

## **ARTICLE 6 DEVELOPMENT STANDARDS**

### **Section 6.1 Application and General Standards for All Uses**

#### **Section 6.1.1 Application of Development Standards**

The development standards listed herein are additional to other requirements in this Ordinance. These development standards are use-specific and apply to those uses designated with a 'D' in the Table of Uses, Section 4.4.3. Uses requiring approval of a Special Use Permit (designated with an 'S' in the Table of Uses) or a Conditional Use Permit (designated as a "C" in the Table of Uses) shall also be subject to these standards and any additional standards or conditions required by the Special Use Permit or Conditional Use Permit. Where a "P" is indicated in the table for a use, such use is allowed provided a Zoning Permit is obtained and all other appropriate provisions of the UDO are met.

#### **Section 6.1.2 General Standards for All Uses**

The following rules apply to all development standards and uses listed below:

##### **A. Property Separation**

All measurements shall be made by drawing straight lines from the nearest point of the lot line where the proposed use is to be located to the lot line of the closest use (or zoned property) from which the proposed use is to be separated.

##### **B. Use Separation**

All measurements shall be made by drawing straight lines from the nearest point on the wall of a proposed or existing principal building or edge of a proposed use to the nearest point on the wall of the principal building from which the subject building is to be separated, unless otherwise specified.

##### **C. Outdoor Lighting**

Outdoor lighting structures shall be located, angled, shielded, or limited in intensity so as to cast no direct light upon adjacent property and to avoid the creation of a visual safety hazard to passing motorists.

##### **D. Noise Levels**

Unless otherwise specified herein, noncompliance with the noise level limits established by this Article shall mean exceeding the specified noise limit for 5 or more of any 25 consecutive readings taken at 10-second when measured at

any point beyond the property line of the property from which the noise originates.

#### E. Performance Standards Guidelines

Performance standards establish basic provisions for maintaining uses and conducting activities on premises or properties that help insure that problems for adjacent properties, the neighborhood or community as a result of these activities or uses are minimized, eliminated and prevented to the extent possible.

The following performance standards are guidelines that are applicable for all districts. Land uses and related activities shall consider these guidelines to the extent possible in order to reduce and/or eliminate problems for adjacent uses, neighborhoods and the community. Some principle (primary) uses and accessory uses that are set forth in this UDO Ordinance, such as home occupations, require these guidelines to be met and compliance is expected by way of physical, operational, location or other modifications to insure compliance.

##### 1. Vibration

No primary use or accessory use or activity should cause earth vibration or concussions that are detectable beyond the lot lines without the aid of instruments.

##### 2. Pollutants or Contaminants

No primary use or accessory use should discharge across lot lines, in the land, water or air, any noxious, toxic or corrosive matter, fumes or gases, or any other pollutants or contaminants that tend to be injurious to human health or welfare, to animal or plant life or to property, or interfering or tending to interfere with the enjoyment of life or property.

##### 3. Odor

No primary use or accessory use should emit across lot lines odors in such quantities as to be readily detectable at any point along the lot lines on a continuous basis.

##### 4. Noise

No primary use or accessory use should produce noise in such a manner as to annoy, disturb, frighten or otherwise interfere with the use and quiet enjoyment of adjacent properties. Operational or production noise should be muffled so as not to become detrimental due to intermittence, beat

frequency, shrillness or vibration. Some uses set forth in this UDO limit noise based upon readings taken from a decibel level gauge.

5. Heat

No primary use or accessory use should produce heat perceptible from any point beyond the lot lines.

6. Glare

No primary use or accessory use should produce glare perceptible from any point beyond the lot lines.

7. Waste

No primary use or accessory use should accumulate within the lot or discharge beyond the lot lines any waste matter, whether liquid or solid, in such a manner as to be detectable from any point beyond the lot lines.

8. Electronic Interference

No equipment or facility of operations should produce electronic interference in the operation of standard electronic equipment on adjacent properties.

9. Use of Utilities

No primary use or accessory use should utilize the public infrastructure in such a manner as to place undue strain on the local water and sewer services beyond that which is customary for a particular use or activity as determined by the Board of Commissioners.

## **Section 6.2 Development Standards for Temporary Uses**

The following uses are temporary in nature and accompanying standards help insure compatibility with adjacent land uses. General standards for all temporary uses re set forth in Section 5.4 in Article 5.

### **Section 6.2.1 Temporary Uses, Buildings and Structures in all districts**

#### **A. Purpose and General Standards**

It is the purpose of Section 6.2 to recognize the need for, and to permit certain temporary uses within the community. Because of the nature of temporary uses, it is necessary to provide specific, separate, and distinct standards for them. It is the expressed intent of these provisions to minimize any potential adverse impact of such temporary uses by eliminating, to the greatest extent

possible, any major problems, threats, or dangers to the public health, safety, or welfare as may exist with any, or all, of these temporary uses.

B. Permitted temporary uses, buildings and structures

Temporary uses are those uses of land, buildings, or structures not of a permanent duration. Such uses shall be limited to the following and shall require a Zoning Permit as set forth in Section 6.2.1.C. Temporary uses shall also be subject to the requirements and limitations set forth in Section 6.2.1.C.F in the following sections:

1. Christmas tree and ornament sales.
2. Circuses and/or carnivals.
3. Contractors' offices and/or construction sheds, including mobile offices for displaced workers or contractors during construction on the site.
4. Evangelistic and religious related congregations.
5. Fairs or other special recreational or entertainment events.
6. Open lot sales primarily for farm produce or other farm products including vegetables, fruits, food products, or plants. Handicrafts and other similar products can be sold as accessory sales.
7. Outdoor bazaars, cookouts, fund-raising sales, and/or similar activities by churches or nonprofit organizations.
8. A security watchman's structure, or manufactured home, may be allowed subject to the granting of a Special Use Permit.
9. Special sales or temporary flea markets in commercial or industrial districts, conducted by or authorized by, and on the same lot as, a permanent business or industrial use.
10. Temporary real estate sales office.
11. Temporary relocation manufactured homes for displaced residents as a result of natural or manmade disasters, or public-sponsored redevelopment projects in a neighborhood or area.
12. Yard sales conducted outdoors by a resident in their respective yard area, including the sell of items and objects from residential households within the same neighborhood.
13. Accessory uses or facilities to the above-permitted temporary uses, including, but not limited to, recreational vehicles and travel trailers designed and equipped to serve as a temporary or substitute dwelling units with sleeping and cooking accommodations, and temporary on-site signs.
14. Convention, Trade Show
15. Arts and Crafts Shows
16. Outdoor Religious Events – off church premises
17. Concert, stage shows
18. Temporary Hardship Manufactured Home
19. Temporary emergency, construction and repair residence
20. Temporary emergency shelter
21. Temporary church while permanent church is under construction or reconstruction

### C. Permit required

A temporary use, building or structure which is in compliance with the provisions of Section 6.2 shall be allowed in the designated zoning district, provided a Zoning Permit or Special Use Permit is obtained as set forth in Section 6.2.1.D. A temporary use, structure or building that will be converted into a permanent primary or accessory use after the cessation of the temporary use shall be required to obtain a Zoning Permit prior to establishment of its permanency of the use or the construction of any structure or building and a detailed development or site plan may be required as set forth in Section 3.1 in Article 3. A temporary use, structure or building that will be removed from the site upon cessation of the temporary use shall comply with the regulations contained in this Section, but the temporary use shall obtain a permit.

### D. General requirements and process.

The following requirements shall apply to all allowable temporary uses:

1. An application for a Zoning Permit for a temporary use shall be submitted to the Zoning Administrator outlining the dates, location, use, duration of use, owner, operator, and other pertinent information, along with the other requirements of this ordinance, prior to issuance of the Zoning Permit. The application shall also address waste management requirements or needs for the use, and any special maintenance efforts to insure that the site remains free from debris or a buildup of trash, weeds, or other adverse conditions constituting nuisances. The sponsor, owner, or manager of any such temporary use shall be responsible for ensuring that the site remains free of debris or waste upon the conclusion of each day's sale or use.
2. For all temporary uses except yard sales, a parking and traffic plan or statement, shall be submitted indicating:
  - a. The area to be used by the operator's and customers' vehicles;
  - b. The entrances, exits, traffic flow, and parking areas on the site;
  - c. The total number of parking spaces available;
  - d. The estimated number of customers or participants; and
  - e. The traffic-control measures to be used.
3. Where sanitary sewer, water, and/or electricity are required, they shall be installed or provided in accordance with the ordinances and policies of the Town of Elm City or supplier of the utility. The Wilson County Health Department may have additional requirements for temporary on-site sanitary sewage disposal.
4. Where a tent or similar structure is to be used, the following requirements or documentation shall be met and/or provided:

- a. A limitation on the number of occupants in a structure shall be observed as per the instruction of the Wilson County Building Inspector or his designated representative;
  - b. In conjunction with an occupancy limit, a seating plan, if seating is provided for an audience, must also be submitted and approved by the Wilson County Building Inspector;
  - c. If a tent is to be used for assembly of more than twenty (20) people, a certificate of insurance must be submitted indicating liability coverage on the part of the applicant or sponsor in the event of an accident; and a certificate of flame resistance shall be submitted which will provide assurance that the structure has been properly treated with flame retardant and has been maintained as such.
5. Where temporary structures, tents, mobile offices, accessory uses, existing structures, or similar uses are required in connection with the temporary use, a sketch plan or layout, generally drawn to scale, shall be submitted and shall show the location or placement of the temporary uses, structures, and accessory uses, as well as adjacent streets, parking, attendant accessory uses, existing or proposed structures, traffic movement or flow pattern, and entrances and exits.
6. Unless a Special Use Permit (See Article 3 Section 3.3) is required or as otherwise indicated by the Town of Elm City Application Procedures, the application and supporting documentation, as required, shall be submitted at least one week in advance of a proposed temporary use. This information will be reviewed by appropriate Town of Elm City officials and their representatives, including the Zoning Administrator. Upon completion of this review, and with the satisfaction that the temporary use will meet required standards and not pose a serious problem or threat to public safety or welfare, a temporary use permit will be issued. Where there is a readily-identifiable major problem with the temporary use or location which the applicant is either unwilling to, or cannot, satisfactorily resolve, or if the applicant does not meet the required standards, then the application for a temporary use permit shall be denied and the temporary use shall not be allowed. Appeals may be made to the Board of Adjustment as set forth in Section 3.3 in Article 3 of this ordinance.

E. Duration of temporary uses; districts where allowed:

<b>Allowable Temporary Uses, Specific Standards and Permitted Zoning Districts</b>		
<b>Use</b>	<b>Maximum duration for each use or event-- per site</b>	<b>Permitted districts (Approval Authority)</b>
Arts and craft show	NA	See Section 6.2.1.F below (Zoning Administrator)

Christmas tree, ornament sales, other seasonal sales	45 days No renewal within one year	All (see note) (Zoning Administrator)
Circuses or carnivals	14 days per year	All districts except residential districts (not including RA and Planned Village Development) (PVD) (Board of Adjustment)
Contractor's office or mobile office for displaced workers during construction	During construction period--one year permit; annual renewal if warranted	All (Zoning Administrator)
Convention, Trade Show	NA (See F below)	B-2 and LI (Zoning Administrator)
Concert, stage shows	NA	See Section 6.2.1.F (Board of Adjustment)
Evangelistic and religious-related congregations – outdoor religious event	30 days No renewal within 3 months	All business and industrial, including PVD (Board of Adjustment)
Fairs or other special recreational or entertainment events	For non-annual events duration of one day allowed with no renewal within one month For annual events duration allowed is fourteen (14) days with no renewal within one year	All business and industrial, and in specific locations set forth in F.2, below (Board of Commissioners and/or School Superintendent)
Open lot sales - farm produce -Off-premises	Annual renewal required	All districts, including RA and PVD, but not including all other residential districts (Zoning Administrator)
Open lot sales - farm produce -On-premises	Annual renewal required	All districts (Zoning Administrator)
Outdoor bazaars	3 days No renewal within 6 months	All districts (see note) (Zoning Administrator)
Security watchman's structure or manufactured home	One year - Special Use Permit required - extensions allowed	All (Board of Adjustment)
Special fund raising sales for nonprofit organizations	3 days No renewal within one month	All (see note) (Zoning Administrator)
Special sales or temporary flea markets	See Section 6.2.1.F.6 below	All office, business and industrial (see note)

		(Zoning Administrator)
Temporary real estate office	5 years, or until 80 % of lots sold, whichever is first - Special Use Permit required	All residential districts (Zoning Administrator)
Temporary housing in manufactured homes following major disaster	One year ... unless authorized longer by Board of Commissioners	Within a designated area by the Board of Commissioners following a disaster
Temporary church during construction or reconstruction of permanent church	2 years (See Section 6.2.1.F)	All (See Section 6.2.1.F) (Board of Adjustment)
Temporary Emergency, Construction, and Repair Residence	See Section 6.2.1.F below	See Section 6.2.1.F below (Zoning Administrator)
Temporary Shelter/Emergency Disaster Shelter	See Section 6.2.1.F. Below	See Section 6.2.1.F below (Zoning Administrator)
Temporary Hardship Manufactured Home	See Section 6.2.1.F below	See Section 6.2.1.F below (Board of Adjustment)
Yard or garage sales	3 days per event; 4 events per year	All residential, or any lot with occupied residential structure (Zoning Administrator)
Mobile class rooms	Special Use Permit required from Board of Adjustment	All districts allowing schools and churches (Board of Adjustment)

NOTE: The maximum time/renewal restrictions apply to a given use at a particular site and not to a particular applicant. Thus, if applicant A obtains a permit to perform use X at site Z, when that permit expires, applicant B may not obtain a permit to perform use X at site Z until the appropriate time elapses.

F. Specific requirements for certain temporary uses:

1. Contractor's office or mobile office for displaced workers during construction:
  - a. Such uses shall not occupy the site for more than one year, except, when the situation warrants, an annual renewal may be approved by the planning department.
  - b. Temporary offices for displaced office workers shall be allowed only on the construction site and for the specific purpose of providing temporary relocation office space required during construction activities involving renovation, expansion or reconstruction of an existing facility. This use shall not apply to residential renovation and such facilities as herein permitted shall not be used for residential dwelling purposes.

- c. Such use may be placed on the proposed construction site no earlier than ninety (90) days prior to construction and must be removed no later than thirty (30) days following completion of construction.
    - d. Such uses shall be located at least ten (10) feet from other structures.
  2. Additional requirements for construction and sales office trailers.
    - a. under-skirting shall be installed around the entire perimeter of the building or structure;
    - b. if a subdivision sales office the trailer shall be located on an approved lot, as shown on both the preliminary plan and final plat and serve only lots depicted within the preliminary plan;
    - c. shall provide a off-street parking spaces in an amount required for office uses based upon the square footage of the building, provided, however
      - i. temporary construction trailers, freestanding subdivision sales offices, and other temporary uses which shall not be converted into a permanent primary or accessory use, shall be exempt from the requirement to provide a hard surfaced parking areas;
      - ii. an improved apron shall be provided
  3. Fairs or other special recreational or entertainment events which usually occur on an annual basis and are held in the following locations shall be allowed at these locations and are hereby exempt from the provisions of subsections C of this section:
    - a. Public parks, if authorized by the Board of Commissioners; and
    - b. School, if authorized by the school superintendent.
  4. Open lot sales for farm produce:
    - a. Off-premises sales. The district restrictions noted in subsection D of this section, above, notwithstanding, such sales may be conducted on Town of Elm City recreation or park sites, or church or school grounds, provided such use is authorized by the Zoning Administrator. In addition, all off-premises temporary farm produce lot sales shall meet the following requirements:
      - i. No more than five thousand (5,000) square feet of area shall be utilized for each such lot sales area.
      - ii. No permanent structures shall be erected in connection with the sales lot, no manufactured homes or travel trailers shall be utilized, and no more than two (2) utility trailers, each being no longer than sixteen (16) feet in length shall be used on the lot for storage or selling purposes.
      - iii. Signs are permitted as provided in Section 10.2.
    - b. On-premises sales. The produce or products for sale must have been grown, raised, or produced on the land or lot where the produce sales are being conducted. Except for sales lots within the RA district, no permanent structure may be erected in connection with such sales. Sales may occur at any time during the year. Signs are permitted as provided in Section 10.2.

5. Security watchman's structure or manufactured home:
  - a. Requires a Special Use Permit from the Board of Adjustment.
  - b. Initial permit for one year. Extensions for an additional year, or for longer periods, will be considered upon reapplication for a Special Use Permit. Proper documentation regarding the need for an extension of the use shall be furnished to the Board during its reapplication review. The Board of Adjustment shall not grant an extension unless documented evidence is presented that a continuing security problem exists at the site.
  - c. Only one manufactured home shall be allowed per site.
  - d. The manufactured home shall be properly installed and connected with public utilities as required by the County Building Inspector.
  - e. The manufactured home shall be properly anchored as determined and approved by the County Building Inspector with proper skirting around the bottom.
  - f. The manufactured home shall be situated on a tract of land at least six thousand (6,000) square feet in area. Such manufactured home shall maintain a thirty (30) foot setback from all public street rights-of-way, twenty (20) feet from any external property boundary, and five (5) feet from any other structure on site. Such manufactured home shall be located at least one hundred (100) feet from any residential structure, and no accessory uses to the manufactured home shall be permitted.
  - g. Each manufactured home unit shall be properly situated on the property site with respect to existing building locations, on-site traffic flows, and parking and shall be accessible to emergency vehicles.
  - h. Adequate provisions shall be made for parking in compliance with city ordinances.
  - i. Additional conditions may be required by the Board of Adjustment.
6. Special sales or temporary flea markets:
  - a. Such uses shall only be conducted as part of, or authorized by, an existing, allowable, and permanent business or industrial use which is in a permanent structure.
  - b. Such uses shall only be allowed on the lot with the permanent business or industrial use, except as allowed in c, below.
  - c. Such uses may be allowed on sidewalk or on parking areas on the same lot as the permanent business or industrial use, or on abutting property with parking or sidewalk areas that serve the permanent business or industrial use. Such uses on public sidewalks or public parking lots require approval as set forth in by the Board of Commissioners.
  - d. When such uses are conducted or authorized in parking lots, at least eighty (80) percent of the minimum parking spaces required by Section 7.3 in Article 7 shall remain available for parking at all times.
  - e. Such uses may be conducted within the front yard and may include the occasional use of temporary tents, other similar structures, or vehicles

- used for purposes of displaying and selling merchandise, including utility or truck trailers or trucks.
- f. When such uses are conducted exclusively as part of a business or industrial use on their lot, or parking area or sidewalk that directly abuts and is required by this ordinance to serve their use, a temporary use permit is not required, except that such uses shall only be conducted on an occasional or seasonal basis.
  - g. When such uses are authorized by a permanent business and not conducted exclusively as a part of the business or industrial use, then a temporary use permit shall be required and such uses shall be limited in duration to five (5) consecutive days, with no renewal within six (6) months, and no more than one (1) such use allowed on the lot at any one time. A letter of authorization shall be submitted for approval of a temporary use permit, a copy of which, along with a copy of the temporary permit approval, shall be posted on the site for public view and available for inspection by town officials.
7. Temporary real estate office:
- a. The office or associated accessory uses shall not be equipped or used for dwelling purposes, including but not limited to sleeping and major cooking activities.
  - b. In residential subdivisions approved by the Board of Commissioners consisting of twenty (20) or more unsold lots, a single temporary real estate sales office for the sale of lots in the subdivision, only, may be allowed in residential districts subject to a Special Use Permit; provided, however, the Board of Adjustment shall issue the permit for not more than five (5) years or at such time that eighty (80) percent of the lots in such subdivision have been sold, whichever occurs first. When such permit expires, or when eighty (80) percent of the lots in such subdivision have been sold, the temporary real estate sales office shall be removed from said subdivision.
8. Temporary relocation manufactured homes for displaced residents as a result of a natural or manmade disaster, or a publicly-sponsored redevelopment project in a neighborhood or area, shall be allowed provided they meet the following requirements:
- a. The manufactured homes shall be allowed to occupy only the site or area of the disaster, designated redevelopment project area, or other area designated by the Board of Commissioners following an advertised public hearing.
  - b. The manufactured homes shall be permitted for not more than two (2) years, except by extension of time by the Board of Commissioners.
  - c. The manufactured homes shall be properly installed and connected with public utilities as prescribed by the Town of Elm City and/or local utility supplier or agency.

- d. The manufactured homes shall be properly anchored, as determined and approved by the County Building Inspector.
  - e. The manufactured homes shall be located at least ten (10) feet from one another or other structures.
  - f. Each manufactured home unit shall be accessible to public service and emergency vehicles as determined and approved by the Board of Commissioners, with recommendations from the Zoning Administrator and other appropriate Town of Elm City or other governmental and agency officials.
  - g. Such relocation manufactured homes shall be permitted only where an entire area or neighborhood has been impacted by a disaster and the Board of Commissioners has designated the area or neighborhood as a disaster area or a redevelopment project area has been properly designated.
  - h. Adequate provision shall be made for parking and waste management in compliance with city ordinances and policies.
  - i. The Board of Commissioners shall have, by formal action, properly designated such area as a redevelopment area, or as a disaster area, within specifically defined boundaries and under specific conditions as determined by the Board of Commissioners.
9. Yard or garage sales which occur infrequently shall be permitted, provided such yard sales are limited to four (4) per year, per applicant or sponsor, per location. And in addition the following additional standards shall be met:
- a. A yard or garage sale may be conducted four (4) times each calendar year per lot and shall not exceed three (3) consecutive days in duration;
  - b. A yard or garage sale shall only be conducted during the hours from sunrise to sunset;
  - c. All personal property exhibited outdoors during a garage sale shall be placed within a building or structure or otherwise removed from the premises immediately following the end of the garage sale;
  - d. Garage sale signs shall comply with the applicable provisions of Section 10.2.
  - e. All items for sale shall be those from the residence where the yard sell is being held.
  - f. Residents within an area or neighborhood can combine their items or hold multiple sells
10. Any temporary seasonal retail sales use in a structure or building shall also comply with the following regulations:
- a. The use or structure shall comply with all setback requirements applicable to off-street parking spaces on the site;
  - b. A minimum of three (3) off-street parking spaces shall be provided on-site for the temporary seasonal retail sales use;
  - c. The location of the temporary seasonal retail sales use and its required amount of parking spaces shall not interfere with any required parking

- spaces or safe and efficient flow of vehicular and pedestrian traffic around the parking area for the permanent primary use of the site;
  - d. Signs for the temporary seasonal retail sales shall comply with the provisions of Section 10.2; and
  - e. Notwithstanding the provisions above to the contrary, seasonal retail sales uses shall not exceed forty five (45) consecutive days per occurrence and/or a total of ninety (90) days during any calendar year.
11. Mobile classrooms shall only be permitted as a temporary use in compliance with the following requirements:
- a. Mobile classrooms shall be for use by a religious use or school;
  - b. Applicants for a mobile classroom Special Use Permit shall submit a site plan which indicates a proposed permanent development of the site at the time of filing a petition for a mobile classroom Special Use Permit; and,
  - c. A mobile classroom Special Use Permit shall be conditioned upon the Applicant making progress towards accomplishing the goals of development indicated the site plan within a reasonable period of time as established in the grant of the Special Use Permit.
12. Convention, Trade Show
- a. Where Allowed: B-2 and LI districts with Zoning Permit
  - b. Standards shall be same as for Concerts, stage shows as set forth below in Section 6.2.1.F.14.
13. Carnivals, Fairs, Festivals and Other Temporary Events
- a. Where Allowed
    - i. Commercial Events: RA district with a Special Use Permit and compliance with the following standards; B-1 and B-3 with a Zoning Permit and compliance with the following standards, and LI district with a Special Use Permit and compliance with the following standards.
    - ii. Sponsored by Town or Nonprofits: All residential, OI, and LI districts with Zoning Permit and compliance with the following standards; B-1 and B-3 with Zoning Permit
  - b. Minimum Lot Area  
One acre or greater, depending on the nature of and number of activities (The use of street right-of-ways for these uses is not required to be included in the required minimum lot area.)
  - c. Hours of Operation and Noise  
The hours of operation allowed shall be compatible with the land uses adjacent to the carnival or fair; however in no case shall the hours of operation extend beyond 11p.m. In addition, when the proposed event is likely to generate noise that could be disruptive to the adjacent land uses, such noise shall be limited to those hours that would be less disruptive to the adjacent land uses.
  - d. Parking

The permit-issuing authority shall not grant the permit unless it finds that the parking generated by the event can be accommodated without undue disruption to or interference with the normal flow of traffic or with the right of adjacent and surrounding property owners.

#### 14. Concerts, Stage Shows

- a. Where Allowed
  - i. In conjunction with outdoor religious events and public sponsored festivals: RA, all residential and OI districts with a Zoning Permit and compliance with the following standards; B-1 and B-3 with Zoning Permit; and LI district with Special Use Permit and compliance with the following standards
  - ii. Commercial Events: RA, B-1, and LI districts with Special Use Permit and compliance with the following standards; B-3 district with Zoning Permit
- b. Minimum Lot Area: Three (3) acres
- c. Hours of Operation
 

The hours of operation allowed shall be compatible with the land uses adjacent to the concert or stage show.
- d. Noise
 

The amount of noise generated shall not be unreasonably loud or disturbing for the activities of the adjacent land uses. See definitions of unreasonably loud and disturbing see Article 14, Definitions.
- e. Parking
 

The permit granting authority shall not approve the permit unless it finds that the parking generated by the event can be accommodated without undue disruption to or interfere with the normal flow of traffic or with the right of adjacent and surrounding property owners.
- f. Access
 

Principal access must be from a collector of higher capacity road

#### 15. Arts and Crafts Shows

- a. Where Allowed:
 

RA subject to Zoning Permit and compliance with the following conditions; OI, B-1, B-2, and B-3 subject to Zoning Permit only; and LI subject to Special Use Permit and compliance with the following conditions
- b. Operation
 

The hours of operation allowed shall be compatible with the land uses adjacent to the proposed arts and craft site.
- c. Noise
 

The amount of noise generated shall not disrupt the activities of the adjacent land uses.
- d. Parking
 

The Zoning Administrator shall not grant the permit unless he/she finds that the parking to be generated by the use can be accommodated

without undue disruption to or interference with the normal flow of traffic or with the right-of-way of adjacent and surrounding property owners.

16. Outdoor Religious Events – off church premises

- a. Where Allowed  
RA, B-1, B-3 districts with a Zoning Permit and compliance with the following standards; LI district with a Special Use Permit and compliance with the following standards
- b. Operations  
The hours of operation allowed shall be compatible with the land uses adjacent to the event.
- c. Noise  
The amount of noise generated shall not disrupt the activities of the adjacent land uses.
- d. Parking  
The permit issuing authority shall not grant the permit unless it finds that the parking generated by the event can be accommodated without undue disruption to or interference with the normal flow of traffic or with the right of adjacent and surrounding property owners.
- e. Location  
Principal access must be from a collector or higher capacity road.

17. Temporary Emergency, Construction, and Repair Residence

- a. Where Allowed  
All districts with a Zoning Permit and subject to the following standards
- b. Time Limitation
  - i. Temporary residences and offices used on construction sites of nonresidential premises shall be removed within 30 days after the issuance of a final certificate of occupancy.
  - ii. Permits for temporary residences and offices to be occupied pending the construction, repair, or renovation of the permanent residential building on a site shall expire within 12 months after the date of issuance, except that the Board of Adjustment may renew such permit if it determines that such renewal is reasonably necessary to allow the proposed occupants of the permanent residential building to complete the construction, repair, renovation, or restoration work necessary to make such building habitable.
  - iii. Substantial progress shall be clearly demonstrated such that continuous repairs or construction on a consistent basis are obvious to the Zoning Administrator, other wise the Zoning Permit shall be revoked with appeal to the Board of Adjustment
- c. Use of Manufactured Home and RV or Travel Trailer  
The use of manufactured homes as temporary emergency, construction and repair residences is permissible in all zoning districts. Travel Trailer's and RV's may be used in the case of a temporary emergency only. RV's and Travel Trailers must have functioning bathroom and

kitchen facilities and must be occupied by the residents of the on-site house, which is under repair.

d. Water and sewer

Proper connection shall be made to water and sewer utilities and/or septic tank and well where a unit is used for residential purposes

18. Temporary Hardship Manufactured Home

a. Where Allowed

All residential with a Special Use Permit and compliance with the following standards; B-2, B-3 and OI districts with a Special Use Permit and compliances with the following standards

b. Time Limitation

Permits for temporary hardship manufactured homes shall be issued initially for a 2-year period. At the end of the 2-year period, the Board of Adjustment shall review the permit on an annual basis and may renew the permit on a 12-month basis.

c. Setbacks

A temporary hardship manufactured home shall conform to the principal building setback requirements of the zoning district in which it is located.

d. Findings of Fact

Prior to issuing a permit for a temporary hardship manufactured home, the Board of Adjustment shall make the following findings of fact:

- i. That the person or persons occupying the temporary manufactured home are physically dependent upon the person or persons occupying all or a portion of the principal dwelling, unit, or that the person or persons occupying all or a portion of the principal dwelling unit are physically dependent upon the person or persons occupying the temporary manufactured home ;
- ii. That the persons or persons occupying the temporary manufactured home and/or principal dwelling house, cannot, because of financial conditions or other extenuating circumstances, move to avoid hardship, necessitating parking the temporary manufactured home adjacent to the principal dwelling house; and
- iii. That the parking of the temporary manufactured home adjacent to the dwelling house will not create unhealthy or unreasonable living conditions.

e. Foundation and Anchorage

A temporary hardship manufactured home shall meet the Minimum Foundation and Anchorage requirements of the County Building Code.

f. Removal

When the hardship justifying the temporary manufactured home is removed or any of the conditions delineated in (d) above cease to be complied with, the temporary manufactured home shall be removed within thirty days.

19. Temporary Shelter/Emergency Disaster Shelter

- a. Where Allowed  
Only emergency shelters sponsored by the Red Cross or governmental agency shall be allowed and shall be exempt from requirements for a Zoning Permit or restriction on district location provided the following standards are met are the RA, B-1, B-2, B-3 and OI districts
  - b. Time Limitation  
Operation of the facility shall terminate upon the conclusion of the emergency event or until the emergency shelter is no longer needed
  - c. Location  
The facility shall be contained within a building and be operated by a government agency or nonprofit organization.
  - d. Operation  
The facility shall provide continuous on-site supervision during the hours of operation.
20. Temporary Church
- a. Where Allowed  
In any district provided a Special Use Permit is obtained prior to its use or occupancy of the facility of building
  - b. Time Limit  
Up to two (2) years may be approved by the Board of Adjustment for a temporary church. If additional time is required an additional Special Use Permit may be requested for no more than an additional two year period. No additional time is permitted.
  - c. Location  
The temporary church shall be contained within a building that meets the Wilson County enforced State Building Codes for a place of assembly. Evidence of it approval by the Wilson County Building Code Department as a place of assembly shall be provided prior to approval of the Special Use Permit
  - d. Parking  
Sufficient off-street or on-street parking shall be available to accommodate the anticipated congregational needs as evidenced by a sketch plan drawn to scale showing location and number parking spaces.
  - e. Building Permit  
Prior to release of the Special Use Permit and/or any occupancy or use of the temporary facilities, a Building Permit shall be approved by the County of Wilson for the proposed new (permanent) facility.
  - f. Operation  
The Board of Adjustment may place reasonable conditions on the use of the facility or building as a temporary church in regards to limitation on its operations, times of services and other functions, types of accessory functions (such as day care or other services), and any other aspect of the temporary use that could cause an impact on surrounding properties.

### **Section 6.2.2 Cessation of Use**

All buildings, structures or debris associated with the temporary use shall be removed from the site immediately upon completion or cessation of the temporary use or expiration of the time period set forth in Section 6.2.1.E above.

### **Section 6.3 Development Standards for Accessory Uses and Structures**

In addition to the general standards set forth in Section 5.4 in Article 5 the following standards shall apply to specific accessory uses and structures. Standards for patios, porches, gazebos, decks, fences, grade level improvements without foundations, underground Facilities, game courts, and trash containers are also set forth in Section 5.3 in Article 5.

#### **Section 6.3.1 Caretaker Dwelling**

##### A. Where Allowed

B-1, B-2, B-3, OI and LI districts with a Zoning Permit and compliance with the following standards

##### B. Operation

A building permit for the principal building must be obtained or the principal use must be initiated prior to occupancy.

##### C. Number

No more than 1 caretaker dwelling unit shall be permitted per lot.

##### D. Structure Characteristic

A caretaker dwelling may be a manufactured home, which meets the same standards as a Class A manufactured home (see definition).

##### E. Other Standards

A caretaker dwelling shall:

- Have an approved sewage disposal connection or system;
- Meet all setbacks applicable to the principal building or use;
- Be erected in accordance with the NC Building Code.

In nonresidential districts, where there are no minimum lot area requirements for single-family dwellings, a minimum of 10,000 square feet is required for a caretaker dwelling in addition to the minimum lot area required for the principal use.

### **Section 6.3.2 Communication Towers, Government Towers or Towers Under 100 Feet in Height**

A. See Article 12 for standards on Telecommunication towers for TV, Cellular and wireless

B. Where Allowed

1. See regulation for **Communication and Telecommunication Towers, including Radio, Television, Wireless and Cellular Towers** in this section for regulations on Government towers
1. See **Communication Towers for Amateur (Ham) Radio** in this section for regulations on Ham Radio towers
2. Accessory Towers used for TV, Wireless and Cellular and other communication towers other than Ham Radio or Governmental are permitted in RA, B-1, B-2, B-3, OI and LI districts with a Special Use Permit and subject to compliance with Article 12 and the following standards

C. Exceptions

Communications towers on government facilities and structures are allowed by right for government purposes in all zoning districts. All other towers mounted on government structures or facilities require a Special Use Permit and compliance with Article 12 where applicable, provided that applicable lease agreements are obtained and that, when located on water tanks, the applicant submits evidence that substantially proves that the water inside the tank will not be contaminated by the proposed use.

D. Location

In RA and OI Districts, towers shall not be placed in any front or side yards.

E. Other

All supporting cables shall be contained on the property and the tower fall zone shall be on the same property at the tower.

### **Section 6.3.3 Home Occupations**

#### **Section 6.3.3.1 Purpose and Intent**

A. In recognition that home occupations are becoming more common by allowing people to work from home, and for a variety of reasons, including reduction of commute time or improved economic wellbeing, the Town of Elm City encourages and accommodated this trend with standards that address potential problems and concerns so as not to not alter the character of the residential area or disturb the neighbors.

- B. Home occupations may be allowed in all residential districts subject to the standards of this section and insurance of a Home Occupation Permit or Special Use Permit. The standards in Section 6.6.3.2 help insure compatibility of approved home occupations with other permitted uses and with the residential character of a neighborhood in which the home occupation is located. The standards in this section also help establish home occupations as secondary or incidental in relation to the primary use of the lot for dwelling purposes.

### **Section 6.3.3.2 Specific Standards for All Home Occupations**

- A. The home occupations may be permitted in all residential districts (RA, R-40, R-20, R-30MH, R-15, R-10, R-7, R-7S, and OI) provided a Zoning Permit from the Zoning Administrator or Board of Adjustment as set forth in Section 6.6.3.4 is obtained.
- B. Home occupations shall also be limited to:
1. no more than one (1) home occupation per dwelling unit except up to three (3) allowed as set forth in Section 6.3.3.2.C.14 by Special Use Permit; and,
  2. a maximum of one non-resident employee.
- C. The use of the dwelling unit for the home occupation shall be incidental and subordinate to the use for residential purposes by the occupants, such that
1. No more than twenty five (25) percent of the gross floor area of the principle dwelling unit or 500 square feet (which ever is less) shall be used in the conduct of the home occupations. Up to thirty (30) percent but no more than 700 square feet (which ever is less) may be used where the home occupation is conducted in an accessory structure as approved by a Special Use Permit from the Board of Adjustment.
  2. There shall be no structural alterations to the interior of the dwelling to accommodate a home occupation which would render the dwelling undesirable for residential use.
  3. There shall be no structural additions, enlargements or exterior alterations changing the residential appearance of the dwelling or the lot or other visible structural indications of the conduct of the home occupation.
  4. There shall be no additional or separate entrance to the dwelling for the purpose of conducting the home occupation except as approved by Special Use Permit from the Board of Adjustment.

5. There shall be no internal or external alterations, construction features, or use of electrical or mechanical equipment which would change the fire rating of the structure or result in non compliance with the Performance Standards in Section 6.1.2.
6. There shall be no outdoor storage of any kind related to the home occupation unless approved by the Board of Adjustment in a Special Use Permit.
7. All aspects of the home occupation should be conducted within the dwelling structure in which the occupant makes his/her residence. Where a home occupation is to be conducted in any detached accessory building, a Special Use Permit shall be required from the Board of Adjustment.
8. The use shall not generate pedestrian or vehicular traffic beyond that normal to residential districts; except by Special Use Permit as approved by the Board of Adjustment.
9. Parking shall be restricted to the driveway and off street parking with no parking in the front yard (except within a designated properly surfaced driveway). Provision for additional parking in the rear of the dwelling unit or storage of more vehicles than would normally be accessory to a dwelling unit shall require a Special Use Permit from the Board of Adjustment.
10. No visible evidence of the home occupation shall be viewable from the public right-of-way except for one sign as governed by Section 10.2 in Article 10.
11. The appearance of the dwelling unit, lot and accessory structure and arrangement of the home occupation activities and facilities shall also be such that adjacent residents and neighbors are not likely to be aware of the presence of a home occupation.
12. The home occupation must be conducted entirely within the dwelling unit and/or accessory structure, except that parking of heavy duty, large commercial vehicles and storage of outdoor equipment or other items connected with the home occupation shall require Special Use Permit from the Board of Adjustment.
13. No commercial deliveries shall be permitted, only as many parcel deliveries (UPS, FedEx, etc. as normal for residential neighborhood (approximately average one per week)
14. Operating more than one (1) home occupation in the dwelling unit shall require a Special Use Permit from the Board of Adjustment and in no case shall there be more than three (3) home occupations permitted within the dwelling unit.

15. The home occupation shall comply with the general performance standards in Section 6.1.2.E.
16. Each Home Occupation Permit or Special Use Permit for a home occupation shall expire and the home occupation automatically terminate when the applicant no longer resides in the dwelling unit.
17. Upon findings that a home occupation is in violation of the standards, its permit may be revoked by the Zoning Administrator and the home occupation shall cease operation.
18. Upon findings that the Special Use Permit and related standards have been violated by a home occupation, the Board of Adjustment may revoke its Special Use Permit and the home occupation shall cease operation.

### **Section 6.3.3.3 Home Occupation Activities That Are Not Permitted**

The following uses, by the nature of the investment or operation, have a pronounced tendency, once started, to rapidly increase beyond the limits specified above for home occupations and impair the use, value and quiet enjoyment of adjacent residential properties. Therefore, the activities specified below shall not be permitted as home occupations:

1. Retail or commercial sells in which a quantity of display items is required, such as gift, book or antique sell areas.
2. Repair or painting of large appliances, vehicles and equipment, including lawn mower repair
3. Shipping, trucking or freight services involving constant commercial truck pick-ups and deliveries on a regular daily basis
4. Medical services including veterinary clinic
5. Barber or beauty shops, except as permitted by Special Use Permit as set forth in Section 6.3.3.4.B
6. Equipments rentals
7. Any use not in compliance with the intent and conditions set forth in this Section.
8. Schools and large classes other than those approved by Special Use Permit from the Board of Adjustment
9. Eating and entertainment establishments, excluding Bed and Breakfast businesses

**Section 6.3.3.4 Permitted Home Occupations**

- A. By way of example, the following uses, when conducted in compliance with the conditions set forth in Section 6.3.3.2.C qualify as permitted home occupations with a Home Occupation Permit approved by the Zoning Administrator:
1. Artist, musician or writer's Studio.
  2. Cake Making or decorating (not a catering or commercial bakery facility).
  3. Dressmaking, Millinery, Sewing or Tailoring.
  4. Home School, including Cottage Schools.
  5. Personal Office for an accountant Architect; Broker; Consultant; Engineer; Insurance Agent; Lawyer; Notary Public; Planner, Real Estate Agent; Sales Representative.
  6. Photography Studio (limited to not more than one (1) client at a time)
  7. Teaching or Tutoring, including musical instruments or dance, when limited to one pupil at a time.
  8. Other similar uses that comply with the intent and conditions set forth above in Section 6.3.3.2.C.
- B. By way of example, the following uses, characteristics or activities shall require a Special Use Permit from the Board of Adjustment
1. Food catering services, provided the dwelling unit is not equipped with commercial appliances not normally found in a residential unit and services are infrequent
  2. Barber / Beauty Shop (limited to no more than one (1) client at a time).
  3. Bicycle Repair of Service
  4. Dance studio or other class provided the number of students at one time does not exceed ten (10) that are not on a daily basis
  5. Electronic repair (Computers, small appliances, etc
  6. Any home occupations, including those listed in Section 5.6.4.A above where clients and/or the public constantly visit the home occupation on a regular, through-out the daily basis, including personal offices, teaching,

- photography studio (fewer than three (3) clients per day does not warrant need for the approval of a Special Use Permit)
7. Operating more than one (1) home occupation in the dwelling unit
  8. Where the home occupation is conducted in an accessory structure
  9. Where there is a separate entrance to the dwelling for the purpose of conducting the home occupation
  10. Where outdoor storage is related to the home occupation
  11. The home occupation may generate pedestrian or vehicular traffic beyond that normal to a residential district
  12. Parking of heavy duty, large commercial vehicles or need for more parking than normally associated with a dwelling unit, and storage of other outdoor equipment or other items connected with the home occupation
- C. In approving a Special Use Permit the Board of Adjustment may impose additional restrictions or conditions that address the impacts reasonably expected to be generated by the home occupation and related use of the property.

### **Section 6.3.3.5 Registration and permitting of Home Occupations**

- A. All persons conducting an existing home occupation shall register the home occupation with the Town of Elm City on forms provided by the Zoning Administrator within one (1) year of the effective date of this UDO. All persons conducting an existing home occupation which is annexed into the planning jurisdiction of the Town of Elm City after the effective date of this UDO shall register such home occupation with the Town of Elm City within one (1) year of such annexation.
- B. All persons wishing to establish a home occupation after the effective date of this UDO, after annexation into the corporate limits of the Town of Elm City, or after the expansion of the extra-territorial planning jurisdiction of the Town of Elm City, shall be subject to the provision of this ordinance, including granting of a Home Occupation Permit or approval of a Special Use Permit prior to the establishment of the home occupation.
- C. Any home occupation which:
1. is in existence on the effective date of this UDO or which is annexed into the planning jurisdiction of the Town of Elm City;
  2. registers with the Town of Elm City; and,

3. which fails to conform to the requirements of this Section, may continue in compliance with the provisions for nonconforming uses contained in Section 12.
- D. Any existing home occupation which fails to register with the Town of Elm City within one (1) year of the effective date of this UDO or within one (1) year of annexation into the corporate limits or incorporation into the planning jurisdiction of the Town of Elm City, and which does not demonstrate compliance with all the provisions of this Section, shall either:
1. cease operation;
  2. be brought into compliance with the provisions of this Section; or,
  3. obtain a variance for the continued operation of the home occupation.

#### **Section 6.3.4 Rural Family Business (RFB)**

A. Where Allowed

RA, R-40, R-20, and R-30MH with Special Use Permit approved by the Board of Adjustment and compliance with the following standards

B. Minimum Area

1. The Rural Family Occupation (RFB) must be located on a tract of 2 acres or more.
2. A portion of the tract measuring 30,000 square feet with 100 feet of width must be designated and reserved as exclusively residential in RA districts.

C. Maximum Area

The total floor area of all buildings occupied by the RFB shall not exceed 5,000 square feet. The maximum land area that may be used in conjunction with the Rural Family Business is 15,000 square feet.

D. Use Separation

All operations of the RFB shall observe a 50-foot setback from all property lines.

E. Location

All operations of the RFB shall be located behind the rear line of the building occupied as the principal residence.

F. Screening

All operations of the RFB, including buildings, outside storage areas, and parking shall be treated as a separate use and shall be screened in accordance with the requirements of Article 10.

#### G. Environmental Review

The County Environmental Health Division will be requested to evaluate each RFB request to determine the occupation's impact on the surrounding area with respect to excessive noise, dust, air emissions, odors, and surface or groundwater discharge. The RFB shall mitigate the impact on these and other environmental concerns. A written evaluation of these potential impacts is required by the Environmental Health Division prior to the consideration of any request for an RFB.

#### H. Operation

1. The RFB shall be owned by the landowner who must reside on the property.
2. No more than 5 persons shall be employed other than those residing on the property.
3. Outside storage and parking of commercial vehicles is permitted. The applicant shall indicate on the site plan the type and location of outside storage and the location and proposed number of vehicles to be parked on the lot.
4. The RFB shall not be operated between the hours of 9 p.m. to 6 a.m.
5. Permitted uses shall be limited to those products assembled or manufactured on-site for resale elsewhere, professional and business services, or stock-in-trade clearly incidental to such services. Commercial retail or wholesale operations which bring to the site goods specifically for the purpose of resale shall be prohibited.
6. Automotive and farm equipment repair services shall be allowed only within a structure and no junked vehicles or parts shall be permitted outside, except vehicles awaiting imminent repair may be parked behind the structure
7. Automobile repair services shall not be conducted within the corporate limits of the Town of Elm City.

#### I. Signs

1. One (1) freestanding identification sign per road frontage or one (1) wall sign affixed to front of business use structure.
2. No illuminated sign permitted.

### **Section 6.3.5 Satellite Dish Antennas (Large)**

- A. The regulations of this Section shall apply to satellite dish antennas greater than one meter (39.37") in diameter in all districts. Regulation of the larger diameter dishes is intended to allow satellite dish antennas to be safely installed and located in an aesthetic harmony manner that does not unreasonably delay or prevent the installation, maintenance or use of the antenna; does not unreasonably increase the cost of installation, maintenance or use of the antenna; or preclude reception of an acceptable quality signal and supports Federal fair-trade interests. Satellite dishes other than those in residential districts shall be regulated as set forth in the Section 6.6 (Satellite Dish Antenna).
- B. Dishes of a lesser diameter than one meter (39.37") are permitted by right in all districts and not regulated by this ordinance.
- C. In any district, satellite dish antennas greater than one meter (39.37") in diameter shall be permitted as either ground mounted or roof mounted, provided that:
  1. If ground mounted, satellite dish antennas shall:
    - a. not be located in any minimum front yard or between the established front building line of a structure and the front of the lot;
    - b. not exceed the maximum building height allowed for an accessory structure; and,
    - c. maintain at lease a five (5) foot set back in the rear or side yards from the property lines and be located no closer than ten (10) feet from any structure.
  2. If roof-mounted, satellite dish antennas shall:
    - a. not exceed the lesser of five (5) feet above the peak of the roof or the maximum building height limit allowed for a primary building;
    - b. not extend beyond the horizontal limits of the roof area; and,
    - c. meet the state building code regarding installation and structural compliance, including load distribution within the building's support structure

### **Section 6.3.6 Swimming Pool, Accessory - Permanent**

#### **A. Where Required**

All zoning districts with a Zoning Permit and compliance with the following standards, except for the security standards set forth in Section 6.3.6.C. The

regulations of this section shall be applicable to accessory, permanent swimming pools (including hot tubs) located on private property which are under the control of a resident or property owner and the use of which is limited to family members and invited guests (not the general public or on a membership basis).

#### B. Use Separation

1. Pools shall be located so as to comply with the minimum setback requirement for accessory structures for the district in which it is located.
2. Pools which are not an integral part of the principal building shall be located a minimum of 10 feet from the principal building.
3. A swimming pool or hot tub shall not be located between any front lot line and the established front building line of a principal structure.
4. A swimming pool or hot tub shall not be located in any minimum side yard

#### C. Security Barriers

Swimming pools located outdoors shall be protected by a barrier in accordance with either:

1. a fence designed:
  - a. to prevent persons, children or animals from harm;
  - b. equipped with a self-closing, self-latching gate; and,
  - c. be not less than: five (5) feet in height if erected at *grade*; or, thirty-six (36) inches in height measured from the surface of the deck if erected on the deck of an above ground pool or hot tub; or,
2. a safety pool cover sufficient to support at least 100 pounds of weight that provides continuous connection between the cover and the deck, so as to prohibit access to the pool when the cover is completely drawn over the pool;

#### D. Installation and Operation

1. No pool or hot tub shall be erected or constructed unless adequate distance from overhead electrical wires is provided in accordance with the National Safety Code and the National Electrical Code, current editions.
2. An abandoned or unused swimming pool or hot tub, situated on a premise which is not occupied for periods of thirty (30) days or more, shall be drained or equipped with a cover (see Section 6.3.6.C.2) adequate to prevent persons, children or animals from danger or harm.

## **Section 6.4 Uses That Require Special Use Permits**

### **Section 6.4.1 Development Standards for Uses that Require a Special Use Permit From the Board of Adjustment**

The development standards for uses that require a Special Use Permit are listed with those uses as identified and set forth in Section 6.6

## **Section 6.5 Developments that Require a Conditional Use Permit**

### **A. Planned Developments**

The following type developments require a Conditional Use permit. The Conditional Use Permit and accompanying standards will only be applied to the property when a development that requires a Conditional Use Permit is requested by the property owner or representative agent. The planned developments listed below are intended to be developments that are well designed with unified architecture and overall design. Build-out or construction of buildings are planned and anticipated to be completed early on in the development of the project instead of leaving lots that are a more speculative, such as a typical subdivision where most lots are sold only when ready to be built upon.

#### **1. Planned Residential Development.**

Planned Residential Development offers an alternative residential development option that promote incorporation of a variety of housing types, design flexibility, modification of use and dimensional requirements and overall layout flexibility while insuring a unified architectural and overall design and with permitted uses limited to those within the zoning districts in which it is located. Such a development is not typically subdivided into customary lots and streets for speculative development.

#### **2. Planned Office/Commercial/Industrial Development**

A Planned Office/Commercial/Industrial Development offers an alternative development for a variety of mixed commercial, office and light industrial uses consisting of a unified overall site design and architecture with one or more principal structures, buildings, and accessory structures on a plot not typically subdivided into customary lots and streets for speculative development, application of flexible design standards and permitted uses that are limited to those within the zoning districts in which it is located.

#### **3. Planned Mixed-Use Development**

A Planned Mixed-Use Development offers an alternative development for a variety of mixed commercial, office and residential uses consisting of a

unified overall site design and architecture with one or more principal structures, buildings, and accessory structures on a plot not typically subdivided into customary lots and streets for speculative development, application of flexible design standards and permitted uses that are limited to those within the zoning districts in which it is located.

#### B. Planned Village Development

A Planned Village Development is a flexible mixed-use –type development that incorporates neo-traditional design that fosters walkable neighborhoods, unified development and architectural features and extensive landscaping and open space systems. The standards for a Planned Village Development are set forth in Section 11.4.

#### C. Rural Business Conditional District Development

##### 1. Establishment and Purpose

The Rural Business Conditional District (RBD) is hereby established as a Conditional Use Permit district to provide locations where compatible rural land uses such as neighborhood retail and service establishments can be located in general proximity to established rural residential areas with the goal of reducing automobile travel distances and promoting better livability in the rural community. Areas suitable for the RBD are within the Town of Elm City's extraterritorial jurisdiction where cross roads or major highways provide convenient access for the rural communities. Site plans and individualized development conditions are imposed only upon petition of all the owners of the land to be included in the Rural Business Conditional District.

##### 2. Designation on the Zoning Map

Upon approval the Rural Business Conditional District (RBD) shall be delineated on the official zoning map as a RBD district.

##### 3. Zoning Approval Process

Approval of a Rural Business Conditional District (RBD) shall be the same as the approval for a conventional district amendment as set forth in Section 3.4 in Article 3, except that the permitted uses shall be limited to those approved as part of the amendment. The uses approved shall be from the list of allowed uses set forth in Section 6.5.C.4 below. During the zoning amendment process the applicant shall indicate the desired use or uses proposed or possible for the development from the below list in Section 6.5.C.4.

##### 4. Uses Allowed

Uses allowed within the Rural Business Overlay Conditional District (RBO) are established and identified when the zoning district designation is approved. The allowable uses shall be selected from the following:

- a. All uses allowed in the B-2 District as set forth in Section 4.4.3
- b. All uses allowed in the O&I District as set forth in Section 4.4.3
- c. All uses in the B-3 as set forth in Section 4.4.3, except for billiard pallor, bingo games, bowling center, skating rink, shooting range-indoor, psychiatric hospital, hotel or motel, bar or night club, truck stop, motor vehicles sales, boat sells, motorcycle sales, truck or trailer rental or washing, trucking or freight terminal, solid waste disposal, and moving and storage service.
- d. Accessory and temporary uses as permitted and regulated as set forth in Sections 6.2 and 2.3.

#### 5. Development Plan Approval

Once the zoning amendment is approved the development plan shall be submitted for approval by the Board of Commissioners through the granting of a Conditional Use Permit. The approval process for a development plan shall be the same as set forth for approval of a site development in Section 3.1.1. Where a subdivision is involved the requirements of Section 3.2 shall apply. In granting a Conditional Use Permit for the development plan, the Board of Commissioners may impose additional and reasonable conditions on the development, including limitations on the intended uses, and other reasonable conditions to insure compatibility with adjacent rural neighborhoods. In addition, the standards set forth in Article 5 may be varied as much as twenty (20) percent with approval of the Board of Commissions based upon justification and overall design criteria.

### **Section 6.5.1 General Standards for Planned Developments (Planned Residential, Mixed-Use and Office/Commercial/Industrial Development)**

#### A. Purpose:

1. Promote the most appropriate use of land through flexibility of design and development of land;
2. Facilitate the adequate and economical provision of streets and utilities;
3. Preserve the natural and scenic qualities of open space;
4. Provide for a variety of housing types and/or mixture of office, commercial and light industrial uses;

5. Provide a method of development for existing parcels which because of physical, topographical, or geological conditions could not otherwise be developed;
6. Foster creation of a high quality unified design for the overall project; and,
7. Achieve a high level of architectural quality and site amenities.

B. Where Allowed:

1. Planned Residential Development is allowed in all residential and OI districts.
2. Planned Office/Commercial/Business Development is allowed in all B-1, B-2, B3, OI and LI districts
3. Planned Mix-use Development is allowed in the OI district and allows business uses that are in the B-2 district.

C. Minimum Size and Characteristics

1. Five (5) acres under single ownership, planned and developed as an integral whole with unified architecture and overall design layout shall be required for a Planned Residential Development, unless a the Board of Commissioners is satisfied that a smaller track will provide sufficient land for a high quality planned development as justified by the applicant.
2. Ten (10) acres is required for a Planned Office/Commercial/Industrial Development, unless the Board of Commissioners is satisfied that a smaller track will provide sufficient land for a high quality planned development as justified by the applicant.
3. Fifteen (15) acres is required for a Planned Mixed-use Development, unless the Board of Commissioners is satisfied that a smaller track will provide sufficient land for a high quality planned development as justified by the applicant.

D. Use standards and modification of standards:

1. Uses permitted in a Planned Residential Development are uses allowed in the R-40, R-20, R-15, R-10 and R-7 districts. At the discretion of the Board of Commissioners the dwelling units in a Planned Residential Development or Planned Mixed-Use Development may be of varied types including single-family detached, attached, townhouse, condominium, and duplex or apartment construction or combination there of.
2. A Planned Residential Development may contain accessory uses, including accessory uses for the entire development, such as a building or buildings intended for use as a community center, recreation facility, child

care center and/or small business/institutional service offices if the Board of Commissioners determines that such use or uses will not contribute to parking problems in the development or in the surrounding area or impact the residential development. See Section 6.3 for restrictions on accessory uses for to the entire development.

3. In the Planned Office/Commercial/Industrial Development uses are limited to those allowed in the B-1, B-2, B-3, OI and LI districts.
4. In the Planned Mix-Use Development uses are limited to those allowed in all residential districts, OI and B-2 districts.
5. With the approval of the Board of Commissioners and subject to the limitations of Section 6.5.1.E, the density, frontage and setback regulations may be altered for any planned development.
6. The applicant may request that additional requirements and standards be placed onto themselves and their property or ask that certain other standards identified and justified in the request be decreased based upon the over all unified design and/or architectural requirements of the planned development. It shall be the Board of Commissioners' final decision to grant approval or denial of the Conditional Use Permit in light of the increased or decreased development standards presented to the Board by the applicant. If no specific request is made by the applicant to change the development standards or if the application for a Conditional Use Permit to is silent on this point, it shall be understood that all the UDO and specific district standards shall apply. Any proposed modifications of regulations shall be listed in a statement accompanying the plat submission. The provisions of Section 6.3 and Section 5.4 shall not be modified.
7. The Board of Commissioners may impose special conditions on the planned development where reasonable and appropriate.

#### E. Approval conditions

1. Regardless of whether or not modifications or a request to decrease particular standards is made the Planned Development shall meet the requirements of this section.
2. In addition to special conditions approved by the Board of Commissioners the following requirements shall be met in order for the Board of Commissioners to consider approval of a Planned Residential Development:
  - a. Lot coverage requirements of the district shall be met;
  - b. The minimum setbacks required for the district shall apply to the periphery of the project;

- c. The minimum parcel size shall be met if the project is located on any lot that has a septic tank;
- d. The project shall be subject to design review and site plan review by the Zoning Administrator, TRC and/or other review agencies;
- e. A Cluster Subdivision as set forth in Section 11.3 is encouraged for single family development within a Planned Residential or Mixed-Use Development, but any Planned Residential Development shall fully comply with the requirements of the subdivision standards in Article 11;
- f. The portion of any tract in a Planned Residential or Mixed Use Development for single-family purposes shall not be less than fifty percent of the entire tract. The two-family or multi-family portion of the overall development shall be located and oriented within the tract in such a manner to minimize any adverse effects on adjoining single-family residential subdivisions.
- g. All other zoning requirements of a district in which a planned development is proposed, except those specifically requested and approved by the Board of Commissioners as not applicable or allowed to be decreased shall be met and in no case shall a decrease result in more than twenty-five (25) percent decrease in any dimensional standard, except that streets pavement may be allowed to be reduced by not more than five (5) percent based upon a showing that the reduction will not impair traffic or be unsafe for vehicular traffic, or inaccessible to emergency or service vehicles and the TRC with DOT representation recommends approval;
- h. In order to encourage creativity of design and diversity of uses within a Planned Office/Commercial/Industrial Development or the non residential portion of a Planned Mix-Use Development, the minimum lot area requirements may be reduced, but in no case may an individual lot area be reduced less than 70% of the requirements of the underlying district provided each lot area is sufficient to support the structure located on it and consistent with all other requirements of this UDO. The structures around the perimeter of such planned development shall be in harmony with development on adjacent properties.
- i. In a Planned Residential Development or Planned Mixed-Use Development the density of the residential development may not be increased more than ten (10) percent. However, a density bonus over and above the allowable density increase may be approved by the Board of Commissioners provided that the applicant increases the percentage of the total project area to be devoted to common open space. This bonus may be granted only if specifically requested by the applicant. Any such bonus shall consist of a one percent increase in the allowable density for every one percent of land area devoted to common open space in addition to the twelve (12) percent required under Section 6.5.1.E.2.I below, but in no event shall the bonus exceed twenty (25) percent of the allowable density.
- j. Each phase of a multi-phase project within a planned development should be able to stand as an independent project. At no point in the

development of a multi-phase project shall the density of any residential development portion in a completed phase of the project area exceed the approved maximum density established by Section 6.5.1.E.2.i above.

- k. Extensive landscaping shall be an integral part of the overall design of any planned development;
- l. Open space or common land shall be no less than twelve (12) percent of the gross acreage, or less than the amount in compliance with Section 6.5.1.E.2.i or if a cluster subdivision no less than that required by Section 11.3.2.D. Such open space shall be assured and maintained in accordance with the conditions as prescribed by the Board of Commissioners and appropriate provisions of Section 8.1.2. Deviation from the required amount of usable open space may be allowed in portions or sections of the planned development provided such deviation shall be provided for in other sections of the planned development. The required common open space shall be planned and improved so that it is accessible and usable by persons living in the project area. However, common open space containing natural features worthy of preservation may be left unimproved.
- m. For Planned Residential or Mixed-Use Developments, recreation facilities shall be as set forth in Section 8.2 and may be increased by the Board of Commissioners. The development plan shall specify reasonable periods within which development of each phase of the planned development may be started and shall be completed.
- n. The intent of planned developments as listed in Section 6.5.A shall be met in a way not detrimental to the city's interests; and
- o. The planned development shall meet the connectivity requirements set forth in Section 7.2 in Article 7.
- p. Parking preference for non residential uses is in the back or at the side of such uses when ever possible with the building oriented for pedestrian access.
- q. A Planned Residential Development may contain a building or buildings intended for use as a community center, recreation facility, child care center and/or small business service offices if the Board of Commissioners determines that such use or uses will not contribute to parking problems on site or in the surrounding area or impact the residential development.
- r. In addition to the standards in Section 6.3, accessory uses to the entire development in a Planned Residential Development shall be limited in accord with the following:
  - i. The size of an individual business/office service use is limited to 1,000 square feet unless the Board of Commissioners approves a larger size.
  - ii. Only one sign is permitted limited to a maximum size of 4 square feet, non illuminated, no freestanding sign on the site, except where there are multi-uses an identification sign is allowed for the entire non-residential complex limited to six (6) square feet in size

- iii No outside storage or displays or vending machines, except for a telephone and a screened dumpster
- iv There shall be no exterior service windows or exterior ATM's allowed
- v There shall be no gas pumps

F. Access:

1. The development shall have access to public street/road or highway by way of a state maintained street/road or town maintained streets. Said access street/road shall enter the public road or highway in such a manner to minimize traffic hazards, inconvenience, and congestion.
2. Where a private drive will provide access from a public street there shall be direct access to public street/road or highway with driveway entrances at least twenty-four (24) feet in width and located to minimize traffic hazards, inconvenience, and congestion.

G. Landscaping and Screening:

The landscaping and screening requirements that would normally be associated where multi-family development adjoins a single-family development shall not apply within the tract developed as a Planned Residential Development, but shall apply, in accordance to the standards of Section 10.1 where said multi-family may be located next to adjoining single-family residential developments outside the tract. Screens and buffers around the perimeter of the development shall be provided in accordance with the provisions in Section 10.1 in Article 10 of this Ordinance.

H. Parking:

Parking and loading areas shall be paved surface; parking spaces and travel lanes shall be marked clearly; the minimum number of parking spaces shall be determined by the total derived from the combined uses or, if separate, those required of each use as provided in Section 7.3.10 in Article 7 of this Ordinance.

I. Signs

Signs shall be regulated as set forth in Section 10.2 in Article 10, except that one ground, identification sign is allowed per entrance to the development consisting of no more than 15 square feet of area with non-flashing and motionless illumination by indirect lighting. There shall be no limitation of signs attached to and flat against the principal building. All signs shall be located within the bounds of the site. In no instance may more signage be permitted in a Planned Residential Development or residential portion of a planned development than would be allowed by the sign requirements in

Section 10.2 in Article 10. Signs within any planned development may only be approved with the submission and approval of a detailed signage plan

J. Modification of development standards.

Except as otherwise provided in Section 6.5.1, all uses and structures permitted in a planned development shall meet the applicable development standards set out in these regulations. However, as part of the approval process for a planned development, the Board of Commissioners may allow additional modification or require variation to a proposed planned development regarding the following areas in order to accommodate a particular planned development design and/or address concerns:

1. Street right-of-way
2. Street type and construction standards (including width) for public or private streets
3. Sidewalks, curbs, and gutters
4. Minimum lot size
5. Public street frontage
6. Setbacks and yards
7. Off-street parking
8. Lot width
9. Landscaping and buffers, including the perimeter of the development
10. Modification or restriction of uses
11. Signage
12. Open space and recreation
13. Parking and locations of parking

K. Plan review and applicant responsibilities

The Board of Commissioners may require that in order for there to be proper review of a particular planned development by the City an outside resource in planning, development or and/or engineering be retained so as to provide the town with an expert opinion regarding the proposed planned development in relationship to the town's UDO and other interests and to make recommendations to the Board of Commissioners regarding a particular planned development. The applicant for the planned development shall be responsible for payment of such services up to a maximum of \$2,000.

### **Section 6.6 Development Standards for Individual Uses**

The standards for specific uses as listed in alphabetical order in the following section pertain to individual uses listed in the Table of Permitted Uses in Section 4.4.3. If the use requires a zoning permit **and** the application of standards then the standards requires to be met for the particular use are as set forth in this section. The standards for a use that requires a Special Use Permit are also set forth in this section. In addition, development types that require a Conditional Use Permit are set forth in this Section.

**Agricultural Chemicals, Pesticides or Fertilizers (Wholesale Trade of);  
Agricultural Products, Other Including Tobacco Auction Warehousing  
(Wholesale Trade of), and Animal and Animal Products, Other (Wholesale  
Trade of)**

A. Where Allowed:

RA and B-3 districts

B. Property Separation.

All structures, buildings or enclosed areas used for the operation shall be a minimum of 150 feet from all property lines.

C. Noise.

Equipment-producing noise or sound in excess of 70 decibels shall be located no closer than 100 feet to the nearest residence.

D. Dust.

All unpaved storage areas shall be maintained in a manner that prevents dust from adversely impacting adjacent properties.

E. Fencing.

Security fencing shall be provided around all outdoor storage areas.

F. Access.

A truck route plan shall be submitted showing routes to and from the site. Such routes shall be designed to minimize impacts on residential areas, schools or other land uses, which would be negatively impacted by truck traffic.

G. Odors.

The use shall not generate fumes or odors beyond what normally occurs in the zoning district in which it is located.

**Airport or Air Transportation Facility**

A. Where Allowed:

RA and LI Districts

B. Minimum Area

1. Fifty acres for Basic Utility Stage 1 airport with 2,000-foot runway
2. More area is required for larger airports
3. Airport size and layout shall conform to FAA Advisory Circular 150/5300-4B or it's most current regulations.

C. Use Separation

There shall be a minimum 300-foot distance between the airport property and the nearest residence.

D. Fencing

Security fencing shall be provided sufficient to control access to runways and taxiways. The fencing shall be a minimum 6 feet in height.

**Amusement or Water Parks, Fairgrounds**

A. Where Allowed:

RA district with a Special Use Permit and compliance with the following standards; LI district with Zoning Permit

B. Minimum Lot Area: Five (5) acres.

C. Property Separation

No buildings or structures, temporary or otherwise, shall be located within 50 feet of any property line.

D. Security Fencing

Security fencing, a minimum of 6 feet in height, shall be along the entire boundary of the park activities.

E. Use Separation

No amusement equipment, machinery or mechanical device of any kind may be operated within 200 feet of any residentially used or zoned property.

**Animal Specialty Services**

A. Where Allowed:

RA subject to Zoning Permit only; B-1 and B-2 districts subject to a Zoning Permit and meeting the following conditions

**B. Outside Storage:**

Pens and runs located outside are prohibited.

**Athletic Fields****A. Where Allowed**

RA with Zoning Permit and compliance with the following standards; all other residential districts with Special Use Permit and compliance with the following standards; B3 with a Zoning Permit only

**B. Access**

All athletic fields shall have access to collector or higher capacity road.

**C. Screening**

Parking lots shall be screened from adjoining single-family residential uses by a buffer yard. The required buffer yard shall comply with the requirements of Section 10.1 in Article 10.

**Automobile Repair Services****A. Where allowed**

B-1 with Special Use Permit and compliance with the following standards; B-3 with a Zoning Permit and compliance with the following standards

**B. Operation**

No outdoor disassembly or salvaging shall be permitted.

**C. Screening**

Any outdoor storage area must be screened with a 6-foot high opaque fence in addition to any landscaping or screening that may be required in Section 10.1 in Article 10.

**D. Dust**

All unpaved storage areas shall be maintained in a manner so as to limit dust from leaving the storage area.

**E. Noise.**

Equipment-producing noise or sound in excess of 70 decibels shall be located no closer than 100 feet to the nearest residence.

### **Automobile Towing Services**

#### A. Where allowed

B-1 subject to a Special Use Permit and compliance with the following conditions; and B-3 subject to a Zoning Permit and compliance with the following conditions

#### B. Operation

No outdoor disassembly or salvaging shall be permitted.

#### C. Screening

Any outdoor storage area must be screened with a 6-foot high opaque fence in addition to any landscaping or screening that may be required in Section 10.1 in Article 10.

#### D. Dust

All unpaved storage areas shall be maintained in a manner so as to limit dust from leaving the storage area.

#### E. Noise.

Equipment-producing noise or sound in excess of 70 decibels shall be located no closer than 100 feet to the nearest residence.

### **Bar, Night Club or Tavern**

#### A. Where Required

B-3 subject to a Special Use Permit and compliance with the following conditions

#### B. Use Separation

No bar, night club or tavern shall be located within 500 feet of any other bar, night club or tavern. Nor shall such an establishment be within 500 feet of a church, elementary or secondary school, day care center, or public park.

#### C. Property Separation

No such establishment shall be located within 200 feet of a residentially-zoned property.

D. Frontage

The main entrance of the building shall face toward a road zoned predominantly for non-residential use.

E. Screening

A minimum of a 6-foot opaque fence shall be erected adjacent to the property line of abutting residences, in addition to any other bufferyard, landscaping or screening that may be required by this ordinance.

F. Parking

Parking areas related to the establishment shall be located no closer than 30 feet to the property line of abutting residences.

G. Operation

Hours of operation are until 1:00 AM unless modified by the Board of Adjustment

H. Noise

Equipment-producing noise or sound in excess of 70 decibels shall be located no closer than 100 feet to the nearest residence.

**Batting Cages**

A. Where allowed

B-3 district with a Zoning Permit and compliance with the following standards

B. Security Fencing

Fencing, netting or other control measures shall be provided around the perimeter to prevent balls from leaving the designated area.

C. Minimum Property Setback

All buildings, structures, and pads shall be a minimum of 50 feet from any residentially zoned or used lot.

D. Screening

All off-street parking shall be screened from all adjoining single-family residential uses or zoned lots by a buffer yard in accordance with the requirements in Section 10.1 in Article 10.

#### E. Hours of Operation

The hours of operation shall be compatible with the land uses adjacent to the proposed site. In no case, however, shall such use that adjoins residentially zoned or used property conduct business between the hours of 10 pm and 8 am.

#### F. Noise

The amount of noise generated shall not disrupt the normal activities of the adjacent land uses.

### **Bed and Breakfast**

#### A. Where allowed

OI, B-1, B-2 and B-3 with a Zoning Permit; RA, R-15, R-10, R-7, and R-7S with a Zoning Permit and subject to compliance with the following standards; R-40 and R-20 with a Special Use Permit and subject to compliance with the following conditions

#### B. Operation

1. The use must be owned and operated by a resident owner.
2. The use shall be located in a structure that was originally constructed as a dwelling.
3. The use shall be located within the principal residential structure.
4. A breakfast meal served on the premises shall be only for guests of the facility.
5. Guests should not stay more than seven (7) days. This use is not intended for long term accommodations.

#### C. Signs

There shall be no exterior advertising except that which is permitted for a home occupation.

#### D. Screening

Off-street parking is required. Parking lots shall be screened from adjoining single-family residential uses by a buffer yard. The required buffer yard shall comply with the requirements in Section 10.1 in Article 10.

**Blacksmith Farrier and Harness Shop**

A. Where allowed

RA district with Special Use Permit and subject to compliance with the following conditions; LI with a Zoning Permit

B. Screening

Any outdoor storage area must be screened with a 6-foot high opaque fence in addition to any landscaping or screening that may be required by in Section 10.1 in Article 10.

C. Dust

All unpaved storage areas shall be maintained in a manner so as to limit dust from leaving the storage area.

D. Noise

Equipment-producing noise or sound in excess of 70 decibels shall be located no closer than 100 feet to the nearest residence.

**Boarding and Rooming House**

A. Where allowed

OI district with a Special Use Permit and subject compliance with the following conditions

B. Operation

1. The use must be owner and operated by resident owner.
2. The use shall be located in a structure that was originally constructed as a dwelling.
3. Meal served on the premises shall be only for residents of the facility.

C. Signs

There shall be no exterior advertising except that which is permitted for a home occupation.

D. Screening

Parking lots shall be screened from adjoining single-family residential uses by a buffer yard. The required buffer yard shall comply with the requirements in Section 10.1 in Article 10.

### **Boat Repair**

#### A. Where Allowed

B-3 district with Zoning Permit and compliance with the following standards

#### B. Operation

No outdoor disassembly, fabrication, or salvaging shall be permitted.

#### C. Screening

Any outdoor storage area must be screened with a 6-foot high opaque fence in addition to any landscaping or screening that may be required In Section 10.1 in Article 10.

#### D. Dust

All unpaved storage areas shall be maintained in a manner so as to limit dust from leaving the storage area.

#### E. Noise.

Equipment-producing noise or sound in excess of 70 decibels shall be located no closer than 100 feet to the nearest residence.

### **Building Supply Sales**

#### A. Where Allowed

B-3 District with Zoning Permit and compliance with the following standards; LI district with Zoning Permit

#### B. Screening

All outside storage shall be completely screened from view from all roads and adjacent residentially zoned property.

#### C. Security Fencing

Security fencing, a minimum 6 feet in height, shall be provided around all outside storage areas.

D. Dust

All storage areas shall be maintained in a manner so as to limit dust from drifting onto adjoining properties.

**Cemetery, Family**

A. Where Allowed

RA district with Zoning Permit and compliance with the following standards

B. Minimum Lot Area

One (1) acre

**Cemetery, Pet**

B. Where Allowed

RA districts with Special Use Permit and compliance with the following standards; B-3 with Zoning Permit

B. Minimum Lot Area

1 acre

C. General Requirements

1. All requirements of the North Carolina General Statutes and Wilson County concerning the interment of animal dead shall be met.
2. No interment shall take place within 30 feet of any property line, nor within 50 feet of any public road right-of-way
3. Internment services and facilities may be for burial of family or other people's pets

**Cemetery or Mausoleum - Not on Same Property as Church**

A. Where Allowed

RA and LI districts with Special Use Permit and compliance with the following standards

B. Minimum Lot Area

Five (5) acres

### C. General Requirements

1. All applicable requirements of the North Carolina General Statutes and Edgecombe County regulations concerning the internment of human dead shall be met.
2. No internment shall take place within 100 feet of any property line or public road right-of-way.
3. Buildings for the maintenance, management, rent and/or sale of cemetery lots must be located at least 100 feet from any lot line that adjoins a residential zoning district or use. Otherwise, such buildings shall conform to the requirements of the principal use for the district in which it is located.

### D. Access

Access to this use shall be from a collector or higher capacity road.

## **Church**

### A. Where Allowed

RA with Zoning Permit; R-40, R-20, R-30MH, R-15, R-10, R-7, R-7S, OI, B1, B-2 and B-3 districts with Zoning Permit and compliance with the following standards; and in L-1 with compliance with following and Special Use Permit.

### B. Location

Church facilities with a gross area of 10,000 square feet or more shall have direct access to a collector or higher capacity road.

### C. Screening

All off-street parking lots shall be screened from all adjoining single-family residential uses by a buffer yard. The required buffer yard shall comply with the requirements in Section 10.1 in Article 10.

## **Civic, Social, and Fraternal Associations (excluding bars and restaurants)**

### A. Where Allowed

R-A, B-1, B-2, and B-3 districts with a Zoning Permit; R-15, R-10, R-7, R-7S, and OI districts with a Zoning Permit and compliance with the following standards

### A. Location

Clubs shall have direct access to a collector or higher capacity road. However, if the use is intended to serve a membership that is limited to a residential development, access may be provided from an interior road within the residential development.

C. Screening

All off-street parking lots shall be screened from all adjoining single-family residential uses by a buffer yard. The required buffer yard shall comply with the requirements of Section 10.1 in Article 10.

D. Parking

Parking areas related to the establishment shall be located no closer than 30 feet to the property line of abutting residences and residentially zoned property.

E. Circulation

Proposed points of access and egress and the pattern of internal circulation shall be shown.

**College, University, and Technical Institute**

A. Where Allowed

RA district with a Special Use Permit; OI, B-1, B-2, and B-3 with Zoning Permit

B. Access

All athletic fields shall have access to collector or higher capacity road.

C. Noise.

Equipment-producing noise or sound in excess of 70 decibels shall be located no closer than 100 feet to the nearest residence

D. Screening

Parking lots shall be screened from adjoining single-family residential uses by a buffer yard. The required buffer yard shall comply with the requirements in Section 10.1 in Article 10.

E. Minimum Property Setback

All buildings, structures, and pads shall be a minimum of 50 feet from any residentially zoned or used lot.

## F. Lighting

All lights will be directed away from adjacent residentially zoned or used property and external roads.

## **Communication and Telecommunication Towers, including Radio, Television, Wireless and Cellular Towers and Governmental**

- A. See Article 12 for all towers other than governmental or ham radio
- B. Governmental towers on governmental facilities or property are allowed by right in all zoning districts subject to the following conditions. Ham radio towers are allowed by Special Use Permit and also subject to the following conditions.
  - 1. Towers not located on or and integral part of an existing structures shall be subject to a minimum tower setback from any property line that is:
    - a. Equal to the height of the tower; or
    - b. Equal to the maximum fall distance for a professional engineer-certified installation; published engineering data for a particular model of tower will be acceptable to substantiate a setback less than the height of the tower if the building inspector can easily determine that the tower has been installed in accordance with such data, otherwise a professional engineer must certify that the tower is installed as required; or
    - c. For a steel monopole tower with a base diameter greater than or equal to one foot, minimum tower setback from any property line must be equal to one-half of the height of the tower, provided that a professional engineer certifies that the tower has sufficient strength to withstand hurricane-force winds of a velocity that have occurred, or can be expected to occur in the area, and that should winds of greater velocity occur, the design of the tower is such as to bend rather than to fall.

### 2. Signs

No business sign, billboards, or other advertising shall be installed on the tower or security fencing.

### 3. Security

Security fencing at least six feet in height shall be installed around the base of the tower or the tower shall be equipped with a professional engineer-certified anti-climb device. Published data or documentation for an anti-climb device must be provided to support such device and must be of such nature to enable the building inspector to easily determine that the anti-climb device has been installed in accordance with such data; otherwise a

professional engineer must certify that the anti-club device has been properly installed.

#### 4. Lighting

Towers shall not be artificially lighted unless required by the Federal Aviation Administration (FAA) or other federal or state authority and in no case shall exceed the required minimum. Prior to construction of the tower, the applicant shall be required to submit documentation from the FAA that the lighting is the minimum lighting required by the FAA.

#### 5. Abandonment

Any tower that ceases to be used for communications broadcasting and /or broadcast receiving as permitted by this Ordinance for a period of more than nine months, shall be removed by the tower owner at his/her expense. The removal shall occur within ninety days of the end of such nine-month period.

### **Communication Towers for Amateur (Ham) Radio (including Citizen Band Radio)**

In order to protect the public safety ham communications towers, support structures, and antennas (including combinations of any two (2) or more) not exceeding one hundred (100) feet in height, and associated structures and equipment are allowed only by Special Use Permit as an accessory use to a residential use and are subject to the provisions of **Communication and Telecommunication Towers, including Radio, Television, Wireless and Cellular Towers** in subsection B.1-5 of this section as well as other reasonable conditions determined to promote the safety and welfare of adjacent properties.

**Congregate Care Facility** (including Group-care facilities, group home for developmentally disabled adults)

#### A. Where Allowed:

RA, R-30MH, R-15, R-10, R-7, and R-7S districts with a Special Use Permit and subject to compliance with the following conditions; OI, B-1, B-2 and B-3 districts with a Zoning Permit and subject to the following conditions

#### B. Operation

1. Facility licensed shall be licensed by and fully meet the requirements of the appropriate state agency,
2. No more than seven (7) to fifteen (15) unrelated individuals, (excluding supervisory personnel), who are mentally or physically handicapped, aged,

or disabled and are undergoing rehabilitation or extended care, and are provided services to meet their specific needs.

3. Persons adjusting to non-prison life including, but not limited to, pre-release, work-release, probationary programs, and juvenile detention centers shall not be eligible for admission to a group care facility and shall be housed in half way houses the requirements of which are set forth in Section 6.9 (Halfway Houses).
4. The facility shall provide centrally located, shared food preparation, service and major dining areas.
5. Common recreation, social and service facilities shall be provided at a minimum rate of 30 square feet per dwelling unit or per rooming unit which ever is larger.
6. All facilities shall be solely for the use of residents and their guests.
7. Facilities for administration services and limited medical services for the exclusive use of the residents may be located on the site.

#### C. Property Separation

Congregate Care Facilities shall not be located closer than 1,000 feet from one another or a Family Care Home as measured from property line to property line.

#### **Contractors (no outside storage); Contractors (General Building); Contractors (Special Trade)**

##### A. Where allowed

RA district with Special Use Permit and compliance with the following standards; B-3 and LI districts with Zoning Permit

##### B. Use Separation

1. Fifty feet minimum from any property line
2. Three hundred feet minimum from any residence

##### C. Dust

All unpaved areas shall be maintained in a manner that prevents dust from leaving the property.

##### D. Noise

Equipment-producing noise or sound in excess of 70 decibels shall be located no closer than 100 feet to the nearest residence.

E. Security Fencing

Security fencing, a minimum of 6 feet in height, shall be provided around all outside storage areas.

F. Screening

Any outdoor storage area shall be screened from an abutting residentially-used or zoned lot by a buffer yard which complies with the requirements of Section 10.1 in Article 10.

**Convenience Store**

A. Where Allowed

B-1 and B-3 districts with Zoning Permit; B-2 district with Special Use Permit and compliance with the following standards

B. Operation

The hours of operation allowed shall be limited to 7:00 am to 11:00 pm when located adjacent to residentially used or zoned lot.

C. Maximum Area

A maximum of 3,000 square feet of gross floor area shall be permitted per establishment.

D. Screening

Any outdoor storage area or dumpsters shall be screened from an abutting residentially used or zoned lot by a bufferyard which complies with the requirements in Section 10.1 in Article 10.

E. Gasoline Service Islands/ Pumps

There shall be no more than two (2) gasoline service islands and no more than 4 pumps per island

**Country Club with Golf Course**

A. Where Allowed

RA, R-40, and R-20 Districts with Special Use Permit and compliance with the following standards

B. Minimum Area

The minimum area shall be 2 acres in addition to the golf course(s).

C. Use Separation

Three Hundred (300) feet minimum distance between clubhouse, swimming pool, lighted tennis court, and athletic field and any adjacent residentially-zoned or used property

D. Security Fencing

Outdoor swimming pools shall be protected by a fence in accordance with the Health Department's public swimming pool regulations.

**Day Care Center, Child or Adult**

A. Where Allowed

All residential districts with Special Use Permit and compliance with the following standards; OI, B-1, B-2, and B-3 districts with Zoning Permit; LI district with Zoning Permit and compliance with the following standards

B. Types of Facilities and Participant Limitations

1. Child Care Centers include Family Child Care Homes limited to 5 children and Centers are limited to 12 or more children depending upon the size of the facility. Family child care homes are located in residences. Centers may be located in a residence or an independent facility. Both type facilities have to be licensed by the State of North Carolina Department of Health and Human Services.
2. Adult Day Care Centers include Adult Day Care Homes and Centers. Adult Day Care Homes are in residences and limited to 6 participants. Centers are independent facilities and the number of participants is dependent upon the size of the facility.

C. Security Fencing

Outdoor activity area(s) for children shall be enclosed by a security fence at least 4 feet in height and located outside the yard area(s) facing the access road(s). Any body of water, natural or man-made, on the property shall be properly secured with fence or other security elements to prevent harm to participants of a center.

**D. Location**

Centers on a site greater than 3 acres shall have access to a collector or thoroughfare road.

**E. Hours of Operation**

In residential districts, a day care center shall not be operated between the hours of 8:00 p.m. to 6:00 a.m.

**F. Parking**

Parking areas related to the establishment shall be located no closer than 30 feet to the property line of abutting residences and residentially zoned property.

**G. Other child or adult day care centers standards**

1. Centers shall fully meet the State of North Carolina licensing requirements for the type of facility and comply with all state requirements regarding such licensing
2. A day care center must be licensed by the State of North Carolina for the particular facility being operated and continuously maintain a current license with the State of North Carolina
3. A child day care center shall fully meet the standards of the State Child Care Facilities Law and requirements of the Department of Health and Human Services for a child day care facility
4. An adult Day care center must fully meet the requirements by the Department of Health and Human Services for an adult day care facility.

**Demolition Debris Landfill****A. Where Allowed**

RA and LI districts with Special Use Permit and compliance with the following standards

**B. Use Separation**

Three hundred feet minimum from any residence

**C. Access**

Access to the landfill shall be controlled with gates, chains, fences, ditches, and/or vegetation to prevent unregulated dumping. Access shall be from collector or higher capacity roads.

**D. Dust**

All unpaved areas shall be maintained in a manner, which prevents dust from leaving the property.

**E. Operation**

No filling is permitted in the 100-year floodplain of any stream; no filling is permitted in utility easements. During a time of natural disaster hours of operation may vary depending upon the need.

**F. Closure**

Landfills shall be closed with a minimum of 2 feet of clean soil, graded to a maximum slope of 3:1 and stabilized with vegetation in accordance with current state standards.

**G. Signs**

An entrance sign shall be posted and maintained which lists the name and phone number of the current operator, the types of material accepted, the hours of operation, tipping charges and any other pertinent information.

**Elementary or Secondary School****A. Where Allowed**

All residential, business, and OI districts with a Zoning Permit and compliance with the following standards

**B. Minimum Area/Lot Size**

Three (3) acres

**C. Access**

Principal access shall be from a collector or higher capacity road.

**D. Screening**

All off-street parking lots shall be screened from all adjoining single-family residential uses or residentially zoned lots by a buffer yard. The required buffer yard shall comply with the requirements in Section 10.1 in Article 10.

**Equipment Repair, Light**

A. Where Allowed

B-3 district with Special Use Permit and compliance with the following standards

B. Operation

No outdoor disassembly or salvaging shall be permitted.

C. Screening

Any outdoor storage area must be screened with a 6-foot high opaque fence in addition to any landscaping or screening that may be required by Article V.

D. Dust

All unpaved storage areas shall be maintained in a manner so as to limit dust from leaving the storage area.

E. Noise.

Equipment-producing noise or sound in excess of 70 decibels shall be located no closer than 100 feet to the nearest residence.

**Equipment Rental with Outside Storage**

A. Where Allowed

B-3 district with Zoning Permit and compliance with the following standards

B. Dust

All unpaved storage areas shall be maintained in a manner so as to limit dust from leaving the storage area.

C. Noise.

Equipment-producing noise or sound in excess of 70 decibels shall be located no closer than 100 feet to the nearest residence.

D. Minimum Property Setback

All buildings, structures, and pads shall be a minimum of 300 feet from any residentially zoned or used lot.

E. Screening

Parking lots shall be screened from adjoining single-family residential uses by a buffer yard. The required buffer yard shall comply with the requirements in Section 10.1 in Article 10.

#### F. Security Fencing

Security fencing, a minimum of 6 feet in height, shall be along the entire boundary of the park activities.

### **Family Care Home**

Where allowed:

State Law regulates where Family Care Homes are allowed (See G.S. 168-22)

#### A. Operation:

1. A facility licensed by the appropriate state agency as a family care home for one (1) to six (6) unrelated individuals, together with support and supervisory personnel.
2. room and board, personal care and habilitation services provided in a family environment

#### B. Property Separation

Family Care Homes shall not be located closer than 1,000 feet from one another or a Congregate Care Facility as measured from property line to property line.

### **Farm Product Warehousing and Storage - Farm Supplies, Other**

#### A. Where Allowed

RA and B-3 districts with Zoning Permit and compliance with the following standards; and LI district with Zoning Permit

#### B. Use Separation

All structures, buildings or enclosed areas used for the operation shall be a minimum of 100 feet from all property lines.

#### C. Noise

Equipment-producing noise or sound in excess of 70 decibels shall be located no closer than 100 feet to the nearest residence.

**D. Dust**

All unpaved storage areas shall be maintained in a manner that prevents dust from adversely impacting adjacent properties.

**E. Security Fencing**

Security fencing is required for outside storage

**Film Productions****A. Where Allowed**

All zoning districts with a Zoning Permit and compliance with the following standards

**B. Notification**

Law enforcement and town officials shall be notified of the filming schedule and security needs for each scene filming. In addition, surrounding property owners in a 600 feet radius shall be notified of the schedule duration and description of activities.

**C. Noise.**

Equipment-producing noise or sound in excess of 70 decibels shall be located no closer than 100 feet to the nearest residence. Any temporary exception to this limit shall be permitted only with the permission of the immediate adjoining residential property owners.

**B. Clean Up**

The location of the filming shall be cleaned and left in the condition it was found.

**Food Store****A. Where Allowed**

B-1 and B-3 districts with Zoning Permit; B-2 with Zoning Permit and compliance with the following standards

**B. Operation**

The hours of operation allowed shall be from the times of 11:00 P.M. until 6:00 A.M.

**C. Screening**

Parking lots shall be screened from adjoining single-family residential uses by a buffer yard. The required buffer yard shall comply with the requirements in Section 10.1 in Article 10.

**D. Lighting**

All lights will be directed away from adjacent residentially zoned or used property and external roads.

**Furniture Sales****A. Where Allowed**

B-1 and B-3 districts with Zoning Permit; B-2 with Zoning Permit and compliance with the following standards

**B. Operation**

The hours of operation allowed shall be from the times of 11:00 pm until 6:00 am.

**C. Screening**

Parking lots shall be screened from adjoining single-family residential uses by a buffer yard. The required buffer yard shall comply with the requirements in Section 10.1 in Article 10.

**D. Lighting**

All lights will be directed away from adjacent residentially zoned or used property and external roads.

**Go-Cart Raceway****A. Where Allowed**

B-3 and LI districts with Special Use Permit and compliance with the following standards

**B. Property Separation**

No raceway shall be located within 500 feet of any residentially or office and institutionally zoned property.

**C. Noise**

The facility shall be sited and operated so as to not produce noise or sound, which would adversely impact adjoining and surrounding properties.

D. Dust

All unpaved areas shall be maintained in a manner that prevents dust from adversely impacting adjoining properties.

E. Fencing

Security fencing, a minimum of 6 feet in height, shall be provided along the entire boundary of the raceway.

F. Hours of Operation

No such facility that adjoins residentially used or zoned property shall conduct business between the hours of 11 p.m. and 8 a.m.

**Golf Course**

A. Where Allowed

RA, R-40, and R-20 with a Special Use Permit and compliance with the following standards

B. Use Separation

Three Hundred foot minimum distance between the clubhouse or other principal building(s) and any adjacent residentially zoned property

**Golf Course, Miniature**

A. Where Allowed

B-3 district with Zoning Permit and compliance with the following standards

B. Security Fencing

Fencing, netting or other control measures shall be provided around the perimeter to prevent balls from leaving the designated area.

C. Minimum Property Setback

All buildings, structures, course, and pads shall be a minimum of 300 feet from any residentially zoned or used lot.

D. All off-street parking shall be screened from all adjoining single-family residential uses or zoned lots by a buffer yard in accordance with the requirements in Article V.

E. Hours of Operation

The hours of operation shall be compatible with the land uses adjacent to the proposed site. In no case, however, shall such use that adjoins residentially zoned or used property conduct business between the hours of 10 pm and 8 am.

F. Noise

The amount of noise generated shall not disrupt the activities of the adjacent land uses.

**Golf Driving Range**

A. Where Allowed

B-3 district with Zoning Permit and compliance with the following standards

B. Minimum Area

The minimum lot depth from the tees to the end of the driving area shall be 1,000 feet or the end shall be controlled with netting and/or berms to prevent golf balls from leaving the property

C. Security Fencing

Fencing, netting, trees, berms, or other control measures shall be provided around the perimeter of the driving area so as to prevent golf balls from leaving the driving area.

D. Screening

All off-street parking lots shall be screened from all adjoining single-family residential uses or residentially zoned lots by a buffer yard. The required buffer yard shall comply with the requirements of Article V.

E. Hours of Operation

The hours of operation allowed shall be compatible with the land uses adjacent to the proposed site. In no case, however, shall such use that adjoins residentially used or zoned property conduct business between the hours of 10 pm and 8 am.

F. Noise

The amount of noise generated shall not disrupt the activities of the adjacent land uses.

**Government Office**

A Where Allowed

RA district with a Special Use Permit and compliance with the following standards; OI, B-1, B-2, B-3 and LI districts with Zoning Permit

B. Access

All athletic fields shall have access to collector or higher capacity road.

C. Noise.

Equipment-producing noise or sound in excess of 70 decibels shall be located no closer than 100 feet to the nearest residence

D. Screening

Parking lots shall be screened from adjoining single-family residential uses by a buffer yard. The required buffer yard shall comply with the requirements in Section 10.1 in Article 10.

E. Minimum Property Setback

All buildings, structures, and pads shall be a minimum of 50 feet from any residentially zoned or used lot.

F. Lighting

All lights will be directed away from adjacent residentially zoned or used property and external roads.

**Halfway Houses**

A. Where allowed:

R-10, R-7, R-7S, OI, B-1, B-2, and B-3 districts with Special Use Permit and compliance with the following standards

B. Operations:

1. The facility shall be licensed by and meet all the requirements of the appropriate state agency.
2. For persons adjusting to non-prison life including, but not limited to, pre-release, work-release, probationary programs, and juvenile detention centers
3. Provides home for seven (7) to fifteen (15) unrelated individuals to live in while receiving therapy and counseling for the following purposes:
  - a. recuperating from the effects of drugs or alcohol;
  - b. adjusting to living with handicaps of emotional or mental order, mental retardation; and
  - c. adjusting to living with handicaps of physical disability

#### C. Property Separation

Halfway houses shall not be located less than one-half (1/2) mile from each other.

### **Heliport**

#### A. Where Allowed

RA and LI districts with Special Use Permit and compliance with the following standards

#### B. Minimum Area

Heliport size and layout shall conform to applicable Federal Aviation Administration requirements.

#### C. Use Separation

There shall be a minimum 300-foot distance between the heliport property and the nearest residence or residentially zoned property.

### **Homeless Shelter**

#### A. Where Allowed

OI and B-1 districts with Special Use Permit and subject to compliance with the following conditions

#### B. Property Separation

1. No such facility shall be located within 1/2 mile of an existing or another homeless shelter as measured in a straight line from closest property line

of a Homeless Shelter to the closest property line of another Homeless Shelter

2. No Homeless Shelter shall be located on any property that is within one-hundred (100) feet of any residential district.

C. Size of property

1. In a residential district R-7 and R-7S, a minimum of one (1) acre shall be required to establish a homeless shelter
2. A site utilizing greater than three (3) acres (130,680 square feet) devoted to the use shall have frontage on a collector or thoroughfare street.

D. Density

A minimum floor space of fifty (50) square feet shall be provided for each individual sheltered.

E. Operation

1. The facility shall be operated by a government agency or nonprofit organization.
2. The facility operator(s) shall provide continuous on-site supervision by an employee(s) and/or volunteer(s) during the hours of operation.

F. Plan and other codes

A complete site plan shall be provided for all homeless shelters, which must conform to all applicable health, building code, licensing laws and regulations.

G. Screening and buffering

Screening and landscaping which complies with Article 10 shall be provided along all property lines abutting residentially zoned property.

**Horse Show**

A. Where Required

RA with Zoning Permit and compliance with the following standards; and LI district with Special Use Permit and compliance with the following standards

B. Operation

The hours of operation allowed shall be compatible with the land uses adjacent to the proposed horse show site.

C. Noise

The amount of noise generated shall not disrupt the activities of the adjacent land uses.

D. Parking

The Zoning Administrator shall not grant the permit unless he/she finds that the parking generated by the horse show can be accommodated without undue disruption to or interference with the normal flow of traffic or with the right of adjacent and surrounding property owners.

### **Hospital Clinic**

A Where Allowed

RA districts with Special Use Permit and compliance with the following conditions; OI, B-1, B-2, and B-3 with Zoning Permit

B. Access

All athletic fields shall have access to collector or higher capacity road.

C. Noise.

Equipment-producing noise or sound in excess of 70 decibels shall be located no closer than 100 feet to the nearest residence

D. Screening

Parking lots shall be screened from adjoining single-family residential uses by a buffer yard. The required buffer yard shall comply with the requirements in Section 10.1 in Article 10.

E. Minimum Property Setback

All buildings, structures, and pads shall be a minimum of 50 feet from any residentially zoned or used lot.

F. Lighting

All lights will be directed away from adjacent residentially zoned or used property and external roads.

**Kennels or Pet Grooming**

A. Where Allowed

RA district with Special Use Permit and compliance with the following standards

B. Outside Storage

Pens and runs located outdoors shall be located a minimum of 300 feet from any residentially-zoned or used lot.

C. Noise

Equipment-producing noise or sound in excess of 70 decibels shall be located no closer than 100 feet to the nearest residence.

**Landing Strip, Flying Field**

A. Where Allowed

RA and LI districts with Special Use Permit and compliance with the following standards

B. Use Separation

There shall be a minimum distance of 300 feet between the use and the nearest residence or residentially zoned lot.

C. Minimum Area

The size and layout shall conform to applicable Federal Aviation Administration requirements.

**Library**

A. Where Allowed

All residential districts with a Zoning Permit and compliance with the following standards; OI, B-1, B-2, and B-3 districts with a Zoning Permit

B. Location

Libraries shall have direct access to a collector of higher classified road.

C. Screening

All off-street parking lots shall be screened from all adjoining single-family residential uses by a buffer yard. The required buffer yard shall comply with the requirements in Section 10.1 in Article 10.

### **Minerals (Wholesale Trade of)**

#### A. Where Allowed

RA and LI districts with Special Use Permit and compliance with the following standards

#### B. Use Separation

Outdoor storage areas shall be no closer than 50 feet to any adjoining residentially or office and institutionally used or zoned property.

#### C. Noise

Equipment-producing noise or sound in excess of 70 decibels shall be located no closer than 100 feet to the nearest residence.

#### D. Dust

All non-paved storage areas shall be maintained in a manner so as to limit dust from leaving the storage area.

#### E. Access

Access roads leading to any part of the operation shall be constructed with gravel or crushed stone surface and maintained in a dust-free manner.

1. No part of such roads shall be located closer than 15 feet to an external property line other than a limited access highway or railroad right-of-way line.
2. A truck route plan shall be submitted showing truck routes to and from the site. Such routes shall be designed to minimize impacts on residential areas, schools, or other uses which will be negatively affected by truck traffic.

### **Mining, Quarrying, Sand Pits, and Mineral Extraction**

#### A. Where Allowed

RA and LI districts with a Special Use Permit subject to compliance with the following conditions

**B. Use Separation**

The edges of any pit where a mining operation is taking place and any equipment used in the processing of rock and gravel, any asphalt plant, or other industrial uses operated in conjunction with the mine or quarry shall be located at least 300 feet from any property line.

**C. Setback modification**

Where the mining operation site is bounded by a railroad right-of-way currently being used for rail service to the mining operation, no setback shall be required between the railroad right-of-way and such operation.

**D. Hours of Operation**

All operations involving blasting discernible beyond the external property line on a quarry shall only be conducted between the hours of 7:00 a.m. and 6:00 p.m.

**E. Mining Permit**

A valid state-issued mining permit must be obtained.

**F. Screening**

Screening shall be provided in accordance with the requirements in Section 10.1 in Article 10. However, if a berm is determined to be an adequate alternative screening method, as provided for in Article 10, the minimum height of the berm shall be eight feet.

**Miscellaneous Repair Shops****A. Where Allowed**

B-3 district with Zoning Permit and compliance with the following standards; LI district with a Zoning Permit

**B. Operation**

No outdoor disassembly, fabrication, or salvaging shall be permitted.

**C. Screening**

Any outdoor storage area must be screened with a 6-foot high opaque fence in addition to any landscaping or screening that may be required in Section 10.1 in Article 10.

**D. Dust**

All unpaved storage areas shall be maintained in a manner so as to limit dust from leaving the storage area.

**E. Noise.**

Equipment-producing noise or sound in excess of 70 decibels shall be located no closer than 100 feet to the nearest residence.

**Multifamily Dwelling up to 6 units (including condominiums and conversion of existing units)****A. Where allowed**

RA-7S and OI districts with Zoning Permit and B-1 district with Special Use Permit and subject to compliance with the following standards

**B. Parking**

Adequate parking off-street for tenants as required in Section 7.3.10 in Article 7.

**C. Access**

The development shall have direct access to public street/road or highway by way of a state maintained street/road or town maintained streets. Said access street/road shall enter the public road or highway in such a manner to minimize traffic hazards, inconvenience, and congestion.

**Museum or Art Gallery****A. Where Allowed**

RA and OI districts with a Zoning Permit and compliance with the following standards; B-1, B-2, and B-3 with Zoning Permit

**B. Minimum Lot Area and Access**

Museums or art galleries shall be located on sites of 2 acres or more and shall have direct access to a collector or higher capacity road.

**C. Minimum Property Setbacks**

The minimum road setback shall be at least 25 feet greater than that required for a single-family dwelling for the zoning district in which located. The minimum side and rear setbacks shall be at least 50 feet.

**National Guard and Military Reserve Center**

A. Where Allowed

RA districts with a Zoning Permit and compliance with the following standards;  
B-3 and LI with a Zoning Permit

B. Minimum Property Setback

All buildings, structures, and pads shall be a minimum of 50 feet from any residentially zoned or used lot.

C. Access

All athletic fields shall have access to collector or higher capacity road.

D. Noise.

Equipment-producing noise or sound in excess of 70 decibels shall be located no closer than 100 feet to the nearest residence

E. Lighting

All lights will be directed away from adjacent residentially zoned or used property and external roads.

F. Screening

Parking lots shall be screened from adjoining single-family residential uses by a buffer yard. The required buffer yard shall comply with the requirements in Section 10.1 in Article 10.

G. Dust

All unpaved storage areas shall be maintained in a manner so as to limit dust from leaving the storage area.

**Nursing and Convalescent Home**

A. Where Allowed

RA, R-20, and R-30MH districts with Special Use Permit and compliance with the following standards; OI, B-2, and B-2 with Zoning permit

B. Minimum Lot Area

8,000 square feet for the first 9 patient beds, rooms, or suites plus 1,000 square feet for each additional patient bed, room, or suite or the minimum lot area requirement for the zoning district, whichever is greater.

#### C. Dimensional Requirements

The following minimum dimensional requirements shall apply to nursing and convalescent homes:

1. Road Right-of-Way Building Setback: 50'
2. Side Property Line Building Setback: 15'
3. Rear Property Line Building Setback: 25'
4. Minimum Lot Width: 100'
5. Minimum Building Separation: 20'

#### D. Screening

All off-street parking lots shall be screened from all adjoining single-family residential uses by a buffer yard. The required buffer yard shall comply with the requirements in Section 10.1 in Article 10.

### **Orphanage**

#### A. Where Allowed

RA, R-20, and R-30MH districts with a Special Use Permit and compliance with the following standards; OI, B-2 and B-3 with Zoning Permit

#### B. Minimum Lot Area

8,000 square feet for the first 9 client beds or rooms plus 1,000 square feet for each additional client bed or room or the minimum lot area requirement for the zoning district, whichever is greater

#### C. Screening

Parking lots shall be screened from adjoining single-family residential uses by a bufferyard. The required buffer yard shall comply with the requirements in Section 10.1 in Article 10.

### **Outdoor Flea Markets/Outdoor Fruit and Vegetable Markets**

#### A. Where Allowed

1. Outdoor Flea Markets: RA district with Zoning Permit and compliance with the following standards; B-3 district with a Zoning Permit; and LI district with a Special Use Permit and compliance with the following standards.
2. Outdoor Fruit and Vegetable Markets: RA, B-1, and B-3 districts with a Zoning Permit and compliance with the following standards; LI district with a Special Use Permit and compliance with the following standards

B. Lot Area

A minimum lot area of 1/2 acre shall be required.

C. Noise

The amount of noise generated shall not disrupt the activities of the adjacent land uses.

D. Parking

The Zoning Administrator or Board of Adjustment shall not grant the permit unless he finds that the parking generated by the event can be accommodated without undue disruption to or interference with the normal flow of traffic or with the right of adjacent and surrounding property owners.

E. Access

Principal access must be from a collector or higher capacity road.

F. Operation

The hours of operation allowed shall be compatible with the land uses adjacent to the outdoor flea market.

**Post Office**

A. Where Allowed

R-10 district with a Special Use Permit and compliance with the following standards; OI, B-1, B-2, and B-3 districts with a Zoning Permit

B. Screening

Parking lots shall be screened from adjoining single-family residential uses by a buffer yard. The required buffer yard shall comply with the requirements in Section 10.1 in Article 10.

C. Lighting

All lights will be directed away from adjacent residentially zoned or used property and external roads.

### **Pottery and Related Products Manufacture**

#### A. Where Allowed

RA district with Zoning Permit and compliance with the following standards; LI District with Zoning Permit

#### B. Property Separation

All structures, buildings, or enclosed areas used for the operation shall be a minimum of 100 feet from any residentially used or zoned lot.

#### C. Noise and other disturbances

The use shall not generate noise, vibration, glare, fumes, odor, or electrical interference beyond what normally occurs in the zoning district in which it is located.

### **Private Campground/RV Park**

#### A. Where Allowed

RA and B-3 districts with a Special Use Permit and compliance with the following standards

#### B. General Requirements

1. Site plans for private campgrounds/RV parks shall comply with the requirements of Article X, Division 110.
2. No campsite shall be used as a permanent place of abode, dwelling, or business for indefinite periods of time. Continuous occupancy extending beyond three months in any 12-month period shall be presumed to be permanent occupancy.
3. Any action toward removal of wheels of a travel trailer except for temporary purposes of repair or to attach the trailer to the ground for stabilizing purposes shall be prohibited.
4. All campsites proposed for sale shall be recorded with subsections 2 and 3 above as deed restrictions.

5. Accessory uses shall be so designed and developed so as to blend with the park's design and natural setting. Such uses shall be clearly accessory to the principal use as a campground/recreational vehicle park. Accessory uses shall include management headquarters, recreational facilities, toilets, dumping stations, showers, coin-operated laundry facilities, and other uses and structures customarily incidental to the operation of the park. In addition, stores, restaurants, beauty parlors, barber shops, and other convenience establishments shall be permitted as accessory uses in zoning districts permitting such uses subject to the following conditions:
  - a. Such establishments and the parking areas primarily related to their operation shall not occupy more than 5 percent of the gross area of the park;
  - a. Such establishments shall be restricted in their use to occupants of the park and/or related park association members; and
  - c. Such establishments shall present no visible evidence from any public road of their commercial character.
  
6. Conditions of soil, groundwater level, drainage and topography shall not create hazards to the property or the health or safety of the occupants. The site shall not be exposed to objectionable smoke, noise, odors, or other adverse influences, and no portion subject to unpredictable and/or sudden flooding, subsidence, or erosion shall be used for any purpose, which would expose persons or property to hazards.
  - a. Exposed ground surfaces in all parts of the recreational vehicle park shall be paved, or covered with stone screenings, or other solid materials, or protected with a vegetative growth that is capable of preventing soil erosion and of eliminating objectionable dust. A soil sedimentation control plan shall be submitted in accordance with County requirements.
  - b. Surface drainage plans for the entire tract shall be reviewed by the Planning Director to determine whether the proposed plan is compatible with the surrounding existing drainage pattern and relevant drainage plans, prior to issuance of site plan approval and building permits. No permit shall be issued where it is determined that the plan is incompatible with surrounding areas.
  
7. Dimensional Requirements
  - a. Minimum density shall be limited to 15 campsites per net acre, excluding public areas, rights-of-way, watercourses, and other areas as may be set forth.
  - b. In no case shall any campsite contain less than 1,500 square feet. To the greatest extent possible, campsites shall be developed to preserve their natural character. Campsites shall be level and well drained.
  - c. Recreational vehicles shall be separated from each other and from other structures within the campground/RV park by at least 10 feet. Any accessory structures such as attached awnings, carports, or individual

storage facilities shall, for the purpose of this separation requirement, be considered part of the recreational vehicle.

- d. Recreational vehicle sites and off-street parking spaces shall not be within the setback areas required for main buildings or principal structures.
- e. Setback areas for recreational vehicle sites shall contain natural vegetation or be landscaped and shall be used for no other purposes.
- f. The minimum setback of any building, structure, or recreational vehicle site from a public road right-of-way shall be the same as that required for the interior road shall be 20 feet from the edge of pavement.
- g. Cars are required in a residential district, The minimum exterior side property line setback, when abutting residentially used or zoned areas, shall be 50 feet. In all other cases, the exterior side property line setback shall be at least 20 feet.
- h. The minimum exterior rear property line setback, when abutting residentially used or zoned areas, shall be 50 feet. In all other cases, the exterior rear property line setback shall be at least 30 feet.

#### C. Access and Road Requirements

1. Entrance driveways shall be located not closer than 150 feet from the intersection of public roads.
2. Interior access roads not proposed for public dedication shall conform to the construction standards for subdivision roads of NCDOT. However, requirements for minimum rights-of-way and paving widths shall not apply. Plans and profiles shall be submitted for review and approval. In no case shall the road or parking width be less than 10 feet.
3. Entrances and exits to campgrounds/RV parks shall be designed for safe and convenient movement of traffic into and out of the park and to minimize marginal friction with free movement of traffic into and out of the park. No entrance or exit shall require a turn at an acute angle for vehicles moving in the direction intended. Radii of curbs and pavements at intersections shall be such as to facilitate easy turning movements for vehicles with trailers attached. No impediment to visibility shall be created or maintained which obscures the view of an approaching driver in the right lane of the road within (a) 100 feet where the speed limit is 45 mph or (b) within 150 feet where the speed limit is over 45 mph or any portion of the approach lane of the access way within 25 feet of its intersection with the right hand of the lane.

#### D. Parking Requirements

1. There shall be at least 3 off-street parking spaces designated in a campground/RV park for each 2 campsites. At least 1 space must be

provided on each campsite with any residual spaces provided within 100 feet of the site.

2. Each campsite shall contain a stabilized vehicular parking pad of paving or other suitable material.

#### E. Utility Requirements

1. No on-site water or sewer facilities shall be permitted on any campsite. Proposals for dumping stations and common toilets and restrooms, laundries, and baths shall have the approval and be subject to the requirements of the County Health Department. All community water facility proposals shall be approved and be subject to the requirements of the County Health Department.
2. All water supply facilities shall have the approval of the County Health Department and/or NC Division of Health Services. All sewer facilities improvements shall have the approval of the County Health Department and the NC Division of Environmental Management.
3. All water and sewer improvements within the campground/RV park shall comply with the NC Building Code for Plumbing.

#### F. Screening Requirements

Where campgrounds/RV parks abut a residential area, use or districts, a permanent buffer yard of at least 50 feet in place of the buffer standards of Section 10.1 shall be established with adequate restrictive covenants to prohibit development within the buffer yard. A natural year-round screen shall be planted within the buffer yard which at maturity shall reach a minimum height of at least 8 feet. Such screening shall complement the adjacent environment. In all other abutting situations, the buffer provisions of Section 10.1 shall prevail.

#### G. Recreational Space Requirements

A minimum of 8 percent of the gross site area of the campground/RV park shall be set aside and developed as common use areas for open or enclosed recreation facilities.

### **Private Recreational Club or Related Facility**

#### A. Where Allowed

RA district with a Special Use Permit and compliance with the following standards

**B. Operations**

The hours of operation allowed shall be compatible with the land uses adjacent to the facility.

**C. Noise**

The amount of noise generated shall not disrupt the activities of the adjacent land uses.

**D. Parking**

The Board of Adjustment shall not grant the permit unless it finds that the parking generated by the facility can be accommodated without undue disruption to or interference with the normal flow of traffic or with the right of adjacent and surrounding property owners.

**E Location**

Principal access must be from a collector or higher capacity road for any facility greater than 3 acres in size that generates an average daily traffic volume of over 200 or more trips per day

**F. Screening**

Parking lots shall be screened from adjoining single-family residential uses by a bufferyard. The required buffer yard shall comply with requirements in Section 10.1 in Article 10.

**G. Security Fencing**

Outdoor swimming pools shall be protected by a fence in accordance with the County Health Department s public pool regulations.

**Psychiatric Hospital****A. Where Allowed**

RA and B-3 districts with Special Use Permit and compliance with the following standards

**B. Access**

All hospital clinics shall have access to collector or higher capacity road.

**C. Security Fencing**

Psychiatric hospitals shall be protected by a security fence in accordance with the County Health Department regulations.

### **Public Park or Recreational Facility**

#### A. Where Allowed

RA district with Zoning Permit; R-40, R-20, R-30MH, R-15, R-10, R-7, R-7S and OI districts with a Zoning Permit and compliance with the following conditions

#### A. Operation

The hours of operation allowed shall be compatible with the land uses adjacent to the facility.

#### C. Noise

The amount of noise generated shall not disrupt the activities of the adjacent land uses.

#### D. Parking

The Zoning Administrator shall not grant the permit unless he/she finds that the parking generated by the facility can be accommodated without undue disruption to or interference with the normal flow of traffic or with the right of adjacent and surrounding property owners.

#### E. Location

Principal access must be from a collector or higher capacity road for any facility greater than 3 acres in size that generates an average daily traffic volume of over 200 or more trips per day.

#### F. Screening

Parking lots shall be screened from adjoining single-family residential uses by a bufferyard. The required buffer yard shall comply with the requirements in Section 10.1 in Article 10.

#### G. Security Fencing

Outdoor swimming pools shall be protected by a fence in accordance with the County Health Department's public pool regulations.

### **Refrigerator or Large Appliance Repair**

A. Where Allowed

B-1 district with a Special Use Permit and compliance with the following standards; B-3 with Zoning Permit

B. Dust

All unpaved storage areas shall be maintained in a manner so as to limit dust from leaving the storage area.

C. Noise.

Equipment-producing noise or sound in excess of 70 decibels shall be located no closer than 100 feet to the nearest residence

D. Minimum Property Setback

All buildings, structures, and pads shall be a minimum of 300 feet from any residentially zoned or used lot.

E. Security Fencing

Security fencing, a minimum of 6 feet in height, shall be along the entire boundary of the park activities.

F. Screening

Parking lots shall be screened from adjoining single-family residential uses by a buffer yard. The required buffer yard shall comply with the requirements in Section 10.1 in Article 10.

**Restaurant (with or without drive-thru)**

A: Where Allowed

B-2 district with a Zoning Permit and compliance with the following standards; B-1 and B-3 with Zoning Permit

B. Minimum Lot Area

Minimum lot area of 40,000 square feet

C. Lighting

All lights will be directed away from adjacent residentially zoned or used property and external roads.

D. Screening and Drive-thru standards

Parking lots shall be screened from adjoining single-family residential uses by a buffer yard. Buffer yards shall comply with Section 10.1 (Article 10). See Sections 7.3.2 and 7.3.10 (Article 7) for drive-thru stacking standards.

E. Noise.

Equipment-producing noise or sound in excess of 70 decibels shall be located no closer than 100 feet to the nearest residence

F. Use Separation

No amusement equipment, machinery or mechanical device of any kind may be operated within 200 feet of any residentially used or zoned property.

**Retreat Center**

A. Where Allowed

RA district with a Conditional Use Permit and LI district with a Zoning Permit

B. Operations

The hours of operation allowed shall be compatible with the land uses adjacent to the event.

C. Parking

The Board of Adjustment shall not grant the permit unless it finds that the parking generated by the event can be accommodated without undue disruption or interference with the normal flow of traffic or with the right of adjacent and surrounding property owners.

D. Location

Principal access must be from a collector or higher capacity road.

E. Screening

Parking lots shall be screened from adjoining single-family residential uses by a bufferyard. The required buffer yard shall comply with the requirements in Section 10.1 in Article 10.

**Riding Academy**

A. Where Allowed

RA district with a Zoning Permit and compliance with the following standards

B. Use Separation

There shall be minimum 300-foot distance between manure storage areas, barns or stables and any adjacent residentially zoned property.

C. Dust

All unpaved areas shall be maintained in a manner that prevents dust from adversely impacting adjoining properties.

D. Restroom Facilities

Restroom facilities shall be approved by the County Health Department.

**Satellite Dish Antenna (1 meter or larger in size)**

A. Where Allowed

B-1, B-2, B-3, OI, and LI districts with a Zoning Permit and compliance with the following standards

B. Location

1. All supporting cables and anchors shall be contained on the property.
2. In OI districts, satellite dish antennas shall not be located or placed within any road right-of-way building setback or side building setback.

**Sawmill or Planing Mills**

A. Where Allowed

RA district with a Zoning Permit and compliance with the following standards

B. Use Separation

All buildings and structures shall be a minimum of 300 feet from any residentially zoned or used lot.

C. Screening

All outdoor storage areas shall be screened from all adjoining single-family residential uses or residentially zoned lots by a buffer yard. The required buffer yard shall comply with the requirements in Section 10.1 in Article 10.

D. Hours of Operation

The hours of operation shall be compatible with the land uses adjacent to the proposed site. In no case, however, shall such use – that adjoins residentially used or zoned property - conduct business between the hours of 10pm and 8am.

E. Noise

Equipment-producing noise or sound in excess of 70 decibels shall be located no closer than 300 feet to the nearest residence.

F. Dust

All non-paved storage areas shall be maintained in a manner that prevents dust from adversely impacting adjacent properties.

**School Administration Office**

A. Where Allowed

RA district with a Special Use Permit and compliance with the following standards; OI, B-1, B-2, B-3 and LI with Zoning Permit

B. Access

All athletic fields shall have access to collector or higher capacity road.

C. Noise

Equipment-producing noise or sound in excess of 70 decibels shall be located no closer than 100 feet to the nearest residence

D. Screening

Parking lots shall be screened from adjoining single-family residential uses by a buffer yard. The required buffer yard shall comply with the requirements in Section 10.1 in Article 10.

E. Minimum Property Setback

All buildings, structures, and pads shall be a minimum of 50 feet from any residentially zoned or used lot.

**F. Lighting**

All lights will be directed away from adjacent residentially zoned or used property and external roads.

**Sewage Treatment Plant-Private****A. Where Allowed**

LI district with a Special Use Permit and compliance with the following standards

**B. Use Separation**

All structures, buildings, or enclosed areas used for the operation shall be a minimum of 1,000 feet from a residentially used or zoned lot.

**C. Noise**

Equipment producing noise or sound in excess of 70 decibels shall be located no closer than 1,000 feet to the nearest residence.

**D. Security Fencing**

Security fencing, a minimum of 6 feet in height, shall be provided around hazardous operations, as determined by the County, involved with the use.

**E. Buffer Yard**

See buffer yard requirements in Article 10.

**Sexually-Oriented Business**

Special regulation of these establishments is necessary to insure that deleterious secondary effects which can reasonably be expected to result from the inappropriate location or concentration of sexually oriented businesses and these adverse effects will not contribute to a downgrading or blighting of surrounding residential districts or certain other districts which permit residential uses. These secondary effects include impacts on the viability of surrounding neighborhoods.

**A. Where Allowed**

LI district with a Special Use Permit and compliance with the following standards

**B. Property Separation**

No sexually oriented business shall be permitted in any building that is located within 1320 feet in any straight line direction from:

1. a building used as a dwelling or residentially zoned property
2. another adult business or a sexually oriented business
3. a church, synagogue or other house of worship
4. a public school or as a state-licensed day care center
5. any lot or parcel on which a public playground, public swimming pool or public park is located..

C. Prohibition of Sleeping Quarters

No sexually-oriented business shall have sleeping quarters.

D. Restriction of Uses on the Same Property or in the Same Building

There shall not be more than one sexually-oriented business in the same building, structure, or portion thereof. No other principle or accessory use may occupy the same building, structure, property, or portion thereof with any sexually-oriented business.

E. Prohibited Acts and Conduct Standards

1. No person under the age of 18 years shall be permitted on the premises of any adult establishment.
2. No establishment shall be open or operate between the hours of 10:00 PM and 9:00 AM weekdays and Saturdays or operate between 10:00 PM Saturday and 9:00 AM on Monday.
3. No person under the age of 18 years shall be granted a license for an adult establishment business or as an entertainer.
4. No owner, operator, manager, employee or entertainer, nor any customer or patron, shall appear "bottomless" or in a state of displaying specified anatomical areas while on the premises of the adult establishment.
5. No owner, operator, manager, employee or entertainer, nor any customer or patron, shall perform any specified sexual activities as defined in the ordinance, wear or use any device or covering exposed to view which simulates any specified anatomical area, use artificial devices or inanimate objects to perform or depict any of the specified sexual activities, as

- defined in the ordinance, or participate in any act of prostitution while on the premises of the adult establishment.
6. No owner, operator, manager, employee, entertainer, customer or patron of an adult establishment shall knowingly touch, fondle or caress any specified anatomical area of another person, or knowingly permit another person to touch, fondle or caress any specified anatomical area of his or hers, whether such specified anatomical areas are clothed, unclothed, covered or exposed, while on the premises of the adult establishment.
  7. There shall be a minimum separation of five (5) feet between any entertainer or performer and any patron or customer.
  8. No owner, operator, manager or employee shall mix, dispense, or serve any alcoholic beverage while in a state of nudity or semi-nudity.
  9. No owner, operator, manager or employee shall solicit, receive or accept nor shall any customer or patron give, offer or provide any gratuity, tip, payment or any other form of compensation for entertainment for or while either or both is/are in a state of nudity or semi-nudity. This also pertains to the purchase of an unrelated item that includes a “free” dance, act or service.
  10. No operation, business activity or use shall result in selling, display or use of offensive material as defined under State Law, including sexual conduct as described in the State Law.
  11. No operation, business activity or use shall result in “Indecent exposure” whereby operators, employees, patrons or managers are “bottomless” in regards to clothing.
  12. No Display of public nudity either indoors or outdoors at or in an adult business as defined as the display of specified anatomical areas an/or specified sexual activities including: (a) human genitals in a state of sexual stimulation or arousal, (b) acts of human masturbation, sexual intercourse, or sodomy; or (c) fondling or other erotic touching of human genitals, pubic regions, buttocks or female breasts.
  13. The owner, manager, or employee shall not have a criminal record other than minor traffic offenses, and/or ownership by or employment of a person with a record that includes offenses reasonably related to the legal operation of sexually oriented businesses shall not be permitted.

#### F. Signs

Except for a business identification sign as permitted by this ordinance, no other exterior advertising, promotional materials, or signage that is visible from a public road, sidewalk, or walkway shall be permitted.

#### G. Hours of Operation

The hours of operation shall be compatible with the land uses adjacent to the proposed site but in no case violate the prohibitions in Section E above.

#### H. Conditions for maintaining Special Use Permit

A Special Use Permit shall become null and void upon the findings of any of the following by the Board of Adjustment base upon investigation, such as County Sheriff or City Police reports:

1. Given false or misleading information in the material submitted during the application process, including, but not limited to, the use of a name other than a legal name to procure a license; or
2. Has allowed the possession, use, or sale of controlled substances on the premises; or
3. Has allowed a person to dance, perform, or otherwise appear in a state of "indecent exposure" at any adult business or sexually oriented business or at a distance of less than five (5) feet from any patron in such establishment. In addition, the proprietor of such business shall have a duty to prevent any physical contact between any patron of such business and any person in a state of nudity or semi-nudity on the premises.
4. Has allowed prostitution on the premises; or
5. Has operated or worked in the sexually oriented business during a period of time when the licensee's license was suspended; or
6. Has been convicted of an offense referenced in subsection E.13 of this section for which the time period required has not lapsed; or
7. On two or more occasions within a 12-month period, a person or persons committed an offense occurring in or on the licensed premises of a crime as referenced in subsection E.13 of this section for which a conviction has been obtained, and the person or persons were employees of the sexually oriented business at the time the offenses were committed; or
8. Has allowed any act of sexual intercourse, masturbation, oral copulation, or sodomy to occur in or on the licensed premises; or

9. Is delinquent in payment to the County of Wilson ad valorem taxes, sales taxes, or the annual license fee, or any other fee or tax related to the sexually oriented business or other business of the licensee

10. Has violated the prohibited acts and conduct standards.

If any of the above findings are made by the Board of Adjustment the Special Use Permit shall become null and void by Board of Adjustment action and the use or business shall cease operation.

### **Shooting Range, Indoor**

#### A. Where Allowed

B-3 and LI districts with Zoning Permit and compliance with the following conditions

#### B. Noise

The facility shall, to the maximum extent feasible, be designed to absorb sound.

#### C. State Requirements

Compliance with all applicable State regulations shall be required

### **Shooting Range, Outdoor**

#### A. Where Required

RA district with a Special Use Permit and compliance with the following standards

#### B. Use Separation

Separation shall be a minimum 300 feet between the range and the closest exterior property line.

#### C. Access

Access shall be controlled to prevent unregulated entrance to the firing area.

#### D. Security Fencing

Security fencing shall be provided to prevent an individual from crossing the property downrange.

E. Backstops

The design of the backstop downrange shall be as approved by the National Rifle Association.

F. State Compliance

Compliance with all applicable State regulations is required

**Shopping Center**

A. Where Allowed

B-1, B-2 and B-3 districts with a Zoning Permit and compliance with the following standards

B. Minimum Development Area

Five (5) acres

C. Open Space Requirement

A minimum of 15 percent of the gross site area shall be landscaped open space.

D. Residential Setback Requirement

A shopping center that is adjacent to or across a public street right-of-way from a residential zoning district shall provide a minimum building setback of sixty (60) feet.

E. Screening

In addition to the bufferyard requirements of this ordinance set forth in Section 10.1, all refuse containers shall be screened from the view of all adjacent properties and public rights-of-way to the maximum extent practical by means of natural vegetation, fences, walls, and/or berms. Such screening shall be installed, located, and/or constructed so as to create a visible barrier that is essentially opaque.

F. Driveways and curb cuts

All surfaces that are intended for vehicular travel shall be paved. On a corner tract, no curb cut shall be located closer than 75 feet to the right-of-ways of the intersecting streets. The distance between curb cuts to a public right-of-way shall be no less than 125 feet. No curb cut shall be located closer than 25 feet

to a side or rear lot line, unless it is a common/shared curb cut serving both abutting lots. A freestanding use within the shopping center development may have one separate curb cut to any single public right-of-way, or two curb cuts to any single public right-of-way if at least one of the cuts is for a common/shared driveway serving both abutting lots.

#### G. Retention Pond

Installation of a retention pond shall be considered and may be required in order to reduce runoff and manage the run-off of a 5 to 10 year storm.

### **Single-Family Detached Dwelling with Accessory Apartment (Apartment within a Principle Dwelling)**

#### A. Where Allowed

All residential districts and OI district with Special Use Permit and subject to compliance with the following standards

#### B. General Requirements

1. The accessory dwelling unit is permitted on the same lot with a principal dwelling unit provided that all applicable development standards are met.
2. No more than one accessory dwelling unit is permitted on the same lot with a principal dwelling unit.
3. No accessory dwelling unit shall be permitted on the same buildable lot with two-family or multifamily dwelling units or family care home.

#### C. Requirements for an Accessory Apartment within a Principal Single-Family Dwelling

1. The principal building shall not be altered in any way so as to appear from a public or private road to be multi-family housing. Prohibited alterations include, but are not limited to, multiple entranceways, or multiple mailboxes. Access to the accessory dwelling unit shall be by means of an existing side or rear door, except where a new entrance is required by the NC Building code. No new doorways or stairways to upper floors are permitted if they are attached to the side of a building facing a public or private road.
2. An accessory dwelling unit shall occupy no more than 25 percent of the heated floor area of the principal building. The sum of all accessory uses (including home occupations) in a principal building shall not exceed 25 percent of the total floor area.

**Solid Waste Disposal (Non-hazardous) – Sanitary Landfill & Collection Sites, Etc.****A. Where Allowed**

1. Sanitary Landfill Facilities: RA district with a Special Use Permit and compliance with the following standards
2. Collection Sites, Convenience Centers, and Transfer Sites: RA, B-3, and LI districts with a Special Use Permit and compliance with the following standards

**B. Use Separation**

All structures, buildings, and landfilling operations shall be a minimum of 300 feet from a residentially used lot.

**C. Noise**

Equipment-producing noise or sound in excess of 70 decibels shall be located no closer than 100 feet to the nearest residence.

**D. Access**

1. Access to the facility shall be by way of a collector or higher classified road.
2. Entrances shall be controlled to prevent unregulated access to the facility.
3. Access roads leading to any part of the facility shall be constructed with gravel or crushed stone surface and maintained in a dust-free manner.
4. No part of access roads shall be located closer than 15 feet to an external property line other than a limited access highway or railroad right-of-way line.
5. A truck route plan shall be submitted showing truck routes to and from the facility. Such routes shall be designed to minimize impacts on residential areas, schools, or other uses which will be negatively affected by truck traffic.

**E. Minimum Area**

1. A minimum of 50 acres shall be required to establish a sanitary landfill facility.
2. All other types of solid waste disposal facilities such as collection sites, convenience centers, and transfer sites shall have sufficient land area to

adequately accommodate the facility's operations and to sufficiently separate the facility from adjoining land uses.

F. Site and Design

The site and design of the facility shall comply with the applicable requirements of the NC Solid Waste Management Rules.

G. Operation

The operation of the facility shall be in compliance with the State of North Carolina's operation, maintenance, and monitoring regulations for solid waste disposal facilities.

**Swim and Tennis Club**

A. Where Allowed

RA, R-40, R-20, R-30MH, R-15, and R-10 districts with Special Use Permit and compliance with the following standards; B-3 district with Zoning Permit and compliance with the following standards

B. Minimum Area

The minimum area shall be 2 acres.

C. Use Separation

There shall be a minimum 300-foot distance between clubhouses, swimming pools, and lighted tennis courts and any adjacent residentially used or zoned property.

D. Operation

1. The hours of operation allowed shall be compatible with the land uses adjacent to the facility.
2. The amount of noise operated shall not disrupt the activities of the adjacent land use.

E. Screening

Parking lots shall be screened from adjoining single-family residential uses by a bufferyard. The required buffer yard shall comply with the requirements in Section 10.1 in Article 10.

F. Security Fencing

Outdoor swimming pools shall be protected by a fence in accordance with the County Health Department's public swimming pool regulations.

### **Theater (Outdoor)**

#### A. Where Allowed

RA district with Special Use Permit and compliance with the following standards

#### B. Operation

The hours of operation allowed shall be compatible with the land uses adjacent to the outdoor theater.

#### C. Noise

The amount of noise generated shall not disrupt the activities of the adjacent land uses.

#### D. Parking

The Board of Adjustment shall not grant the permit unless he finds that the parking generated by the event can be accommodated without undue disruption to or interference with the normal flow of traffic or with the right of adjacent and surrounding property owners.

#### E. Access

Principal access must be from a collector or higher capacity road.

#### F. Setback

No part of any theater screen, projection booth, or other building shall be located closer than 500 feet to any residentially-used or zoned property or any closer than 50 feet to any other property line or public road right-of-way. No parking space shall be located closer than 100 feet to any residentially used or zoned property.

#### G. Location

The theater screen shall not face a road or highway.

### **Truck Stop**

#### A. Where Allowed

B-2 district with Zoning Permit and compliance with the following standards; B-3 and LI districts with Zoning Permit

**B. Use Separation**

All structures, buildings, and outdoor use areas shall be a minimum of 300 feet from a residentially used or zoned lot.

**C. Noise**

Equipment-producing noise or sound in excess of 70 decibels shall be located no closer than 300 feet to the nearest residence.

**D. Dust**

All unpaved areas shall be maintained in a manner which prevents dust from adversely impacting adjacent properties.

**E. Operation**

1. No outdoor disassembly or salvaging shall be permitted.
2. The use shall not generate noise, vibration, glare, fumes, odors, or electrical interference beyond what normally occurs in the zoning district in which it is located

**F. Access**

Vehicle access to the use shall be provided only by way of a US or NC numbered highway or an industrial access road.

**Turkey Shoots**

**A. Where Allowed**

RA district with Zoning Permit and compliance with the following standards

**B. Setbacks**

1. No turkey shoot shall be allowed within a required setback.
2. All turkey shoots shall be established with the line of fire perpendicular to and away from a road right-of-way. The line of fire is a line which passes through the firing point and bisects the target. The backstop or target area shall be located not less than 500 feet from the road right-of-way.

3. Sites adjacent to more than one road right-of-way must designate the higher classified road as the front, and set the line of fire perpendicular thereto. Any resultant line of fire parallel to a road must be a minimum distance of 200 feet from and parallel to the road right-of-way.
4. All backstops shall be constructed a minimum of 500 feet from a residence located to the rear and/or side of the backstop. The design of the backstop shall be as approved by the National Rifle Association.

#### C. Parking

An off-street parking area adequate in size to park 2 cars for every backstop shall be provided.

#### D. Operation

1. Backstops shall be constructed of a material that will allow the shot to penetrate and not pass through. It shall be of a minimum thickness of 2 feet and maintained at a height of 4 feet above the target.
2. The firearms used in turkey shoots shall be limited to shotguns firing shot no larger than number eight. No firearms may be used which have been altered from manufacturer's specifications.
3. The operators of the turkey shoot shall be responsible for maintaining adequate fire protection by notifying the local fire department as to the dates and times of the turkey shoot.
4. Turkey shoots shall be limited to Thursdays, Friday, Saturdays, and be in operation no later than 10:00 p.m.
5. Provisions for sanitation and refuse disposal must be made in accordance with health standards.

#### E. Permit Review

The Zoning Administrator shall coordinate the review of a request for a turkey shoot with appropriate Wilson County agencies, including Sheriff's Department and Emergency Management Service.

#### F. Permit Limitation

The Zoning Administrator shall issue a permit not to exceed 90 days in a given year for a qualifying turkey shoot.

### **Utility Related Appurtenances, Substations**

**A. Where Allowed**

All zoning districts with a Zoning Permit and compliance with the following standards.

**B. Dimensional Requirements**

All buildings shall be considered accessory buildings or structures.

**C. Noise**

Equipment-producing noise or sound in excess of 70 decibels shall be located no closer than 100 feet to the nearest residence.

**D. Security Fencing**

Security fencing, a minimum of 6 feet in height, shall be provided around hazardous operations, as determined by County and Town officials, involved with the use.

**E. Screening**

Any outdoor storage area shall be screened from an abutting residentially used or zoned lot by a buffer yard which complies with the requirements in Section 10.1 in Article 10.

**F. Dust**

All unpaved outdoor use areas shall be maintained in a manner which prevents dust from adversely impacting adjacent properties.

**Veterinary Service (other)****A. Where Allowed**

RA district with Zoning Permit; B-1 and B-3 districts with Zoning Permit and the following conditions

**B. Outside Storage**

Pens and runs located outdoors shall be located a minimum of 300 feet from any residentially-zoned or used lot.

**C. Noise**

The amount of noise generated shall not disrupt the activities of the adjacent land uses and equipment producing noise or other sound in excess of 70 decibels shall be located no closer than 300 feet to the nearest residence.

### **Vocational, Business or Secretarial School**

#### A. Where required

RA district with a Special Use Permit and compliance with the following standards; B-1 and B-3 districts with Zoning Permit

#### B. Access

All athletic fields shall have access to collector or higher capacity road.

#### C. Noise.

Equipment-producing noise or sound in excess of 70 decibels shall be located no closer than 100 feet to the nearest residence

#### D. Screening

Parking lots shall be screened from adjoining single-family residential uses by a buffer yard. The required buffer yard shall comply with the requirements in Section 10.1 in Article 10.

#### E. Lighting

All lights will be directed away from adjacent residentially zoned or used property and external roads

#### F. Minimum Property Setback

All buildings, structures, and pads shall be a minimum of 50 feet from any residentially zoned or used lot.

### **Water Treatment Plant (Public or Private)**

#### A. Where Allowed

RA, R-40, R-30-MH, B-3, and LI districts with Zoning Permit and compliance with the following standards

#### B. Use Separation

All structures, buildings, or enclosed areas used for the operation shall be a minimum of 100 feet from a residentially used or zoned lot.

C. Noise

Equipment-producing noise or sound in excess of 70 decibels shall be located no closer than 100 feet to the nearest residence.

D. Security Fencing

Security fencing, a minimum of 6 feet in height, shall be provided around hazardous operations, as determined by the County, involved with the use.