. On double-frontage lots, street setbacks apply from both opposing lot lines that abut the street, Rear setback standards do not apply. *(amended 5-18-2015)*
4. The purposes of setback regulations and measurements, the term "building" includes any substantial structure that by nature of its size, scale, dimensions, bulk, or use tends to constitute a visual obstruction or generate activity similar to that usually associated with a building. Without limiting the generality of the foregoing, the following structures are subject to setback requirements, as indicated:
  - a. Gas pumps, overhead canopies or roofs are subject to a minimum 20-foot street setback, with no variances allowed. Where an addition, replacement, or new canopy is proposed to cover existing gas pumps a minimum street setback of 5 feet is required. The addition of new or relocation of any existing gas pumps is prohibited unless constructed in conformance with the minimum 20-foot street setback.
  - b. Parking lots shall not extend more than 20 feet into any required setback provided all landscaping and buffer requirements are met. *(amended 5-18-2015)*
  - c. Opaque or substantially opaque fences exceeding 6 feet in height that are located in street yard areas.

#### 100.050-B Permitted Obstructions

Setbacks must be unobstructed and unoccupied from the ground to the sky except as indicated in [Table 100-1](#):

*Table 100-1: Permitted Setback Obstructions (amended 8-6-2018)*

Obstruction/Projection into Required Setback	Street	Side	Rear
Accessory Uses and Structures (must comply with <a href="#">Article 35</a> )	No	Yes	Yes
Air conditioning/heating units and Arbors and trellises	No	Yes	Yes
Awnings, canopies, light shelves and architecturally integrated solar shading devices projecting no more than 4 feet into the setback	Yes	Yes	Yes
Barbeque pits and outdoor fireplaces (must comply with <a href="#">Article 35</a> )	No	Yes	Yes
Bay windows that project no more 4 feet into the setback	Yes	Yes	Yes
Chimneys and flues that project up to 4 feet into the setback	Yes	Yes	Yes
Clotheslines	No	Yes	Yes
Decks, patios, and other features and structures less than 12 inches in height above grade	Yes	Yes	Yes
Eaves and gutters that project up to 4 feet into the setback	Yes	Yes	Yes
Fences and walls	Yes	Yes	Yes
Fire escapes that project up to 4 feet into the setback	Yes	Yes	Yes
Flagpoles and similar features	Yes	Yes	Yes
Geothermal heat pumps and heat exchange equipment up to 4 feet in height above grade	No	Yes	Yes
Green houses and hoop houses (must comply with <a href="#">Article 35</a> )	No	Yes	Yes
Insulation added to the outside of the exterior wall of an existing building	Yes	Yes	Yes
Plants and cold frames	Yes	Yes	Yes
Porches that are open on at least 3 sides and that project no more than 4 feet into the setback	Yes	Yes	Yes
Rainwater harvesting equipment that projects no more than 4 feet into the setback	Yes	Yes	Yes

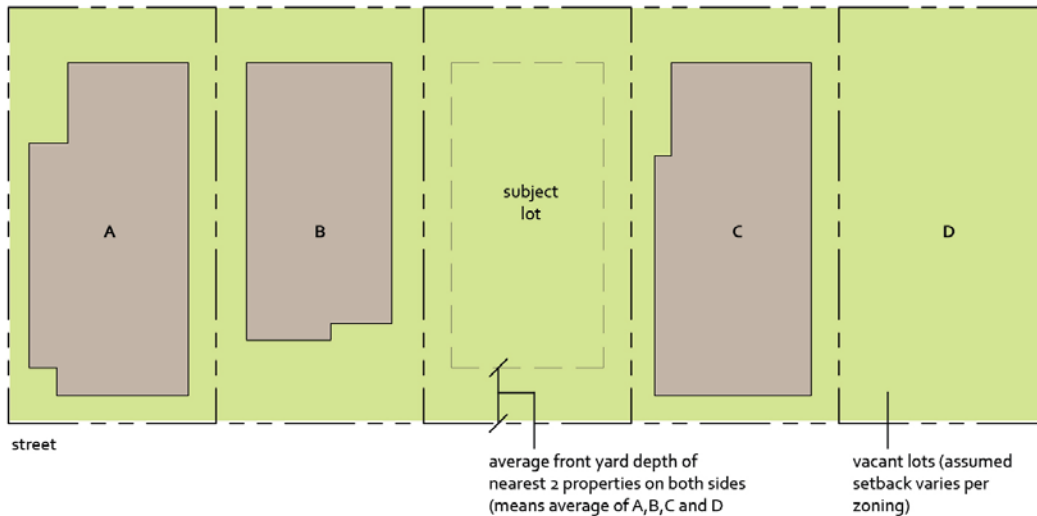
Obstruction/Projection into Required Setback	Street	Side	Rear
Recreational equipment (e.g., swing sets and playground equipment)	No	Yes	Yes
Satellite dish antennas, not exceeding 1 meter (39.37 inches) in diameter	Yes	Yes	Yes
Satellite dish antennas, over 1 meter but not exceeding 2.4 meters (94.49 inches) in diameter	No	No	Yes
Signs (see also <a href="#">Article 50</a> )	Yes	Yes	Yes
Sills, belt courses, cornices and similar architectural features that project up to 4 feet into the setback	Yes	Yes	Yes
Solar or wind energy systems, building-mounted	No	Yes	Yes
Solar or wind energy systems, ground-mounted	No	No	Yes
Swimming pools and tennis courts (must comply with <a href="#">Article 35</a> )	No	Yes	Yes
Wheelchair lifts and ramps that meet federal, state and local accessibility standards	Yes	Yes	Yes

### 100.050-C Contextual Setbacks

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

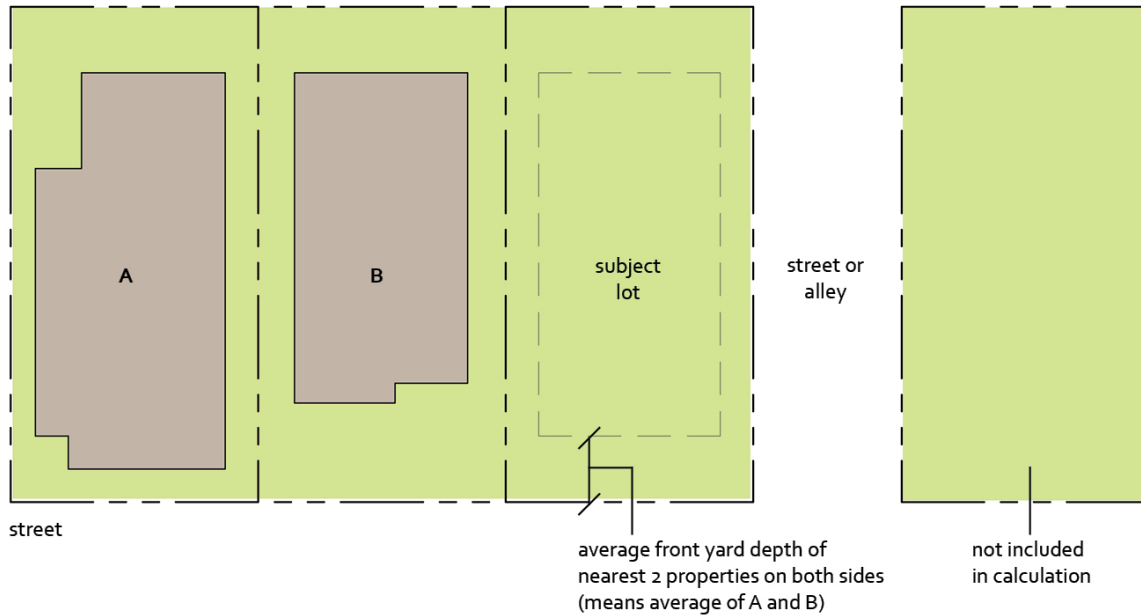
1. If one or more of the lots required to be included in the averaging calculation is vacant, that vacant lot will be deemed to have a street yard depth equal to the minimum street setback requirement of the subject zoning district.

Figure 100-1: Contextual Setbacks (1)



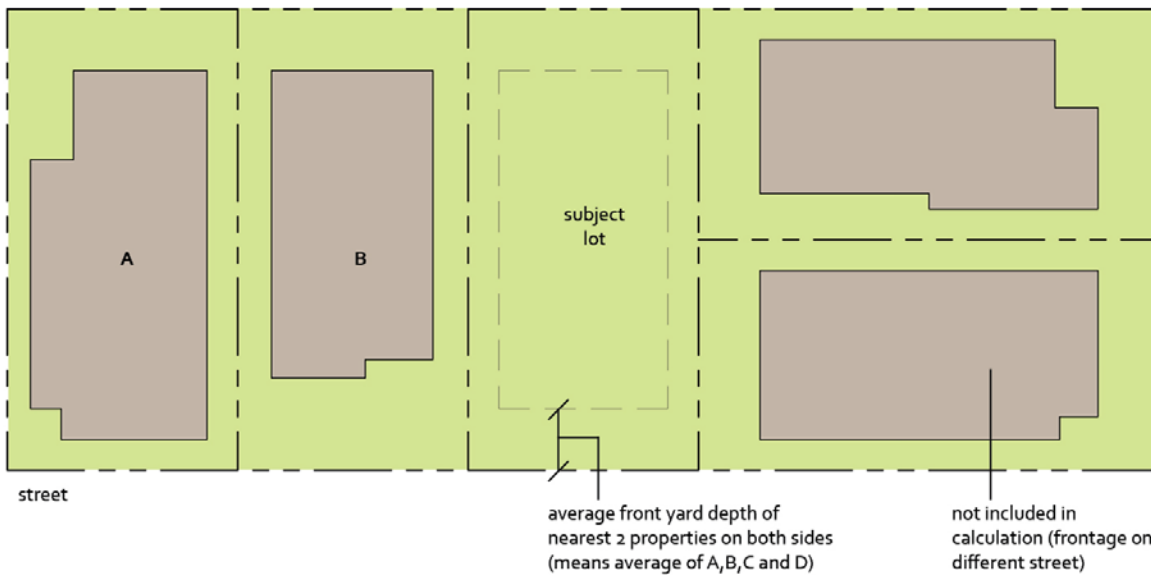
2. Lots with frontage on a different street than the subject lot or that are separated from the subject lot by a street or alley may not be used in computing the average.

Figure 100-2: Contextual Setbacks (2)



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

Figure 100-3: Contextual Setbacks (3)



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

### Section 100.060 Impervious Coverage

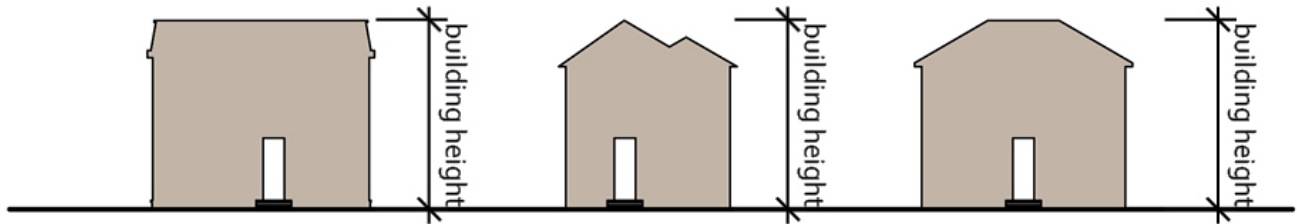
Impervious coverage is the total area of a lot covered by all buildings, structures, paved and gravel areas, such as paved driveways, walkways and parking spaces.

### Section 100.070 Building Height

#### 100.070-A Measurement

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

Figure 100-4: Building Height



#### 100.070-B Exceptions

##### 1. General

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

- a. Antennas and towers, but subject to any height limits expressly established for antennas or towers;
- b. Chimneys;
- c. Parapet walls;
- d. Skylights;
- e. Steeples;
- f. Flag poles;
- g. Smokestacks;
- h. Elevator bulkheads;
- i. Monuments;
- j. Water towers;
- k. Ornamental towers and spires;
- l. Mechanical appurtenances or penthouses to house mechanical appurtenances; and
- m. Power plants and electric substations

##### 2. Solar Energy Systems

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

## Article 105 | Definitions

Section 105.010	General.....	105-1
Section 105.020	Terms Beginning with "A".....	105-1
Section 105.030	Terms Beginning with "B".....	105-3
Section 105.040	Terms Beginning with "C".....	105-5
Section 105.050	Terms Beginning with "D".....	105-8
Section 105.060	Terms Beginning with "E".....	105-11
Section 105.070	Terms Beginning with "F".....	105-12
Section 105.080	Terms Beginning with "G".....	105-15
Section 105.090	Terms Beginning with "H".....	105-16
Section 105.100	Terms Beginning with "I".....	105-17
Section 105.110	Terms Beginning with "J".....	105-17
Section 105.120	Terms Beginning with "K".....	105-17
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Section 105.140	Terms Beginning with "M".....	105-19
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Section 105.160	Terms Beginning with "O".....	105-22
Section 105.170	Terms Beginning with "P".....	105-23
Section 105.180	Terms Beginning with "Q".....	105-25
Section 105.190	Terms Beginning with "R".....	105-25
Section 105.200	Terms Beginning with "S".....	105-27
Section 105.210	Terms Beginning with "T".....	105-34
Section 105.220	Terms Beginning with "U".....	105-35
Section 105.230	Terms Beginning with "V".....	105-35
Section 105.240	Terms Beginning with "W".....	105-36
Section 105.250	Terms Beginning with "X".....	105-37
Section 105.260	Terms Beginning with "Y".....	105-37
Section 105.270	Terms Beginning with "Z".....	105-38

### Section 105.010 General

Words and terms expressly defined in this article have the specific meanings assigned unless the context indicates another meaning. Words that are not expressly defined in this ordinance have the meaning given in the latest edition of Merriam-Webster's *Unabridged Dictionary*.

### Section 105.020 Terms Beginning with "A"

#### Abandoned or Abandonment

For the purpose of administering and interpreting the regulations of [Section 30.190](#), this term means cessation of use of a support structure for wireless telecommunications or radio, television, or other broadcast activity for at least the minimum period of time specified under this ordinance. For purposes of administering and interpreting other regulations of this ordinance, the term means the intentional or unintentional cessation of use, or maintenance of a building, structure or lot. (Amended 11/21/2022)

### **Accessory Dwelling Unit**

A separate dwelling unit within a detached house or a separate dwelling unit that occupies an accessory building on the same lot as the detached house. As the name implies, accessory dwelling units are an accessory use to the principal use of the property (i.e., a detached house). (See also the accessory dwelling unit regulations of [Section 35.030](#))

### **Abut or Abutting**

To touch or have a common boundary.

### **Accessory Equipment**

For the purpose of administering and interpreting the regulations of [Sections 30.150 and 30.190](#), this term means any equipment serving or being used in conjunction with a wireless facility, wireless support structure, or radio, television, or other broadcast support structure. The term includes utility or transmission equipment, power supplies, generators, batteries, cables, equipment buildings, cabinets and storage sheds, shelters or similar structures. (Amended 11/21/2022)

### **Accessory Structure**

For the purpose of administering and interpreting the flood damage protection regulations of [Article 65](#), this term means a structure located on the same tract 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 tract as the farm dwelling or shop building. For purposes of administering and interpreting other regulations of this ordinance, "accessory structure" has the characteristics described in [Section 35.010](#).

### **Accessory Use**

[See Section 35.010](#).

### **Addition (to an existing building)**

For the purpose of administering and interpreting the flood damage protection regulations of [Article 65](#), this term means an extension or increase in the floor area or height of a building or structure.

### **Adjacent**

Lying near or in the immediate vicinity.

### **Administrative Decision**

Decision made in the implementation, administration, or enforcement of this ordinance that involve the determination of facts and the application of objective standards set forth in NCGS Chapter 160D or this ordinance. This may also be referenced as an "administrative interpretation." (amended 7-1-2021)

### **Administrative Hearing**

A proceeding to gather facts needed to make an administrative decision. (amended 7-1-2021)

### **Administrator**

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 is referred to in this ordinance as the "administrator."

**Agent**

A person duly authorized to act on behalf of the subject property owner.

**Aircraft**

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

**All-Weather Surface (or Material)**

Asphalt, concrete or other equivalent county-approved, hard surface material that is capable of providing protection against potholes, erosion, dust and substantial deterioration. Gravel or stone alone does not qualify as an all-weather surface.

**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.

**Antenna**

For the purpose of administering and interpreting the regulations of [Sections 30.150 and 30.190](#), this term means, communications equipment that transmits, receives or transmits and receives electromagnetic radio signals used in the provision of all types of wireless communications or radio, television, or broadcast services. For purposes of administering and interpreting other regulations of this ordinance, the term means equipment designed to transmit or receive radio or electronic signals, including but not limited to directional antennae, such as panels, microwave dishes, and satellite dishes, and omnidirectional antennas, such as whip antennas. (Amended 11/21/2022)

**Applicant**

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

**Area of Special Flood Hazard**

See "special flood hazard area (SFHA)."

**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 including a canopy.

**Section 105.030 Terms Beginning with "B"**

**Balance of Watershed**

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

**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.

**Base Flood**

For the purpose of administering and interpreting the flood damage protection regulations of [Article 65](#), this term means the flood having a 1% chance of being equaled or exceeded in any given year.



### **Base Flood Elevation (BFE)**

For the purpose of administering and interpreting the flood damage protection regulations of [Article 65](#), this term 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**

Any area of a building having its floor sub-grade (below ground level) on all sides.

### **Base Station**

For the purpose of administering and interpreting the regulations of [Sections 30.150 and 30.190](#), this term means, a station at a specific site authorized to communicate with mobile stations, generally consisting of radio transceivers, antennas, coaxial cables, power supplies and other associated electronics. (Amended 11/21/2022)

### **Base (Zoning) District**

Any zoning district that is not an overlay district.

### **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.

1. Non-structural BMPs. Non-engineered methods to reduce stormwater runoff peak and volume and non-point source pollution. These may include land-use controls and vegetated buffers.
2. Structural BMPs. Engineered structures that are designed to reduce the delivery of stormwater runoff peak, volume, and pollutants to the receiving stream. These may include wet detention ponds, detention basins, retention basins, wetlands, grass swales and ditches, and infiltration devices.

### **Blockface**

Property abutting one side of a street between the 2 nearest intersecting streets, railroad rights-of-way or natural barriers.

### **Buffer**

For purposes of administering and interpreting the Water Supply Watershed Overlay district regulations of [Section 15.030](#), "buffer" means an area of natural or planted vegetation through which stormwater runoff does not become channeled and that provides for infiltration of the runoff and filtering of pollutants. Water supply watershed buffers are measured land-ward from the normal pool elevation of impounded structures and from the bank of each side of streams or rivers. For purposes of administering and interpreting other regulations of this ordinance, "buffer" means a strip of land with natural or planted vegetation located between a structure and a side or rear lot 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. (Note: buffers required to be preserved

along streams within the Twelve Mile Creek Wastewater Treatment Plant Service Area are referred to a "riparian buffers."

#### **Buffer, Riparian**

For the purpose of administering and interpreting the riparian buffer regulations of [Article 70](#), riparian buffer (or simply buffer), means, a natural or undisturbed vegetated area located immediately adjacent to a watercourse through which stormwater runoff flows in a diffuse manner so that the runoff does not become channelized and that provides for infiltration of the runoff, filtering of pollutants, storage of floodwaters, groundwater re-charge, stream base flow replenishment, and habitats for wildlife.

#### **Building**

Any structure used or intended for supporting or sheltering any use or occupancy. (amended 7-1-2021)

#### **Building, Elevated**

For the purpose of administering and interpreting the flood damage protection regulations of [Article 65](#), this term means a non-basement building that has its lowest elevated floor raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.

#### **Building, Front of**

The side of the building closest to and most nearly parallel with the front lot line.

#### **Building Line**

The edge of a building closest to the street.

#### **Building Permit**

A permit issued by the county for the construction, erection or alteration of a structure or building.

#### **Building, Principal**

The primary building on a lot or a building that houses a principal use.

#### **Built-upon Area**

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.)

#### **Bulk Storage**

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

### **Section 105.040 Terms Beginning with "C"**

#### **Cabin**

A small one-story house built and designed for temporary use within a campground.

#### **Caliper**

A measurement of the size of a tree equal to the diameter of its trunk measured 6 inches above natural ground for trees having calipers less than or equal to 6 inches diameter and measured 12 inches above grade for tree calipers greater than 6 inches diameter.

### **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.

### **Camping Unit**

A tent, cabin, recreational vehicle intended, designed, or used for temporary human occupancy.

### **Camping Unit Site**

A specific area within a campground or recreational vehicle park that is set aside for use as a temporary living site by a camping unit.

### **Campsite**

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

### **Carrier on Wheels or Cell on Wheels (COW)**

For the purpose of administering and interpreting the regulations of [Section 30.150](#), this term means, a portable self-contained wireless facility that can be moved to a location and set up to provide wireless services on a temporary or emergency basis. A COW is normally vehicle-mounted and contains a telescoping boom as the antenna support. (Amended 11/21/2022)

### **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 this 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**

Formally attesting that specific requirements, inspections and tests have been met or performed and in compliance with the applicable requirements of this ordinance. Whenever this ordinance requires that some agency or individual 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.

### **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.

### **Chemical Storage Facility**

For the purpose of administering and interpreting the flood damage protection regulations of [Article 65](#), this term 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.

### **Circulation Area**

That portion of the vehicular use 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.

### **Close Familial Relationship**

As referenced in §§ 85.010-B, 85.020-B(1)(c), 85.020-E, 85.040-C, and 85.050-D, a close familial relationship means a spouse, parent, child, brother, sister, grandparent, or grandchild. The term includes the step, half, and in-law relationships. (amended 7-1-2021) (Amended 5-15-2023)

### **Cluster Development**

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 nonresidential development as well as single-family residential subdivisions and multi-family developments that do not involve the subdivision of land.

### **Co-Location**

For the purpose of administering and interpreting the regulations of [Sections 30.150 and 30.190](#), this term means the placement or installation of wireless facilities on existing structures, including electrical transmission towers, water towers, buildings and other structures capable of structurally supporting the attachment of wireless facilities in compliance with all applicable codes and regulations. (Amended 11/21/2022)

### **Commercial Message**

Any sign, wording, logo, or other representation that directly or indirectly, names, advertises, or calls attention to a business, product, service or other commercial activity.

### **Common Open Space**

Land and/or water areas within the site designated for development that 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 that has been improved with recreational areas and amenities such as, but not limited to, ball fields, tennis courts, swimming pools, nature trails, clubhouses, etc.

### **Comprehensive Plan**

The Union County *Comprehensive Plan*.

### **Comprehensive Transportation Plan (CTP)** (amended 10-1-2018)

The plan, as set forth by NCGS 136-66.2 or 136-212, adopted by any transportation planning organization representing all or part of Union County to the North Carolina Department of Transportation.

### **Concealed Wireless Facility**

For the purpose of administering and interpreting the regulations of [Section 30.150](#), this term means any wireless facility that is integrated as an architectural feature of an existing structure. (Amended 11/21/2022)

### **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.

### **County**

Union County.

### **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).

## **Section 105.050 .01 Terms Beginning with "D"**

### **Day**

See [§1.100-D](#).

### **Density, Gross**

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

### **Density, Maximum Site**

The total number of dwelling units allowed on a lot expressed as the number of dwelling units per acre. This number is achieved by dividing the total square footage of the tract to be developed (minus any exclusions required by this ordinance) by the minimum square foot-age for a lot in the corresponding zoning district. (amended 3-15-2021)

### **Detached House**

A principal building, other than a mobile or manufactured home that contains only one principal dwelling unit and that is located on a single lot with private yards on all sides of the building.

### **Determination**

A written, final and binding order, requirement, or determination regarding an administrative decision. (amended 7-1-2021)

### **Developer**

A person, including a governmental agency or redevelopment authority, who undertakes any development and who is the owner of the property to be developed or who has been authorized by the owner to undertake development on that property. (amended 7-1-2021)

## Development

1. For purposes of administering and interpreting the Water Supply Watershed Overlay district regulations of [Section 15.030](#), "development" means any land-disturbing activity that adds to or changes the amount of impervious or partially impervious cover on a land area or that otherwise decreases the infiltration of precipitation into the soil.
2. For the purpose of administering and interpreting the flood damage protection regulations of [Article 65](#), "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.
3. For purposes of administering and interpreting other regulations of this ordinance, "development" means:
  - (a) The construction, erection, alteration, enlargement, renovation, substantial repair, movement to another site, or demolition of any structure;
  - (b) the excavation, grading, filling, clearing, or alteration of land;
  - (c) the subdivision of land as defined in NCGS 160D-802; or
  - (d) the initiation or substantial change in the use of land or the intensity of use of land.

This definition does not alter the scope of regulatory authority granted by NCGS Chapter 160D. (amended 7-1-2021)

## Development Approval

An administrative or quasi-judicial approval made pursuant to NCGS Chapter 160D or this ordinance that is written and is required prior to commencing development or undertaking a specific activity, project, or development proposal. Developmental approvals include, but are not limited to, zoning permits, site plan approvals, special use permits, variances, and certificates of appropriateness. The term also includes all other regulatory approvals required by this ordinance, including plat approvals, permits issued, development agreements entered into, and building permits issued. (amended 7-1-2021)

## Development Regulation

A unified development ordinance, zoning regulation, subdivision regulation, erosion and sedimentation control regulation, floodplain or flood damage prevention regulation, mountain ridge protection regulation, stormwater control regulation, wireless telecommunication facility regulation, historic preservation or landmark regulation, housing code, State Building Code enforcement, or any other regulation adopted pursuant to NCGS Chapter 160D, or a local act or charter, that regulates land use or development. (amended 7-1-2021)

## Development, Existing

Projects that are built or in place or that have established a vested right in accordance with applicable provisions of this ordinance.

## Diffuse Flow

Stormwater runoff that flows in a non-channelized manner, is a non-erosive velocity, and provides for infiltration of the runoff and filtering of pollutants.

### **Discharge**

The release or placing of water or other fluid into a conveyance system.

### **Disabled or Disability**

A physical or mental impairment that substantially limits one or more of such person's major life activities so that such person is incapable of living independently, a record of having such an impairment, or being regarded as having such an impairment. The term "disabled" or "disability" does not include current illegal use of, or addiction to, a controlled substance or alcoholism.

### **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.

### **Disposal**

For the purpose of administering and interpreting the flood damage protection regulations of [Article 65](#), this term 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.

### **Distributed Energy**

Systems that produce and distribute energy at a small area scale, such as a neighborhood or campus.

### **Drainage**

A general term applied to the removal of surface or subsurface water from a given area either by gravity or by pumping.

### **Drive Thru or Drive Up Window Establishment**

[See 25.020-11.](#)

### **Driveway**

That portion of a vehicular use area that consists of a travel lane bounded on either side by an area that is not part of the vehicular use area.

### **Dwelling**

Any building, structure, manufactured home or mobile home, or part thereof, used and occupied for human habitation or intended to be so used, and includes any outhouses and appurtenances belonging thereto or usually enjoyed therewith; except that for purposes of NCGS Chapter 160D, Article 12, the term does not include any manufactured home, mobile home, or recreational vehicle, if used solely for a seasonal vacation purpose. (amended 7-1-2021)

### **Dwelling Unit**

A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation. Any building, structure, manufactured home or mobile home, or part thereof, used and occupied for human habitation or intended to be so used, and includes any outhouses and appurtenances belonging thereto or usually enjoyed therewith, except that for purposes of 160D Article 12 it does not include any manufactured home, mobile home, or recreational vehicle, if used solely for a seasonal vacation purpose. (amended 7-1-2021)

## Section 105.060 Terms Beginning with "E"

### **Ecosystem**

A community of living organisms (plants, animals and microbes) in conjunction with the nonliving components of their environment (things like air, water and mineral soil), interacting as a system.

### **Electric Vehicle (EV)**

Any vehicle that is licensed and registered for operation on public and private highways, roads, and streets; either partially or exclusively, on electrical energy from the grid or an off-board source, that is stored on-board via a battery. "Electric vehicle" includes: (1) battery electric vehicles; and (2) plug-in hybrid electric vehicles.

### **Electric Vehicle (EV) Charging Station**

A public or private parking space that is served by battery charging station equipment.

### **Electric Vehicle Charging Station, Private (Restricted-access)**

An EV charging station that is not available for use by the general public. Examples include electric vehicle charging stations that serve residential homeowners or renters, executive parking areas, designated employee parking areas and fleet parking areas.

### **Electric Vehicle Charging Station, Public**

An EV charging station that is accessible to and available for use by the general public.

### **Electric Vehicle Parking Space**

Any parking space that is clearly identified to be used exclusively for the parking of an electric vehicle.

### **Electrical Transmission Tower**

For the purpose of administering and interpreting the regulations of [Sections 30.150 and 30.190](#), this term means an electrical transmission structure used to support high-voltage overhead power lines. The term does not include a utility pole. (Amended 11/21/2022)

### **Eligible Facilities Request**

For the purpose of administering and interpreting the regulations of [Sections 30.150 and 30.190](#), this term means a request for modification of an existing support structure or base station that involves collocation of new transmission equipment or replacement of transmission equipment but does not include a substantial modification. (Amended 11/21/2022)

### **Encroachment**

For the purpose of administering and interpreting the flood damage protection regulations of [Article 65](#), this term means the advance or infringement of uses, fill, excavation, buildings, structures or development into a floodplain, that may impede or alter the flow capacity of a floodplain.

### **Essential Services**

For the purpose of administering and interpreting the flood damage protection regulations of [Article 65](#), this term 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 publically owned sanitary sewers, and stream restoration activities.



### **Equipment Building**

For the purpose of administering and interpreting the regulations of Sections 30.150 and 30.190, this term means the buildings in which the electronic receiving and relay equipment for a wireless facility or similar broadcasting or other equipment for radio, television, or other broadcasting is housed. (Amended 11/21/2022)

### **Equipment Compound**

For the purpose of administering and interpreting the regulations of [Sections 30.150 and 30.190](#), this term means an area surrounding or near the base of a wireless support structure within which are located wireless facilities. (Amended 11/21/2022)

### **Evidentiary Hearing**

A hearing to gather competent, material, and substantial evidence in order to make findings for a quasi-judicial decision required by a development regulation adopted under NCGS Chapter 160D. (amended 7-1-2021)

### **Excavation**

Any act by which the organic matter, earth, sand, gravel, rock, or any other similar material is cut into, dug, quarried, uncovered, removed, displaced, relocated, or bulldozed and include the conditions resulting from excavation activities.

### **Existing Structure**

For the purpose of administering and interpreting the regulations of [Sections 30.150 and 30.190](#), this term means a support structure, erected prior to the application for an eligible facilities request, collocation or substantial modification under the regulations of [Sections 30.150 and 30.190](#) that is capable of supporting the attachment of wireless facilities. The term includes such structures as electrical transmission towers, buildings and water towers, but not utility poles. (Amended 11/21/2022)

### **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 Jurisdiction**

That portion of an incorporated municipality's planning and development regulation jurisdiction that lies outside the corporate limits of the municipality. (amended 7-1-2021)

## **Section 105.070 Terms Beginning with "F"**

### **Farm, Bona-fide**

See the bona fide farm definition and zoning exemption provisions of [Section 1.050](#).

### **Fence**

A device 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.

### **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 (flag pole) of the lot that is less than 50% of the presumptive minimum required lot width (or if no minimum lot width is specified, is less than 50% percent of the width of the buildable portion of the lot or 50 feet, whichever is less.

### **Flood or “Flooding**

A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters; and/or the unusual and rapid accumulation or runoff of surface waters from any source.

### **Flood Boundary and Floodway Map (FBFM)**

For the purpose of administering and interpreting the flood damage protection regulations of [Article 65](#), this term 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 must be used in conjunction with the Flood Insurance Rate Map (FIRM).

### **Flood Hazard Boundary Map (FHBM)**

For the purpose of administering and interpreting the flood damage protection regulations of [Article 65](#), this term 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**

For the purpose of administering and interpreting the flood damage protection regulations of [Article 65](#), this term means the insurance coverage provided under the National Flood Insurance Program.

### **Flood Insurance Rate Map (FIRM)**

For the purpose of administering and interpreting the flood damage protection regulations of [Article 65](#), this term 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)**

For the purpose of administering and interpreting the flood damage protection regulations of [Article 65](#), this term 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**

For the purpose of administering and interpreting the flood damage protection regulations of [Article 65](#), this term 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**

For the purpose of administering and interpreting the flood damage protection regulations of [Article 65](#), this term means any land area susceptible to being inundated by water from any source.

### **Floodplain Administrator**

The individual appointed to administer and enforce the floodplain management regulations.

### **Floodplain Development Permit**

For the purpose of administering and interpreting the flood damage protection regulations of [Article 65](#), this term 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**

For the purpose of administering and interpreting the flood damage protection regulations of [Article 65](#), this term 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**

The regulations of [Article 65](#) 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, that provide standards for preventing and reducing flood loss and damage.

### **Floodproofing**

For the purpose of administering and interpreting the flood damage protection regulations of [Article 65](#), this term 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**

For the purpose of administering and interpreting the flood damage protection regulations of [Article 65](#), this term 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 foot.

### **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.

### **Floor Area, Gross**

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

### **Floor Area, Net**

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.

### **Foot-candle**

A measure of illumination, the amount of light falling onto a surface. One lumen of light, shining evenly across one square foot of surface, illuminates that surface to one foot-candle.

### **Florida Room**

A prefabricated room designed and manufactured specifically for manufactured homes.

### **Freeboard**

For the purpose of administering and interpreting the flood damage protection regulations of [Article 65](#), this term 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."

### **Frontage**

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

### **Functionally Dependent Facility**

For the purpose of administering and interpreting the flood damage protection regulations of [Article 65](#), this term means a facility that 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.

## **Section 105.080 Terms Beginning with "G"**

### **Garage Sale**

See "Yard Sale"

### **Geothermal Energy System**

Equipment that transfers thermal energy to and/or from the ground for the purposes of heating and/or cooling a building. Geothermal energy systems consists of a closed-loop system of pipes filled with liquid, a heat exchanger and heat pump. This includes vertical closed loop, horizontal closed loop and water body closed loop systems.

### **Grade**

The average level of the finished surface of the ground adjacent to the exterior walls of the building or structure, unless otherwise expressly stated.

### **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.

### **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 must have the capability of soil stabilization and erosion control.

## **Section 105.090 Terms Beginning with "H"**

### **Hazardous Substance**

Any substance that may pose a danger to the public health or safety if contained in the central water supply, as determined by the administrator. A list of all such substances must 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) are deemed hazardous substances and included on the list compiled by the administrator, but other substances may be included as the administrator deems necessary.

### **Hazardous Waste Management Facility**

For the purpose of administering and interpreting the flood damage protection regulations of [Article 65](#), this term means, as defined in NCGS 130A, Article 9, a facility for the collection, storage, processing, treatment, recycling, recovery, or disposal of hazardous waste.

### **Height, Building**

See [Section 100.070](#).

### **Highest Adjacent Grade (HAG)**

For the purpose of administering and interpreting the flood damage protection regulations of [Article 65](#), this term means the highest natural elevation of the ground surface, prior to construction, immediately next to the proposed walls of the structure.

### **Historic Structure**

For the purpose of administering and interpreting the flood damage protection regulations of [Article 65](#), this term means any structure that is:

1. listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminarily determined by the Secretary of Interior as meeting the requirements for individual listing on the National Register;
2. 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;
3. individually listed on a local inventory of historic landmarks in communities with a "Certified Local Government" (CLG) Program; or
4. certified as contributing to the historical significance of a historic district designated by a community with a "Certified Local Government" (CLG (Note: Certified Local Government (CLG) Programs are approved by the U.S. 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=]

### Home Occupation

A business or commercial activity conducted from a dwelling unit. (See the home occupation regulations of [Section 35.040](#).)

### Household

An individual or group living together as a housekeeping unit within 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. "Household" does not include sororities, fraternities, or other similar group living situations. (See also household living and group living use subcategory descriptions of [§25.020-B1](#) and [§25.020-B2](#), respectively.)

## Section 105.100 Terms Beginning with "I"

### Infiltration

The replenishment of underground water reserves by the movement of stormwater through the soil.

### Intermittent Stream

A well-defined channel that contains water for only part of the year, typically during winter and spring when the aquatic bed is below the water table. The flow may be heavily supplemented by intermittent stormwater runoff. An intermittent stream often lacks the biological and hydrological characteristics commonly associated with the conveyance of water.

## Section 105.110 Terms Beginning with "J"

### Jurisdictional Stream

A body of water that is defined by Section 401 and 404 of the Clean Water Act to be within the authority of regulatory agencies.

## Section 105.120 Terms Beginning with "K"

RESERVED

## Section 105.130 Terms Beginning with "L"

### 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 that could be damaged by accumulation of sediment and pollutants.

### Lawfully Established

A use, structure, lot or sign (as the context indicates) that was established in conformance with all applicable development regulations in effect at the time of its establishment.

### Legislative Decision

The adoption, amendment, or repeal of a regulation under NCGS Chapter 160D or an applicable local act. It also includes the decision to approve, amend, or rescind a development agreement consistent with the provisions of Article 10 of NCGS Chapter 160D. (amended 7-1-2021)

### Legislative Hearing

A hearing to solicit public comment on a proposed legislative decision. (amended 7-1-2021)

### **Livestock**

Poultry and hoofed animals such as cattle, horses, swine, goats, and sheep.

### **Loading and Unloading Area**

That portion of the vehicular use area used to satisfy the requirements of Section 300.

### **Loading Space, Off-Street**

An off-street space or berth for the temporary parking of trucks or other motor 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 that 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 street is created across a parcel of land otherwise characterized as a lot by this definition, and the interest thus obtained or the street 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 constitutes a separate lot.

### **Lot Area**

See [Section 100.010](#).

### **Lot, Corner**

A lot that occupies the interior angle at the intersection of 2 street lines that make an angle of more than 45 degrees and less than 135 degrees with each other.

### **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 that 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. On a corner lot, the lot line with the least street frontage is deemed the front lot line. When the 2 street frontages are of equal length, the final plat must be reviewed to determine which side was designated as the "front" by the original developer. If the plat does not provide this information, then the property owner may elect which is the front lot line. On a double frontage or through lot, both street frontage are deemed front lot lines.

### **Lot Line House**

A detached house that is placed against one of the side lot lines. Such dwelling unit has a front and rear yard but only one side yard. This definition does not include townhouses.

### **Lot Line, Interior**

A lot line that 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 that is not a front or rear lot line.

**Lot Line, Street**

The lot line separating a lot from a street right-of-way or private street easement.

**Lot of Record**

A lot that is part of a subdivision, a plat of which has been recorded in the office of the register of deeds or a lot described by metes and bounds, the description of which has been so recorded.

**Lot, Through (Double-frontage)**

A lot that fronts on parallel streets or nearly parallel streets, or that fronts upon 2 streets that do not intersect at the boundaries of the lot.

**Lot Width**

See [Section 100.030](#).

**Lowest Adjacent Grade (LAG)**

For the purpose of administering and interpreting the flood damage protection regulations of [Article 65](#), this term 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**

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.

**Section 105.140 Terms Beginning with "M"**

**Manufactured Home**

For the purpose of administering and interpreting the flood damage protection regulations of [Article 65](#), this term means a structure, transportable in one or more sections, that 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 "detached house" or a "recreational vehicle."

**Manufactured Home Park or Subdivision**

For the purpose of administering and interpreting the flood damage protection regulations of [Article 65](#), this term means a lot (or contiguous lots) divided into 2 or more manufactured home lots for rent or sale.

**Manufactured Home Park or Subdivision, Existing**

For the purpose of administering and interpreting the flood damage protection regulations of [Article 65](#), this term 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.

#### **Manufactured Home Park or Subdivision, Expansion of**

For the purpose of administering and interpreting the flood damage protection regulations of [Article 65](#), this term means 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**

For the purpose of administering and interpreting the flood damage protection regulations of [Article 65](#), this term 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) 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.

#### **Market Value**

For the purpose of administering and interpreting the flood damage protection regulations of [Article 65](#), this term 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**

For the purpose of administering and interpreting the flood damage protection regulations of [Article 65](#), this term 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.

#### **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**

For the purpose of administering and interpreting the regulations of [Sections 30.150 and 30.190](#), this term means a single, freestanding pole-type structure supporting one or more antennas. A monopole is not a tower or a utility pole. (Amended 11/21/2022)

### **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-Phased Development**

A development containing 25 acres or more that is both: (i) submitted for development permit approval to occur in more than one phase, and (ii) subject to a master development plan with committed elements showing the type and intensity of use of each phase. (amended 7-1-2021)

### **Multi-Tenant Development**

A development typically under unified ownership and control consisting of 2 or more business establishments. The tenants of multi-tenant development typically share vehicle access and parking facilities.

## **Section 105.150 Terms Beginning with "N"**

### **Natural Community**

A distinct and recurring assemblage of populations of plants, animals, fungi and microorganisms naturally associated with each other and their physical environment.

### **NCDOT**

North Carolina Department of Transportation.

### **NCGS**

North Carolina General Statutes.

### **Net Tract Area or Net Acreage**

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

### **New Construction**

For the purpose of administering and interpreting the flood damage protection regulations of [Article 65](#), this term 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.

### **Noncommercial Copy**

A sign message through pictures, illustrations, symbols and/or words, or any combination thereof, that 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**

See [Section 90.020](#).

### **Nonconforming Sign**

See [Section 50.080](#). **Nonconforming Situation**  
See [Article 90](#).

### **Nonconforming Structure**

See [Section 90.030](#).

### **Nonconforming Use**

See [Section 90.040](#).

### **Non-Encroachment Area**

For the purpose of administering and interpreting the flood damage protection regulations of [Article 65](#), this term 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.

### **Non-Motorized (Facilities)**

Improvements designed for the use, safety and comfort of pedestrians, cyclists, wheelchair users, equestrians and similar forms of travel that does not involve motor vehicles. Examples include sidewalks, walkways, trails, bikeways and related appurtenances, such as signs and ramps.

### **Nonresidential Development**

All development other than residential development, agriculture and silviculture.

## **Section 105.160 Terms Beginning with "O"**

### **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 (or Outdoor) Storage**

An unroofed storage area, whether fenced or not.

### **Ordinary Maintenance**

For the purpose of administering and interpreting the regulations of [Sections 30.150 and 30.190](#), this term means ensuring that wireless facilities and support structures are kept in good operating condition. Ordinary maintenance includes inspections, testing and modifications that maintain functional capacity and structural integrity; for example, the strengthening of a support structure's foundation or of the support structure itself. Ordinary maintenance includes replacing antennas of a similar size, weight, shape and color and accessory equipment within an existing equipment compound and relocating the antennas to different height levels on an existing monopole or tower upon which they are currently located. Ordinary maintenance does not include substantial modifications. (Amended 11/21/2022)

### **Outparcel**

A parcel of land associated with and located within a shopping center or multi-tenant development that is designated on an approved plan as a location for a structure with an intended use.

**Owner**

See "Property Owner."

**Section 105.170 Terms Beginning with "P"**

**Package Treatment Plant**

A small self-contained sewage treatment facility built to serve developed areas that lie beyond the service area of sanitary sewers.

**Parapet**

A wall-like barrier at the edge of a roof that acts as a vertical extension of an exterior building wall extending above the roof height of the building. Parapets may serve as a safety or architectural feature.

**Parking Area Aisles**

That portion of the vehicular use area consisting of lanes providing access to parking spaces.

**Parking Bay**

A parking module consisting of one or more sets of one or 2 rows of parking spaces and the aisle from which motor vehicles enter and leave.

**Parking Space**

A portion of the vehicular use 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.

**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.

**Person with Disabilities**

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 NCGS 122C-3(11)b.

**Perennial Stream**

A well-defined channel that contains water year-round during a year of normal rainfall with the aquatic bed located below the water table for most of the year. Groundwater is the primary source of water for a perennial stream, but it also carries stormwater runoff. A perennial stream exhibits the typical biological, hydrological, and physical characteristics commonly associated with the continuous conveyance of water.

**Planned Unit Development**

See [Section 15.050](#).

**Plant, Endangered**

Any plant species that is in danger of extinction throughout all or a significant part of its range.

### **Planning and Development Regulation Jurisdiction**

The geographic area defined in Part 2 of NCGS Chapter 160D within which a municipality or county may undertake planning and apply the development regulations authorized by NCGS Chapter 160D. (amended 7-1-2021)

### **Plant, Invasive**

A plant reproducing outside its native range and outside cultivation that disrupts naturally occurring native plant communities by altering structure, composition, natural processes or habitat quality. Invasive plants are those plants recognized on the State of North Carolina *Weed and Invasive Plants List*.

### **Plat**

A map or plan of a tract of land that is to be, or has been subdivided.

### **Post-FIRM**

For the purpose of administering and interpreting the flood damage protection regulations of [Article 65](#), this term 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.

### **Practicable Alternative**

For the purpose of administering and interpreting the riparian buffer regulations of [Article 70](#), this term means an infrastructure improvement such as a utility alignment that can be designed and constructed without a significant construction cost increase relative standard design/construction approaches. Conditions that can impact construction costs so that a "no practicable alternative" exists include steep topography, atypical soil or foundation conditions, existing sensitive environmental features, or requirements from other agencies such as the North Carolina Department of Transportation, North Carolina Department of Environment and Natural Resources, Railroads, and Utility Companies.

### **Pre-FIRM**

For the purpose of administering and interpreting the flood damage protection regulations of [Article 65](#), this term means construction or other development for which the "start of construction occurred before the effective date of the initial Flood Insurance Rate Map.

### **Premises**

A tract 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, it will be considered a single premises for purposes of these regulations.

### **Principal Building**

A building or combination of buildings of chief importance or function on a lot. In general, the principal use is carried out in a principal building.

### **Principal Use**

An activity or combination of activities of chief importance on a lot. One of the main purposes for which the land, buildings or structures are intended, designed, or ordinarily used.

### **Principally Above Ground**

For the purpose of administering and interpreting the flood damage protection regulations of [Article 65](#), this term means that at least 51% of the actual cash value of the structure is above ground.

### **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 Owner**

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

### **Public Hearing**

A hearing, whether an administrative hearing, evidentiary hearing, or legislative hearing, that is identified in Table 80-1 as a required public hearing. (amended 7-1-2021)

## **Section 105.180 Terms Beginning with "Q"**

### **Quasi-Judicial Decision**

A decision involving the finding of facts regarding a specific application of development regulation and that requires the exercise of discretion when applying the standards of the regulation. Quasi-judicial decisions include but are not limited to decisions involving variances, special use permits, certificates of appropriateness, and appeals of administrative determinations. Decisions on the approval of subdivision plats and site plans are quasi-judicial in nature if the regulation authorizes a decision-making board to approve or deny the application based not only upon whether the application complies with the specific requirements set forth in the regulation, but also on whether the application complies with one or more generally stated standards requiring a discretionary decision on the findings to be made by the decision-making board. (amended 7-1-2021)

## **Section 105.190 Terms Beginning with "R"**

### **Radio, Television, or Other Broadcast Support Structure**

For the purpose of administering and interpreting the regulations of Section 30.190, this term means a freestanding structure, such as a monopole or tower, designed to support radio, television, or other broadcast facilities. (Amended 11/21/2022)

### **Receive-Only Antenna**

An antenna and attendant processing equipment for reception of electronic signals from satellites.

### **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.

### **Recreational Vehicle (RV)**

For the purpose of administering and interpreting the flood damage protection regulations of [Article 65](#), this term means a vehicle that is:

1. Built on a single chassis;
2. 400 square feet or less when measured at the largest horizontal projection;
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.

For the purposes of administering and interpreting the other regulations of this article, the term "recreational vehicle" means a vehicle or vehicular equipment primarily designed as temporary living quarters for recreational, camping, or travel. A recreational vehicle may have its own motive power or be mounted on or towed by another vehicle. Examples include travel trailers, campers, camping trailers, truck campers and motor homes.

#### **Redevelopment**

For the purpose of administering and interpreting the riparian buffer regulations of [Article 70](#), this term means any land-disturbing activity that does not result in any increase of built-upon area and that provides a greater or equal stormwater control than the existing development shown on the county's 2010 aerial photogrammetry, which is on file in the office of the administrator.

#### **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.

#### **Reforestation**

The act of planting and caring for non-invasive vegetation including shrubs and trees to rehabilitate a wooded area.

#### **Regulatory Flood Protection Elevation**

For the purpose of administering and interpreting the flood damage protection regulations of [Article 65](#), this term means the "base flood elevation" plus the "freeboard." In "special flood hazard areas" where base flood elevations (BFEs) have been determined, this elevation is the BFE plus 2 feet of freeboard. In "special flood hazard areas" where no BFE has been established, this elevation must be least 2 feet above the highest adjacent grade.

#### **Remedy a Violation**

For the purpose of administering and interpreting the flood damage protection regulations of [Article 65](#), this term 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.

#### **Renewable Energy**

Energy from resources that are quickly replenished, such as sunlight, wind, water, biomass, geothermal resources.

#### **Replacement Pole**

For the purpose of administering and interpreting the regulations of [Sections 30.150 and 30.190](#), this term means pole of equal proportions and of equal height or such other height that does not constitute a substantial modification to an existing structure in order to support wireless facilities or to accommodate collocation. Requires removal of the support structure it replaces. (Amended 11/21/2022)

### **Riverine**

For the purpose of administering and interpreting the flood damage protection regulations of [Article 65](#), this term means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

### **Road**

Same as "street."

### **Road, Frontage**

A road that is in close proximity to and parallels a controlled access road and that is designed to provide access to lots that abut the controlled access road.

### **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.

## **Section 105.200 oTerms Beginning with "S"**

### **Salvage Yard**

For the purpose of administering and interpreting the flood damage protection regulations of [Article 65](#), this term means any nonresidential 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.

### **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. It is used to transmit and/or receive radio or electronic waves between terrestrially and/or orbitally based uses.

### **Schweinitz's Sunflower (*Helianthus Schweinitzii*)**

A perennial aster arising from a cluster of carrot-like tuberous roots. See also [Article 75](#).

### **Schweinitz's Sunflower Habitat Area**

Any dry and open habitats, such as roadsides, utility rights-of-way, and edges of pastures and/or woods. Densely vegetated woods are not included in the Schweinitz's Sunflower Habitat Area.

### **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 lot line or elsewhere on the site.

### **Setback**

An open generally unobstructed area that is required between buildings and lot lines. See Section [100.050](#).

### **Sewer, Central**

Any sewage treatment facility owned and operated by a sanitary district, a metropolitan sewage district, a water and sewer authority, a county or municipality or other public utility, or a private utility. *(amended 5-18-2015)*

### **Sewer, Public**

Any sewage treatment facility owned and operated by the county or a municipality.



### **Sign**

Any object, display or structure, or part thereof, that 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 that in no way identify a product or business; scoreboards located on athletic fields; or religious symbols.

### **Sign Area**

The surface area measurement of a sign. See [§50.110-A](#).

### **Sign, Business Identification**

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.

### **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 on the site of permitted development/construction activities, typically announcing the project or the name of the architect, engineer, contractor, lender, or others involved in the development of the project.

### **Sign, Directional**

A sign used to convey directions and other information for the convenience of the public. Included are signs designating restrooms, address numbers, hours of operation, entrances to buildings, help wanted, public telephone, etc. Also included are signs on private property designed to direct pedestrians or vehicular traffic, such as "entrance" or "exit."

### **Sign, Directory**

A sign that is used to convey directions or tenant information to pedestrians and motorists who have entered the site.

### **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 is still considered a sign.

#### **Sign, Identification**

A sign that 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, Illuminated**

A sign that is either internally or externally illuminated.

#### **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:

1. Are filled with neon or some other gas that glows when an electric current passes through it, and
2. 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, are also 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, Memorial (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.

#### **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**

See [Section 50.080](#).

#### **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.

#### **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 administrator that authorizes the recipient to erect, move, enlarge, or substantially alter a sign.

### **Sign, Pole**

A detached sign erected and maintained on a freestanding frame, mast, or pole and not attached to any building but not including ground-mounted or monument signs.

### **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 include any sign mounted on a trailer or on wheels.

### **Sign, Projecting**

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

### **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, 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 do 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 are considered wall signs.

### **Site Plan**

A scaled drawing and supporting text showing the relationship between lot lines and the existing or proposed uses, buildings, or structures on the lot. The site plan may include, but is not limited to, site-specific details such as building areas, building height and floor area, setbacks from lot lines and street rights-of-way, intensities, densities, utility lines and locations, parking, access points, roads, and storm-water control facilities, that are depicted to show compliance with all legally required development regulations that are applicable to the project and the site plan review. A site plan approval based solely upon application of objective standards is an administrative decision and a site plan approval based in whole or in part upon the application of standards involving judgment and discretion is a quasi-judicial decision. A site plan may also be approved as part of a conditional zoning decision. (amended 7-1-2021)

### **Special Use Permit**

A permit issued to authorize development or land uses in a particular zoning district upon presentation of competent, material, and substantial evidence establishing compliance with one or more general standards requiring that judgment and discretion be exercised as well as compliance with specific standards, requirements of this ordinance, and any additional requirements imposed by the land use board. (amended 7-1-2021) (Amended 5-15-2023)

### **Solid Waste Disposal Facility**

For the purpose of administering and interpreting the flood damage protection regulations of [Article 65](#), this term means any facility involved in the disposal of solid waste, as defined in NCGS 130A-290(a)(35).

### **Solid Waste Disposal Site**

For the purpose of administering and interpreting the flood damage protection regulations of [Article 65](#), this term 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)**

For the purpose of administering and interpreting the flood damage protection regulations of [Article 65](#), this term 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**

For the purpose of administering and interpreting the flood damage protection regulations of [Article 65](#), this term 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.

### **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.

### **Stormwater**

Water runoff from land surfaces during a rainfall event.

### **Stream**

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

### **Stream, Intermittent**

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.

### **Stream, Perennial**

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

### **Street**

All publically dedicated streets and private streets and easements used to provide motor vehicle access to lots.

### **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 100 dwelling units and is designed to be used or is used to carry more than 800 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 handle less than 800 trips per day.

### **Street, Loop**

A street that has its beginning and ending points on the same street.

### **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**

For the purpose of administering and interpreting the flood damage protection regulations of [Article 65](#), this term means a walled and roofed building, a manufactured home, or a gas, liquid, or liquefied gas storage tank that is principally above ground. For the purpose of administering and interpreting the other regulations of this ordinance, the term means anything which is built or constructed. (amended 7-1-2021)

### **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 that 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 2 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. See also the exempt subdivision provisions of [Section 80.060](#).

### **Subdivision, Major**

Any subdivision other than a minor subdivision.

### **Subdivision, Minor**

Any subdivision that does not result in the creation of more than 8 lots out of a single tract since February 14, 1978

### **Substantial Damage**

For the purpose of administering and interpreting the flood damage protection regulations of [Article 65](#), this term 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 also definition of "substantial improvement."

### **Substantial Improvement**

For the purpose of administering and interpreting the flood damage protection regulations of [Article 65](#), this term 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% of the market value of the structure before the "start of construction" of the improvement. This term includes structures that have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either: (1) any correction of existing violations of State or community health, sanitary, or safety code specifications that have been identified by the community code enforcement official and that are the minimum necessary to assure safe living conditions; or (2) any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure.

### **Substantial Modification (Amended 11/21/2022)**

For the purpose of administering and interpreting the regulations of [Sections 30.150 and 30.190](#), this term means the mounting of a proposed wireless facility on a support structure that substantially changes the physical dimensions of the support structure. A mounting is presumed to be a substantial modification if it meets any one or more of the following criteria:

1. Increases the existing vertical height of the support structure by (a) more than 10%, or the height of one additional antenna array with separation from the nearest existing antenna not to exceed 20 feet, whichever is greater;
2. Adds an appurtenance to the body of a support structure that protrudes horizontally from the edge of the support structure more than 20 feet, or more than the width of the support structure at the level of the appurtenance, whichever is greater (except where necessary to shelter the antenna from inclement weather or to connect the antenna to the tower via cable);
3. Increases the square footage of the existing equipment compound by more than 2,500 square feet.

### **Support Structure**

For the purpose of administering and interpreting the regulations of Section 30.190, this term means a wireless support structure or a radio, television, or other broadcast support structure.

(Amended 11/21/2022)

### **Support Structure Height**

For the purpose of administering and interpreting the regulations of Section 30.190, this term means the vertical distance measured from the ground to the upper most point of the support structure, including any antennas and lightning rods. (Amended 11/21/2022)

## **Section 105.210 Terms Beginning with "T"**

### **Temporary Emergency, Construction, or Repair Residence**

A residence (that may be a Class A, B, or C manufactured home) that meets at least one of the following criteria:

1. Is 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;
2. Is 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
3. Is located on a nonresidential construction site and occupied by persons having construction or security responsibilities over such construction site.

### **Threat to Public Safety and/or Nuisance**

For the purpose of administering and interpreting the flood damage protection regulations of [Article 65](#), this term means anything that 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.

### **Top of Bank**

The landward edge of the stream channel during high water or bank-full conditions at the point where the water begins to overflow onto the floodplain.

### **Tower**

For the purpose of administering and interpreting the regulations of [Sections 30.150 and 30.190](#), this term means a lattice-type structure, guyed or freestanding, that supports one or more antennas.

(Amended 11/21/2022)

### **Toxic Substance**

Any substance or combination of substances (including disease causing agents), that 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 offspring or other adverse health effects.

**Tract**

A lot. 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.

**Trespass, Light**

Light that is emitted into an unintended area.

**Twelve Mile Creek Wastewater Treatment Plant Service Area**

The area within unincorporated Union County that is currently or is planned to discharge sewer to the Twelve Mile Creek Wastewater Treatment Plant. (Note: A detailed service area map is available for public inspection in the office of the administrator).

**Section 105.220 Terms Beginning with "U"**

**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 Pole**

For the purpose of administering and interpreting the regulations of [Sections 30.150 and 30.190](#), this term means a structure owned and/or operated by a public utility, municipality, electric membership corporation or rural electric cooperative that is designed specifically for and used to carry lines, cables, or wires for telephone, cable television, or electricity, or to provide illumination of a street or site. (Amended 11/21/2022)

**Section 105.230 Terms Beginning with "V"**

**Variance, Zoning**

A grant of permission by the land use board that authorizes the recipient to do that which, according to the strict letter of this ordinance, they could not otherwise legally do. (Amended 5-15-2023)

**Vegetation Identification Professional**

A person trained to meet industry-standard vegetation identification guidelines. Experience required includes an accredited degree in a field such as botany, biology, wetland science, and over 4 years of experience and training in plant classification and identification.

**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 will 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.

### **Violation**

For the purpose of administering and interpreting the flood damage protection regulations of [Article 65](#), this term 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.

### **Vehicular Use 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).

## **Section 105.240 Terms Beginning with "W"**

### **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 50 feet in height of a building.

### **Watercourse**

A perennial or intermittent stream or other body of water, either natural or man-made, that gathers or carries surface water

### **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.

### **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.

### **Water and Land Resources Implementation Guidelines**

A document that describes standard technical and engineering design practices and specifications required for compliance with this Article. The Union County Water and Land Resources Implementation Guidelines may be periodically revised and updated by the Union County Land Use Administrator.

### **Water Supply, Central**

Any water supply system owned and operated by a water supply district, a water and sewer authority, a county or municipality or other public utility, or private utility. In addition, the definition includes all connections to such a system. *(amended 5-18-2015)*

### **Water Supply, Public**

Any water supply system owned and operated by the county or a municipality.

### **Water Surface Elevation (WSE)**

For the purpose of administering and interpreting the flood damage protection regulations of [Article 65](#), this term 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**

For the purpose of administering and interpreting the flood damage protection regulations of [Article 65](#), this term 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. For the purpose of administering and interpreting the other regulations of this ordinance, the term means 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 that could be damaged by accumulation of sediment and pollutants.

### **Water Tower**

For the purpose of administering and interpreting the regulations of [Sections 30.150 and 30.190](#), this term means a water storage tank, or a standpipe or an elevated tank situated on a structure supporting it, originally constructed for use as a reservoir or facility to store or deliver water. (Amended 11/21/2022)

### **Wireless Facility**

This term means the set of equipment and network components, exclusive of the underlying wireless support structure, including, but not limited to, antennas, accessory equipment, transmitters, receivers, base stations, power supplies, cabling and associated equipment necessary to provide wireless telecommunications services. (Amended 11/21/2022)

### **Wireless Support Structure**

For the purpose of administering and interpreting the regulations of [Sections 30.150 and 30.190](#), this term means a freestanding structure, such as a monopole or tower, designed to support wireless facilities. (Amended 11/21/2022)

### **Wooded Area**

An area of contiguous wooded vegetation where trees are at a density of at least one 6-inch or greater caliper tree per 325 square feet of land and where the branches and leaves form a contiguous canopy.

## **Section 105.250 Terms Beginning with "X"**

RESERVED

## **Section 105.260 Terms Beginning with "Y"**

### **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.

**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.

**Section 105.270 Terms Beginning with "Z"**

**Zoning Permit**

A permit issued by the administrator that authorizes the recipient to make use of property in accordance with the requirements of this ordinance.