

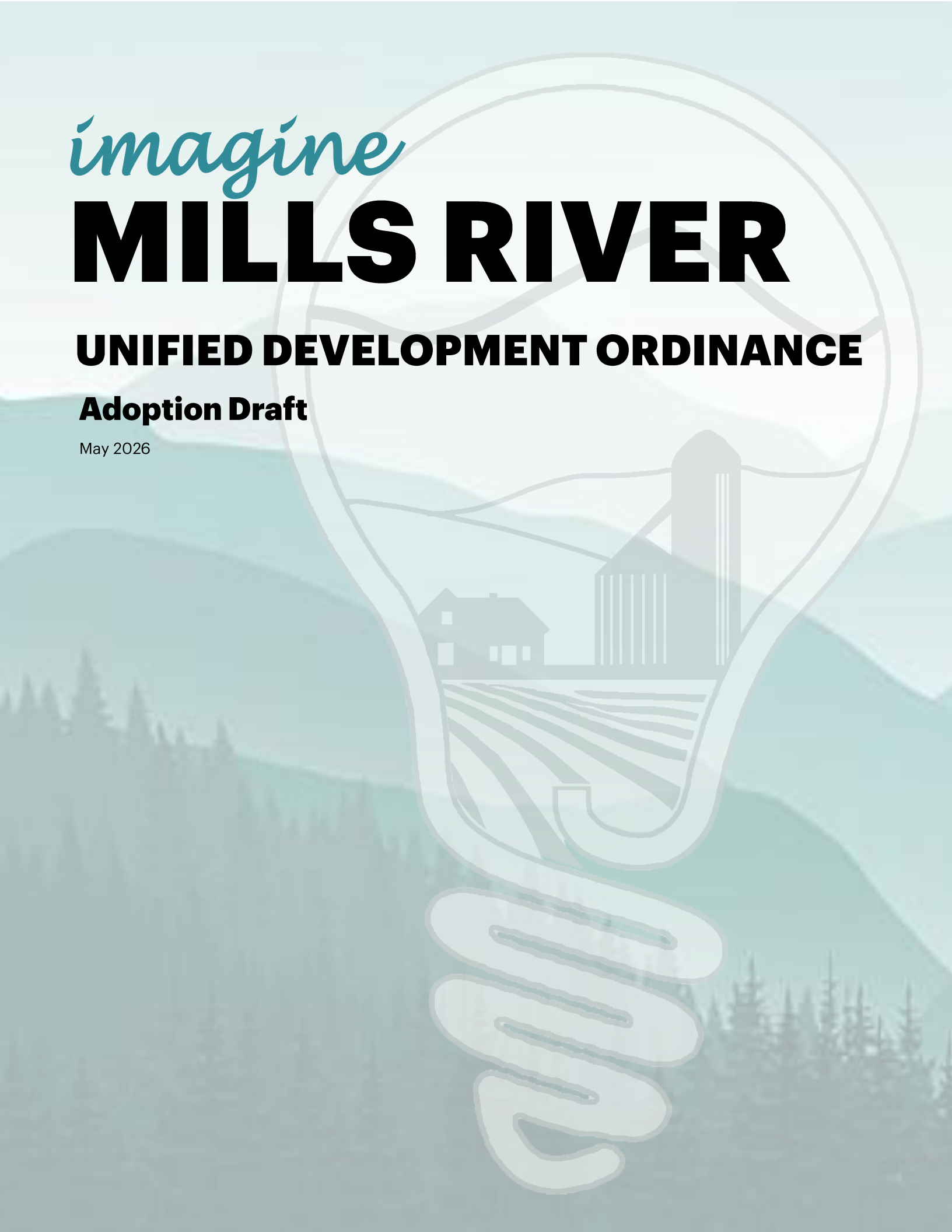
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# MILLS RIVER

## UNIFIED DEVELOPMENT ORDINANCE

**Adoption Draft**

May 2026



# CHAPTER 4.

# LAND USES

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## CHAPTER . LAND USES - KEY CHANGES IN THE NEW UDO

Chapter 4, Land Use, consolidates the standards from Chapter 154 of the Town Code of Ordinances. Other key changes in this Chapter 4 also include:

- A new 3-tiered use classification system that organizes use types in use categories and use classifications (agricultural, commercial, industrial, institutional, and residential)
- A new summary table of common principal uses instead of the current listing of uses by district
- A comprehensive set of 140 use types that reflect modern uses and that reorganizes some uses like offices and retail by level of intensity rather than through numerous distinctions by use type
- Inclusion of new uses like event centers, co-working space, maker space, data centers, micro retail and manufacturing, business incubators, mobile restaurants, etc.
- Modern telecommunication use standards
- A new stand-alone set of secondary (accessory) uses that describes basic or general standards, a summary table of common secondary uses by zoning district, and a set of secondary use-specific standards
- A new stand-alone set of temporary use standards (including standards for special events) that specifies general standards, duration provisions, and temporary use-specific standards
- There is a new set of prohibited use standards that identifies uses (principal and secondary) that are not permitted anywhere within the planning jurisdiction (like slaughterhouses or outdoor shooting ranges)
- The chapter includes a new procedure for the Town to use in determining and classifying unlisted uses, including a series of detailed tables that explains the characteristics of use types within particular principal use categories.



## § 4.1 CHAPTER INTRODUCTION

### 4.1.1. CHAPTER ORGANIZATION

#### A. PRINCIPAL USES

01. Section <>, Principal Uses, sets out the principal use table, or the master listing of common principal use types and the districts where they are allowed. Each principal use listed in the table is defined in Section <>, Terms Defined.
02. Section <>, Standards for Specific Principal Uses, sets out the requirements applied to identified principal uses, regardless of the zoning district where they might be located.

#### B. PROHIBITED USES

01. Section <>, Prohibited Uses, identifies principal and secondary use types that are prohibited throughout the Town's planning jurisdiction.
02. In some cases, overlay zoning districts include prohibitions on certain principal or secondary uses. Additional information on these use prohibitions is located within the particular overlay district standards (see Section <> Districts: Overlay).

#### C. SECONDARY USES

Section <>, Secondary Uses, sets out the general standards applicable to all secondary uses as well as any additional standards applicable to specifically designated secondary uses or structures commonly found in the Town. Secondary uses may also be referred to as "accessory uses."

#### D. TEMPORARY USES

Section <>, Temporary Uses, sets out the standards for temporary uses, including the districts where allowed, the maximum allowable duration for the temporary use, and any additional standards applicable to specific temporary uses or activities.

#### E. UNLISTED USES

Section <>, Unlisted Uses, sets out the process and use classification details for use by the Planning Director in making a Determination on how to classify an unlisted principal or secondary use type.

### 4.1.2. LAND USES DISTINGUISHED

Chapter 4, Land Uses, contains all the standards related to the use of land in the Town's planning jurisdiction, and is organized by the three types of land uses: principal, secondary, and temporary.

- A. Principal uses are the primary, permanent use types proposed on a lot (like a single-family home).
- B. Secondary (or accessory) uses are secondary or subordinate uses found on the same lot as a principal use (like a detached garage structure serving a single-family home) and may be a structure or an activity.
- C. Temporary uses are structures or activities permitted for a limited duration of time on a lot (like a portable storage container located on a driveway and used for the purposes of storing or moving a household's belongings).



## § 4.2 PRINCIPAL USES

### 4.2.1. APPLICABILITY

A principal use is the main or primary purpose for which a building, other structure and/or lot is designed, arranged, or intended, or for which they may be used, occupied, or maintained under this chapter.

### 4.2.2. ESTABLISHMENT OF A PRINCIPAL USE

#### A. USE PERMITTED BY-RIGHT

01. A “P” in a cell of the principal use table indicates that the specific use type is permitted by-right in the corresponding zoning district, subject to compliance with any referenced use standards (see Section <>, Standards for Specific Principal Uses) and any other applicable standards in this Ordinance.
02. By-right uses require issuance of a Zoning Compliance Permit and/or Building Permit prior to establishment and may also require approval of a Site Plan (see Section <> Site Plan).

#### B. USES PERMITTED BY SPECIAL USE PERMIT

An “S” in a cell of the principal use table indicates that the specific use type is permitted in the corresponding zoning district only upon approval of a Special Use Permit in accordance with Section <>, Special Use Permit. Special uses must also comply with any referenced use standards and any other applicable standards in this Ordinance.

#### C. USES ALLOWED IN A CONDITIONAL ZONING DISTRICT

01. A “C” in a cell of the principal use table indicates that the specific use type is allowable in a conditional zoning district, subject to any referenced use standards.
02. Establishment of a conditional zoning district requires approval of a Conditional Rezoning (see Section <>, Conditional Rezoning).
03. Conditional rezoning applications shall be either a Type 1, Limited, or a Type 2, Unlimited Conditional Rezoning application.

#### D. USE NOT PERMITTED

An “.” symbol in a cell of the summary use table indicates that the specific use type is not permitted in the corresponding zoning district.

#### E. USE STANDARDS APPLIES

The right-most column of the table includes a reference to any applicable use standards associated with a particular use type. Unless otherwise stated in the standards, a use standard applies to a particular use regardless of the zoning district where it is located.

### 4.2.3. CHANGE OF PRINCIPAL USE

- A. Several of the provisions in this Ordinance are applied at the time of a change of principal use. For the purposes of this Ordinance, each of the following shall constitute a “change of principal use:”
  01. When an existing principal use type is replaced by a new principal use type with a different name as used in Table <>, Listing of Common Principal Uses;
  02. When an existing principal use type is replaced by a principal use type in a different Use Category or Use Classification as used in Table <>, Listing of Common Principal Uses (see Section <>, Unlisted Uses, for a description of Use Categories);
  03. When an existing single principal use type becomes a combined principal use type;
  04. When an existing principal use that is conducted entirely indoors becomes conducted entirely outdoors, or vice versa;
  05. Any change in an existing use or development site that triggers the application of a differing set of building code requirements, such as the switch from residential requirements to non-residential or combined use requirements;



- 06.** If a combined or multiple principal use is changed in ways where the mixture of use types changes or where the relative proportion of floor area devoted to one of the existing use types is modified to the extent that the total minimum off-street parking standards for the entire development are increased;
- 07.** When, in the sole opinion of the Planning Director, the principal use type being conducted on a lot or site has materially changed. For the purposes of this section, “materially changed” shall include, but not be limited to:
  - a.** An alteration in the types of products and services typically provided, produced, or consumed on-site;
  - b.** A significant increase or decrease in the range of products or services offered;
  - c.** A change in the types of commercial or non-commercial activities taking place on the site; or
  - d.** A significant change in the type of customers, patrons, visitors, or occupants of a site.
- B.** Conversion from one use type to the same use type under the same or a different owner is not a change in use.
- C.** Additions or expansions of an existing use may require the need for compliance with all the applicable standards in this Ordinance (see Section <>, Alterations to Existing Development).
- D.** Addition or conversion of secondary uses or the operation of a temporary use does not constitute a change of principal use.

#### **4.2.4. COMBINATION PRINCIPAL USES**

Developments with combination or multiple principal uses, such as shopping centers or unified developments, shall be configured in accordance with Section <> Unified Development, and the standards in this subsection. Such uses shall:

- A.** Incorporate only those use types allowed in the applicable zoning district;
- B.** Comply with all the use standards that apply to each use type in the development; and
- C.** Comply with the required method of establishment for the use type identified in Table <>, Listing of Common Principal Uses.

#### **4.2.5. LISTING OF COMMON PRINCIPAL USES**

Table <>, Listing of Common Principal Uses, lists use classifications, principal use types, and indicates whether the principal use type is permitted by-right, by a Special Use Permit, via a Conditional Rezoning, or is prohibited in a particular zoning district. It also includes a reference to any applicable use standards that apply to a particular principal use, if any.

##### **A. USE CLASSIFICATIONS**

- 01.** Individual principal uses in the principal use listing are organized into one of the following four different use classifications, based upon their characteristics: Commercial; Industrial; Institutional; and Residential.
- 02.** Use classifications and the use categories that comprise them are more generally described in Section <>, Unlisted Uses.
- 03.** The common principal use table includes only principal uses; secondary use types are in Section <>, Secondary Uses.

##### **B. USE CATEGORIES**

- 01.** Each of the four use classifications includes a series of use categories, identified by the black rows in the summary table of common principal uses. Use categories are groupings of similar use types that are grouped based on similar purposes or functional characteristics.
- 02.** Individual use types listed in the table of principal use types are listed in alphabetical order by use category.
- 03.** Use categories and their characteristics are more generally described in Section <>, Unlisted Uses.

##### **C. USE TYPES**

Use types are the individual principal uses and each is defined in Section <>, Word Usage.



**CHAPTER 4.**  
**LAND USES**

§ 4.2 Principal Uses

Subsection 4.2.5. Listing of Common Principal Uses

**TABLE 4.2.1: LISTING OF COMMON PRINCIPAL USES**

P=Permitted by right, subject to a Zoning Compliance Permit & all applicable use standards  
 S=Permitted, subject to a Special Use Permit & all applicable use standards  
 C=Permitted within a conditional zoning district, subject to all applicable use standards  
 "-"-Prohibited  
 [#]=See Note at end of table

USE CATEGORY	CON	CONVENTIONAL RESIDENTIAL DISTRICTS [1]				CONVENTIONAL NON-RESIDENTIAL DISTRICTS			CONDITIONAL DISTRICTS				USE STANDARDS
		RPV	RUR	LDR	MXR	GLC	TNC	IND	RCZ	MCZ	CCZ	ICZ	
USE TYPE													
<b>COMMERCIAL USE CLASSIFICATION</b>													
<i>Animal Related</i>													
Animal Boarding, Indoor and/or Outdoor	.	P	S	.	.	.	.	P	.	.	C	C	<>
Animal Boarding, Indoor Only	.	P	.	.	.	P	P	P	C	C	C	C	-
Animal Grooming	.	P	P	.	.	P	P	P	C	C	C	C	<>
Animal Shelter	.	.	.	.	.	.	.	P	.	.	C	C	<>
Dog Training Facility	.	P	P	.	.	P	.	P	.	.	C	C	-
Veterinary Services	.	P	P	.	P	P	.	.	.	C	C	C	<>
<i>Eating and Drinking</i>													
Bar, Cocktail Lounge, or Private Club	.	.	.	.	.	P	P	.	.	C	C	.	<>
Bottle Shop (on-premise consumption)	.	.	.	.	.	P	P	.	.	C	C	.	<>
Catering Establishment	.	.	.	.	P	P	P	P	.	C	C	C	<>
Coffee Shop or Retail Bakery	.	.	.	.	P	P	P	P	.	C	C	C	<>
Microbrewery, Micro Distillery, or Micro Winery	.	.	.	.	P	P	P	P	.	C	C	.	<>
Restaurant, High Intensity	.	.	.	.	.	P	P	.	.	C	C	.	<>
Restaurant, Low Intensity	.	.	.	.	P	P	P	.	.	C	C	.	<>
Restaurant, Mobile-Related	.	.	.	.	P	P	P	P	.	C	C	C	<>
<i>Equipment Rental Related</i>													
Equipment Sales, Rental, & Repair	.	P	.	.	.	P	.	P	.	.	C	C	<>
<i>Event Venue</i>													
Event Venue, Indoor Only	.	S	.	.	.	P	P	P	.	C	C	C	<>
Event Venue, Indoor & Outdoor	.	S	.	.	.	P	.	P	.	C	C	C	<>
<i>Financial Services</i>													
Bank or Credit Union	.	.	.	.	P	P	P	.	.	C	C	.	<>
Financial Services	.	.	.	.	P	P	P	.	.	C	C	.	-
Pawn Shop	.	.	.	.	.	.	.	.	.	.	C	.	<>
<i>Lodging</i>													
Bed and Breakfast	.	P	P	P	P	.	P	.	C	C	C	.	<>
Campground / Recreational Vehicle (RV) Park	.	.	.	.	.	.	.	.	.	.	C	.	<>/<>



**CHAPTER 4.**  
**LAND USES**

**§ 4.2 Principal Uses**

Subsection 4.2.5. Listing of Common Principal Uses

**TABLE 4.2.5-1: LISTING OF COMMON PRINCIPAL USES**

P=Permitted by right, subject to a Zoning Compliance Permit & all applicable use standards  
 S=Permitted, subject to a Special Use Permit & all applicable use standards  
 C=Permitted within a conditional zoning district, subject to all applicable use standards  
 "-"-Prohibited  
 [#]=See Note at end of table

USE CATEGORY	CON	CONVENTIONAL RESIDENTIAL DISTRICTS [1]				CONVENTIONAL NON-RESIDENTIAL DISTRICTS			CONDITIONAL DISTRICTS				USE STANDARDS
		RPV	RUR	LDR	MXR	GLC	TNC	IND	RCZ	MCZ	CCZ	ICZ	
USE TYPE													
Hotel or Motel	•	•	•	•	S	S	S	•	•	•	C	C	<>
<b>Office Related</b>													
Co-working Space	•	•	•	•	P	P	P	•	•	C	C	•	<>
Office, High Intensity	•	•	•	•	•	P	P	P	•	C	C	C	<>
Office, Low Intensity	•	•	•	•	P	P	P	•	•	C	C	C	-
<b>Parking Related</b>													
Parking Lot (principal use)	•	•	•	•	•	P	P	•	•	C	C	C	<>
Parking Structure	•	•	•	•	•	•	S	•	•	C	C	C	<>
<b>Personal Services</b>													
Computer Related Services	•	•	•	•	P	P	P	•	•	C	C	•	<>
Day Spa (medial or nonmedical)	•	•	•	•	P	P	P	•	•	C	C	•	-
Fitness Center	•	•	•	•	P	P	P	•	•	C	C	•	<>
Funeral Related Services	•	•	•	•	•	P	•	P	•	•	C	C	<>
Hair, Nail, and Skin-related Services	•	•	•	•	P	P	P	•	•	C	C	•	<>
Instructional Services	•	•	•	•	P	P	P	•	•	C	C	C	<>
Laundry and Cleaning Services	•	•	•	•	P	P	P	•	•	C	C	C	<>
Packaging and Shipping Services	•	•	•	•	P	P	P	P	•	C	C	C	<>
Printing Services	•	•	•	•	P	P	P	P	•	C	C	C	-
Repair Shop	•	•	•	•	•	P	P	P	•	C	C	C	<>
Tanning Salon	•	•	•	•	P	P	P	•	•	C	C	•	<>
Tattoo & Body Piercing	•	•	•	•	•	P	•	•	•	C	C	•	<>
<b>Recreation Related</b>													
Indoor Recreation, Commercial	•	•	•	•	•	P	P	P	•	•	C	C	<>
Indoor Shooting Range	•	•	•	•	•	•	•	•	•	•	•	C	<>
Nightclub or Dance Hall	•	•	•	•	•	•	•	•	•	C	C	•	<>
Outdoor Commercial Recreation	•	P	P	•	•	P	•	P	•	•	C	C	<>
Theatre, Indoor	•	•	•	•	•	P	P	•	•	C	C	•	<>
Theatre, Outdoor	•	•	•	•	•	P	•	P	•	•	C	C	<>
<b>Retail Sales</b>													
Bulky Item Sales	•	•	•	•	•	P	•	P	•	•	C	C	<>
Convenience Store (with gasoline sales)	•	•	•	•	•	P	•	P	•	C	C	C	<>



**CHAPTER 4.  
LAND USES**

**§ 4.2 Principal Uses**

Subsection 4.2.5. Listing of Common Principal Uses

**TABLE 4.2.5: LISTING OF COMMON PRINCIPAL USES**

P=Permitted by right, subject to a Zoning Compliance Permit & all applicable use standards  
 S=Permitted, subject to a Special Use Permit & all applicable use standards  
 C=Permitted within a conditional zoning district, subject to all applicable use standards  
 "-"-Prohibited  
 [#]=See Note at end of table

USE CATEGORY	CON	CONVENTIONAL RESIDENTIAL DISTRICTS [1]				CONVENTIONAL NON-RESIDENTIAL DISTRICTS			CONDITIONAL DISTRICTS				USE STANDARDS
		RPV	RUR	LDR	MXR	GLC	TNC	IND	RCZ	MCZ	CCZ	ICZ	
USE TYPE													
Farmer's Market	•	P	P	P	P	P	P	•	•	C	C	C	-
Flea Market	•	•	•	•	•	S	•	•	•	•	C	C	<>
Gasoline Sales	•	•	•	•	•	P	•	P	•	C	C	C	<>
Grocery Store	•	•	•	•	P	P	P	•	C	C	C	•	<>
Pharmacy	•	•	•	•	P	P	P	•	•	C	C	•	<>
Retail or Wholesale Plant Nursery	••	P	•	•	P	P	P	P	•	C	C	C	<>
Retail, High Intensity	•	•	•	•	•	P	P	•	•	C	C	•	<>
Retail, Large Format	•	•	•	•	•	P	•	•	•	C	C	•	<>
Retail, Low Intensity	•	•	•	•	P	P	P	•	•	C	C	•	<>
Retail, Micro	•	•	•	•	P	P	P	P	C	C	C	C	<>
Tobacco, CBD, and Vape Shop	•	•	•	•	•	•	•	•	•	•	C	•	<>
<b>Sexually-Oriented Businesses</b>													
All types	•	•	•	•	•	•	•	S	•	•	•	C	<>
<b>Storage Related</b>													
Outdoor Storage	•	P	•	•	P	P	•	P	•	•	C	C	<>
Self-Storage, Indoor Only	•	•	•	•	•	•	•	•	•	C	C	C	<>
Self-Storage, Indoor and Outdoor	•	•	•	•	•	•	•	P	•	•	C	C	<>
<b>Vehicle Related</b>													
Boat Sales and Rental	•	•	•	•	•	P	•	P	•	•	C	C	-
Vehicle Parts and Accessory Sales	•	•	•	•	•	P	P	P	•	C	C	C	<>
Vehicle Painting/Body Work	•	•	•	•	•	P	•	P	•	•	C	C	<>
Vehicle Repair and Service (no painting/body work)	•	•	•	•	•	P	P	P	•	•	C	C	<>
Vehicle Sales and Rental	•	•	•	•	•	P	P	•	•	C	C	C	<>
Vehicle Towing or Storage	•	•	•	•	•	P	•	P	•	•	•	C	<>
Vehicle Washing or Detailing	•	•	•	•	P	P	P	•	•	•	C	C	<>
<b>INDUSTRIAL USE CLASSIFICATION</b>													
<b>Energy Related</b>													
Fuel Oil/Bottled Gas Distribution	•	•	•	•	•	•	•	•	•	•	•	C	<>
Gas and Petroleum Distribution	•	•	•	•	•	•	•	•	•	•	•	C	-



**CHAPTER 4.**  
**LAND USES**

**§ 4.2 Principal Uses**

Subsection 4.2.5. Listing of Common Principal Uses

**TABLE 4.2.5-1: LISTING OF COMMON PRINCIPAL USES**

P=Permitted by right, subject to a Zoning Compliance Permit & all applicable use standards  
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USE CATEGORY	CON	CONVENTIONAL RESIDENTIAL DISTRICTS [1]				CONVENTIONAL NON-RESIDENTIAL DISTRICTS			CONDITIONAL DISTRICTS				USE STANDARDS	
		RPV	RUR	LDR	MXR	GLC	TNC	IND	RCZ	MCZ	CCZ	ICZ		
Solar Energy System, Level 2	.	.	.	.	.	.	.	.	.	.	.	.	C	<>
Solar Energy System, Level 3	.	.	.	.	.	.	.	.	.	.	.	.	C	<>
Wind Energy Conversion	.	.	.	.	.	.	.	.	.	.	.	.	C	<>
<b>Extractive Industry</b>														
All Types	.	.	.	.	.	.	.	.	.	.	.	.	C	<>
<b>Flex Space</b>														
Business Incubator	.	.	.	.	P	P	P	P	.	C	C	C		<>
Maker Space	.	.	.	.	P	P	P	P	.	C	C	C		<>
Research and Development	.	.	.	.	.	.	.	P	.	C	C	C		<>
<b>Industrial Services</b>														
Contractor Services Office/Yard	.	.	.	.	.	.	.	P	.	.	C	C		<>
Electrical, HVAC, or Plumbing Fabrication	.	.	.	.	.	.	.	P	.	.	C	C		<>
General Industrial Services	.	.	.	.	.	.	.	P	.	.	.	C		-
Metal Fabrication	.	.	.	.	.	.	.	P	.	.	.	C		<>
<b>Manufacturing</b>														
Heavy Manufacturing	.	.	.	.	.	.	.	P	.	.	.	C		<>
Light Manufacturing	.	.	.	.	.	S	.	P	.	.	.	C		<>
Micro Manufacturing	.	P	.	.	S	P	.	P	.	C	C	C		<>
<b>Utility Related</b>														
Major Utility	.	P	.	.	.	P	.	P	C	C	C	C		<>
Minor Utility	P	P	P	P	P	P	P	P	C	C	C	C		-
<b>Warehouse Related</b>														
Freight Terminal	.	.	.	.	.	.	.	.	.	.	.	C		<>
Warehouse, Distribution	.	.	.	.	.	.	.	.	.	.	.	C		<>
Warehouse, Storage Only	.	.	.	.	P	P	.	.	.	C	C	C		<>
<b>Waste Related</b>														
Recycling Center	.	.	.	.	.	.	.	P	.	.	.	C		<>
Salvage and Junkyard	.	.	.	.	.	.	.	S	.	.	.	C		<>
Transfer Station	.	.	.	.	.	.	.	.	.	.	.	C		<>
<b>Wholesale Sales</b>														
Indoor Only	.	.	.	.	.	P	.	P	.	.	C	C		<>
Indoor and Outdoor	.	.	.	.	.	.	.	P	.	.	.	C		<>



**CHAPTER 4.**  
**LAND USES**

§ 4.2 Principal Uses

Subsection 4.2.5. Listing of Common Principal Uses

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		RPV	RUR	LDR	MXR	GLC	TNC	IND	RCZ	MCZ	CCZ	ICZ	
USE TYPE													
<b>INSTITUTIONAL USE CLASSIFICATIONS</b>													
<i>Assembly</i>													
Auditorium, Coliseum, Convention Center	.	.	.	.	.	S	.	S	.	C	C	C	<>
Community Center	P	P	.	P	P	P	P	.	C	C	C	.	<>
Fraternal Club or Lodge	.	P	P	P	P	P	P	.	C	C	C	.	<>
Religious Institution	.	P	P	P	P	P	P	.	C	C	C	.	<>
<i>Cultural Facility</i>													
Art Gallery, Library, Museum	P	P	.	P	P	P	P	.	C	C	C	.	-
<i>Day Care</i>													
Adult Day Care	.	.	.	.	P	P	P	.	.	C	C	.	<>
Child Day Care	.	.	.	.	P	P	P	P	C	C	C	C	<>
<i>Education Related</i>													
College or University	.	.	.	.	.	P	.	.	.	.	C	.	-
School, Elementary, Middle, High	.	P	P	P	P	P	P	.	C	C	C	.	<>
School, Vocational	.	.	.	.	P	P	P	P	.	C	C	C	<>
<i>Government Related</i>													
Fire/EMS/Police Station	P	P	P	P	P	P	P	P	C	C	C	C	<>
Government Maintenance, Storage, and Distribution	P	P	P	P	P	P	P	P	C	C	C	C	<>
Government Office	P	P	.	.	P	P	P	P	C	C	C	C	-
Government Training Facility, excluding firing range	P	.	.	.	P	P	.	P	.	.	C	C	-
Post Office	.	.	P	P	P	P	P	P	C	C	C	C	-
Youth Development Center	.	P	P	.	P	P	P	P	C	C	C	C	-
<i>Health Care</i>													
Hospital	.	.	.	.	.	P	.	P	.	.	C	C	<>
Outpatient Facility	.	.	.	.	.	P	.	.	.	.	C	.	-
Psychiatric Services	.	.	.	.	.	P	.	.	.	.	C	.	<>
Residential Treatment Facility	.	.	.	.	.	P	.	P	.	.	C	C	<>
Urgent Care	.	.	.	.	P	P	P	P	.	C	C	C	<>
<i>Open Space</i>													



**CHAPTER 4.**  
**LAND USES**

**§ 4.2 Principal Uses**

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USE CATEGORY	CON	CONVENTIONAL RESIDENTIAL DISTRICTS [1]				CONVENTIONAL NON-RESIDENTIAL DISTRICTS			CONDITIONAL DISTRICTS				USE STANDARDS
		RPV	RUR	LDR	MXR	GLC	TNC	IND	RCZ	MCZ	CCZ	ICZ	
Arboretum or Formal Garden	P	P	P	P	P	P	P	.	C	C	C	.	-
Cemetery or Mausoleum	S	P	P	P	P	P	.	.	C	.	.	.	<>
<b>Recreation Related</b>													
Athletic Field or Court	P	P	P	P	P	P	P	P	C	C	C	C	<>
Community Recreation Facility, Private	.	.	.	.	P	P	.	P	C	C	C	C	<>
Dock or Pier, Public	P	P	P	P	P	P	P	P	C	C	C	.	-
Golf Course, Public or Private	P	P	P	P	P	P	.	P	C	C	C	C	<>
Indoor Recreation, Public	P	P	P	.	P	P	P	P	.	.	C	C	<>
Outdoor Recreation, Public	P	P	P	P	P	P	P	P	C	C	C	C	<>
Park or Playground, Public	P	P	P	P	P	P	P	P	C	C	C	C	<>
<b>Social Services</b>													
All Types	.	.	.	.	P	P	P	P	C	C	C	C	-
<b>Telecommunications</b>													
Antenna Collocation, Major	.	P	.	.	P	P	P	P	C	C	C	C	<>
Antenna Collocation, Minor	P	P	P	P	P	P	P	P	C	C	C	C	<>
Broadcasting Tower	.	.	.	.	.	.	.	.	.	.	.	C	<>
Small Wireless Facility	P	P	P	P	P	P	P	P	C	C	C	C	<>
Telecommunications Facility, Major	.	.	.	.	.	.	.	S	.	.	.	C	<>
Telecommunications Facility, Minor or Concealed	.	P	P	.	.	P	P	P	C	C	C	C	<>
<b>Transportation</b>													
Airstrip	.	.	.	.	.	.	.	.	.	.	.	C	-
Bus Station	.	.	.	.	.	P	P	.	C	C	C	.	-
Park and Ride Facility	.	.	.	.	P	P	P	P	C	C	C	C	-
Rail-Related Use	.	.	.	.	.	.	.	P	.	.	.	C	<>
Taxi & Ground Transportation	.	.	.	.	.	P	P	P	C	C	C	C	-
<b>RESIDENTIAL USE CLASSIFICATION</b>													
<b>Assisted Living</b>													
Congregate Care	.	.	.	P	P	.	.	.	C	.	.	.	<>
Continuing Care Retirement Community (CCRC)	.	.	.	P	P	P	P	.	C	.	.	.	<>
<b>Group Living</b>													



**CHAPTER 4.**  
**LAND USES**

**§ 4.2 Principal Uses**

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		RPV	RUR	LDR	MXR	GLC	TNC	IND	RCZ	MCZ	CCZ	ICZ	
USE TYPE													
Boarding House	•	•	•	•	•	•	•	•	C	•	•	•	<>
Employee Housing	•	•	•	•	S	P	P	P	C	C	C	C	<>
Family Care Home	•	P	P	P	P	•	•	•	C	•	•	•	<>
Group Home	•	•	•	•	•	•	•	•	C	•	•	•	<>
Halfway House	•	•	•	•	•	•	•	•	C	•	•	•	<>
Homeless Shelter	•	•	•	•	•	•	•	•	C	•	•	•	<>
<b>Household Living</b>													
Bungalow Court	•	•	•	P	P	•	P	•	C	•	•	•	<>
Conservation Subdivision	•	P	P	P	P	•	•	•	C	C	•	•	<>
Duplex	•	•	P	P	P	•	P	•	C	C	•	•	<>
Live/Work	•	•	•	•	P	P	P	P	C	C	C	•	<>
Manufactured Home	P	P	P	P	P	•	•	•	C	•	•	•	<>
Manufactured Home Park	•	•	•	•	•	•	•	•	C	•	•	•	<>
Multifamily Dwelling, Attached or Detached	•	•	•	•	•	•	•	•	•	C	C	•	<>
Pocket Neighborhood	•	•	P	P	P	•	P	•	C	C	•	•	<>
Single-Family Detached Dwelling	P	P	P	P	P	•	P	•	C	•	•	•	<>
Townhouse	•	•	•	•	•	•	•	•	C	C	•	•	<>
Tiny Home (Permanent)	P	P	P	P	P	•	P	•	C	C	•	•	<>
Triplex or Quadplex	•	•	•	•	P	•	P	•	C	C	•	•	<>
Upper-Story Multi-family	•	•	•	•	•	•	•	•	C	C	C	C	<>

Notes:

[1] Principal uses in the Rural Mixed (RUM) zoning districts shall be limited to the uses that existed on a particular lot or site upon the effective date that the district was established on that particular lot or site.



## **§ 4.3 STANDARDS FOR SPECIFIC PRINCIPAL USES**

The standards in this section are applied to individual principal use types as identified in Table <>, Listing of Common Principal Uses. These standards are applied to identified principal uses in addition to all other applicable zoning district, design, or development standards in this Ordinance or the Town Code of Ordinances. Conflicts between these standards and other standards in this Ordinance shall be addressed in accordance with Section <>, Conflict. Developments with two or more of these use types on a single lot or within a single development shall also be subject to the standards in Section <>, Unified Development. Principal uses structures may deviate from these listed standards only where expressly authorized by this Ordinance, as part of an approved Variance or Administrative Adjustment, or when configured in accordance with Section <>, Incentives and Alternatives.

### **4.3.1. ADULT DAY CARE**

An adult day care center use shall comply with the following requirements:

- A.** The use shall be certified by the North Carolina Department of Health and Human Services;
- B.** The use shall obtain all required licenses and permits from the State;
- C.** The use shall not permit overnight accommodation of patrons;
- D.** The use includes a pick-up and drop-off area that allows patrons to enter and exit vehicles without crossing a parking lot or vehicular accessway;
- E.** The use shall comply with the standards in Section <>, Non-Residential Design Standards; and
- F.** The pick-up and drop-off area shall not be located within a required yard or landscaping area.

### **4.3.2. ANIMAL BOARDING, INDOOR ONLY**

- A.** All activities, including kennels, runs, exercise areas, and pet relief areas shall take place within fully-enclosed structures or shall be subject to an acoustical engineer's certified findings that the use will not create unreasonable or objectionable noise at the lot line;
- B.** Animal waste shall not be stored within 50 feet of any lot line; and
- C.** Any animal suspected of showing symptoms of rabies or other pathogenic infection potentially dangerous to humans shall be immediately segregated and reported to Animal Control or other appropriate authority.

### **4.3.3. ANIMAL BOARDING, INDOOR AND OUTDOOR**

- A.** All structures shall be designed and maintained in a manner to prevent the development of unsanitary conditions;
- B.** All activities associated with the use shall take place within enclosed and soundproofed structures, or the use shall comply with the following requirements:
  - 01.** An outdoor activity area or run may be provided only for exercise/relief areas for the animals;
  - 02.** All outdoor activity areas or runs shall be located to the side or rear of the principal building;
  - 03.** No outdoor activity area or run shall be located within 50 feet of any lot line;
  - 04.** The use shall provide a Type D perimeter landscaping buffer along all lot lines located within 100 feet of an outdoor activity area or run;
- C.** Outdoor activity areas shall include areas protected from the weather and be enclosed by a fully opaque fence or wall at least six feet in height; and
- D.** Any animal suspected of showing symptoms of rabies or other pathogenic infection potentially dangerous to humans shall be immediately segregated and reported to Animal Control or other appropriate authority.

### **4.3.4. ANIMAL SHELTER**

- A.** All activities associated with the use shall take place within enclosed and soundproofed structures, or the use shall be separated from land in a residential district by at least 100 feet.
- B.** Outdoor areas used to house or exercise animals shall be protected from the weather and enclosed by a fence at least six feet in height.



- C.** Any animal suspected of showing symptoms of rabies or other pathogenic infection potentially dangerous to humans shall be immediately segregated and reported to Animal Control or other appropriate authority.

#### **4.3.5. ANTENNA COLLOCATION, MAJOR**

See Section <>, Telecommunications Facilities.

#### **4.3.6. ANTENNA COLLOCATION, MINOR**

See Section <>, Telecommunications Facilities.

#### **4.3.7. ATHLETIC FIELD OR COURT**

Athletic fields and courts shall comply with the following standards:

- A.** Athletic fields and courts used for night-time or weekend activities shall be located at least 75 feet from lot lines shared with residentially-zoned land.
- B.** The athletic field or court shall be surrounded by a fence with a minimum height of four feet, and shall be supplemented with netting or other devices that limit projectiles from travelling off-site, if determined necessary by the Planning Director.
- C.** Exterior lighting for athletic fields and courts shall comply with the applicable standards in Section <>, Exterior Lighting, and configured so that the maximum illumination at any lot lines abutting residentially-zoned or used lands does not exceed one footcandle.

#### **4.3.8. AUDITORIUM, COLISEUM, CONVENTION CENTER**

- A.** The parcel or site shall have an area of at least three acres;
- B.** Dining and banquet facilities may be provided for employees, trainees, and conferees, provided the gross floor area devoted to such facilities does not exceed 50 percent of the total floor area of the principal building;
- C.** The building shall be located at least 500 feet from any lot in a single-family residential zoning district;
- D.** The use shall comply with the standards in Section <>, Non-Residential Design Standards; and
- E.** The main entrance to the lot or site shall be served by a major street.

#### **4.3.9. BANK OR CREDIT UNION**

- A.** Freestanding automated teller machines require Site Plan approval and shall comply with the Standards in Section <>, Automated Teller Machine (ATM).
- B.** Drive-throughs shall comply with the standards in Section <>, Drive-Throughs.

#### **4.3.10. BAR, COCKTAIL LOUNGE, OR PRIVATE CLUB**

A bar, cocktail lounge, or private club shall comply with the following requirements:

- A.** The main entrance of the use shall face a street or outdoor gathering area. In cases where the main entrance could face more than one street, it shall be configured to face the street with the larger number of non-residential establishments or where the larger number of non-residentially zoned lots are located. In no instance shall the use orient the primary entrance toward an abutting lot in a residential district;
- B.** Except within the TNC district, the use shall have a six-foot-high opaque fence or masonry wall along all lot lines abutting a residential district; and
- C.** Outdoor seating (including, but not limited to, seating for dining or listening to live or recorded acoustic or amplified entertainment outside of the building) shall comply with the standards in Section <>, Outdoor Dining or Seating.

#### **4.3.11. BED AND BREAKFAST**

- A.** The use shall be owned and operated by a person who resides on the site.



- B.** The use shall be located in a structure that was originally constructed as a residential dwelling and there shall be no substantial modifications to the exterior appearance of the structure, provided that fire escapes, handicapped entrances, and other features may be added to protect public safety.
- C.** No more than six guest sleeping rooms may be included. Bed and breakfast uses with more than six guest sleeping rooms are classified as a hotel or motel.
- D.** Meals served on the premises shall be solely for guests and employees.
- E.** Rooms shall not be equipped with cooking facilities.
- F.** Off-street parking other than on a driveway with a maximum width of 24 feet shall not be allowed in any required setback.
- G.** A Type C perimeter buffer configured in accordance with Section <>, Perimeter Buffers, shall be installed along all lot lines abutting a residential district.

#### **4.3.12. BOARDING HOUSE**

- A.** A boarding house shall not be located within 1,000 feet of another boarding house;
- B.** A boarding house shall meet the applicable dimensional requirements for a single-family detached residential use in the zoning district where located;
- C.** The property owner or a designated property manager responsible for operating the boarding house in accordance with this Ordinance must reside on the same premise as the boarding house;
- D.** No more than five resident sleeping rooms shall be available for rent;
- E.** At least 15 square feet of common living area other than the kitchen, hallways, and bathrooms shall be provided per resident sleeping room;
- F.** Separate structures, secondary buildings, and garages shall not be used as a resident sleeping room;
- G.** No separate exterior doorways for individual resident sleeping rooms shall be permitted;
- H.** A resident sleeping room shall not contain a kitchen;
- I.** Off-street parking other than on a driveway with a maximum width of 24 feet shall not be allowed in any required setback; and
- J.** A Type C perimeter buffer configured in accordance with Section <>, Perimeter Buffers, shall be installed along all lot lines abutting a residential district.

#### **4.3.13. BOTTLE SHOP (ON-PREMISE CONSUMPTION)**

A bottle shop use shall comply with the standards in Section <>, Bar, Cocktail Lounge, or Private Club.

#### **4.3.14. BROADCASTING TOWER**

- A.** Any broadcasting towers shall be setback from all lot lines a minimum distance equal to the height of the tower.
- B.** The use shall not include a helipad or helicopter landing facilities.
- C.** Broadcasting studios that incorporate towers or other vertical projections that send or receive electronic signals shall also comply with the applicable requirements in Section <>, Telecommunications Facilities.

#### **4.3.15. BULKY ITEM SALES**

- A.** Portable storage containers and dumpsters that are utilized for the purpose of display and any bulky item that exceeds 10 feet in height shall not be placed within required setbacks, parking, or required landscaping areas.
- B.** Bulky items that are less than or equal to 10 feet in height must be located at least 10 feet from any public street and shall not be placed within required parking or landscaping areas.
- C.** Bulky items are defined in Section <>, Terms Defined.

#### **4.3.16. BUNGALOW COURT**

##### **A. PURPOSE AND INTENT**



A bungalow court is a group of up to five single-family detached dwellings built in close proximity to one another around a shared driveway.

**FIGURE <>: BUNGALOW COURT**



**B. STANDARDS**

- 01.** A bungalow court shall be located on a site of at least one acre, but not more than five acres in area, and shall include at least three principal dwelling units.
- 02.** All dwellings shall be located on their own individual lots.
- 03.** The use shall comply with the maximum density and minimum setback requirements for the bungalow court use type in the zoning district where proposed.
- 04.** Bungalow courts shall be limited to single-family detached dwellings as the principal use, though accessory dwelling units in accordance with Section <>, Accessory Dwelling Unit, Detached, or Section <>, Accessory Dwelling Unit, Internal, and home occupations in accordance with Section <>, Home Occupation, shall be permitted.
- 05.** The bungalow court shall provide a Type B perimeter buffer configured in accordance with Section <>, Perimeter Buffers, along all lot lines that abut a residential district.
- 06.** All driveways shall be shared by at least three, but no more than five lots.
- 07.** Bungalow courts that incorporate off-street parking shall include a shared driveway(s) that:
  - a.** Is located on commonly-owned land or is the subject of a shared access easement granting access to all lots or dwellings served by the shared driveway;
  - b.** Comprised of concrete, brick, or pavers; and
  - c.** Located central to the dwellings served.

**4.3.17. BUSINESS INCUBATOR**

A business incubator may be provided as a principal use in its own building, as tenant space within a multi-tenant building, or as a secondary use to an existing non-residential use, subject to the following standards:

- A.** Use types located within a business incubator use type are subject to the business incubator use specific standards, not the use standards that would typically apply if it were a principal use on its own lot;



- B.** In no instance shall a business incubator include a use type that is not permitted as a principal use in the district where located, or any of the following use types:
- 01.** Bar; cocktail lounge, or private club;
  - 02.** Funeral-related services or mausoleums;
  - 03.** Equipment sales, rental, or repair;
  - 04.** Heavy manufacturing;
  - 05.** Metal fabrication;
  - 06.** Nightclub or dance hall;
  - 07.** Psychiatric services;
  - 08.** Residential uses of any kind or type;
  - 09.** Salvage or junkyard;
  - 10.** Sexually-oriented business;
  - 11.** Tattoo or piercing establishment; or
  - 12.** Vehicle painting or bodywork;
- C.** Business incubators shall meet the off-street parking requirement for this use type in [Table <>](#), Table of Minimum Off-Street Parking Requirements, not the individual types of uses within the business incubator;
- D.** Floor area within a building serving as a business incubator may be used for storage, but no outdoor activity or storage shall be permitted with a business incubator; and
- E.** When located within a GLC, TNC, or conditional zoning district, the use shall comply with the standards in [Section <>](#), [Non-Residential Design Standards](#).

#### **4.3.18. CAMPGROUND**

- A.** Campgrounds shall not include permanent residences, except as necessary for caretakers;
- B.** No individual campsite may be occupied for a period longer than 90 days per calendar year;
- C.** Individual campsites shall maintain a minimum size of 500 square feet in area each and at least 20 feet in width;
- D.** Campgrounds shall provide a common recreational area consisting of at least 100 square feet per campsite;
- E.** Campgrounds shall provide sufficient groundcover to prevent erosion;
- F.** Individual campsites shall be set back at least 100 feet from the front lot line and at least 50 feet from the side and rear lot lines; and
- G.** Waste collection facilities shall be screened in accordance with [Section <>](#), [Screening](#).

#### **4.3.19. CATERING ESTABLISHMENT**

Catering establishments shall not prepare food or beverages for on-site consumption by patrons.

#### **4.3.20. CEMETERY OR MAUSOLEUM**

Except as otherwise required in this Ordinance, new cemeteries and the expansion of existing cemeteries (as a principal use) shall comply with the following standards:

- A.** New cemeteries shall be located on a site or parcel with an area of at least two acres; this standard shall not apply to existing cemeteries or the expansion of existing cemeteries;
- B.** Cemeteries shall include drive aisles or vehicular accessways of at least 12 feet in width or greater as needed for the parking and maneuvering of funeral processions; and
- C.** Interments shall take place at least 25 feet from any lot line and comply with all applicable requirements of the North Carolina General Statutes.



### **4.3.21. CHILD DAY CARE**

Child day care centers shall comply with the standards for licensure in Article 7, Chapter 110, of the North Carolina General Statutes, as well as the Summary of North Carolina Child Care Laws and Rules pamphlet, as amended, prepared by the NC Department of Health and Human Services.

- A.** The use shall not permit overnight accommodation of patrons;
- B.** The use shall include a fenced outdoor gathering area of at least 25 square feet per patron receiving care;
- C.** The use includes a pick-up and drop-off area that allows patrons to enter and exit vehicles without crossing a parking lot or vehicular accessway;
- D.** The pick-up and drop-off area shall not be located within a required yard or landscaping area;
- E.** The use shall comply with the standards in Section <>, Non-Residential Design Standards; and
- F.** A child day care shall provide a Type C perimeter buffer configured in accordance with Section <>, Perimeter Buffers, along all lot lines that abut a residential district.

### **4.3.22. COFFEE SHOP OR RETAIL BAKERY**

Coffee shops or bakeries with outdoor seating or gathering areas shall comply with the standards in Section <>, Outdoor Dining or Seating.

### **4.3.23. COMMUNITY CENTER**

- A.** The main entrance to the lot or site shall be served or have direct access to a major street;
- B.** Outdoor courts, swimming pools, and athletic fields shall be located at least 50 feet from any lot line abutting a residential district;
- C.** Community centers proposed in residential districts shall be on a lot of at least two acres in area;
- D.** The use shall comply with the standards in Section <>, Non-Residential Design Standards; and
- E.** A Type C perimeter buffer configured in accordance with Section <>, Perimeter Buffers, shall be installed along all lot lines abutting a residential district.

### **4.3.24. COMMUNITY RECREATION FACILITY (PRIVATE)**

- A.** The minimum area for a private community recreation facility serving a non-residential use shall be at least two acres.
- B.** Private community recreation uses shall have at least one direct vehicular access to a public or private street. However, if the use is intended to serve only a membership that is limited to a particular residential development, access may be provided from an interior street within the same residential development.
- C.** A minimum distance of at least 50 feet shall be maintained between a clubhouse, swimming pool, any court or athletic field, or golf course tee, green, or fairway and any adjacent residence.
- D.** A Type C perimeter buffer configured in accordance with Section <>, Perimeter Buffers, shall be installed along all lot lines abutting a residential district as well as along all lot lines shared with a residential dwelling unit, if located within a residential or mixed-use development.

### **4.3.25. COMPUTER RELATED SERVICES**

The use shall be limited to the repair, sales, re-sale, or refurbishment of desktop and small-scale computers and computer-related equipment.

### **4.3.26. CONGREGATE CARE**

- A.** With the exception of density, congregate care uses shall meet other applicable dimensional requirements for a non-residential use in the zoning district where located.
- B.** Congregate care buildings containing living units shall comply with the standards in Section <>, Multi-Family Design Standards.
- C.** The facility shall provide centrally located, shared food preparation, services to residents, and shared dining areas.



- D.** Common recreation, social, and service facilities shall be provided at a minimum rate of 30 square feet per dwelling unit or per rooming unit.
- E.** All facilities shall be solely for the use of residents and their guests.
- F.** A Type C perimeter buffer configured in accordance with Section <>, Perimeter Buffers, shall be installed along all lot lines abutting a residential district.

#### **4.3.27. CONSERVATION SUBDIVISION**

- A.** Conservation subdivisions shall comply with the standards in Section <>, Conservation Subdivision.
- B.** Conservation subdivisions shall be served by a public wastewater treatment system and a public potable water system or may be served by a community-level wastewater treatment system and individual wells, subject to the prior approval of Henderson County Environmental Health.

#### **4.3.28. CONTINUING CARE RETIREMENT COMMUNITY (CRCC)**

- A.** The maximum density for the independent living units may not exceed that permitted in the zoning district where located. However, other living units where assistance is offered or congregate care is provided, shall not be subject to density requirements of the zoning district.
- B.** Single-family detached dwellings are not subject to the dimensional standards for the zoning district where located but must maintain 15 feet from each lot line and any other principal structure whether on the same or a different lot. CCRCs shall meet all the other applicable dimensional requirements for a non-residential use in the zoning district where located.
- C.** Multi-dwelling unit structures within a CCRC shall comply with the standards in Section <>, Multi-Family Design Standards.
- D.** In no instance shall any individual site within a CCRC exceed a maximum lot coverage of 70 percent.
- E.** A Type C perimeter buffer configured in accordance with Section <>, Perimeter Buffers, shall be installed around the perimeter of the development.
- F.** Access and circulation shall adequately provide for firefighting equipment, service deliveries, and refuse collection.
- G.** Pedestrian paths shall form a logical, safe, and convenient system for pedestrian and handicapped access to all on-site buildings and facilities as well as major off-site destinations.

#### **4.3.29. CONTRACTOR SERVICES OFFICE / YARD**

- A.** All activity, including storage of materials, vehicles, and equipment, shall be fully screened from adjacent lots located within a residential zoning district.
- B.** Storage of materials, fleet vehicles and equipment is permitted as a secondary use, subject to the standards in Section <>, Screening.

#### **4.3.30. CONVENIENCE STORE (WITH GASOLINE SALES)**

Convenience stores with gasoline sales shall comply with the following standards:

- A.** Vehicle repair or storage shall be prohibited.
- B.** Inclusion of a restaurant or food counter providing products shall require the provision of adequate off-street loading facilities that may be utilized without interrupting typical on-site vehicular and pedestrian circulation.
- C.** Fuel facilities shall comply with the standards in Section <>, Gasoline Sales.
- D.** Drive through and fuel canopies shall comply with the standards in Section <>, Canopies (Drive Through and Fuel, etc.).
- E.** Automatic car washes provided as a secondary structure shall be located to the side or the rear of the principal structure and shall comply with the standards in Section <>, Vehicle Washing or Detailing.
- F.** Outdoor sales and display areas, if provided, shall comply with the standards in Section <>, Outdoor Display/Sales.



**4.3.31. CO-WORKING SPACE**

- A.** Use types and activities associated with a co-working space shall be limited to the range of activities typically associated with office uses.
- B.** Food or beverages produced or sold within the use shall be limited to patrons of co-working space not the general public.
- C.** Delivery of personal services within the co-working space (manicure, massage, education, exercise classes, child care, etc.) shall be limited to patrons of the co-working space and shall take place indoors or within designated outdoor gathering areas located outside public gathering areas or rights-of-way.
- D.** Facilities for pets shall be indoors or fully screened from adjacent streets and other uses.

**4.3.32. DUPLEX DWELLING**

- A.** Use of a single shared primary entrance serving both individual dwelling units is strongly encouraged. If a shared entrance is not practical or possible, placement of primary entrances on separate building facades is encouraged.
- B.** When a duplex dwelling is on a corner lot, the use may include two separate driveways on different lot frontages, provided each driveway is configured in accordance with Section <>, Access and Driveways, and all applicable Town or State standards related to driveway placement and street access.
- C.** A Type B perimeter buffer configured in accordance with Section <>, Perimeter Buffers, shall be installed along all lot lines abutting a another lot containing a single-family detached dwelling.

**4.3.33. ELECTRICAL, HVAC, OR PLUMBING FABRICATION**

- A.** All activity, including storage of materials and products shall be conducted entirely within a fully enclosed building. The temporary loading and off-loading of vehicles shall be permitted outside.
- B.** Storage of fleet vehicles and equipment is permitted as a secondary use, subject to the standards in Section <>, Screening.
- C.** Uses shall not emit smoke, odor, objectionable waste materials, or excessive noise.
- D.** No vibration that is discernible without the aid of instruments shall be produced at or beyond the lot line.
- E.** No direct glare from high temperature processes such as combustion or welding shall be permitted to be visible from off-site areas.

**4.3.34. EMPLOYEE HOUSING**

- A.** Employee housing uses shall only be occupied when the related employment activity is operational.
- B.** Accommodations within employee housing shall be limited to employees and their immediate family members, not members of the general public.
- C.** All employee housing dwellings and associated structures shall comply with the federal guidelines for H-2A Housing for temporary laborers.
- D.** A Type C perimeter buffer configured in accordance with Section <>, Perimeter Buffers, shall be installed along all lot lines abutting another lot containing a single-family detached dwelling.
- E.** All vehicles and equipment associated with an employee housing use or the associated employment activity shall be parked or stored within improved parking areas surfaced with asphalt or other all-weather surface to ensure proper drainage and avoid erosion.
- F.** Centralized waste collection facilities shall be configured in accordance with Section <>, Refuse and Recycling Containers.

**4.3.35. EQUIPMENT SALES, RENTAL, AND REPAIR, LIGHT**

- A.** All structures, buildings, or enclosed areas used for the operation shall be a minimum of 75 feet from any residentially zoned property.
- B.** 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.



- C. Equipment cleaning and repair shall take place entirely within an enclosed structure.
- D. Outdoor storage of equipment shall be screened in accordance with Section <>, Screening.
- E. Outdoor sales or display areas shall comply with the requirements in Section <>, Outdoor Display/Sales.

**4.3.36. EVENT VENUE, INDOOR AND OUTDOOR**

- A. Outdoor activity areas shall be set back from lot lines shared with a residential use by an amount at least twice the minimum rear setback for the district where the use is located.
- B. The maximum number of guests shall be in accordance with the maximum occupancy of the principal structure as determined by the Fire Marshal, as appropriate.
- C. Outdoor activities shall not take place between the hours of 9:00 PM and 7:00 AM on Sundays through Thursdays, and 10:00PM and 7:00AM on Fridays and Saturdays.
- D. Exterior lighting shall not project into adjoining residential lots. Use of stadium-style or other pole-mounted lighting is prohibited.
- E. Lighting of accessible paths may be provided, if necessary.
- F. The event venue shall provide sufficient on-site trash receptacles and shall ensure that windblown trash or other debris does not accumulate anywhere on the site.
- G. Event venues shall demarcate the boundaries of the event venue site for guests and shall include fences, walls, or other techniques such as landscaping to ensure guests do not inadvertently trespass on adjacent lots.
- H. Event venues shall ensure adequate ingress and egress from all buildings and structures to accommodate emergencies.
- I. A type C perimeter buffer configured in accordance with Section <>, Perimeter Buffers, shall be installed along all lot lines abutting a residential district.

**4.3.37. EXTRACTIVE INDUSTRY**

Quarries and other extractive industries shall comply with the following requirements:

**A. GENERAL REQUIREMENTS**

- 01. The minimum development area shall be five acres.
- 02. The use shall not require the use of residential neighborhood streets to gain ingress or egress.
- 03. Where the final slope of areas being excavated will exceed 30 percent, such areas shall be enclosed with a fence at least six feet high located not less than ten feet from the excavation's edge.
- 04. Excavated areas, stockpiles, waste storage piles, and associated processing, storage, and loading areas shall be fully screened from view from major streets and lots in residential zoning districts in accordance with the standards in Section <>, Screening.
- 05. No blasting operations shall be conducted during the hours from 6:00 PM to 8:00 AM, and when conducted, shall not cause unreasonable amounts of noise, vibration, dust, or flying debris on nearby lots.
- 06. No operations shall impede the normal flow of any stream or watercourse, result in the deposition or erosion of stream banks, pollute any stream, undermine any public street or bridge, or promote flooding on adjacent land.

**B. REHABILITATION PLAN AND GUARANTEE REQUIRED**

- 01. Upon discontinuance of operations, all buildings and equipment shall be removed, and excavated areas shall be rehabilitated in accordance with a rehabilitation plan included as part of the application to establish the use.
- 02. The rehabilitation plan shall identify the ways the site will be returned as closely as possible to its original condition or a condition suitable for a specified alternate use. The rehabilitation plan shall address the storage and protection of topsoil removed during the course of operations as well as regrading, re-fertilization, and replanting.
- 03. The estimated cost of carrying out the rehabilitation plan shall be filed with the application. The estimate shall be certified as approximately correct by a professional engineer licensed to practice in the State of North Carolina with expertise in rehabilitation.



- 04. A rehabilitation performance guarantee, payable to the Town, shall be required in an amount equal to the estimated cost of carrying out the rehabilitation plan in accordance with Section <>, Performance Guarantee.
- 05. The rehabilitation performance guarantee shall be maintained as a legally binding obligation until such time as the Town Council determines that all rehabilitation work has been satisfactorily completed.
- 06. If the Town Council finds that extractive uses have been discontinued for a period of 12 consecutive calendar months and that no major attempts have been made to implement the rehabilitation plan, it shall order forfeiture of the guarantee and the proceeds shall be used to carry out, to the extent possible, the rehabilitation plan.

#### **4.3.38. FAMILY CARE HOME**

- A. Family care homes shall obtain a Zoning Compliance Permit and shall comply with the standards in NCGS§160D-907.
- B. A lot containing a family care home shall not be located within one-half mile (2,640 feet) of another lot containing a family care home or a group home.
- C. A family care home house shall meet the applicable dimensional requirements for a single-family detached residential use in the zoning district where located.
- D. In no instance shall a family care home contain more than 10 children.

#### **4.3.39. FIRE/EMS/POLICE STATION**

A Type C perimeter buffer configured in accordance with Section <>, Perimeter Buffers, shall be installed along all lot lines abutting a residential district.

#### **4.3.40. FITNESS CENTER**

- A. Fitness centers that include outdoor exercise or use areas shall be located on lots of at least one acre in size.
- B. Outdoor exercise or use areas shall:
  - 01. Be fully enclosed by a fence or wall meeting the minimum height necessary to ensure equipment is contained within the fitness center site;
  - 02. Comply with all applicable requirements in Section <>, Exterior Lighting; and
  - 03. Not include a public address system or amplified music audible beyond the lot line after nightfall.

#### **4.3.41. FLEA MARKET**

Flea market uses shall comply with the following requirements:

- A. Hours of operation shall be limited to 7:00 AM to 7:00 PM;
- B. Off-street parking shall be provided with a minimum of three spaces per stand or rented space;
- C. Sanitary facilities shall be provided for both men and women;
- D. Provisions shall be made for garbage or trash removal for each day the flea market is open to the public; and
- E. All rental spaces and buildings shall maintain a 50-foot setback from residentially-zoned land.

#### **4.3.42. FRATERNAL CLUB OR LODGE**

- A. Outdoor activity areas shall be at least 75 feet from a lot line shared with a single-family residential district.
- B. Public address systems are prohibited except when contained entirely within a building.
- C. A Type C perimeter buffer configured in accordance with Section <>, Perimeter Buffers, shall be installed along all lot lines abutting a residential district.

#### **4.3.43. FREIGHT TERMINAL**

- A. An application for establishment of this use shall include a truck route plan that designates routes to minimize impacts on residential areas, schools, or other land uses that would be negatively impacted by truck traffic.
- B. The use shall have direct access onto a major street.



- C.** Areas intended for the short-term storage of trucks or trailers shall be considered impervious, regardless of the surface material.
- D.** All unpaved storage areas shall be maintained in a manner that prevents dust from adversely impacting adjacent properties.
- E.** Security fencing of a minimum height of six feet or other comparable method of enclosure shall be provided around all outside storage and staging areas.
- F.** Where the site is bounded by a railroad right-of-way currently being used for rail service to the terminal, no setback shall be required between the railroad right-of-way and the freight terminal use.

#### **4.3.44. FUEL OIL / BOTTLED GAS DISTRIBUTION**

- A.** Uses engaged in the storage or distribution of flammable materials shall meet the requirements established by the fire prevention code of the National Board of Fire Underwriters and the National Fire Protection Association standards, Flammable and Combustible Liquids Code, NFPA 30 and Standards for the Storage and Handling of Liquefied Petroleum Gases, NFPA 58, as applicable.
- B.** Above ground storage tanks with a capacity of 100 gallons or more shall be located at least 75feet from all lot lines.

#### **4.3.45. FUNERAL RELATED SERVICES**

- A.** Crematories shall not be included with a funeral-related service use within or abutting a residential zoning district;
- B.** All storage shall take place within enclosed buildings; and
- C.** Display of sample headstones or other memorials shall be fully screened from any lot line shared with a lot in a residential zoning district as well as from any public right-of-way or greenway.

#### **4.3.46. GASOLINE SALES**

- A.** Fuel storage shall take place entirely underground.
- B.** Fuel storage shall be located at least 20 feet from all principal buildings.
- C.** Tank access ports for refilling shall be configured so that no refilling vehicle blocks vehicular ingress or egress to the site during the refilling process.
- D.** Fuel pumps and pump islands shall be located no closer than 20 feet to any lot line or right-of-way. Internal lot line setbacks are not applied within unified developments.
- E.** Any secondary use, such as canopies, shall comply with the applicable standards in Section <>, Secondary Uses.
- F.** In no instance shall fuel lines be located within a public utility or drainage easement.
- G.** Above-grade tank vents may not be freestanding, and shall be attached to a principal or secondary structure.
- H.** Gasoline sales uses shall include an opaque fence or wall of six feet in height or higher if permitted by the fence standards in the district where located, along all lines abutting a residential zoning district.

#### **4.3.47. GOLF COURSE, PUBLIC OR PRIVATE**

- A.** A minimum distance of at least 50 feet shall be maintained between a tee, green, or fairway and any adjacent principal or habitable secondary structure not associated with the golf course use.
- B.** Activities like driving ranges and similar features shall incorporate fencing, netting, or other control measures around the perimeter of the activity area to ensure projectiles do not leave the area and endanger off-site areas.
- C.** Golf course uses that include recreational structures shall comply with the standards applied to Section <>, Community Recreation Facility (private).

#### **4.3.48. GOVERNMENTAL MAINTENANCE AND STORAGE**

- A.** Government maintenance and storage facilities shall comply with the applicable standards for outdoor storage (see Section <>, Storage, Outdoor (as a Principal Use)).



- B.** Equipment capable of producing noise or sound in excess of 70 decibels shall be located no closer than 75 feet to the nearest residential zoning district.
- C.** 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.
- D.** The use shall comply with the standards in Section <>, Non-Residential Design Standards.

#### **4.3.49. GROCERY STORE**

- A.** Outdoor display and sales areas shall be configured in accordance with Section <>, Outdoor Display/Sales.
- B.** Storage shall take place within an enclosed building or be located behind the rear line of the principal building.

#### **4.3.50. GROOMING (ANIMAL)**

- A.** Overnight boarding of animals shall not be permitted.
- B.** All activities shall take place solely within an enclosed structure.
- C.** Animal grooming uses located within multi-tenant structures shall be soundproofed.
- D.** Free-standing animal grooming facilities abutting a residential zoning district shall be soundproofed.

#### **4.3.51. GROUP HOME**

A group home shall comply with the following standards:

- A.** A lot containing a group home shall not be located within one-half mile (2,640 feet) of another lot containing a family care home, residential treatment facility, or another group home;<sup>7</sup>
- B.** A group home shall meet the applicable dimensional requirements for a single-family detached residential use in the zoning district where located;
- C.** A group home shall provide at least 150 square feet of floor area per occupant;
- D.** The use shall be operated in a manner that is compatible with the surrounding neighborhood and shall not be detrimental to adjacent lands as a result of traffic, noise, refuse, parking, loitering, or other activities;
- E.** The number of occupants in a group home shall be limited to the maximum number that may be accommodated while at the same time complying with all applicable Town regulations and State requirements;
- F.** The use shall maintain a residential appearance compatible with its surroundings when proposed in a residential or mixed-use district; and
- G.** The use shall meet all State requirements, as well as all applicable housing and building code requirements.

#### **4.3.52. HAIR, NAILS, AND SKIN-RELATED SERVICES**

All activities shall take place within a fully-enclosed building.

#### **4.3.53. HALFWAY HOUSE**

A halfway house shall comply with the following standards:

- A.** A lot containing a halfway house shall not be located within one mile (5,280 feet) of another lot containing another halfway house, or a bar, cocktail lounge, nightclub, boarding house, group home, or sexually oriented business;
- B.** A halfway house shall meet the applicable dimensional requirements for a non-residential use in the zoning district where located;
- C.** The maximum number of residents in a halfway house shall be limited to five in addition to any staff or landowners and their families;

<sup>7</sup> NOTE: The half-mile separation is included in NCGS§168-22; but a greater distance could be considered a violation of the US Fair Housing Act.



- D.** Visitation by members of the public to a resident living in a halfway house may only take place between the hours of 7:00 AM and 7:00 PM;
- E.** The use shall meet all State requirements, as well as all applicable housing and building code requirements; and
- F.** The use shall include information, visible from outside the front entrance, the lists an emergency contact name and telephone number that is available 24 hours a day.

#### **4.3.54. HOSPITAL**

A hospital shall comply with the following standards:

- A.** Be located on a site or parcel with an area of at least five acres;
- B.** Be located on a parcel that fronts or has direct access to a major street;
- C.** Locate the emergency vehicle entrance on a major street;
- D.** Not locate an emergency vehicle entrance in an area across the street from a residential zoning district;
- E.** Be served by a public water and wastewater system;
- F.** The use shall comply with the standards in Section <>, Non-Residential Design Standards; and
- G.** Ensure that principal structures are located at least 75 feet from any lot line.

#### **4.3.55. HOMELESS SHELTER**

- A.** A lot containing a homeless shelter shall not be located within one mile (5,280 feet) of another lot containing another homeless shelter, halfway home, group home, or sexually-oriented business.
- B.** A homeless shelter shall meet the applicable dimensional requirements for a non-residential use in the zoning district where located.
- C.** The use shall meet all State requirements, as well as all applicable housing and building code requirements.

#### **4.3.56. HOTEL OR MOTEL**

- A.** All hotel and motel buildings and parking shall be located at least 50 feet from any lot line abutting a residential zoning district.
- B.** Any secondary uses or structures, such as restaurants, shall not be located along the side of the property adjacent to a residential district or use.
- C.** Restaurants, bars, and night clubs approved as a secondary to a hotel or motel use shall be subject to the principal use standards for these use types.
- D.** Outdoor activity areas shall not be located along the side of the property adjacent to a residential zoning district or use.

#### **4.3.57. INDOOR RECREATION, COMMERCIAL OR PUBLIC**

- A.** All activity shall take place entirely within an enclosed structure.
- B.** A Type C perimeter buffer configured in accordance with Section <>, Perimeter Buffers, shall be installed along all lot lines abutting a residential district.

#### **4.3.58. INDOOR SHOOTING RANGE**

Indoor shooting ranges shall comply with the following standards:

- A.** All firing-related activities shall take place within a building;
- B.** Firing areas shall be configured to ensure metal fragments do not escape the building's containment areas;
- C.** Exhaust fans and other equipment shall be configured to ensure lead or other airborne hazardous materials do not escape the building; and
- D.** The use shall be configured such that no noise attributed to operations inside the building are audible on off-site areas.



### **4.3.59. INSTRUCTIONAL SERVICES**

All activity shall take place entirely within an enclosed structure.

### **4.3.60. LAUNDRY AND CLEANING SERVICES**

Laundry and cleaning services shall comply with the following standards:

- A.** No more than 10,000 square feet of floor area shall be devoted to the dry cleaning, laundering, or finishing processes;
- B.** No smoke-producing equipment or process shall be used;
- C.** No petroleum-based chemicals in excess of 500 gallons shall be stored in above-ground tanks; and
- D.** Drive throughs shall comply with the standards in Section <>, Drive-Throughs.

### **4.3.61. LIVE/WORK DWELLING**

A live/work dwelling shall comply with the mixed-use design standards in Section <>, Mixed-Use Design Standards, and the following:

- A.** The residential portion of the building shall occupy at least 50 percent of the gross floor area;
- B.** The non-residential portion of the building shall be limited to an office, personal service, retail sales, or restaurant use type;
- C.** Drive-through facilities are prohibited; and
- D.** Nothing shall limit the placement of residential floor area on the ground floor on lots within the TNC district, provided the non-residential portion of the use has its own entrance or provided that the building has a shared primary entrance. A non-residential portion of the building must occupy at least 33 percent of the front façade width of the street-level ground floor.

### **4.3.62. MAKER SPACE**

- A.** The use shall include adequate ventilation and equipment for the dispersal of vapors, dust, or airborne contaminants created within the structure.
- B.** The use shall include a fire suppression system as required by the North Carolina Fire Code and associated appendices.
- C.** The use shall not operate between the hours of 9:00 PM and 7:00 AM.
- D.** Incidental sale of products created on site is permitted, but shall take place entirely within an enclosed building.
- E.** When located within a TNC, GLC, or conditional zoning district, the use shall comply with the standards in Section <>, Non-Residential Design Standards.

### **4.3.63. MANUFACTURED HOME**

- A.** A manufactured home located within a manufactured home park shall comply with the standards in Section <>, Manufactured Home Park.
- B.** A manufactured home located outside a manufactured home park shall comply with the following standards:
  - 01.** It shall be occupied only as a single-family dwelling;
  - 02.** Except on lots in the RUM district, it shall be the single principal use on a lawfully-established lot of record;
  - 03.** It shall comply with NCGS§160D-910;
  - 04.** It shall be configured in accordance with the standards established by the North Carolina Department of Insurance and the most current version of the State of North Carolina Regulations for Manufactured Homes;
  - 05.** The towing apparatus, wheels, axles, and transporting lights shall be removed;
  - 06.** It shall include continuous skirting enclosing the space between the bottom of the home and the ground; continuous skirting or other means ;
  - 07.** It shall include stairs, porches, entrance platforms, ramps, and other means of entrance and exit that are installed or constructed in accordance with the standards set by the North Carolina Building Code. They shall be attached firmly to the primary structure and anchored securely to the ground;



- 08.** It shall maintain exterior siding comparable in composition, appearance, and durability to the exterior siding commonly used in standard residential construction, which consists of one or more of the following:
  - a. Vinyl or aluminum lap siding (whose reflectivity does not exceed that of flat white paint);
  - b. Cedar or other wood siding;
  - c. Stucco siding; or
  - d. Brick or stone siding;
- 09.** It shall maintain a roof pitch with a minimum vertical rise of three feet for each 12 feet of horizontal run;
- 10.** It shall include a roof finished with a Class C or better roofing material that is commonly used in standard residential construction; and
- 11.** It shall provide an eave projection of no less than six inches, which may include a gutter.

**4.3.64. MANUFACTURED HOME PARK**

**A. MINIMUM AREA**

A manufactured home park shall be at least three acres in area.

**B. INDIVIDUAL DWELLING UNIT SPACES**

**01. GENERALLY**

- a. The site plan for a manufactured home park shall indicate each individual dwelling unit space.
- b. Yards and setbacks shall be measured from dwelling unit space boundaries.
- c. No more than one manufactured dwelling may be located on any single dwelling unit space.
- d. The manufactured home park shall not exceed the maximum density of the zoning district in which it is located.
- e. No manufactured home lots shall be located within the special flood hazard area.

**02. SPECIFIC REQUIREMENTS**

Manufactured home spaces shall meet the dimensional requirements for the zoning district where located. If located outside the RPV district, then the mobile home park spaces shall comply with the minimum requirements in Table <>, Manufactured Home Park Space Requirements, below.

**TABLE <>: MANUFACTURED HOME PARK SPACE REQUIREMENTS**

DIMENSIONAL REQUIREMENTS		AMOUNT
Min. Dwelling Unit Space Area (square feet)	Spaces served by both community or public water and sewer	10,000
	Spaces served by public water & individual septic tank or public sewer & individual well	15,000
	Spaces served by individual well & individual septic tank	20,000
Min. Dwelling Unit Space Width (linear feet at front setback)	Spaces served by both community or public water and sewer	50
	Spaces served by public water & individual septic tank or public sewer & individual well	75
	Spaces served by individual well & individual septic tank	75
Max. Impervious Surface Coverage per Dwelling Unit Space (% of space)		40
Min. Setback from Dwelling Unit Space Perimeter Line Abutting a Street (feet)		20
Min. Setback from Side of Dwelling Unit Space Perimeter Line (feet)	Space served by community or public water and sewer	10



**TABLE <>: MANUFACTURED HOME PARK SPACE REQUIREMENTS**

DIMENSIONAL REQUIREMENTS		AMOUNT
	Space not served by community or public water and sewer	20
Min. Setback from Rear of Dwelling Unit Space Perimeter Line (feet)		20

**C. MANUFACTURED HOME STANDARDS**

- 01. Except for the foundation skirting requirements, all manufactured homes located within a manufactured home park shall comply with the standards in Section <>, Manufactured Home.
- 02. The foundation area of a manufactured home in a manufactured home park shall be completely screened and the foundation screening must be kept in a well-maintained condition.

**D. REPLACEMENT DWELLINGS**

- 01. All new or replacement manufactured homes located in manufactured home parks shall be a minimum of 12 feet in width, measured at the narrowest part of the shortest axis of the home.
- 02. In no instance shall the total number of manufactured or mobile dwellings exceed the total number of dwelling unit spaces as they existed on *(insert the effective date of this Ordinance)*.

**E. ADDITIONS TO DWELLINGS AND SECONDARY STRUCTURES**

- 01. Detached garages and secondary buildings may be erected on manufactured home dwelling unit spaces in accordance with Section <>, Secondary Uses.
- 02. No living compartment or structure, other than a Florida Room or other prefabricated structure, specifically designed for manufactured home use or extension, shall be added to any manufactured home.
- 03. Porches covered with a roof and open on three sides may be permitted if required setbacks can be maintained and if such the porch complies with the North Carolina Building Code.

**F. PROJECT BOUNDARY BUFFER**

A manufactured home park shall include a Type C perimeter buffer configured in accordance with Section <>, Perimeter Buffers, along the perimeter of the development abutting other lots.

**G. PARK OFFICE**

Within a manufactured home park, one manufactured home may be used as an administrative office.

**H. STREETS**

- 01. Each manufactured home dwelling space shall abut an improved street, accessway, or driveway, which shall have unobstructed access to a State-maintained street.
- 02. Streets in the manufactured home park shall have a minimum paved width of 20 feet. In addition, every such street shall lie within a cleared right-of-way having a minimum width of 40 feet.
- 03. Maintenance of such streets shall be provided by the owner or operator of the park.
- 04. Permanent dead-end streets or cul-de-sacs shall not exceed 500 feet in length and shall be provided with a turnaround or other means of complying with all applicable Fire Code requirements.
- 05. Streets or drives within the manufactured home park shall intersect as nearly as possible at right angles, and no street shall intersect at less than 75 degrees. Where a street or drive intersects a public street, the park street or drive shall comply with all applicable NCDOT or Town design standards.
- 06. New street names or manufactured home park names shall not duplicate nor be similar to existing street names or manufactured home park names in Henderson County.

**I. UTILITY REQUIREMENTS**

**01. WATER**

- a. An accessible, adequate, safe supply of water shall be provided in each manufactured home park.



- b. When a municipal water supply is not available, a community water supply shall be developed, and its supply used exclusively in accordance with the standards of the Sanitary Engineering Division of the North Carolina Division of Health Services and the County Health Department.

**02. SEWER**

- a. Adequate and safe sewage disposal facilities shall be provided in all manufactured home parks.
- b. Collection systems and sewage treatment complying with the requirements of the North Carolina Department of Environmental Quality and the County Health Department shall be provided.

**03. SOLID WASTE**

- a. The storage, collection, and disposal of solid waste in the manufactured home park shall be so constructed as to create no health hazards, rodent harborage, insect breeding area, accident or fire hazard, or pollution, and shall be maintained at least 100 feet from a well site.
- b. All solid waste containing garbage shall be stored in a standard fly-tight, watertight, rodent-proof container, which shall be located at each manufactured home space, or an approved bulk container site. The manufactured home park management shall be responsible for the proper storage, collection, and disposal of solid waste as specified by the County Health Department.
- c. Grounds, buildings, and structures shall be maintained free of insect and rodent harborage and infestation.

**04. TELEPHONE AND POWER LINES**

- a. All telephone lines and power lines are to be located underground.
- b. Utility easements shall be configured in accordance with Section <>, Easements.

**J. RECREATION AREAS AND FACILITIES**

- 01. All manufactured home parks having 25 or more manufactured home spaces shall have an active recreation area of 10,000 square feet for every 25 manufactured home spaces. Parks with fewer than 25 spaces shall not be required to provide an active recreation facility, but may still be subject to the provision of private common open space in accordance with Section <>, Minimum Open Space Set-Aside Requirements.
- 02. No active recreational facilities shall be placed in an area utilized for septic tank filter fields.

**4.3.65. MANUFACTURING, HEAVY**

Heavy manufacturing uses shall comply with the following standards:

- A.** Outdoor processing activities shall be located at least 1,000 feet from a lot line shared with a residential zoning district.
- B.** Outdoor storage, including storage tanks, shall be located at least 500 feet from a lot line shared with a residential zoning district. Outdoor storage shall be fully screened in accordance with Section <>, Screening.
- C.** A Type D perimeter buffer configured in accordance with Section <>, Perimeter Buffers, shall be provided along any lot line shared with another property not zoned for industrial uses.
- D.** The use shall not require the use of residential neighborhood streets to gain ingress or egress.
- E.** Uses engaged in the storage or distribution of flammable materials shall meet the requirements established by the fire prevention code of the National Board of Fire Underwriters and the National Fire Protection Association standards, Flammable and Combustible Liquids Code, NFPA 30 and Standards for the Storage and Handling of Liquefied Petroleum Gases, NFPA 58, as applicable.

**4.3.66. MANUFACTURING, LIGHT**

- A.** All manufacturing activity shall be conducted entirely within a fully enclosed building.
- B.** Outdoor processing activities are prohibited.
- C.** Above-ground outdoor storage tanks shall be located at least 200 feet from any lot line shared with a lot in a residential zoning district.
- D.** Except for above-ground storage tanks, all structures, buildings, enclosed areas, and other outdoor storage used for the operation shall be a minimum of 100 feet from a lot line shared with a residential zoning district.
- E.** Outdoor storage shall be fully screened in accordance with Section <>, Screening.



- F.** The use shall not generate excessive noise, discernable vibration, glare, fumes, odors, or electrical interference at the lot line.
- G.** Uses engaged in the storage or distribution of flammable materials shall meet the requirements established by the fire prevention code of the National Board of Fire Underwriters and the National Fire Protection Association standards, Flammable and Combustible Liquids Code, NFPA 30 and Standards for the Storage and Handling of Liquefied Petroleum Gases, NFPA 58, as applicable.

#### **4.3.67. MANUFACTURING, MICRO**

- A.** Micro manufacturing uses shall be limited to 5,000 square feet of total floor area if located outside the IND district.
- B.** In no instance shall there be detectable vibration, odor, glare, smoke, or particulate matter at any lot line.
- C.** Noise levels at the lot line shall not exceed 60 dBA during daytime hours and 50 dBA after 7:00 PM.
- D.** Uses engaged in the storage or distribution of flammable materials shall meet the requirements established by the fire prevention code of the National Board of Fire Underwriters and the National Fire Protection Association standards, Flammable and Combustible Liquids Code, NFPA 30 and Standards for the Storage and Handling of Liquefied Petroleum Gases, NFPA 58, as applicable.

#### **4.3.68. METAL FABRICATION**

The use shall not generate noise, vibration, glare, fumes, or odors on adjacent residentially zoned or used property.

#### **4.3.69. MICROBREWERY, MICRO DISTILLERY, OR MICRO WINERY**

A micro brewery, micro distillery, or micro winery use shall comply with the standards in Section <>, Bar, Cocktail Lounge, or Private Club.

#### **4.3.70. MULTI-FAMILY DWELLING, ATTACHED OR DETACHED**

Multi-family development shall comply with the standards in this section. Residential development located above non-residential development in the same building is considered upper-story multi-family that is subject to the standards in Section <>, Upper Story Multi-family.

##### **A. BUILDING PLACEMENT**

- 01.** Buildings shall be setback from one another in accordance with the district dimensional requirements unless a larger distance is required by the North Carolina Building Code.
- 02.** Buildings shall be set back from private drives and parking lots a minimum of ten feet as measured from back-of-curb or from the edge of pavement if no curb is provided.
- 03.** Buildings shall be setback from public streets in the development in accordance with the street setbacks for the zoning district where located.

##### **B. BUILDING LENGTH**

- 01.** The maximum length of an individual multi-family building shall be 250 linear feet in any single direction. This standard is waived in the following instances:
  - a.** The building is located in a downtown district;
  - b.** The building is designated as affordable housing; or
  - c.** The building is intended solely for age-restricted (e.g., 55 years old and older) residents.
- 02.** No maximum building length shall be applied if the building includes facilities for dining, recreation, or gathering that occupy an area amounting to at least 10 percent of the building's ground floor area.
- 03.** In no instance shall the provision of a firewall between different building sections constitute two separate buildings for the purpose of meeting the building length requirement.

##### **C. DESIGN**

Multi-family development shall comply with the applicable design standards in Section <>, Multi-Family Design Standards.

##### **D. OUTDOOR SPACE**



At least 75 percent of the dwelling units within a multi-family development shall include a patio, deck, or balcony with a width or length dimension of no less than seven feet.

**E. RECREATION FACILITIES**

Any active recreation facilities shall be located at least 75 feet from any lot line shared with a single-family detached residential dwelling.

**F. PEDESTRIAN CONNECTION**

Sidewalks or other ADA-compliant trails shall be constructed within the interior of the development to link residential buildings with other destinations such as, but not limited to: off-street parking, adjoining streets, mailboxes, trash disposal, adjoining sidewalks or greenways, and on-site active recreation or gathering areas.

**G. SCREENING**

Utility areas such as clothes drying yards and outdoor storage areas shall be fully screened from public streets and adjacent lots in accordance with Section <>, Screening.

**H. LIGHTING**

All entrances and exits to multi-family residential buildings containing more than five units, shall be adequately lit to ensure the safety of persons and the security of the building.

**I. UTILITIES**

- 01. All new electric, communications, water, and sewer utility lines shall be installed underground.
- 02. Any existing overhead utilities located adjacent to a multi-family development are strongly encouraged to be relocated to an underground location.
- 03. Multi-family development shall be served by a public potable water system and a public sanitary sewer system rather than a community-level system.

**J. CONDOMINIUMS**

Multi-family development configured as condominiums shall comply with the following standards:

- 01. Condominiums shall conform to the use and development requirements of this Ordinance for the zoning district(s) where located.
- 02. Condominiums shall conform to the requirements of the North Carolina Condominium Act, in Chapter 47C of the North Carolina General Statutes.
- 03. Condominium ownership may be created by the owner or co-owners of a structure(s) by an express declaration of their intention to submit such property to the provisions of the North Carolina Condominium Act, which declaration shall be recorded in the office of the Register of Deeds in the county where the development is located.

**4.3.71. NIGHTCLUB OR DANCE HALL**

A nightclub or dance hall shall comply with the standards in Section <>, Bar, Cocktail Lounge, or Private Club, and the following:

- A. Such uses shall be separated from land in a residential zoning district by at least 750 feet;
- B. Such uses shall have direct access via a major street;
- C. The main entrance of the building shall face a street or a public gathering area. In cases where the building could face more than one street, it shall be configured to face the street with the larger number of non-residential establishments or where the larger number of non-residentially zoned lots are located; and
- D. The building shall be configured, and the use operated such that sound from amplified music or other performance taking place within the building is not audible at the lot line after 9:00 PM on Sundays through Thursdays or 10:00 PM on Friday or Saturday nights.

**4.3.72. OFFICE, HIGH INTENSITY**

- A. High intensity office uses with 5,000 or more square feet of floor area shall include an outdoor gathering area for patrons or employees with seating and provision of shade to the side or rear of a principal structure.



- B.** Off-street loading facilities shall comply with the standards in Section <>, Off-Street Loading.
- C.** Assembly, fabrication, display of products for on-site consumption, or related activities shall not take place within an office use.
- D.** Retail, personal service, and eating establishments may be provided as a secondary use, provided:
  - 01.** These secondary uses shall not exceed a cumulative total of 20 percent of the total floor area of the principal use;
  - 02.** These secondary uses are accessed via a primary entrance shared with the office use; and
  - 03.** These secondary uses do not have signage visible from off-site areas.

### 4.3.73. OUTDOOR COMMERCIAL RECREATION

#### A. GENERALLY

Outdoor commercial recreation uses shall comply with the following standards:

- 01.** Outdoor recreation uses shall be screened from abutting major streets with a Type B perimeter buffer configured in accordance with Section <>, Perimeter Buffers;
- 02.** Grading shall be limited to a maximum of five feet above or below the average grade existing prior to development, but in no instance shall this standard be construed to prevent swimming pools; and
- 03.** No outdoor activities or recreation facilities shall be located between the front façade of the building and the street the front building façade faces.

#### B. DRIVE-IN THEATRE

A drive-in theatre shall comply with the following requirements:

- 01.** The viewing screen shall be directed away from major streets;
- 02.** Lighting shall be shielded so as to cast no direct light on adjoining lots;
- 03.** An eight-foot-high opaque screen shall be required around the perimeter, except at driveways;
- 04.** Audio shall be delivered to each car by individual speakers only; and
- 05.** The use shall provide stacking spaces at the entrance capable of accommodating 20 percent of the vehicular capacity of the use.

#### C. GOLF DRIVING RANGE

Golf driving ranges shall comply with the following standards:

- 01.** The depth of a driving range along the driving axis shall be at least 250 yards measured from the location of the tees; and
- 02.** Lighting shall be shielded so as to cast no direct light upon any adjacent lot.

#### D. MINIATURE GOLF

In addition to the general standards for outdoor commercial recreation uses in sub-section (A) above, miniature golf uses shall also comply with the following:

- 01.** No green shall be allowed within a street setback or closer than 100 feet to any lot line; and
- 02.** Lighting shall be shielded so as to cast no direct light upon any adjacent lot.

### 4.3.74. OUTDOOR RECREATION, PUBLIC

- A.** Such uses may only take place on lots or sites of three acres in area or more.
- B.** No buildings or structures, temporary or otherwise, shall be located within 20 feet of any exterior lot line.
- C.** No amusement equipment, machinery, or mechanical device of any kind may be operated within 200 feet of any residentially zoned property.
- D.** Activities like batting cages, driving ranges, and similar features shall incorporate fencing, netting, or other control measures around the perimeter of the activity area to ensure projectiles do not leave the area and endanger other lands.
- E.** The hours of operation shall be compatible with adjacent land uses and in no instance shall outdoor activities take place between the hours of 10:00 PM and 7:00 AM.



### **4.3.75. OUTDOOR STORAGE, PERMANENT**

- A.** The extent of the outdoor storage area shall be clearly delineated on an application for establishment of the use.
- B.** Flammable liquids or gas containers in excess of 1,250 gallons shall be stored underground.
- C.** No materials shall be stored in areas intended for vehicular or pedestrian circulation.
- D.** No materials shall be stored on any potable or non-potable water easement, stormwater easement, or sanitary sewer easement.
- E.** Outdoor storage areas shall be paved or surfaced with gravel.

### **4.3.76. OUTPATIENT FACILITY**

- A.** An outpatient facility located on a site or parcel with an area of at least five acres shall front and have direct access to a major street.
- B.** The use shall comply with the standards in Section <>, Non-Residential Design Standards.

### **4.3.77. PACKAGING AND SHIPPING SERVICES**

All activity shall take place within an enclosed structure. Outdoor storage is permitted as a secondary use, subject to the standards in Section <>, Outdoor Storage, Permanent.

### **4.3.78. PARK OR PLAYGROUND, PUBLIC**

- A.** The hours of operation allowed shall be compatible with the land uses adjacent to the facility, in the opinion of the Planning Director.
- B.** Outdoor storage shall be screened in accordance with Section <>, Screening.
- C.** Outdoor swimming pools shall be protected by a fence or other security device in accordance with the Henderson County Health Department's regulations.
- D.** Illumination of outdoor recreation areas shall be in accordance with Section <>, Exterior Lighting.

### **4.3.79. PARKING LOT**

A parking lot that is the principal use shall comply with the parking lot configuration requirements in Section <>, Off-Street Parking Requirements, and the following standards:

- A.** Parking shall be the principal use of the parking lot. Parking spaces may be rented for parking, or otherwise used in accordance with an approved temporary use permit or other permit, but no other business of any kind shall be conducted on the lot, including repair service, washing, display, or storage of vehicles or other goods; and
- B.** Except in the TNC, parking lots as a principal use shall not be located contiguous to a single-family residential zoning district.

### **4.3.80. PARKING STRUCTURE**

Parking structures, whether serving as a principal or secondary use shall be configured in accordance with the following standards:

#### **A. DIMENSIONAL REQUIREMENTS**

Parking structures shall comply with the dimensional standards applicable to non-residential principal uses the zoning district where located.

#### **B. GROUND FLOOR CONFIGURATION**

The ground floor of a parking structure abutting an existing sidewalk shall be configured as building floor area capable of accommodating a non-residential use or shall be configured with a minimum first floor ceiling height of 20 feet above grade to ease conversion of the ground floor parking area to a habitable space in the future.

#### **C. ARCHITECTURE**



- 01.** Parking structures visible from street frontages shall be designed to be compatible with the architectural character and quality of adjacent buildings and shall not adversely impact abutting sidewalks or greenway trails.
- 02.** Parking structure elevations shall use color, massing, or architectural features to reduce the appearance of building bulk.
- 03.** Parking structure façades facing residentially-zoned lots shall:
  - a.** Be enclosed to prevent light spillover from headlights, adverse noise, or pollutants; and
  - b.** Incorporate architectural design elements, including surface treatments, offset planes, structural articulation, and landscaping to provide visual interest and compatibility with adjacent residential uses.

#### **D. DRAINAGE**

Parking structures shall be designed and constructed so that stormwater will not drain over sidewalks or adjacent lots.

#### **E. LIGHTING**

- 01.** Parking and pedestrian areas shall have adequate illumination for security and safety with a minimum of one foot candle at every point within the parking structure.
- 02.** Lighting fixtures shall be designed and located to illuminate only the interior of the parking structure and not project glare into adjoining land.

### **4.3.81. PAWN SHOP**

- A.** All activities shall take place within an enclosed structure.
- B.** Outdoor storage shall be prohibited.
- C.** Security measures for windows or doors shall be located internally within the building.
- D.** Exterior lighting shall comply with the standards in [Section <>, Exterior Lighting](#).

### **4.3.82. PHARMACY**

- A.** Drive throughs shall comply with the standards in [Section <>, Drive-Throughs](#).
- B.** A pharmacy may be permitted as a secondary use to a principal use in the Health Care use category provided:
  - 01.** The pharmacy is on the ground floor and does not occupy more than 50 percent of the ground floor square footage;
  - 02.** The public may access the pharmacy solely through a shared principal entrance; and
  - 03.** The pharmacy be limited to sales of drugs, prescription medicines, medicinal supplies and appliances, and pharmaceutical products.

### **4.3.83. POCKET NEIGHBORHOOD**

#### **A. PURPOSE AND INTENT**

A pocket neighborhood is a group of smaller single-family detached dwellings built in close proximity to one another around a small green or commonly owned open space with off-street parking areas to the rear of the homes or in common areas. The pocket neighborhood use type is a voluntary means of reducing zoning district dimensional requirements in return for voluntary compliance with the standards in this section.



**FIGURE <> POCKET NEIGHBORHOOD**



**B. SITE CONFIGURATION**

- 01.** A pocket neighborhood shall be located on a parcel of land or site that is at least one acre but not more than five acres in area.
- 02.** Pocket neighborhoods shall be limited to single-family detached dwellings and typical secondary uses. Manufactured homes, mobile homes, and detached accessory dwelling units are not permitted in a pocket neighborhood.
- 03.** Secondary uses may include common open space, gardens, a common building for the purposes of storage or recreation, outdoor recreational features, and garages.
- 04.** A pocket neighborhood shall include at least four dwelling units but not more than 15 dwellings.
- 05.** Vehicular entryways into pocket neighborhoods and accessways serving off-street parking areas and individual dwelling lots shall be configured as private streets.
- 06.** A pocket neighborhood shall include common open space that comprises at least 30 percent of the total site and includes improved pedestrian walkways that provide pedestrian access to each dwelling, connections to the public sidewalk or greenway network (if present), and gathering areas for pocket neighborhood residents.
- 07.** The pocket neighborhood shall configure a portion of its required open space as a centrally-located green, lawn, or garden area that fronts each dwelling in the neighborhood and includes at least 300 square feet of area for each dwelling unit in the pocket neighborhood, regardless of the number of dwelling units. This area shall be credited towards the open space requirements.



- 08. Pocket neighborhoods shall include at least one vehicular parking space for each dwelling unit plus one designated guest parking space for every four dwelling units. In no instance shall a parking area be located between a dwelling and the centrally-located green, lawn, or garden area.
- 09. The pocket neighborhood may include a shared parking area that accommodates all resident and guest parking.
- 10. Each individual dwelling shall have at least 40 square feet of covered or enclosed storage space outside the dwelling's heated floor area. Storage space may be located on an individual lot or on common land or within a common building. Storage space located outside of an enclosed building and on common land within the development shall comply with the requirements for outdoor storage in Section <>, Screening.
- 11. A Type C perimeter buffer configured in accordance with Section <>, Perimeter Buffers, shall be installed along all lot lines abutting a residential district.

**C. DWELLING UNIT CONFIGURATION**

- 01. A dwelling unit in a pocket neighborhood shall not exceed 1½ stories, or 24 feet, above grade.
- 02. No dwelling unit shall be more than 2,500 square feet in floor area.
- 03. At least two dwellings in a pocket neighborhood shall maintain a total square footage that differs by at least 200 square feet in floor area from the average square footage of all other dwellings. Nothing shall prohibit a configuration where all dwellings are different sizes.

**D. OWNERS' ASSOCIATION**

A pocket neighborhood shall include a homeowners' or property owners' association established and configured in accordance with Section <>, Owners' Associations, that maintains control of common areas and takes responsibility for maintenance of common features in the neighborhood.

**4.3.84. PSYCHIATRIC SERVICES**

- A. A psychiatric services use may only be operated in accordance with a valid State license and all applicable State requirements.
- B. The use shall be located on a site with a minimum area of one acre plus an additional 1,000 square feet per patron at total capacity.
- C. The use shall front a major street.
- D. Outdoor gathering, therapy, or recreation areas shall be located behind the rear building line of the principal structure unless such placement would place outdoor activities closer to a street or residential use.
- E. In cases where a psychiatric services use provides services to patrons who are considered a danger to themselves or others under State law, the use shall either:
  - 01. Be fully surrounded by a fence or wall with a minimum height of six feet equipped with anticlimbing mechanisms and locking gates; or
  - 02. Include 24-hour on-site security.

**4.3.85. RAIL RELATED USE**

Outdoor storage of goods or materials and outdoor activity areas shall be screened in accordance with Section <>, Screening.

**4.3.86. RECREATIONAL VEHICLE PARK**

**A. GENERALLY**

- 01. No recreational vehicle space shall be used as a permanent residence. Continuous occupancy extending beyond three months in any 12-month period shall be presumed to constitute a permanent residence.
- 02. The park shall meet the standards for adequate fire protection as established by the latest edition of the National Fire Protection Association Bulletin No. 501-A.
- 03. 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.



- 04. Secondary uses, including management headquarters, recreational facilities, toilets, dumping stations, showers, coin-operated laundry facilities, and other uses and structures shall be clearly incidental to the operation of the park.
- 05. Conditions of soil, groundwater level, drainage and topography shall not create hazards to the property or the health or safety of the occupants. No portion of the site subject to unpredictable and/or sudden flooding, subsidence, or erosion shall be used for any purpose that would expose persons or property to hazards.
- 06. Exposed ground surfaces in all parts of the recreational vehicle park shall be paved, or covered with gravel, or other solid materials, or protected with a vegetative growth that is capable of preventing soil erosion and of eliminating objectionable dust.
- 07. There shall be at least one off-street parking space for each RV site.
- 08. All garbage and refuse shall be stored in a suitable water-tight and fly-tight standard garbage receptacle and shall be kept covered with tight-fitting covers.
- 09. At least one such receptacle shall be provided and conveniently located for every RV site, except where a dumpster or dumpsters are conveniently located and used in the same manner as separate receptacles.

**B. DIMENSIONAL REQUIREMENTS**

- 01. Maximum density shall be limited to five sites per gross acre, excluding public areas, rights-of-way, watercourses, and other areas as may be set forth.
- 02. In no case shall any recreational vehicle site contain less than 8,000 square feet.
- 03. Sites shall be level and well-drained.
- 04. Recreational vehicles shall be separated from each other and from other structures within the RV park by at least 10 feet.
- 05. The minimum setback of any building, structure, or recreational vehicle site from a public street right-of-way shall be the same as that required for the zoning district in which the park is located. The minimum setback from any private, interior street shall be 20 feet from the edge of pavement.
- 06. The recreational vehicle park shall maintain a minimum perimeter setback of at least 75 feet from perimeter lot lines.

**4.3.87. RECYCLING CENTER**

- A. A recycling center shall be surrounded by an opaque fence or wall of at least six feet in height along all sides of the site except between the principal structure and the street it faces.
- B. In no instance shall any outdoor storage take place between a principal or secondary structure and the street that gives the site its street address.
- C. Recycled batteries must be stored in non-porous containers.
- D. All loading and storage areas shall be diked to prevent runoff/spill contamination
- E. Recycled motor oil and grease shall be stored in above-ground tanks in accordance with the adopted NC Fire Code and associated appendices.

**4.3.88. RETAIL OR WHOLESALE PLANT NURSERY**

- A. No greenhouse shall be operated within 20 feet of any lot line.
- B. Any outside storage of equipment, vehicles, or supplies shall be fully screened from off-site views in accordance with Section <>, Screening.
- C. A Type C perimeter buffer configured in accordance with Section <>, Perimeter Buffers, shall be installed along all lot lines abutting a residential district.

**4.3.89. RELIGIOUS INSTITUTION**

**A. GENERAL REQUIREMENTS**

- 01. Each principal and secondary use types, including cemeteries, shall comply with all applicable use and off-street parking standards for each principal and secondary use included within the development.



- 02. Outdoor recreation areas shall be fenced with a fence of at least four feet in height.
- 03. Vehicles associated with the use shall be parked within designated parking areas meeting the applicable standards in Section <>, Off-Street Parking Requirements.
- 04. On-site residential facilities for members of the clergy and their families are permitted as a secondary use, but no other residential activity or overnight lodging shall be permitted.
- 05. Religious institutions proposed as part of a multi-tenant building shall maintain a minimum number of designated off-street parking spaces as are required for the use in Section <>, Off-Street Parking Requirements.
- 06. Religious institutions that are part of a multi-tenant development shall not include outdoor activity, and shall be configured so that congregants or visitors to the institution have adequate space to gather or wait indoors rather than outside the use.

### 4.3.90. REPAIR SHOP

- A. All repair uses shall limit repair activities to those occurring indoors.
- B. Gun repair shops shall limit repair activities to entirely within enclosed structures and may include testing facility for firearms, provided:
  - 01. The facilities are constructed in accordance with all applicable laws and regulations;
  - 02. The facilities include acoustical apparatus and/or materials that prevent any noise or disturbance to the owners and/or occupants of the adjoining properties; and
  - 03. The facilities are not used as a shooting range for target practice or the testing of marksmanship skills.
- C. Retail sales may take place as a secondary use, but no outdoor display or sales area shall be permitted.

### 4.3.91. RESEARCH AND DEVELOPMENT

- A. Research and development uses shall not include any retail or wholesale sales activities.
- B. No residential activity other than a caretaker or security guard quarters shall be included as part of a research and development use.
- C. All outdoor storage shall be screened in accordance with Section <>, Screening.
- D. Outdoor testing, development, assembly, or similar outdoor activity may only take place of site of 10 acres in area or larger.
- E. The use shall not generate noise, vibration, glare, fumes, odors, or electrical interference on adjacent residentially-zoned land.
- F. When located within a conditional zoning district, the use shall comply with the standards in Section <>, Non-Residential Design Standards.

### 4.3.92. RESIDENTIAL TREATMENT FACILITY

- A. A lot containing a residential treatment facility shall not be located within one mile (5,280 linear feet) of another lot containing a family care home, group home, halfway house, or other residential treatment facility.
- B. The use shall be operated in a manner that is compatible with the surrounding neighborhood and shall not be detrimental to adjacent lands as a result of traffic, noise, refuse, parking, loitering, or other activities.
- C. A Type C perimeter buffer configured in accordance with Section <>, Perimeter Buffers, shall be installed along all lot lines shared with a residential zoning district.
- D. The number of occupants in a residential treatment facility shall be limited to the maximum number that may be accommodated while at the same time complying with all applicable regulations and State requirements.
- E. The principal structure(s) shall maintain a residential appearance compatible with its surroundings when proposed in a residential district.
- F. The use shall meet all State requirements, as well as all applicable housing and building code requirements.
- G. The use shall comply with the standards in Section <>, Multi-Family Design Standards.



**4.3.93. RESTAURANT, HIGH INTENSITY OR LOW INTENSITY**

All restaurant use types shall comply with the following requirements:

- A.** A restaurant shall have a six-foot-high opaque fence or masonry wall along all lot lines abutting a residential zoning district.
- B.** Restaurants having outdoor seating or gathering areas (including, but not limited to, seating for dining or listening to live or recorded acoustic or amplified entertainment outside of the building) shall comply with the standards in Section <>, **Outdoor Dining or Seating**.
- C.** Restaurants with drive throughs shall comply with the standards in Section <>, **Drive-Throughs**.
- D.** Except in the TNC district, walk-up restaurants shall incorporate outdoor dining areas approximate to the window where food or beverages may be picked up.

**4.3.94. RESTAURANT, MOBILE-RELATED**

The following standards shall apply to food trucks, mobile restaurants, and facilities intended to serve them.

**A. MOBILE RESTAURANT**

Mobile restaurants, including push carts, are considered secondary uses and shall be operated in accordance with Section <>, **Mobile Restaurants / Push Carts**.

**B. FACILITY SERVING MOBILE RESTAURANTS**

- 01.** Commissaries and shared use kitchens serving three or more mobile restaurants shall comply with the standards for catering establishments, and shall not include any outdoor storage or outdoor food preparation areas.
- 02.** Storage of mobile restaurant vehicles and equipment shall comply with the standards in Section <>, **Screening**.

**C. MOBILE RESTAURANT COURT**

A mobile restaurant court is a location where three or more mobile restaurants may locate for the temporary sale and delivery of food and beverages to patrons for on- or off-site consumption. Mobile restaurant courts shall be configured in accordance with the following requirements:

- 01.** The mobile restaurant court use shall be fenced or otherwise configured to ensure patrons may only access the site from the public sidewalk system, or from on-site parking areas.
- 02.** The court shall be configured so that individual mobile restaurant parking locations or stations are positioned outside of the street right-of-way, and that access to the mobile restaurants from patrons may also take place outside of the right-of-way.
- 03.** Each mobile restaurant station shall be of sufficient width or depth to maintain at least ten feet between adjacent mobile restaurants to permit pedestrian circulation.
- 04.** Mobile restaurant courts shall include adequate public restroom facilities that are centrally-located or adequately dispersed throughout the site.
- 05.** Each mobile restaurant court shall set aside 20 square feet of land area for permanent on-site patron seating. Permanent seating shall be installed and may be supplemented with additional temporary seating as needed. In no instance shall there be less than five permanent seats for each individual mobile restaurant station.
- 06.** Refuse and recycling collection facilities shall be centrally located or dispersed throughout the site. On-site refuse or recycling facilities intended for collection of trash and recycling for the entire use shall be screened in accordance with Section <>, **Screening**.

**4.3.95. RETAIL, GENERAL**

- A.** Nothing shall limit the placement of retail use within a unified development or mixed-use development, provided the development meets the minimum size and access requirements for unified developments or mixed uses, as appropriate.
- B.** Such uses shall comply with the standards in Section <>, **Non-Residential Design Standards**, including the standards for large format retail establishments, if applicable.
- C.** Wholesale sales, manufacturing, assembly of raw materials, or on-site consumption of products shall not take place as part of a general retail use.



- D.** Outdoor display and sales may be permitted as a secondary use, subject to the standards in Section <>, Outdoor Display/Sales, provided such display and sales areas:
  - 01.** Comply with locational requirements;
  - 02.** Do not interfere with safe vehicular or pedestrian circulation; or
  - 03.** Obstruct the proper function of stormwater control measures.
- E.** All outdoor storage shall be screened in accordance with the applicable standards in Section <>, Screening.
- F.** Outdoor storage of any kind, including storage within containers, shall not exceed the height of the principal structure.
- G.** All drive throughs and canopies shall comply with the standards in Section <>, Drive-Through, and Section <>, Canopies (Drive Through and Fuel, etc.).

#### **4.3.96. RETAIL, LARGE FORMAT**

Retail establishments meeting the standards for a large format retail use shall comply with the applicable standards for such uses in Section <>, Non-residential Design Standards.

#### **4.3.97. RETAIL, MICRO**

- A.** Micro retail uses shall be limited to no more than ten separate tenants or establishment spaces per use.
- B.** No individual tenant or establishment space shall exceed 1,000 square feet, but shall not include shared storage or patron areas.
- C.** Outdoor sales and display is permitted in accordance with Section <>, Outdoor Display/Sales, but all outdoor display or sales shall take place in a single central area that serves all micro retail tenants.
- D.** Off-street parking standards shall be in accordance with the requirements for micro retail uses rather than the individual tenants.

#### **4.3.98. SALVAGE AND JUNKYARD**

- A.** The minimum area required to establish a salvage and junkyard shall be five acres.
- B.** The operations of salvage and junkyards shall not be any closer than 500 feet to any residential lot line, school, hospital, congregate care home, or day care facility.
- C.** All portions of a salvage or junkyard containing junked or wrecked vehicles, inoperable vehicles, or operable vehicles used for parts shall be fully screened in accordance with Section <>, Screening.
- D.** All screening shall be maintained in a sound and stable manner for the life of the operation.
- E.** Equipment capable of producing noise or sound in excess of 70 decibels shall be located no closer than 100 feet to the nearest lot line. Operations that produce noise that is audible on offsite areas shall not take place on Sundays, holidays, or at any time between the hours of 6:00 PM and 7:00 AM.
- F.** No vibration shall be produced which is transmitted through the ground and which is discernable without the aid of instruments at or beyond the lot line.
- G.** Emissions of dust and particulates shall be in accordance with the State of North Carolina rules and regulations governing air contamination and air pollution. Particulate matter emission from materials and products subject to becoming windborne shall be kept to a minimum by paving, sodding, oiling, wetting, covering, or other means such as to render the surface wind resistant.
- H.** Gasoline and oil shall be removed from scrap engines or vehicles on the premises and adequately stored for disposal.
- I.** Salvage and junkyard sites shall be adequately drained to assure that no standing water shall exist that might provide breeding habitation for insects.

#### **4.3.99. SCHOOL, ELEMENTARY OR MIDDLE**

- A.** Elementary and middle schools shall be located on sites of three acres or more.
- B.** Outdoor recreation areas shall be surrounded by a fence at least four feet in height.



- C.** A middle school shall include a Type C perimeter buffer configured in accordance with Section <>, Perimeter Buffers, shall be installed along all lot lines shared with a residential district.

### **4.3.100. SCHOOL, HIGH**

- A.** A high school shall be located on a lot or site of at least five acres in area.
- B.** A Type C perimeter buffer configured in accordance with Section <>, Perimeter Buffers, shall be installed along all lot lines shared with a residential district.
- C.** Outdoor recreation areas that include illumination shall comply with the standards in Section <>, Exterior Lighting.
- D.** Outdoor storage shall be screened in accordance with Section <>, Screening.

### **4.3.101. SCHOOL, VOCATIONAL**

Facilities within a vocational school which generate significant noise or fumes, such as auto body or engine repair, industrial/auto body painting, or manufacturing processes, and that are adjacent to a residential district shall be at least 200 feet from any lot line abutting the residential district.

### **4.3.102. SELF STORAGE (INDOOR AND OUTDOOR)**

Self-storage use types shall comply with the following standards:

- A.** The use shall be located on a lot or site of at least two acres in area.
- B.** All storage shall be contained within a fully enclosed building. Outdoor storage may be permitted as a secondary use in accordance with the standards in Section <>, Secondary Uses.
- C.** External-access only storage buildings shall not exceed 20 feet or one story in height; indoor-only storage buildings with shared ground-floor entrances may exceed one story height but shall remain subject to the applicable zoning district standards.
- D.** No activity other than storage shall take place within a storage unit.
- E.** The following uses and activities shall be prohibited as a part of indoor storage:
  - 01.** Habitation of storage units by humans or animals;
  - 02.** Storage of hazardous, toxic, or explosive substances;
  - 03.** Commercial, wholesale, or retail sales, flea markets or peddling, or miscellaneous or garage sales;
  - 04.** Servicing, repair, or fabrication of vehicles or equipment;
  - 05.** Operation of power tools, except when needed for maintenance of the use; or
  - 06.** Operation of a transfer-and-storage business.
- F.** In no instance shall a tractor trailer be used for storage except as part of active construction of a principal or secondary use. Nothing shall prohibit the indoor storage use from conducting a quarterly one-day sale of abandoned or stored materials to settle unpaid storage bills in accordance with State regulations.

### **4.3.103. SEXUALLY-ORIENTED BUSINESSES**

- A.** No sexually-oriented business shall be located within 5,280 linear feet of a religious institution; elementary, middle, or high school; residentially-zoned property, any establishment serving on premises beverages requiring an ABC license, or any other sexually-oriented business.
- B.** There shall be no more than one such use on the same property or in the same building or structure.
- C.** Except for permanent signage as permitted in Section <>, Signage, there shall be no advertisement, promotional materials, displays, or temporary signs visible to the public from public rights-of-way.

### **4.3.104. SINGLE-FAMILY DETACHED DWELLING**

- A.** Modular homes shall comply with the standards in NCGS§ 160D-911, and shall be treated as site built single-family detached structures.



- B.** A single-family detached dwelling shall meet all applicable State Residential Building Code standards for one-family or two-family homes, including minimum room size and ceiling clearance requirements.
- C.** Single-family detached dwellings constructed in a conditional zoning district may be subject to a condition of approval requiring compliance with the standards in Section <>, Single-Family Residential Design Guidelines.
- D.** Single-family detached development in all other conventional districts may comply with Section <>, Single-Family Residential Design Guidelines, with the consent of the landowner(s) at the time of application to establish the development.

#### **4.3.105. SMALL WIRELESS FACILITY**

See Section <>, Telecommunications Facilities.

#### **4.3.106. SOLAR ENERGY SYSTEM, LEVELS 2 OR 3**

A Level 2 or 3 solar energy conversion use shall comply with the standards in NCGS§160D-911, and the following:

- A.** The facility shall be on a site of at least one acre in area.
- B.** Signage shall be limited to ownership and contact information, and any other information required by State or federal government regulation.
- C.** Commercial advertising is prohibited.
- D.** The entire facility shall be enclosed by a fence of at least six feet in height with a locking gate.
- E.** Equipment shall be configured so as not to create glare or shadows on adjacent lands.
- F.** A Type C perimeter buffer configured in accordance with Section <>, Perimeter Buffers, shall be installed along all lot lines shared with a residential district.
- G.** Applications for establishment of a new or expansion of an existing level 2 or 3 solar energy conversion use shall include a copy of the NCDEQ-approved decommissioning plan and documentation of the required financial assurance provided to NCDEQ in accordance with NCGS§ 130A-309.240.

#### **4.3.107. TANNING SALON**

All activities shall take place within an enclosed structure.

#### **4.3.108. TATTOO AND BODY PIERCING**

- A.** All activity shall take place within an enclosed structure.
- B.** Tattoo and piercing establishments shall obtain all required State and local licenses and permits.
- C.** Windows and glass doors shall not be obstructed with tinting or other coatings that prevent visibility into the establishment.
- D.** The use shall maintain proper sharps and biohazard disposal protocols, including tamper-proof containers for these types of wastes when located outdoors in areas accessible by the public.

#### **4.3.109. TELECOMMUNICATIONS FACILITIES**

Major, minor, and concealed telecommunications towers, as well as antenna collocations, and small wireless facilities shall comply with the standards in NCGS Chapter 160D Article 9, Part 3, and the following standards:

##### **A. PURPOSE AND INTENT**

This section establishes general standards for the siting of telecommunications facilities that will provide for the public health, safety, and welfare. The standards are intended to ensure that residents, businesses, and public safety operations in the Town's jurisdiction have reliable access to telecommunications services. More specifically, the provisions of this section are intended to:

- 01.** Ensure adequate protection of residential areas and uses from potential adverse impacts of telecommunications facilities, and to generally encourage the location of these facilities in areas where adverse impact on the community is minimal;



- 02. Encourage the placement of telecommunications facilities in non-residential areas;
- 03. Minimize the number of new telecommunications towers taller than 40 feet in height;
- 04. Create conditions where telecommunications service providers are able to provide telecommunications services effectively and efficiently in accordance with State and federal law;
- 05. Strongly encourage the joint use or collocation of new and existing telecommunications facilities so as to minimize the number of new telecommunications towers throughout the Town;
- 06. Establish collocation and concealed towers as the preferred options for the accommodation of telecommunications equipment; and
- 07. Ensure that telecommunications facilities located within the public right of way do not obstruct sight distance triangles or create safety hazards for pedestrians or bicyclists.

**B. APPLICABILITY**

The standards in this section shall apply to all telecommunications facilities except for the following, which are exempted from these standards but remain subject to all other applicable standards in this Ordinance:

- 01. Removal of antennas, antenna support structures, or telecommunications equipment on an existing telecommunications tower, utility pole, vertical projection, or equipment compound that does not result in a substantial modification;
- 02. The operation of a small wireless facility solely within the interior of a structure, stadium, athletic facility, or within a public street right-of-way;
- 03. Routine maintenance on an existing wireless telecommunication facility;
- 04. Installation, modification, or operation of a micro-wireless facility, receive-only television antenna, or receive-only radio antenna for noncommercial use;
- 05. Installation, modification, or operation of FCC-licensed amateur (“ham”) radio equipment; and
- 06. Dish antenna or earth stations.

**C. GENERAL STANDARDS APPLICABLE TO ALL TYPES OF TELECOMMUNICATIONS FACILITIES**

The following requirements shall apply to all new telecommunications facilities and any modifications to an existing telecommunications facility that exceeds the scope of routine maintenance, as defined in this section.

**01. BUILDING PERMIT REQUIRED**

Prior to installation or modification exceeding the scope of routine maintenance, all telecommunications facilities subject to these standards shall receive a Building Permit in accordance with the requirements in this Ordinance.

**02. COMPLIANCE WITH FEDERAL AND STATE REGULATIONS**

- a. All telecommunication facilities shall comply with or exceed current standards and regulations of the Federal Aviation Administration (FAA), the Federal Communications Commission (FCC), and any other agency of the federal government that regulates telecommunications facilities.
- b. In addition to federal requirements, all telecommunication facilities shall comply with or exceed current standards and regulations of the State of North Carolina pertaining to telecommunications facilities in NCGS §§160D-930 through 160D-934.

**03. INTERFERENCE**

No telecommunication facility shall disturb, diminish, or interfere with public safety, radio, television, or other wireless communications signals in accordance with FCC requirements.

**04. STRUCTURALLY SOUND**

All elements of a telecommunication facility shall demonstrate, to the satisfaction of the Town, that the equipment and the structure supporting the equipment is structurally sound and can accommodate the proposed equipment and appurtenances.

**05. SIGHT DISTANCE AT INTERSECTIONS**

All elements of a telecommunication facility shall be located outside of, and shall in no way obstruct, required sight distances at street intersections. This requirement shall apply to existing streets as well as to future street intersections that have been designed or where right-of-way is currently being protected by the Town.

**06. ACCESSORY EQUIPMENT**



- a. Accessory equipment, including any buildings, cabinets, or shelters, shall be used only for the purposes of housing telecommunications equipment and other supplies in direct support of the operation of the telecommunications facility.
- b. Any equipment or materials not used in direct support of such operation shall not be stored on the site.

**07. SITE GRADING**

Grading and vegetation removal for a telecommunications facility shall comply with all applicable standards for soil erosion & sedimentation control, and be limited to the area necessary for the facility and any required secondary structures, including stormwater management devices, access drives, or off-street parking.

**08. LIGHTING**

- a. Lighting of a telecommunications facility shall be limited to that required for compliance with FAA minimum standards.
- b. Any lighting required by the FAA must be of the minimum intensity and number of flashes per minute (i.e., the longest duration between flashes) allowable by the FAA.
- c. Nighttime strobing or flashing lights are prohibited, unless required by the FAA.
- d. Lights serving equipment compounds or other service areas shall be configured so that the source of illumination is not visible from off-site areas.
- e. All exterior lighting shall comply with the lighting regulations of this Ordinance.

**09. SIGNAGE**

- a. Signage shall be limited to safety or informational signage identifying the party responsible for the operation and maintenance of the facility and any additional security or safety signs, as necessary, in the opinion of the Town.
- b. If the electrical service is in excess of 220 volts, the telecommunications facility shall include signs located at least every 20 feet around the perimeter that display the words "HIGH VOLTAGE – DANGER" in bold, high contrast letters with minimum height of four inches for each letter.
- c. No signage shall be posted higher than 15 feet above grade.
- d. Signage required by this section shall be considered to be safety or governmental signage that is not subject to 1st Amendment protection regarding the regulation of sign content.

**10. UNAUTHORIZED ACCESS PROHIBITED**

Telecommunications towers and vertical projections with telecommunications equipment with a height of 30 feet above grade or more shall be designed or configured to prevent unauthorized persons from climbing on the telecommunication facility whether through use of walls or fencing with a minimum height of six feet above adjacent grade or anticlimbing devices.

**D. STANDARDS FOR SPECIFIC TYPES OF TELECOMMUNICATION FACILITIES**

Table <>, Standards for Specific Types of Telecommunication Facilities, sets out the standards that apply to the identified type of telecommunications facility, and shall apply in addition to the standards in Section <>, General Standards Applicable to All Types of Telecommunications Facilities.

**TABLE <>: STANDARDS FOR SPECIFIC TYPES OF TELECOMMUNICATION FACILITIES**

**01. TELECOMMUNICATION TOWER, MAJOR**

New or replacement major telecommunications towers shall comply with the following standards:

<b>a. Towers Distinguished</b>	<ul style="list-style-type: none"> <li>i. Except when configured as a concealed tower, a new or replacement telecommunications tower with a height of 40 feet or more above grade is a major telecommunications tower subject to these standards.</li> <li>ii. A new or replacement telecommunications tower with a height less than 40 feet above grade shall be considered a minor telecommunications tower and shall be subject to the standards for a minor telecommunications tower in this table.</li> <li>iii. A concealed telecommunications tower configured to appear as a structure other than a major or minor telecommunications towers and with a height of less than 80 feet shall be subject to the standards for a concealed tower.</li> </ul>
<b>b. Type of Structure</b>	<ul style="list-style-type: none"> <li>i. Telecommunications towers shall be configured as a monopole, self-supporting tower, or be concealed in accordance with this table.</li> <li>ii. Construction of new guyed telecommunications tower configurations are prohibited.</li> </ul>



**TABLE <=>: STANDARDS FOR SPECIFIC TYPES OF TELECOMMUNICATION FACILITIES**

**01. TELECOMMUNICATION TOWER, MAJOR**

New or replacement major telecommunications towers shall comply with the following standards:

<p><b>c. Setbacks</b></p>	<ul style="list-style-type: none"> <li>i. Towers and their associated antennas shall be set back at least one foot from the front, side, and rear lot lines for each foot of overall telecommunications facility height.</li> <li>ii. In cases where an existing telecommunication tower's height is increased or where an existing telecommunications tower is replaced in order to accommodate a major or minor collocation, the existing or replacement tower shall comply with the setback requirements, to the maximum extent practicable.</li> <li>iii. Secondary structures, including equipment cabinets and other ground-based equipment shall conform with the applicable dimensional requirements for the zoning district where located.</li> </ul>
<p><b>d. Maximum Height</b></p>	<ul style="list-style-type: none"> <li>i. The maximum height (including antenna and other appurtenances) for any new, replaced, or collocated wireless telecommunication tower is 199 feet, as measured from the adjacent pre-construction grade to the top of the highest appurtenance on the tower.</li> <li>ii. In no instance shall the collocation of an eligible facility or a collocation that constitutes a substantial modification result in a telecommunication tower with a height that exceeds 199 feet above the adjacent preconstruction grade.</li> <li>iii. In cases where a telecommunications tower is mounted to or on top of a building, the overall height of the building and the attached tower shall not exceed 199 feet from the adjacent preconstruction grade. The adjacent preconstruction grade shall be the grade at the base of the building closest to the tower.</li> </ul>
<p><b>e. Collocation Required</b></p>	<ul style="list-style-type: none"> <li>i. Telecommunications towers shall be designed to accommodate the present and future needs of the owner and as well as the collocation of additional equipment, in accordance with the following standards:             <ul style="list-style-type: none"> <li>1 Towers of 40 to 80 feet in height shall be configured to accommodate the collocation of at least two wireless telecommunications service provider's equipment.</li> <li>2 Towers of 81 to 130 feet in height shall be configured to accommodate the collocation of at least three wireless telecommunications service provider's equipment.</li> <li>3 Towers of 131 feet in height or higher shall be configured to accommodate the collocation of at least four wireless telecommunications service provider's equipment.</li> </ul> </li> <li>ii. In no instance shall an existing telecommunications tower be permitted to remain in place for a period of more than 60 days following installation of a replacement telecommunications tower constructed to accommodate a collocation.</li> </ul>
<p><b>f. Screening</b></p>	<ul style="list-style-type: none"> <li>i. Except when located in commercial or industrial zoning districts, all ground-based elements, such as an equipment compound or equipment cabinets, shall be completely screened from off-site views through the use of a fully opaque wooden privacy fence, masonry wall, or two staggered rows of evergreen shrubs located around the perimeter of the ground-based elements.</li> <li>ii. Screening is not required for ground-based equipment that is not visible from off-site areas.</li> <li>iii. Landscaping material shall reach and maintain a minimum height of six feet above grade within four years of planting.</li> <li>iv. Landscaping material is not required in front of access gates, provided the gates are fully opaque or are not visible from off-site areas.</li> </ul>
<p><b>g. Example Images</b></p>	<p>The following images depict potential monopole telecommunications tower configurations, and are provided for informational purposes only.</p>



**TABLE <=>: STANDARDS FOR SPECIFIC TYPES OF TELECOMMUNICATION FACILITIES**

**01. TELECOMMUNICATION TOWER, MAJOR**

New or replacement major telecommunications towers shall comply with the following standards:



**TABLE <=>: STANDARDS FOR SPECIFIC TYPES OF TELECOMMUNICATION FACILITIES**

**02. TELECOMMUNICATION TOWER, CONCEALED AND MINOR**

New or replacement concealed, or minor telecommunications towers shall comply with the following standards:

<p><b>a. Towers Distinguished</b></p>	<ul style="list-style-type: none"> <li>i. A concealed telecommunications tower is a telecommunications tower and associated equipment that is designed to appear as something other than a traditional telecommunications facility.</li> <li>ii. A minor telecommunications tower is a use that is designed to appear as a traditional telecommunications facility except that the maximum height of the tower portion of the facility is less than 40 feet above grade.</li> </ul>
<p><b>b. Appearance of a Concealed Telecommunications Tower</b></p>	<ul style="list-style-type: none"> <li>i. A concealed telecommunications tower shall be configured to conceal the presence of the tower, antennas, antenna-support structures, and related telecommunications equipment in order to obscure its purpose as a telecommunications facility, to the maximum extent practicable.</li> <li>ii. Allowable configurations include, but are not limited to: bell towers, clock towers, water towers, silos, chimneys, steeples, light poles, flag poles, or evergreen trees.</li> <li>iii. Antennae, antenna support structures, cabling, and related appurtenances shall be enclosed, camouflaged, screened, or otherwise obscured so that they are not readily identifiable as telecommunications equipment to the casual observer.</li> <li>iv. Equipment cabinets and related structures shall be designed, located, and camouflaged in a manner that is compatible with the tower portion of the facility.</li> <li>v. Placement of ground-based telecommunications equipment associated with a concealed telecommunications tower is strongly encouraged to be located indoors or underground.</li> <li>vi. In no instance shall a concealed telecommunications tower have a height exceeding 80 feet. Any concealed telecommunications tower with a height exceeding 80 feet shall be reviewed in accordance with the standards and requirements for a major telecommunications tower.</li> </ul>
<p><b>c. Setbacks</b></p>	<ul style="list-style-type: none"> <li>i. Concealed and minor telecommunications towers and associated secondary structures, including equipment cabinets, shall comply with the applicable dimensional requirements for non-residential uses in the zoning district where located.</li> <li>ii. In no instance shall a concealed or minor telecommunications tower be exempted from the minimum applicable setback requirements for nonresidential uses.</li> </ul>



**TABLE <>: STANDARDS FOR SPECIFIC TYPES OF TELECOMMUNICATION FACILITIES**

**02. TELECOMMUNICATION TOWER, CONCEALED AND MINOR**

New or replacement concealed, or minor telecommunications towers shall comply with the following standards:

	<ul style="list-style-type: none"> <li>iii. In cases where an existing concealed telecommunication tower's height is increased or where an existing concealed telecommunications tower is replaced in order to accommodate a major or minor collocation, the existing or replacement concealed telecommunications tower shall comply with the setback requirements in subsection (i) above, to the maximum extent practicable.</li> </ul>
<p><b>d. Maximum Height</b></p>	<ul style="list-style-type: none"> <li>i. The maximum height for any concealed telecommunication tower is 199 feet, as measured from the adjacent pre-construction grade to the top of the highest appurtenance on the tower.</li> <li>ii. In no instance shall a collocation of an eligible facility or work associated with a substantial modification result in a concealed telecommunication tower with a height that exceeds 80 feet above the adjacent pre-construction grade.</li> <li>iii. The maximum height for a minor telecommunications tower is less than 40 feet from the adjacent pre-construction grade to the top of the highest appurtenance on the tower.</li> </ul>
<p><b>e. Collocation</b></p>	<ul style="list-style-type: none"> <li>i. Concealed and minor telecommunications towers are encouraged (but not required) to accommodate the collocation of other antennae.</li> <li>ii. Collocations of equipment on a minor telecommunications tower (whether a major or minor collocation) shall not increase the overall height of the tower by more than 10 feet beyond the initially approved height of the minor telecommunications tower. Actions that result in an increase in tower height by more than 10 feet shall require the minor telecommunications tower to undergo review as a major telecommunications tower.</li> <li>iii. Any collocated equipment on a concealed telecommunications tower must maintain the appearance of the facility as a concealed telecommunications tower.</li> <li>iv. In no instance shall a concealed telecommunications tower be replaced with a telecommunications tower that is not concealed in order to accommodate a collocation.</li> </ul>
<p><b>f. Screening</b></p>	<ul style="list-style-type: none"> <li>i. Except when located in commercial or industrial zoning districts, all ground-based elements, such as an equipment compound or equipment cabinets, shall be completely screened from off-site views through the use of a fully opaque wooden privacy fence, masonry wall, or two staggered rows of evergreen shrubs located around the perimeter of the ground-based elements.</li> <li>ii. Screening is not required for ground-based equipment that is not visible from off-site areas.</li> <li>iii. Landscaping material shall reach and maintain a minimum height of six feet above grade within four years of planting.</li> <li>iv. Landscaping material is not required in front of access gates, provided the gates are fully opaque or are not visible from off-site areas.</li> </ul>
<p><b>g. Example Images</b></p>	<p>The following images depict potential concealed telecommunications tower configurations, and are provided for informational purposes only.</p>



**TABLE <>: STANDARDS FOR SPECIFIC TYPES OF TELECOMMUNICATION FACILITIES**

**03. COLLOCATION OF ANTENNAS**

Collocations, whether on a building wall or roof, a telecommunications tower, or on another vertical projection such as a water tank or electrical transmission tower, shall comply with the following standards:

<p><b>a. Collocations Distinguished</b></p>	<ul style="list-style-type: none"> <li>i. All collocations shall be classified as either a major collocation or a minor collocation in accordance with Section &lt;&gt;, Terms Defined, and the following standards.</li> <li>ii. A major collocation includes placement of antennas, antenna-support structures, and related wireless telecommunications equipment on any of the following:             <ul style="list-style-type: none"> <li>1 A building’s roof;</li> <li>2 A building’s wall;</li> <li>3 A vertical projection such as a water tank, electric transmission tower, or similar vertical projection not constructed for the sole purpose of providing wireless telecommunications services; or</li> <li>4 An existing or replacement telecommunications tower where the collocation requires a substantial modification, as defined in these standards and NCGS§160D-931.</li> </ul> </li> <li>iii. A minor collocation includes placement of antennas, antenna-support structures, and related wireless telecommunications equipment on an existing or replacement telecommunications tower, provided no substantial modification, as defined in these standards and NCGS§160D-931, is required. A minor collocation may also be referred to as an “eligible facility,” as defined in these standards and NCGS§160D-931.</li> <li>iv. In addition to the placement of antennas and antenna support structures, collocations may also include the placement of telecommunications equipment on a telecommunications tower, on a vertical projection, on the ground in close proximity to a telecommunications tower or vertical project, within an equipment compound, within an equipment cabinet, within a building, or on a building’s roof.</li> <li>iv. Nothing shall prohibit the replacement of an existing telecommunications tower or activities that increase the overall height of an existing telecommunications tower in order to accommodate a proposed collocation.</li> </ul>
<p><b>b. Substantial Modification</b></p>	<ul style="list-style-type: none"> <li>i. Collocations on an existing or replacement telecommunications tower that require or result in any of the following shall be considered a substantial modification in accordance with these standards.</li> <li>ii. Increasing the existing overall height of the telecommunications tower by the greater of:             <ul style="list-style-type: none"> <li>1.20 feet; or</li> <li>2. More than ten percent; or</li> </ul> </li> <li>iii. Adding an appurtenance (excluding cabling supports) to the body of an existing telecommunications tower that protrudes horizontally from the edge of the tower by the greater of:</li> <li>iv. Collocation             <ul style="list-style-type: none"> <li>1. More than the width of the telecommunications tower at the height of the appurtenance; or</li> <li>2. More than 20 feet from the edge of the tower; or</li> <li>3. Increasing the square footage of an existing equipment compound by more than 2,500 square feet.</li> </ul> </li> <li>v. Substantial modifications that require an increase in the overall height of an existing telecommunications tower or require a replacement tower that exceeds the height of the existing telecommunications tower by more than 40 feet shall require review as a new telecommunication tower subject to the standards in this table.</li> <li>vi. In no instance shall an existing telecommunications tower be permitted to remain in place for a period of more than 60 days following installation of a replacement telecommunications tower constructed to accommodate a collocation.</li> </ul>
<p><b>c. Collocation Prohibited</b></p>	<p>In no instance shall a collocation take place on or in a single family detached, duplex, or attached residential structure.</p>



**TABLE <>: STANDARDS FOR SPECIFIC TYPES OF TELECOMMUNICATION FACILITIES**

**03. COLLOCATION OF ANTENNAS**

Collocations, whether on a building wall or roof, a telecommunications tower, or on another vertical projection such as a water tank or electrical transmission tower, shall comply with the following standards:

<b>d. Maximum Height</b>	Antennae, antenna-support structures, or other telecommunications equipment, associated with a major collocation on a building wall or roof shall not project more than ten feet above the highest point of the building’s roof or parapet wall.
<b>e. Method of Attachment</b>	<ul style="list-style-type: none"> <li>i. Antennae, antenna-support structures, or other telecommunications equipment, associated with a collocation shall be mechanically fastened to the building, roof, vertical projection, or telecommunications tower in a manner that minimizes the potential for structural failure or endangerment of the public from falling telecommunications equipment.</li> <li>ii The Planning Director shall require an applicant for a collocation to furnish evidence from a professional engineer licensed in the State of North Carolina that the proposed collocation meets the applicable State and local building and fire code requirements.</li> </ul>
<b>f. Appearance When Concealed</b>	When a collocation is proposed on a concealed telecommunications tower, the collocation shall be configured in the manner necessary to ensure the tower’s concealment is not compromised or negatively impacted.
<b>g. Setbacks</b>	<ul style="list-style-type: none"> <li>i. In cases where an existing telecommunication tower’s height is increased or where an existing telecommunications tower is replaced in order to accommodate a collocation, the existing or replacement tower shall be set back at least one foot from the front, side, and rear lot lines for each foot of overall telecommunications facility height, to the maximum extent practicable.</li> <li>ii. Secondary structures, including equipment cabinets, guy wire anchors, and other ground-based equipment shall conform with the applicable dimensional requirements for the zoning district where located.</li> </ul>
<b>h. Screening</b>	<ul style="list-style-type: none"> <li>i. Except when located in commercial or industrial zoning districts, all ground-based elements, such as an equipment compound or equipment cabinets, shall be completely screened from off-site views through the use of a fully opaque wooden privacy fence, masonry wall, or two staggered rows of evergreen shrubs located around the perimeter of the ground based elements.</li> <li>ii. Screening is not required for ground-based equipment that is not visible from off-site areas.</li> <li>iii. Landscaping material shall reach and maintain a minimum height of six feet above grade within four years of planting.</li> <li>iv. Landscaping material is not required in front of access gates, provided the gates are fully opaque or are not visible from off-site areas.</li> <li>v. Roof- or building wall-mounted wireless telecommunications equipment (excluding antennae and antenna-support structures) shall be screened from view or shall be camouflaged in order to minimize its appearance from on-site and off-site areas.</li> </ul>
<b>i. Example Images</b>	The following images depict potential collocation configurations, and are provided for informational purposes only.



**TABLE <>: STANDARDS FOR SPECIFIC TYPES OF TELECOMMUNICATION FACILITIES**

**04. SMALL WIRELESS FACILITY**

Small wireless facilities may be located within a public right-of-way, other right-of-way, or on an individual lot only in accordance with the following standards:

<b>a. Consolidated Application</b>	An applicant may file a single consolidated application for up to 25 separate small wireless facilities at one time, but the Town may choose to issue separate decisions on one or more of the facilities included within a consolidated application.
<b>b. Located within Public right-of-Way</b>	In cases where a small wireless facility is proposed within a public right-of-way, the small wireless facility shall comply with the Town’s policies and standards for right-of-way management instead of the standards in this section.
<b>c. Time Frame for Review</b>	Applications for establishment of a small wireless facility shall be processed and decided within 45 days from the date the application is determined to be complete. Nothing shall prohibit the Town and the applicant from mutually agreeing to a longer review period.
<b>d. Timing for Operation</b>	Construction of a small wireless facility shall commence within six months of its approval and the small wireless facility shall be activated for use within one year from the permit issuance date, unless delayed by a lack of commercial power at the site.
<b>e. Maximum Equipment Size</b>	<ul style="list-style-type: none"> <li>i. In no instance shall a small wireless facility exceed the following maximum size limitations:               <ul style="list-style-type: none"> <li>1 Each antenna, and any exposed elements, shall be capable of fitting within an enclosure of six cubic feet, or less.</li> <li>2 All other wireless equipment associated with the small wireless facility shall maintain a maximum cumulative volume of 28 cubic feet, or less. The following types of ancillary equipment are not included in the calculation of equipment volume: electric meters, concealment elements, telecommunications demarcation boxes, grounding equipment, power transfer switches, cut-off switches, vertical cable runs for the connection of power and other services, or the support structure.</li> </ul> </li> <li>ii. A small wireless facility that exceeds these maximum size limitations shall be reviewed in accordance with the standards for a collocation.</li> </ul>
<b>f. Maximum Height</b>	<ul style="list-style-type: none"> <li>i. No new structure intended to support a small wireless facility shall be taller than 50 feet above the adjacent pre-construction grade.</li> <li>ii. An existing structure (such as a utility pole, light standard, sign, etc.) may be replaced in order to accommodate a small wireless facility, but the replacement structure shall not exceed the height of the original structure being replaced.</li> <li>iii. In no instance shall the antennae or equipment associated with a small wireless facility project more than ten feet above the height of the structure the small wireless facility is mounted on.</li> <li>iv. In cases where a new structure installed to serve a small wireless facility exceeds 50 feet in height, the structure shall be reviewed and decided in accordance with the standards for a telecommunications tower.</li> <li>v. In cases where a replacement structure intended to serve a small wireless exceeds the height of the original structure, the replacement structure shall be reviewed and decided in accordance with the standards for a collocation.</li> </ul>
<b>g. Placement</b>	A small wireless facility, including the support structure and all other equipment, shall not obstruct the safe passage of vehicles, pedestrians, or bicycles.
<b>h. Method of Attachment</b>	<ul style="list-style-type: none"> <li>i. Antennae, antenna-support structures, or other wireless telecommunications equipment, associated with a small wireless facility shall be mechanically fastened to the supporting structure in a manner that minimizes the potential for structural failure or endangerment of the public from falling wireless telecommunications equipment.</li> <li>ii. The Planning Director shall require an applicant for a small wireless facility to furnish evidence from a professional engineer licensed in the State of North Carolina that the proposed wireless telecommunications facility meets the applicable State and local building and fire code requirements.</li> </ul>
<b>i. Appearance</b>	i. The portion of a small wireless facility attached to the support structure shall match the color of the support structure, to the maximum extent practicable.



**TABLE <>: STANDARDS FOR SPECIFIC TYPES OF TELECOMMUNICATION FACILITIES**

**04. SMALL WIRELESS FACILITY**

Small wireless facilities may be located within a public right-of-way, other right-of-way, or on an individual lot only in accordance with the following standards:

	ii. In cases where an applicant proposes inclusion of a small wireless facility on a decorative support structure, sign, or other existing structure not constructed solely for the purposes of providing telecommunications services, the Town may require the small wireless facility to be configured or concealed to ensure compatibility with the structure.
j. Screening	i. Except when located in commercial or industrial zoning districts, all ground-based equipment shall be completely screened from off-site views through the use of a fully opaque wooden privacy fence, masonry wall, or two staggered rows of evergreen shrubs located around the perimeter of the ground-based equipment. ii. Screening is not required for ground-based equipment that is not visible from off-site areas.
k. Electrical Service	In cases where a small wireless facility is proposed in areas where electrical service is underground, all electrical service to the small wireless facility shall also be underground.
l. Example Images	The following images depict potential small wireless facility configurations, and are provided for informational purposes only.



**E. NONCONFORMING TELECOMMUNICATIONS FACILITIES**

01. Lawfully established telecommunications facilities in operation prior to *(insert the effective date of this Ordinance)*, that do not comply with these standards may remain. Changes to these facilities after *(insert the effective date of this Ordinance)*, shall be subject to all the applicable standards in this Ordinance.
02. Minor collocation of antennae, antenna-support structures, and related telecommunications equipment is allowed in accordance with the requirements in [Table <>](#), Standards for Specific Types of Telecommunication Facilities, provided that the overall height of the existing nonconforming wireless telecommunications facility remains unchanged or is reduced.
03. In no instance shall a collocation resulting in an increased overall height or a requiring substantial modification, as defined in this section and NCGS§160D-932, after *(insert the effective date of this Ordinance)* be permitted without reaching full compliance with the standards of this Ordinance.

**F. CESSATION, ABANDONMENT, AND REMOVAL OF TELECOMMUNICATIONS FACILITIES**

**01. CESSATION**

- a. A telecommunication facility shall be considered to have ceased operation if:
  - i. The Town receives written notice from a telecommunication services provider that it intends to cease operations at a particular telecommunication facility; or



- ii. A telecommunications facility ceases to transmit a telecommunications signal for a period of 30 consecutive days or longer.
- b. Upon receipt of a written notice from a telecommunication services provider or upon determination that a telecommunication facility has ceased operation, the Town shall forward written documentation of the cessation to the telecommunication services provider, or the owner of the land, if different.

**02. ABANDONMENT**

- a. The telecommunications facility shall be deemed abandoned if telecommunications signals do not resume for a period of 180 consecutive days or longer from the date the written documentation of cessation is filed.
- b. Upon determining that a telecommunications facility has been abandoned, the Town shall forward written documentation of the abandonment to the telecommunication services provider, or the owner of the land, if different.

**03. REMOVAL**

- a. The Town may require the telecommunication services provider or the owner of the land, if different, to remove an abandoned telecommunications facility within 30 days of the date it is deemed abandoned.
- b. Should the telecommunication services provider, or the owner of the land, if different, fail to remove the abandoned telecommunications facility within 30 days of the date that notice of abandonment is filed, the Town may cause the telecommunications facility to be removed and may recover the actual cost of such removal, including legal fees, if any, from the telecommunication services provider, or the owner of the land, if different.

**4.3.110. THEATERS, INDOOR**

- A.** Ticket purchase areas shall be configured so that patron queues take place entirely indoors or in outdoor gathering areas that do not impede the movement of pedestrian, bicycles, or vehicles.
- B.** All exits, including emergency exits, shall be served with sidewalks or pedestrian walkways configured so that patrons may exit the building within the need to walk in parking lot drive aisles or streets.
- C.** Theatres that include restaurants or sit-down dining facilities shall comply with all applicable requirements in [Section <>](#), [Restaurants](#).

**4.3.111. THEATERS, OUTDOORS**

- A.** The hours of operation allowed shall be compatible with the land uses adjacent to the outdoor theater.
- B.** The amount of noise generated shall not disrupt the activities of the adjacent land uses.
- C.** Principal access must be from a major street.
- D.** No part of any theater screen, projection booth, or other building shall be located closer than 500 feet to any residentially zoned property or any closer than 50 feet to any other property line or public street right-of-way.
- E.** No parking space shall be located closer than 100 feet from any residentially-zoned property.
- F.** The theater screen shall not face a major street.

**4.3.112. TINY HOME (PERMANENT)**

- A.** Permanent tiny homes are single-family detached dwellings, whether site-built or manufactured, that are established on a permanent foundation. Tiny homes that remain on a chassis with wheels and a towing mechanism are considered recreational vehicles not single-family detached dwellings.
- B.** Permanent tiny homes shall comply with the following standards:
  - 01.** The maximum square footage for a tiny home shall not exceed 500 square feet;
  - 02.** A permanent tiny home shall be placed on a permanent foundation and all wheels and towing apparatus shall be removed;
  - 03.** In no instance shall a tiny home include more than two detached secondary structures;
  - 04.** Tiny homes shall meet the off-street parking requirements in [Table <>](#), [Minimum Off-Street Parking Spaces Required](#);
  - 05.** A manufactured tiny home shall be configured in accordance with the standards established by the North Carolina Department of Insurance and the most current version of the State of North Carolina Regulations for Manufactured Homes;



- 06. A site-built tiny home may be developed in accordance with the applicable dimensional standards for the zoning district where located, all standards applicable to a single-family detached residential structures in this Ordinance, and all applicable Residential Building Code standards for residential development including all applicable minimum room size and ceiling clearance provisions.
- C. Developments with two or more permanent tiny homes on leaseholds shall comply with the standards in Section <>, Manufactured Home Park.

**4.3.113. TOBACCO, CBD, AND VAPE SHOP**

**A. PURPOSE**

The regulation of tobacco, CBD, and vapor shops is necessary in the interest of protecting public health, safety, and welfare as the uncontrolled expansion of such uses throughout the Town would result in undesirable impacts, including:

- 01. The potential for unlawful sale of tobacco and related products to minors;
- 02. An increased opportunity for the sale of illegal drug paraphernalia marketed as tobacco paraphernalia; and
- 03. The heightened risk of negative aesthetic impacts and loss of property values of residential neighborhoods and businesses in close proximity to such uses.

**B. STANDARDS**

Tobacco, CBD, and vapor shops, as defined by this Ordinance, shall be subject to the following standards:

- 01. Such uses shall secure and maintain all licenses and permits, including licenses to sell vapor products, required by the State prior to operation;
- 02. Such uses shall be separated from the following use types by at least 5,280 linear feet:
  - a. A bar, cocktail lounge, or private club;
  - b. A child day care;
  - c. A community center;
  - d. A library;
  - e. A museum;
  - f. A nightclub or dance hall;
  - g. A park or play (whether public or private);
  - h. A religious institution;
  - i. A school (elementary, middle, or high);
  - j. A sexually-oriented business; or
  - k. Another tobacco, CBD, or vapor shop;
- 03. No smoking shall be permitted on the premises at any time; and
- 04. No outdoor storage, outdoor activity areas, or outdoor vending machine sales of tobacco, CBD, or vapor products may take place on the site.

**C. DESIGNATION**

- 01. Except for a grocery store use of 10,000 square feet of floor area or more, these standards shall be applied to any retail use type engaged in the sale of tobacco, tobacco products, electronic cigarettes, and related products where the lesser of five percent or 500 square feet or more of the use’s gross floor area is for the display, sale, distribution, delivery, offering, furnishing, or marketing of cigarettes, tobacco, electronic cigarettes, or any related product.
- 02. Grocery store uses of 10,000 square feet of floor area or more that meet the definition of a grocery store in this Ordinance shall not be considered a tobacco, CBD, or vapor shop despite the retail sale of cigarettes, tobacco, electronic cigarettes, or any related product.

**4.3.114. TOWNHOUSE DWELLING**

Townhouse dwellings shall comply with the following standards:

- A. A townhouse dwelling development of more than eight units shall be served with access from a major street.



- B.** Each townhouse dwelling shall have at least one party wall shared fully or partially within another single-family attached dwelling.
- C.** A townhouse dwelling unit shall meet all applicable Residential Building Code standards for minimum room size and ceiling clearance requirements.
- D.** Detached garages serving townhouse dwellings shall be located behind the rear building line of the dwelling they serve, or shall be located on common land. In no instance shall a detached garage be located closer than 20 feet to the closest edge of an alley, right-of-way, vehicular travel way, or pedestrian access.
- E.** In no instance shall a townhouse dwelling with off-street parking located between the front of the building and the street it faces be located closer than 25 feet from the edge of a right-of-way, sidewalk, or other pedestrian access.
- F.** In cases where a townhouse dwelling is served by off-street parking located to the side or rear, the edge of the building shall be no closer than 20 feet from the closest edge of the right-of-way, vehicular travel way, or pedestrian access.
- G.** Principal buildings shall be setback from parking lots, private streets, and driveways on common land by at least 10 feet, as measured from back of curb or edge of pavement (if no curb is proposed).
- H.** All new utilities shall be located underground, and existing overhead utilities are strongly encouraged to be relocated to underground locations.
- I.** All townhouse dwelling developments shall provide private common open space in accordance with Section <>, Minimum Open Space Set-Aside Requirements, and shall include an owners' association established in accordance with Section <>, Owners' Associations.
- J.** Adequate access to all dwelling units shall be provided for firefighting equipment, service deliveries, and refuse collection.
- K.** A townhouse dwelling development shall incorporate pedestrian circulation in accordance with Section <>, Access and Driveways.
- L.** A Type C perimeter buffer configured in accordance with Section <>, Perimeter Buffers, shall be installed along all lot lines shared with a residential district that has a lower maximum residential density.
- M.** Townhouse dwelling units configured as condominiums shall comply with the following standards:
  - 01.** Condominiums shall conform to the use and development requirements of this Ordinance for the zoning district(s) where located.
  - 02.** Condominiums shall conform to the requirements of the North Carolina Condominium Act, in Chapter 47C of the North Carolina General Statutes.
  - 03.** Condominium ownership may be created by the owner or co-owners of a structure(s) by an express declaration of their intention to submit such property to the provisions of the North Carolina Condominium Act, which declaration shall be recorded in the office of the Register of Deeds for the county where located.

#### **4.3.115. TRANSFER STATION**

- A.** All structures, buildings, and landfilling operations shall be a minimum of 500 feet from a residential zoning district.
- B.** Equipment capable of producing noise or sound in excess of 70 decibels shall be located no closer than 200 feet to the nearest residential district.
- C.** Access to the facility shall be by way of a major street.
- D.** Entrances shall be controlled to prevent unregulated access to the facility.
- E.** Access streets leading to any part of the facility shall be constructed with a gravel or crushed stone surface and maintained in a dust-free manner.
- F.** No part of access streets shall be located closer than 15 feet to an external property line other than a limited access highway or railroad right-of-way line.
- G.** An application for establishment of this use shall include a truck route plan that designates routes to minimize impacts on residential areas, schools, or other land uses that would be negatively impacted by truck traffic.
- H.** The siting and design of the facility shall comply with the applicable requirements of the NC Solid Waste Management Rules.



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

#### **4.3.116. TRIPLEX OR QUADPLEX**

Triplex and quadplex dwellings shall comply with the following:

- A. Use of a single shared primary entrance serving all of the individual dwelling units is strongly encouraged. If a single shared entrance is not practical or possible, then consolidation of individual dwelling unit entrances into shared entrances is encouraged;
- B. At least one primary entrance of the structure shall face the street from which the structure derives its street address;
- C. Except for through lots, if a parking lot is provided, it shall be located to the interior side or rear of the dwelling and not be located between the dwelling and a street. Through lots are exempted from this requirement, but shall not locate a parking lot between the primary entrance and the street from which the structure derives its street address;
- D. Attached garages or carports shall be located to the side or rear of the principal structure;
- E. When a triplex or quadplex dwelling is on a corner lot, the use may include two separate driveways on different lot frontages, provided each driveway is configured in accordance with Section <>, Access and Driveways, and all applicable Town or State standards related to driveway placement and street access.
- F. In no instance shall a lot with a triplex or quadplex include more than two recreational vehicles, inoperable vehicles, or trailers, all of which shall be located in accordance with the applicable standards in Section <>, Secondary Uses.
- G. Up to one detached secondary structure may be permitted on a lot with a triplex or quadplex, and in no instance shall it contain an accessory dwelling unit.
- H. A Type B perimeter buffer configured in accordance with Section <>, Perimeter Buffers, shall be installed along all lot lines abutting a residential district.

#### **4.3.117. UPPER STORY MULTI-FAMILY**

- A. An upper-story dwelling unit shall occupy the second or higher floor of a building with a non-residential use on the ground floor.
- B. In the TNC district, nothing shall limit the placement of residential floor area on the ground or basement floor provided:
  - 01. The non-residential portion of the building occupies the front façade of the street-level ground floor; and
  - 02. The non-residential portion of the use has its own entrance, or the building has a shared primary entrance.
- C. Upper story dwelling units are subject to the dimensional requirements for non-residential development in the zoning district where located.
- D. Buildings containing upper-story dwelling units shall comply with the standards in Section <>, Mixed-Use Design Standards.
- E. Upper-story dwellings configured as condominiums shall comply with the standards in Section <>, Condominiums.

#### **4.3.118. URGENT CARE**

- A. An urgent care use shall have direct access to a major street.
- B. All activity shall take place within an enclosed structure.
- C. A six-foot-high opaque fence or wall shall be erected along all lot lines shared with a residential zoning district.
- D. The use shall maintain proper sharps and biohazard disposal protocols, including tamper-proof containers for these types of wastes when located outdoors in areas accessible by the public.
- E. The uses shall comply with the standards in Section <>, Non-Residential Design Standards.

#### **4.3.119. UTILITY, MAJOR**

Major utilities shall comply with the standards in this section, but these standards are not applied to minor utility use types.

- A. All structures, buildings, or enclosed areas used for the operation of a wastewater treatment facility shall be a minimum of 300 feet from a residentially zoned lot.



- B.** Equipment capable of producing noise or sound in excess of 70 decibels shall be located no closer than 100 feet to the nearest residential district, unless located on a special purpose lot.
- C.** Security fencing, a minimum of six feet in height, shall be provided around the perimeter of the use.
- D.** A Type C perimeter buffer configured in accordance with Section <>, Perimeter Buffers, shall be installed along all lot lines abutting a residential district.

#### **4.3.120. VEHICLE PAINTING / BODY WORK**

- A.** The use shall be located at least 100 feet from any residential district, school (except vocational schools), or public recreation area.
- B.** No vehicle sales or rental shall be permitted.
- C.** Repair of all vehicles shall occur within an enclosed building. In no instance shall any activity that results in airborne particulates, including painting, sanding, or application of coatings, take place outdoors.
- D.** Temporary outdoor vehicle storage may be allowed in an outdoor storage area that is no larger than 25 percent of the buildable area of the lot, located behind or to the side of the principal structure, and fully screened by an opaque fence or wall of at least six feet in height

#### **4.3.121. VEHICLE PARTS AND ACCESSORY SALES**

- A.** Vehicle sales or rental may be permitted as a secondary use, subject to compliance with the standards in Section <>, Vehicle Sales and Rental.
- B.** No vehicle repairs shall take place as part of a vehicle parts and accessory sales use.
- C.** No vehicles or parts shall be stored outside, and all storage shall take place within an enclosed structure.

#### **4.3.122. VEHICLE REPAIR AND SERVICE (NO PAINTING OR BODY WORK)**

- A.** Vehicle sales or rental may be permitted as a secondary use, subject to compliance with the standards in Section <>, Vehicle Sales and Rental
- B.** Sales of parts or accessories may take place as a secondary use.
- C.** Service bay doors shall not be oriented toward land in a residential zoning district.
- D.** All repair or service operations, excluding washing, shall be conducted entirely within a fully enclosed building. Nothing shall limit the opening of bay doors during hours of operation.
- E.** Outdoor storage of vehicles shall comply with the applicable standards in Section <>, Screening. Outdoor parking of vehicles outside of hours of operation shall be considered outdoor storage subject to applicable screening requirements.
- F.** The temporary storage of impounded vehicles is prohibited as part of this use.

#### **4.3.123. VEHICLE SALES AND RENTAL**

- A.** Vehicle display areas shall be surfaced with an all-weather material that is not grass or dirt.
- B.** No vehicles or other similar items shall be displayed on the top of a building.
- C.** Vehicle display areas shall provide landscaping in accordance with Section <>, Off-Street Parking Lot Landscaping, when abutting public or private street rights-of-way.
- D.** All lights and lighting shall be designed and arranged so no source of illumination is directly visible from any adjacent property.
- E.** Repair and service functions are permitted as a secondary use provided all repair-related activities take place entirely within an enclosed building.
- F.** Outdoor parking of vehicles being serviced shall only take place within an area that complies with the applicable requirements in Section <>, Screening.

#### **4.3.124. VEHICLE TOWING OR STORAGE**

- A.** A maximum of no more than 75 vehicles at any one time shall be stored on the property.



- B.** All vehicles must be stored in a vehicle storage area depicted in an approved site plan.
- C.** All vehicles shall be operable, and no wrecked or junked vehicles shall be permitted.
- D.** The storage area shall be paved with asphalt, concrete, gravel, or other suitable all-weather surface to minimize dust emissions and the buildup of dirt, mud, and other debris.
- E.** All entrances to and from the storage area shall be secured and locked whenever an employee is not present on the property.
- F.** Storage of vehicles shall comply with the applicable standards in Section <>, Screening.

#### **4.3.125. VEHICLE WASHING OR DETAILING**

- A.** Equipment capable of producing noise or sound in excess of 70 decibels, including vacuums, shall be located no closer than 200 feet to the nearest lot line shared with residentially-zoned land.
- B.** No vehicle washing bays shall be located within 20 feet of a side or rear lot line.
- C.** No outdoor display of merchandise or outdoor storage shall be permitted. Storage of chemicals in containers larger than 55 gallons shall take place entirely underground.
- D.** Outdoor drying and detailing areas shall include drains or other features that prevent the accumulation of rinse water or chemicals on a street right-of-way or in a roadway's drainage system.
- E.** Retail sales of gasoline or vehicle-related products may be permitted as a secondary use, subject to the applicable standards in Section <>, Secondary Uses.

#### **4.3.126. VETERINARY SERVICES, LARGE ANIMAL**

No pens or runs shall be located within 200 feet of a lot line.

#### **4.3.127. VETERINARY SERVICES, SMALL ANIMAL**

- A.** All activities, except for pet rehabilitation or testing activities, shall take place entirely within an enclosed structure.
- B.** Outdoor activity areas shall be located to the side or rear of a structure unless such placement results in these areas having a closer proximity to a residential zoning district boundary.
- C.** Small animal veterinary service uses offering boarding shall comply with the standards in Section <>, Animal Boarding, Indoor Only.
- D.** Principal and secondary structures used for boarding or animal recuperation located on lots that border residential zoning districts shall be fully soundproofed.
- E.** Animal waste shall not be stored within 50 feet of any adjacent property.
- F.** The use shall maintain proper sharps and biohazard disposal protocols, including tamper-proof containers for these types of wastes when located outdoors in areas accessible by the public.

#### **4.3.128. WAREHOUSE, DISTRIBUTION AND STORAGE**

- A.** A warehouse use shall have direct access to a major street.
- B.** An application for establishment of this use shall include a truck route plan that designates routes to minimize impacts on residential areas, schools, or other land uses that would be negatively impacted by truck traffic.
- C.** No outdoor storage of products or materials shall be permitted.
- D.** Areas engaged in the storage of trucks or trailers shall be paved with asphalt, concrete, crushed stone, or other suitable all-weather surface to minimize dust emissions and the buildup of dirt, mud, and other debris.
- E.** Uses engaged in the storage or distribution of flammable materials shall meet the requirements established by the fire prevention code of the National Board of Fire Underwriters and the National Fire Protection Association standards, Flammable and Combustible Liquids Code, NFPA 30 and Standards for the Storage and Handling of Liquefied Petroleum Gases, NFPA 58, as applicable.
- F.** In cases where the lot is served by a rail line, buildings may reduce required side or rear setbacks in order to facilitate utilization of rail service.



- G. No manufacturing or assembly activity shall be permitted.

### **4.3.129. WHOLESALE SALES, INDOOR OR OUTDOOR**

- A. Except for above-ground storage tanks, outdoor storage areas shall be no closer than 50 feet to any adjoining residentially-zoned property.
- B. Equipment capable of producing noise or sound in excess of 70 decibels shall be located no closer than 100 feet to the nearest residential district.
- C. All non-paved storage areas shall be maintained in a manner so as to limit dust from leaving the storage area.
- D. A wholesale sales use shall have direct access to a major street.
- E. An application for establishment of this use shall include a truck route plan that designates routes to minimize impacts on residential areas, schools, or other land uses that would be negatively impacted by truck traffic.
- F. Uses engaged in the storage or distribution of flammable materials shall meet the requirements established by the fire prevention code of the National Board of Fire Underwriters and the National Fire Protection Association standards, Flammable and Combustible Liquids Code, NFPA 30 and Standards for the Storage and Handling of Liquefied Petroleum Gases, NFPA 58, as applicable.
- G. Above-ground outdoor storage tanks shall be subject to the following standards:
  - 01. They shall be located at least 200 feet from any lot line.
  - 02. Tanks or groups of tanks shall be diked to prevent the spread of liquid onto other property, waterways, or drainageways.
  - 03. The volumetric capacity of the diked area shall not be less than the capacity of the largest tank within the diked area.
  - 04. Dikes or retaining walls shall be of earth, steel, concrete, or solid masonry designed and constructed to be liquid tight and to withstand a full hydraulic head.
  - 05. Earthen dikes three feet or more in height shall have a flat section at the top not less than two feet in width.
  - 06. The slope shall be consistent with the angle of repose of the material of which the dikes are constructed.
  - 07. Dikes shall be restricted to an average height of not more than six feet above the exterior grade unless means are available for extinguishing a fire in any tank.
  - 08. Dikes enclosing such tanks shall be provided at the top with a flareback section designed to turn back a boil-over wave.
  - 09. A flareback section shall not be required for dikes and walls enclosing approved floating roof tanks.
  - 10. No loose combustible material, empty or full drums or barrels, shall be permitted within the diked area.
  - 11. Where provision is made for draining rainwater from diked areas, such drains shall normally be kept closed and shall be designed so that when in use they will not permit flammable liquids to enter natural watercourses, public sewers, or public drains. Where pumps control drainage from the diked area, they shall not be self-starting.

### **4.3.130. WIND ENERGY CONVERSION**

- A. No tower associated with a wind energy conversion use shall be located within one half-mile (2,640 linear feet) of land in a residentially-zoned district or a public park.
- B. All ground-based equipment buildings shall be located under the blade sweep area, to the maximum extent practicable.
- C. All towers associated with a wind energy conversion use shall be set back a distance equal to one-and-one-half times the overall height of the tower and associated wind turbine blade.
- D. All associated facilities other than towers and associated wind turbines shall be subject to the setback standards for the district where located.
- E. Wind energy conversion uses shall utilize monopole or self-supporting towers.
- F. All towers and turbines within the use shall maintain uniform design in terms of the following features:
  - 01. Tower type;
  - 02. Tower, turbine, and blade colors;
  - 03. The number of blades per turbine; and



- 04.** The direction of blade rotation.
- G.** The maximum height of a wind energy conversion use (including the tower and extended blades) shall be 150 feet.
- H.** The blade tip or vane of any wind energy conversion use shall have a minimum ground clearance of 30 feet above grade, as measured at the lowest point of the arc of the blades. No blades shall extend over public rights-of-way.
- I.** All wind energy conversion uses shall incorporate anti-climbing devices to prevent unauthorized climbing.
- J.** Except for transmission lines, all utilities associated with a wind energy conversion use shall be located underground.
- K.** The wind turbine and tower shall be painted or finished in the color originally applied by the manufacturer, or a matte neutral color (e.g., gray, white, or galvanized steel).
- L.** No illumination of the turbine or tower shall be allowed, unless required by the (FAA). In the event obstruction lighting is required by the FAA, it shall be of the lowest intensity allowed, and strobes or blinking lights shall be avoided, to the maximum extent practicable.
- M.** Signage visible from any public street or off-site area shall be limited to the manufacturer's or installer's identification, appropriate warning signs, or owner identification.
- N.** The noise at the lot line produced by the wind energy conversion use during operation shall not exceed 55 decibels. This standard shall not apply during power outages, windstorms, or other conditions beyond the owner's control.
- O.** Shadows cast by the rotating blade of a wind energy conversion use shall not fall upon off-site areas.
- P.** The owner shall take all reasonable steps to prevent or eliminate interference with transmission of communications signals (e.g., radio, television, telephone, aircraft, etc.) resulting from a wind energy conversion use.



## **§ 4.4 PROHIBITED USES**

### **4.4.1. PROHIBITED EVERYWHERE**

- A.** The following use types are not listed in Table <>, Listing of Common Principal Uses, and are prohibited throughout the Town’s planning jurisdiction in all zoning districts.
- B.** In cases where one or more of these uses is lawfully established and in operation prior to (*insert the effective date of this Ordinance*), the use shall be subject to the provisions in Section <>, Transitional Provisions.

#### **01. COMMERCIAL USES**

- a. Check cashing / Pay day lending establishments;
- b. Cryptomining, data processing as a principal use, and data centers;
- c. Electronic gaming operation or “games of skill” use types;
- d. Feed lots
- e. New outdoor advertising or billboards; and
- f. Outdoor shooting ranges (not applied to archery-only ranges).

#### **02. INDUSTRIAL USES**

- a. Acetylene gas manufacture;
- b. Acid manufacture;
- c. Ammonia, bleaching powder, or chlorine manufacture;
- d. Asphalt plants;
- e. Brick, tile, or terra cotta manufacture;
- f. Cellophane manufacture;
- g. Concrete batch plants and similar uses that produce concrete;
- h. Creosote manufacture or treatment plants;
- i. Distillation of bones, coal, petroleum, refuse, tar, or wood;
- j. Explosives, ammunition, fireworks, or gunpowder manufacture;
- k. Fat rendering, or production of fats and oils from animal or vegetable products by boiling or distillation;
- l. Glue and size manufacture;
- m. Infectious or radioactive materials handling or storage;
- n. Leather and leather products manufacturing involving tanning;
- o. Linseed oil, shellac, turpentine manufacture or refining;
- p. Nitrogenous tankage, fish meal or manufacture of any fertilizer materials carrying an objectionable odor;
- q. Oilcloth or linoleum manufacture;
- r. Ore reduction;
- s. Pulp mills;
- t. Storage or processing of radioactive or infectious waste; and
- u. Vinegar manufacturing.

#### **03. INSTITUTIONAL USES**

- a. Package treatment plant wastewater disposal systems that discharge to surface waters or that involve use of spray fields on lots within the WSPO; and
- b. Correctional or detention facilities.

#### **04. RESIDENTIAL USES**

- a. Use of a boat, houseboat, or other floating structure as a temporary or permanent residence (this shall not prevent the overnight occupancy of a vessel temporarily moored while in transit on navigable waters);



- b. Use of a structure as a permanent dwelling that does not comply with the applicable Residential Building Code requirements as a permanent, single-family dwelling; and
- c. Use of a tent, recreational vehicle, or travel trailer as a permanent residence.

### **4.4.2. PROHIBITED BY OVERLAY DISTRICT STANDARDS**

Regardless of how a use type is permitted or prohibited in Table <>, Listing of Common Principal Uses, if a lot or tract is located within one or more overlay zoning districts, any use type limitations in the overlay district standards (see Section <>, Overlay Zoning Districts) shall control.

#### **A. SPECIAL FLOOD HAZARD AREA**

Land uses in the SFHA shall be in accordance with the standards in Section <>, Prohibition of Development in Special Flood Hazard Area.

#### **B. WATER SUPPLY WATERSHED PROTECTION OVERLAY**

Land uses identified in Section <>, Prohibited Uses, are prohibited on lots in the WSPO.

### **4.4.3. PROHIBITED AS SECONDARY USES**

The following uses shall not be permitted as secondary uses within the Town's planning jurisdiction:

#### **A. HOME OCCUPATIONS**

Except where documented as lawfully-established in the RUM district prior to *(insert the effective date of this Ordinance)*, in no instance shall a home occupation include any of the following activities or use types:

- 01.** Food handling, processing, or packing with industrial-scale equipment;
- 02.** Medical or dental labs;
- 03.** Restaurants of any kind;
- 04.** Bulk (1,250 or more gallons) storage of flammable or hazardous liquids;
- 05.** Funeral homes and mortuaries;
- 06.** Animal hospitals; and
- 07.** Keeping of exotic animals for commercial purposes.



## **§ 4.5 SECONDARY USES**

### **4.5.1. INTENT**

This section authorizes the establishment of secondary uses and structures that are incidental and subordinate to principal uses on lots. The purpose of this section is to allow a broad range of secondary uses and structures, provided they comply with the standards set forth in this section in order to reduce potentially adverse impacts on surrounding lands.

### **4.5.2. ESTABLISHMENT OF A SECONDARY USE**

- A.** Secondary uses or structures may be approved in conjunction with the approval of the principal use or subsequently following the establishment of the principal use. No secondary use or structure shall be approved, established, or constructed before the principal use is approved in accordance with this Ordinance, except for storage sheds or fenced areas.
- B.** Except when indicated as a special use in **Table <>**, Listing of Common Secondary Uses, establishment of a secondary use or structure subsequent to an established principal use shall require approval of a Zoning Compliance Permit in accordance with **Section <>**, Zoning Compliance Permit.
- C.** In cases where a secondary use or structure is identified as a special use in **Table <>**, Listing of Common Secondary Uses, establishment of a secondary use or structure subsequent to an established principal use shall require approval of a Special Use Permit in accordance with **Section <>**, Special Use Permit.
- D.** In cases where a secondary use or structure is identified as a conditional use in **Table <>**, Listing of Common Secondary Uses, establishment of a secondary use or structure subsequent to an established principal use shall require approval of a conditional rezoning in accordance with **Section <>**, Conditional Rezoning. Applications to establish a conditional zoning district shall include a written list of proposed secondary uses which shall be attached to the application approval along with other conditions of approval.
- E.** **Section <>**, Listing of Common Secondary Uses, may not be inclusive of all possible secondary uses, and in the event a secondary use is proposed that is not listed in the table, the Planning Director shall consult **Table <>**, Listing of Common Principal Uses, to determine if the proposed secondary use corresponds to a listed principal use. Any listed principal use is permitted as a secondary use in any zoning district where the principal use is permitted. In no instance shall a secondary use be permitted in a zoning district where it is prohibited as a principal use.
- F.** In the event a proposed secondary use is not listed in **Table <>**, Common Secondary Use Table, and there is no corresponding principal use, the Planning Director shall determine how to treat the secondary use in accordance with **Section <>**, Unlisted Uses.

### **4.5.3. GENERAL STANDARDS FOR SECONDARY USES**

Secondary structures may deviate from these general standards and the specific standards in **Section <>**, Standards for Specific Secondary Uses, only where expressly authorized by this Ordinance, as part of an approved Variance or Administrative Adjustment, are subject to conditions of approval associated with a Type 2, Unlimited Conditional Rezoning or are configured in accordance with **Section <>**, Incentives and Alternatives.

#### **A. EXEMPTIONS ON RESIDENTIAL LOTS OVER THREE ACRES IN SIZE**

- 01.** Except for accessory dwelling units, secondary uses and structures listed in this section that are proposed on lots of more than three acres in size in the RPV, RUR, LDR, RUM, or RCZ zoning districts shall be exempted from these requirements.
- 02.** Lots in conventional residential zoning districts shall be limited to no more than one internal accessory dwelling unit and no more than one detached accessory dwelling unit (a total of two accessory dwelling units), regardless of lot size.

#### **B. CHARACTERISTICS OF SECONDARY USES AND STRUCTURES**

Permitted secondary uses and structures subject to these standards located on a lot of three acres or less include those that the Planning Director determines:

- 01.** Are clearly incidental to an allowed principal use or structure;



- 02. Are subordinate to and serving an allowed principal use or structure;
- 03. Are subordinate in extent and purpose to the principal use or structure;
- 04. Are smaller in terms of total floor area or square footage than the principal structure; or
- 05. Are shorter in height and smaller in mass than the principal structure.

**C. LOCATION OF SECONDARY USES AND STRUCTURES**

**01. ON A LOT WITH AN ESTABLISHED PRINCIPAL USE**

- a. Except on special purpose lots, secondary uses may only be established on lots that contain a pre-existing principal use. Some secondary uses or structures may be located on a lot during construction of a principal use when expressly permitted by this Ordinance.
- b. Secondary uses may be located on a designated special purpose lot prior to a principal use.
- c. A secondary use and the principal use it serves shall be located within the same zoning district.

**02. WITHIN REQUIRED LANDSCAPING OR STREETScape BUFFERS**

Except for fences and walls contributing to the screening function of a buffer, no secondary structure shall be located within a required landscaping or streetscape buffer except where permitted in accordance with Section <>, Site Landscaping, or Section <>, Screening.

**03. WITHIN A REQUIRED SETBACK**

No secondary use or structure shall deviate from the setbacks applied to the zoning district where located, except as authorized by Table <>, Allowable Encroachment into Setbacks.

**04. WITHIN OTHER AREAS ON A SITE**

No secondary use or structure shall:

- a. Be located within a designated fire lane;
- b. Obstruct required sight distance triangles;
- c. Impede ingress or egress to a lot, site, or principal structure;
- d. Be located within a public utility easement;
- e. Interfere with drainage or stormwater control measures;
- f. Be within an emergency access route designated on an approved site plan; or
- g. Create an unsafe condition, in the sole opinion of the Planning Director.

**05. WITHIN AN EASEMENT (OTHER THAN A PUBLIC UTILITY EASEMENT)**

- a. No secondary uses or structures shall be located within a public utility easement.
- b. Except for authorized stormwater control measures within a drainage easement, no secondary use or structure shall be located within any platted or recorded easement without the prior written consent of the landowner.

**D. MAXIMUM SIZE**

- 01. On lots in non-residential and mixed-use districts, no individual secondary structure may exceed the principal structure's floor area by more than 150 percent.
- 02. On lots in residential districts and the RUM district, no individual secondary structure may exceed the principal structure's floor area by more than 200 percent. This standard shall not be applied to barns, stables, and structures used for agricultural purposes.

**E. ALLOWABLE HEIGHT**

- 01. Secondary structures shall comply with the maximum building height requirements for the zoning district where located, except that secondary structures within 10 feet of a lot line shall not be taller than 15 feet.
- 02. Maximum height standards shall not apply to certain secondary structures in accordance with Section <>, Exceptions.

**F. COMPLIANCE WITH DESIGN STANDARDS**



01. Except in cases where a secondary structure occupies less than 25 percent of the floor area of the principal use, secondary structures serving principle uses that are subject to the design standards or guidelines in Section <>, Design Standards and Guidelines, shall comply with the design standards applied to the principal use they serve or shall employ exterior materials, colors, and architectural details that are configured to be complementary to the principal use, as determined by the Planning Director.
02. The degree to which proposed exterior materials, colors, and architectural details are configured in a complementary manner to a principal use shall be in the sole opinion of the review authority deciding the application.

**G. COMPLIANCE WITH USE STANDARDS**

01. Secondary uses shall only be permitted subject to all applicable standards in Section <>, Standards for Specific Secondary Uses.
02. In cases where a use type identified in Table <>, Listing of Common Principal Uses, is proposed as a secondary use, the secondary use shall also comply with all applicable standards in Section <>, Standards for Specific Principal Uses.

**4.5.4. LISTING OF COMMON SECONDARY USES**

**A. TABLE AS GUIDE**

Table <>. Listing of Common Secondary Uses, is established as a guide to identify the appropriateness of the more common secondary uses in each zoning district.

**B. LISTED SECONDARY USES**

Table <>. Listing of Common Secondary Uses, lists what types of secondary uses, structures, and activities are allowed in each of the zoning districts.

01. If a specific secondary use is allowed by-right, subject to issuance of a Zoning Compliance Permit, and any applicable secondary use-specific standards, the cell underneath the zoning district is marked with a "P".
02. If a specific secondary use is allowed subject to a special use permit, subject to any applicable secondary use-specific standards the cell underneath the zoning district is marked with a "S".
03. If the specific secondary use or structure is not allowed in a zoning district, the cell is blank (marked with a "•").
04. In the case of conditional development districts, if a secondary use is allowable subject to any applicable secondary use-specific standards, it is marked with an "C", and the secondary use must be identified in the conditional rezoning application or approved conditions.

**TABLE <>: LISTING OF COMMON SECONDARY USES**

P=Permitted by right, subject to a Zoning Compliance Permit & all applicable secondary use standards  
 S=Permitted, subject to a Special Use Permit & all applicable secondary use standards  
 C=Permitted within a conditional zoning district, subject to all applicable secondary use standards  
 "•"=Prohibited  
 [#]=See Note at end of table

SECONDARY USE TYPE	CON	CONVENTIONAL RESIDENTIAL DISTRICTS				CONVENTIONAL NONRESIDENTIAL DISTRICTS			CONDITIONAL DISTRICTS				SECONDARY USE STANDARDS
		RPV	RUR	LDR	MXR	GLC	TNC	IND	RCZ	MCZ	CCZ	ICZ	
Accessory Dwelling Unit (Detached and Internal)	P	P	P	P	P	•	•	•	C	C	•	•	<>
Alcohol Sales (as part of another principal use)	•	•	•	•	S	P	P	S	•	C	C	•	-
Amateur Ham Radio	•	P	P	P	P	P	P	P	C	C	C	C	<>
Apiculture (Bee keeping)	P	P	P	P	P	P	P	P	C	C	C	C	-



**CHAPTER 4.**  
**LAND USES**

**§ 4.5 Secondary Uses**

Subsection 4.5.4. Listing of Common Secondary Uses

**TABLE <>: LISTING OF COMMON SECONDARY USES**

P=Permitted by right, subject to a Zoning Compliance Permit & all applicable secondary use standards  
 S=Permitted, subject to a Special Use Permit & all applicable secondary use standards  
 C=Permitted within a conditional zoning district, subject to all applicable secondary use standards  
 "-"-Prohibited  
 [#]=See Note at end of table

SECONDARY USE TYPE	CON	CONVENTIONAL RESIDENTIAL DISTRICTS				CONVENTIONAL NONRESIDENTIAL DISTRICTS			CONDITIONAL DISTRICTS				SECONDARY USE STANDARDS
		RPV	RUR	LDR	MXR	GLC	TNC	IND	RCZ	MCZ	CCZ	ICZ	
Art Installation	P	P	P	P	P	P	P	P	C	C	C	C	<>
Athletic Field	P	P	P	P	P	P	P	•	C	C	C	•	-
Automated Teller Machine	•	•	•	•	P	P	P	P	•	C	C	C	<>
Barns and Sheds	P	P	P	P	P	P	P	P	C	C	C	C	-
Caretaker Dwelling	•	P	P	P	P	P	P	P	C	C	C	C	-
Cemetery	P	P	P	P	P	P	P	•	C	C	C	•	-
Child Care, Incidental (based on GS Ch 110 Art 7)	•	P	P	P	P	•	P	•	C	C	C	•	<>
Cluster Mailbox Unit	•	P	P	P	P	P	P	P	C	C	C	C	<>
Dock or Pier	P	P	P	P	P	P	P	P	C	C	C	C	-
Drive Throughs	•	•	•	•	•	P	S	P	•	C	C	C	<>
Electric Vehicle Charging Station	P	P	P	P	P	P	P	P	C	C	C	C	<>
Employee Housing	•	•	•	•	S	P	P	P	C	C	C	C	<>
Equestrian Use	P	P	P	P	P	•	•	•	C	C	•	•	-
Family Health Care Structure	•	P	P	P	P	•	P	•	C	C	•	•	<>
Fences and Walls	P	P	P	P	P	P	P	P	C	C	C	C	<>
Field Crop Production and Storage	P	P	P	P	P	•	•	P	C	C	C	C	-
Farmer's Market	P	P	P	P	P	P	P	P	C	C	C	C	-
Garage or Carport, Detached	•	P	P	P	P	P	P	P	C	C	C	C	<>
Gardens, Orchards, Vineyards, and Pastures	P	P	P	P	P	•	•	P	C	C	C	C	-
Generator	•	P	P	P	P	P	P	P	C	C	C	C	-
Guardhouse, Shelter, or Gatehouse	P	P	P	P	P	P	P	P	C	C	C	C	<>
Home Occupation	•	P	P	P	P	•	P	•	C	C	•	•	<>
Keeping of Livestock (Including fowl)	P	P	P	P	P	•	•	P	C	C	C	C	-



**TABLE <>: LISTING OF COMMON SECONDARY USES**

P=Permitted by right, subject to a Zoning Compliance Permit & all applicable secondary use standards  
 S=Permitted, subject to a Special Use Permit & all applicable secondary use standards  
 C=Permitted within a conditional zoning district, subject to all applicable secondary use standards  
 "-"-Prohibited  
 [#]=See Note at end of table

SECONDARY USE TYPE	CON	CONVENTIONAL RESIDENTIAL DISTRICTS				CONVENTIONAL NONRESIDENTIAL DISTRICTS			CONDITIONAL DISTRICTS				SECONDARY USE STANDARDS
		RPV	RUR	LDR	MXR	GLC	TNC	IND	RCZ	MCZ	CCZ	ICZ	
Mobile Food Vendors (Motorized & non-motorized)	.	.	.	.	P	P	P	P	C	C	C	C	<>
Office	.	P	P	P	P	P	P	C	C	C	C	C	-
Outdoor Dining or Seating	.	.	.	.	P	P	P	.	C	C	C	C	<>
Outdoor Display/Sales	.	.	.	.	P	P	P	P	.	C	C	C	<>
Outdoor Storage, Nonresidential	.	P	.	.	P	P	P	P	C	C	C	C	<>
Retail Sales (as a Secondary Use)	.	.	.	.	P	P	P	P	.	C	C	C	-
Solar Energy System, Level 1	P	P	P	P	P	P	P	P	C	C	C	C	<>
Storage Tank, Above or Below Ground	.	S	.	.	S	P	P	P	C	C	C	C	<>
Swimming Pool/Hot Tub	.	P	P	P	P	P	P	.	C	C	C	.	<>
Notes:													

**4.5.5. STANDARDS FOR SPECIFIC SECONDARY USES**

**A. ACCESSORY DWELLING UNIT, DETACHED**

A detached accessory dwelling unit (DADU) is permitted as secondary to a single-family detached dwelling, subject to the following standards:

01. In no instance shall a DADU be permitted on a lot that does not have a principal residential use;
02. No more than one DADU shall be located on a lot with a single-family detached dwelling (the presence of an IADU does not limit the ability to accommodate a detached ADU);
03. A DADU shall not exceed 60 percent of the total amount of finished floor area in the principal structure, or 1,000 square feet, whichever is less;
04. A DADU shall be configured as a complete residential dwelling or housekeeping unit.
05. A DADU shall not exceed the height of the principal structure, but nothing shall limit an DADU from being located on a second or third story provided the structure complies with the applicable maximum height limitations in the district where located;
06. The DADU shall be located at least ten feet from the principal structure;
07. A DADU shall include at least one but not more than two off-street parking spaces;
08. A DADU shall not be subdivided or otherwise separated in ownership from the principal dwelling unit;
09. A DADU and the principal dwelling shall utilize the same driveway, unless the ADU is accessed from a right-of-way not used by the principal dwelling (e.g., a rear alley or separate street access on a corner or through lot); and



10. A DADU shall be served by potable water, wastewater, and electrical utilities.

**B. ACCESSORY DWELLING UNIT, INTERNAL**

An internal accessory dwelling unit (IADU) is permitted as secondary to a single-family detached dwelling only in accordance with the following standards:

01. In no instance shall a IADU be permitted on a lot that does not have a principal residential use;
02. No more than one IADU shall be located on a lot with a single-family detached dwelling (the presence of an DADU does not limit the ability to accommodate an internal ADU);
03. The IADU shall be fully enclosed within the outer extents of the principal structure walls and roof, and shall not be located in a detached structure of any kind;
04. An IADU shall be configured as a complete residential dwelling or housekeeping unit;
05. An IADU shall not exceed 40 percent of the total amount of finished floor area in the principal structure;
06. An IADU and the principal dwelling shall have the same street address and mailbox;
07. An IADU and the principal dwelling shall utilize the same driveway;
08. An IADU shall include at least one but not more than two off-street parking spaces; and
09. An IADU shall be served by shared water, sanitary sewer, gas, and electrical utilities.

**C. AMATEUR HAM RADIO**

Amateur radio antennas shall comply with NCGS§ 160D-905 and the following:

01. Towers associated with an amateur ham radio operator or private television antenna shall not exceed 100 feet above grade;
02. Towers or antennas attached to a principal structure shall be located on a side or rear elevation; and
03. Freestanding towers or antennas shall be located behind the principal structure

**D. ART INSTALLATION**

01. In no instance shall an art installation visible from a street or off-site area depict specified anatomical areas or specified sexual activities as defined by this Ordinance and the North Carolina General Statutes.
02. Public art or murals are exempted from the standards for signs, but shall be subject to any applicable adopted policy guidance and the following:
  - a. A mural or public art installation shall require approval of a Zoning Compliance Permit in accordance with the standards in Section <>, Zoning Compliance Permit.
  - b. A mural may be configured to include a wall sign provided:
    - i. The wall sign is applied to the wall using a similar technique as is used for the mural;
    - ii. The wall sign portion of the mural is clearly delineated to enable the Town to determine its compliance with applicable sign standards;
    - iii. The wall sign portion of the mural complies with the standards for a wall sign in accordance with Section <>, Sign Standards by Sign Type.
  - c. iv. In the event the owner of a building with a mural no longer wishes to maintain the mural, it shall be removed or covered with paint or other material consistent with the existing exterior material on the building wall where the mural is located. In cases where an approved mural is removed or concealed, it may only be re-established through approval of a Zoning Compliance Permit in accordance with Section <>, Zoning Compliance Permit.
03. In the event that a site feature characterized by the applicant as public art is determined by the Planning Director to be a sign, it shall comply with the standards in Section <>, Public Art as Signage.

**E. AUTOMATED TELLER MACHINE**

01. An ATM designed for walk-up use and located in the exterior wall of a building, or a parking area shall be designed to avoid obstructions to pedestrian movement along sidewalks, through public use areas, or between parking areas and building entrances, or vehicular movement in front of buildings or through parking areas.
02. If an ATM is designed for use by customers in their vehicles, it shall comply with the secondary use standards (including districts where permitted) in Section <>, Drive Throughs.
03. The overall character of an automated teller machine in terms of materials, colors, and architectural character shall be compatible with that of the principal structure.



**F. CHILD CARE, INCIDENTAL**

01. An incidental child care or home day care for three or more children is permitted as a secondary use to an occupied residential dwelling unit provided it complies with Article 7 of Chapter 110 of the North Carolina General Statutes, and the Summary of North Carolina Child Care Laws and Rules pamphlet, as amended prepared by the NC Department of Health and Human Services.
02. Incidental child care uses shall obtain all applicable approvals from the State of North Carolina.
03. In cases where an incidental child care use is operated within a residential dwelling and includes more than five children or includes employees who do not reside in the principal dwelling the incidental child care use shall meet all the requirements in Section <>, Home Occupation.

**G. CLUSTER MAILBOX UNIT**

Cluster mailbox units shall comply with the standards of the United States Postal Service and Section <>, Cluster Mailbox Unit.

**H. DRIVE-THROUGHS**

Drive-through facilities shall comply with the following standards:

01. Outdoor speakers associated with a drive-through shall be at least 50 feet from any abutting lot in a residential district;
02. In cases where a use with a drive-through that includes an outdoor speaker abuts a residential zoning district, the perimeter buffer located between the outdoor speaker and the residential lot shall include a solid or opaque fence or wall of at least six feet in height, regardless of the type of perimeter buffer required;
03. Drive-through windows, menus, or order boxes shall not be located on the primary façade of the building they serve;
04. Drive-through facilities shall be designed so as not to obstruct or endanger the movement of pedestrians along sidewalks, through areas intended for public use, or between the building entrance and customer parking spaces; and
05. Canopies or other features installed over a drive through window shall maintain common roof lines and materials with the principal structure and comply with all applicable standards in Section <>, Canopies.

**I. ELECTRONIC VEHICLE (EV) CHARGING STATION**

01. Electric vehicle (EV) charging station spaces shall be reserved for the charging of electric vehicles only and shall be posted with signage identifying the spaces as reserved only for the charging of electric vehicles, amperage and voltage levels, any enforceable time limits or tow away provisions, and contact information for reporting non-operating equipment or other problems.
02. A required accessible parking space may also serve as an EV charging station space, provided the charging station and its controls meet ADA standards for accessibility to persons with physical disabilities.
03. EV charging station equipment shall be located so as not to interfere with vehicle, bicycle, or pedestrian access and circulation, or with required landscaping.
04. Equipment-capable of producing noise or sound in excess of 70 decibels shall be located no closer than 100 feet to the nearest residence.
05. Transformers and similar equipment shall be screened in accordance with Section <>, Screening.

**J. EMPLOYEE HOUSING**

Employee housing provided as a secondary use shall comply with the standards for these uses when they are provided as principal use in Section <>, Employee Housing.

**K. FAMILY HEALTH CARE STRUCTURE**

One family health care structure is permitted on a lot with a single-family detached dwelling, in accordance with the standards in NCGS§160D-915 and the following:

**01. STRUCTURE**

A family health care structure is one that:

- a. Is transportable and primarily assembled at a location other than the site of installation;



- b. Is located on a lot with an existing single-family detached dwelling;
- c. Is limited to one occupant who is a mentally or physically impaired person related to the caregiver;
- d. Is used by a caregiver or legal guardian in providing care for one mentally or physically impaired person on property owned or occupied as the caregiver's or guardian's residence;
- e. Has no more than 300 square feet of gross floor area;
- f. Is connected with water, wastewater, and electrical systems by branching service from the single-family detached dwelling;
- g. Has the same street address and mailbox as the existing single-family detached dwelling;
- h. Uses the same driveway as the existing single-family dwelling, unless the structure is accessed from a right-of-way not used by the dwelling (e.g., a rear alley or separate street access on a corner or through lot);
- i. Meets the dimensional standards of the zoning district for a single-family detached dwelling; and
- j. Meets the applicable provisions in the North Carolina Building Code; however, is not located on a permanent foundation.

**02. NEED AND RELATIONSHIP**

- a. The occupant of the structure must be a mentally or physically impaired person that is a resident of the State who requires assistance with two or more activities of daily living (bathing, dressing, personal hygiene, ambulation, or locomotion, transferring, toileting, and eating) as certified in writing by a physician licensed to practice in North Carolina.
- b. The caregiver must be an individual 18 years of age or older who provides care for the mentally or physically impaired person and is a first or second degree relative of the impaired person. A first or second degree relative is a spouse, lineal ascendant, lineal descendant, sibling, uncle, aunt, nephew, or niece, including half, step, and in-law relationships.

**03. PERMIT CONDITIONS**

- a. Once the applicant provides sufficient proof that the family health care structure meets all standards, then the structure shall be permitted for a period of 12 months.
- b. The applicant may renew the prior approval for a 12-month period and continue to renew it provided the applicant provides evidence of continued need and compliance with these standards.
- c. The Town may make periodic inspections of the family health care structure at reasonable times convenient to the applicant.
- d. No signage shall be permitted on the exterior of the structure or on the lot that identifies or promotes the existence of the structure.
- e. The structure shall not be subdivided or otherwise separated in ownership from the single-family detached dwelling.
- f. The structure shall be removed within 60 days if the impaired occupant is no longer receiving or in need of assistance.
- g. The approval may be revoked, or other enforcement actions taken if these standards are violated.

**L. FENCES AND WALLS**

**01. LOCATIONAL STANDARDS**

No fence or wall shall:

- a. Be located within the public right-of-way (except for public fences or walls, or as needed for retention of soil);
- b. Impede visibility of the required property address number;
- c. Block pedestrian access from doors or windows;
- d. Fences or walls shall not alter or impede the natural flow of water in any stream, creek, drainage swale, or ditch;
- e. Except for necessary retaining walls, no fence or wall shall be located within a required sight distance triangle (see [Section <>, Sight Distance Triangles](#));
- f. Fences or walls may be located within required setbacks but shall not encroach onto a separate lot; and
- g. Fences or walls may be located in required landscaping areas, subject to the standards in [Section <>, Features Allowed Within Required Landscaping Areas](#).

**02. HEIGHT**

Except for fencing associated with a recreational facility (like a baseball backstop or a tennis court), fences and walls shall not exceed 15 feet in height above grade.

**03. PROHIBITED MATERIALS**



Fences made of wooden pallets, tires, debris, junk, rolled or sheet plastic, sheet metal, untreated or unpainted plywood, readily flammable material, or waste materials shall be prohibited, unless the materials have been recycled and reprocessed, for marketing to the general public as building materials designed to resemble new building materials (e.g., picket fencing made from recycled plastic and fiber).

**M. GARAGE / CARPORT, DETACHED**

- 01.** Detached garages or carports shall be located behind the front building wall of the principal structure and shall comply with all applicable standards.
- 02.** Detached garages may include interior storage or activity areas or accessory dwelling units, provided all secondary uses comply with the applicable requirements of this Ordinance.

**N. GUARDHOUSE, SHELTER OR GATEHOUSE**

Nothing shall limit the placement of a guard house, guard shelter, or gatehouse within a required yard or setback, provided it shall:

- 01.** Maintain a maximum size or floor area of 100 square feet or less;
- 02.** A height of 15 feet or less;
- 03.** Be located outside any required sight distance triangles; and
- 04.** Maintain a minimum distance of five feet from a public street right-of-way.

**O. HOME OCCUPATION**

- 01.** The area set aside for a home occupation shall occupy no more than 35 percent of the gross floor area of a dwelling unit or of a secondary structure or 2,000 square feet, whichever is less.
- 02.** No outside storage or display of materials, animals, or items associated with the home occupation is permitted. Nothing shall limit storage of such items within enclosed structures.
- 03.** No goods, stock-in-trade, or other commodities shall be displayed.
- 04.** The home occupation shall be conducted entirely within a dwelling unit or secondary structure. It must be a use that is clearly incidental and secondary to the use of the dwelling unit for residential purposes and does not change the character of the residence.
- 05.** Permitted home occupations include, but are not limited to:
  - a.** Offices;
  - b.** Personal services;
  - c.** Day care of up to five children;
  - d.** Catering, provided food is prepared solely with residential-grade equipment;
  - e.** Tailoring; and
  - f.** Handcrafting, and similar vocations.
- 06.** No on-site retail sales, except for goods made on the premises, are allowed. Nothing shall prohibit the digital sale of material for delivery off-site.
- 07.** Activities shall not generate traffic, noise, vibration, glare, fumes, odors, or electrical interference beyond what normally occurs in the zoning district in which it is located.
- 08.** No home occupation shall involve the use of electrical or mechanical equipment that would change the fire rating of the structure in which the home occupation is located.
- 09.** No one may be employed who is not an occupant of the residence.
- 10.** Instruction in music, dancing, art, or similar subjects shall be limited to no more than five students at one time.
- 11.** Signs for home occupations shall be limited to incidental signs permitted in residential zoning districts (see Section <>, Signage).

**P. MOBILE FOOD VENDORS**

**01. LOCATION**



Mobile food vendors may only be operated on private land in accordance with **Table <>**, Listing of Common Secondary Uses. Nothing shall limit the operation of a mobile food vendors on public property provided the use takes place within a space designated for mobile food vendors, and provided the vendor has the property owner's permission.

**02. PERMITS REQUIRED**

- a. The operation of a mobile restaurant shall require approval of a Zoning Compliance Permit. A Zoning Compliance Permit issued for a mobile restaurant may also be used to authorize the operation of a push cart used for food and beverage vending.
- b. A Zoning Compliance Permit for the operation of a mobile restaurant or push cart shall be obtained by the landowner or landowner's agent for the site where the mobile restaurant will operate.
- c. In cases where a mobile restaurant operates on two or more different lots or sites, the landowner of each lot or site where a mobile restaurant operates shall secure a separate Zoning Compliance Permit for operation of the mobile restaurant or push cart.
- d. Vendors in vehicles must provide documentation of approval from the Henderson County Environmental Health Department in which the mobile food vendor's associated restaurant or commissary is located.
- e. The County's Health Permit must be displayed during hours of operation.

**03. PLACEMENT DURING AND AFTER FOOD SALES**

- a. Mobile food vendors shall be parked on private property with the property owners' permission and shall not be parked within any public street, right-of-way, or sidewalk unless the street has been closed for a special event.
- b. Mobile food vendors shall not block parking spaces, drive aisles, access to loading/service areas, or emergency access and fire lanes. Associated vending must also be positioned at least 15 feet away from fire hydrants, any fire department connection, and driveway entrances.
- c. No more than three mobile food vendors are permitted as a secondary use at the same time, unless at an approved special event, market, festival, or an active construction site.

**04. MINIMUM DISTANCE FROM CERTAIN USE TYPES**

No mobile food vendor shall operate within 100 feet of the main entrance of a restaurant located within a principal structure during business hours, unless authorized by a restaurant.

**05. OPERATION**

- a. The mobile food vendor owner or their designee shall be present at all times except in case of an emergency.
- b. The hours of operation shall be between the hours of 7:00 AM and 11:00 PM except for special events.
- c. Grease and wastewater must be contained and disposed of in an approved grease receptacle located at the associated restaurant or commissary.
- d. The operator shall keep all areas within ten feet of the mobile restaurant or push cart clean of grease, trash, paper, cups, or cans associated with the operation. No liquid waste or grease is to be disposed into tree pits, storm drains, or onto the sidewalks, streets, or other public locations. Under no circumstances shall grease be released into or disposed of in a sanitary sewer system.
- e. If the vendor is operating a mobile food vendor after dark, the vehicle shall provide appropriate lighting.
- f. A mobile food vendor shall not operate as a drive-up window.
- g. Mobile food vendor operators are responsible for the proper disposal of waste and trash associated with the operation. Town trash receptacles are not to be used for this purpose. Operators shall remove all waste and trash from their location at the end of each day or as needed to maintain the health and safety of the public.
- h. The Planning Director may initiate enforcement action if a mobile food vendor is causing parking, traffic congestion, or litter problems either on or off the property where the use is located or such use is otherwise creating a danger to the public health or safety.

**06. ASSOCIATED FEATURES**

- a. Advertising consisting of business name, logo, and items available for sale may be displayed on the mobile food vendor's vehicle(s) or an associated sidewalk sign. No other form of advertising shall be permitted.

**Q. OUTDOOR DINING OR SEATING**

Outdoor dining or seating shall comply with the following requirements:



**01. GENERALLY**

- a. Approval of a Zoning Compliance Permit shall be required for the establishment of outdoor dining or seating areas capable of accommodating up to 20 people. Site Plan approval shall be required for outdoor dining or seating areas capable of accommodating more than 20 people.
- b. Outdoor dining or seating may take place on the same lot as the principal use it serves, or on an abutting lot. An outdoor dining or seating area located on a different lot from the principal use it serves shall require approval as a unified development.
- c. Outdoor dining or seating areas where alcohol is served or may be consumed shall be clearly demarcated from other areas of the site or a public right-of-way with planters, fencing, roping, railing, or some other physical barrier that separates the area from its surroundings.
- d. Outdoor dining or seating areas that include any form of public address system, recorded or live musical performances, or other sounds provided as part of the operation of the principal use shall be located as far as possible from adjacent residential zoning.
- e. Lighting associated with outdoor dining or seating shall comply with the standards in Section <>, Exterior Lighting.
- f. Outdoor dining or seating areas shall comply with the applicable off-street parking standards in Section <>, Off-Street Parking Requirements.
- g. In no instance shall an outdoor dining or seating area take place within a required landscaping, screening, or parking area or interfere with safe pedestrian or vehicular circulation on or off the site.
- h. In no instance shall an outdoor dining or seating area obstruct access to an entrance or exit, emergency exit, drainage infrastructure, fire hydrant, standpipe, utility access area, ventilation, or ADA access features.
- i. Outdoor dining or seating areas shall include trash receptacles and shall not result in the accumulation of litter or waste in the public right-of-way or on adjacent lots.

**R. OUTDOOR DISPLAY / SALES**

The outdoor display and sale of goods as a secondary use shall be limited to a commercial or mixed-use development and shall comply with the following standards:

**01. GENERALLY**

- a. Outdoor seasonal sales proposed as a temporary use shall be subject to the standards in Section <>, Outdoor Seasonal Sales.
- b. Establishment of a display/sales area greater than 100 square feet in area shall require approval of a Site Plan (see Section <>, Site Plan). Display/sales areas smaller than 100 square feet shall require approval of a Zoning Compliance Permit.
- c. Outdoor display/sales areas shall provide ADA-compliant customer access.
- d. Outdoor display/sales shall be located on the same site as the principal use, and shall be located at least five feet from any lot line.

**02. ALONG THE FRONT FAÇADE**

Outdoor display/sales areas located along the front façade of a principal use shall comply with the following standards:

- a. Outdoor display/sales areas shall be located on an improved surface.
- b. In no instance shall an outdoor display/sales area occupy more than 75 percent of the front façade wall of a single tenant or individual tenant's portion of a multi-tenant building wall.
- c. Outdoor display/sales areas shall be no closer than five feet to a building entrance or exit.
- d. In no instance shall an outdoor display/sales area block an emergency exit, standpipe, utility meter, or ventilation access.
- e. Outdoor display/sales areas shall maintain at least five feet of pedestrian access on all sides.
- f. Outdoor display/sales area shall not exceed five feet in height from the sidewalk.
- g. Outdoor display/sales areas that are not accessible to members of the public shall be subject to the standards in Section <>, Outdoor Storage.

**03. WITHIN A PARKING LOT**

Outdoor display/sales areas located within a parking lot of a principal use shall comply with the following standards:

- a. Outdoor display/sales area shall not occupy a required parking or landscaping area.
- b. Outdoor display/sales areas shall not be located in ways that interfere with loading or on-site circulation of vehicles or pedestrians.
- c. Outdoor display/sales areas shall not include signage that is legible from off-site areas.
- d. Display areas that are inaccessible to the public are considered outdoor storage.



- e. Outdoor display/sales areas in parking lots shall comply with the dimensional requirements for the district where located.

**S. OUTDOOR STORAGE, NONRESIDENTIAL**

Outdoor storage as a secondary use shall comply with the standards in Section <>, Outdoor Storage, Permanent.

**T. SOLAR ENERGY SYSTEM, LEVEL 1**

A level 1 solar energy system use shall comply with the following requirements:

- 01. The system may be roof-mounted, attached to a principle or secondary structure, be ground-mounted, or placed over a parking or other hard-surface area;
- 02. The system shall comply with the dimensional requirements for the district where located, as modified by Section <>, General Standards for All Secondary Uses;
- 03. The system shall not obscure required sight distance triangles;
- 04. Ground-mounted facilities are exempted from the screening requirements in Section <>, Screening; and
- 05. Ground-mounted facilities shall not exceed 20 feet in height above adjacent preconstruction grade.

**U. STORAGE TANKS**

Underground and above ground storage tanks of 1,000 or more gallons shall comply with the following requirements:

- 01. Underground storage tanks shall not be located within required setbacks, easements, or beneath public rights-of-way;
- 02. Underground storage tanks shall be installed and operated only in accordance with the North Carolina Building Code and all applicable Fire Code requirements; and
- 03. Underground storage tanks shall be depicted on Site Plans and as-builts.

**V. SWIMMING POOL / HOT TUB**

Swimming pools and hot tubs shall be configured in accordance with all applicable requirements of the North Carolina State Building Code and Chapter 154 of the Town Code of Ordinances.



## § 4.6 TEMPORARY USES

### 4.6.1. INTENT

This section allows for the establishment of specific temporary uses of limited duration, provided that such uses do not negatively affect adjacent land, and provided that such temporary uses are discontinued upon the expiration of a set time period. Temporary uses shall not involve the construction or alteration of any permanent building or structure.

### 4.6.2. ESTABLISHMENT OF TEMPORARY USES

01. Temporary uses or structures may be approved prior to the establishment of a principal use, in conjunction with the approval of the principal use, or subsequent to the establishment of a principal use.
02. All temporary uses or structures listed in this section shall require prior approval of a Temporary Use Permit in accordance with Section <>, Temporary Use Permit.
03. In the event a temporary use is proposed that is not listed in this section, the Planning Director shall consult Section <>, Unlisted Uses, to determine how to treat the proposed temporary use.

### 4.6.3. GENERAL STANDARDS FOR TEMPORARY USES

All temporary uses and structures shall comply with the following general standards, unless otherwise specified in this Ordinance.

#### A. GENERAL REQUIREMENTS

An applicant proposing a temporary use or structure shall:

01. Secure written permission from the landowner;
02. Obtain the appropriate permits and licenses from the Town and other agencies;
03. Comply with the applicable requirements for signs in Section <>, Signage, if signage is proposed;
04. Meet public utility requirements for proper connection to water, sewer, electrical and other utility service connections, as applicable;
05. Not violate the applicable conditions of approval that apply to a site or use on the site;
06. Not result in a situation where the principal use, if present, fails to comply with the standards of this Ordinance;
07. Ensure the site of a temporary use or structure contains sufficient land area for the temporary use and for the parking and traffic movement associated with the temporary use, without impacting environmentally sensitive lands;
08. Provide adequate on-site restroom facilities (as appropriate); and
09. Cease all outdoor activities within 500 feet of a residential use by 10:00 PM.

#### B. GENERAL CONDITIONS

In approving a Temporary Use Permit, the Planning Director is authorized to impose any of the following general conditions upon the premises benefited by the permit as may be necessary to reduce or minimize any potential adverse impacts upon other property in the area, as long as the condition relates to a situation created or aggravated by the proposed temporary use or structure. The Planning Director is authorized, where appropriate, to require:

01. Provision of temporary parking facilities, including vehicular access and egress;
02. Control of nuisance factors, such as but not limited to, the prevention of glare or direct illumination of adjacent properties, noise, vibrations, smoke, dust, dirt, odors, gases, and heat;
03. Prohibition of the storage or use of hazardous materials;
04. Regulation of placement, height, size, and location of equipment;
05. Provision of sanitary and medical facilities;
06. Provision of solid waste collection and disposal;
07. Provision of security and safety measures;
08. Use of an alternate location or date;
09. Modification or elimination of certain proposed activities;



- 10. Regulation of operating hours and days, including limitation of the duration to a shorter time period than requested or specified in this subsection; and
- 11. Submission of a performance guarantee (see Section <>, Performance Guarantee) to ensure that any temporary use will be removed from the lot.

**C. WHERE PERMITTED**

- 01. Unless otherwise stated in this Ordinance or in an approval granted in accordance with this Ordinance, a temporary use or structure shall be permitted in all conventional zoning districts.
- 02. Only those temporary uses or structures identified in the approved conditions of approval may be permitted within a conditional zoning district.

**4.6.4. DURATION OF COMMON TEMPORARY USES**

This section includes a summary table of common temporary uses and their maximum duration.

<b>TABLE &lt;&gt;: TABLE OF COMMON TEMPORARY USES AND DURATIONS</b>		
<b>TYPE OF TEMPORARY USE OR STRUCTURE</b>	<b>MAXIMUM DURATION</b>	<b>MAXIMUM FREQUENCY PER CALENDAR YEAR</b>
Itinerant Merchant Sales	Not more than two days per sale	Six per lot per calendar year
Outdoor Seasonal Sales	Not more than 60 continuous days per lot per calendar year	Four, subject to maximum duration per year
Portable Storage Containers	Not more than 60 continuous days per lot per calendar year	Three, subject to maximum duration per year
Special Event	Up to 7 consecutive days per event	Twelve per lot per calendar year
Temporary Disaster Dwelling	No more than 18 months	Twice per lot per calendar year
Temporary Dwelling	No more than 9 months	N/A
Temporary Office	Must be removed within 30 days after all units are sold or leased, or construction is completed	
<b>NOTES:</b>		

**4.6.5. STANDARDS FOR SPECIFIC TEMPORARY USES**

This section sets out the use-specific standards for each of the common secondary use types.

**A. ITINERANT MERCHANT SALES**

Itinerant merchant sales, not including mobile restaurant vendors, are permitted on lots in nonresidential and mixed-use zoning districts, subject to the following standards:

- 01. The sale of merchandise, products, or material must be a permitted principal or secondary use in the zoning district where the sales are temporarily located;
- 02. Itinerant merchant sales shall be located outside of street rights-of way, required sight distance triangles, required landscape areas, vehicular circulation areas, and areas where pedestrian access is needed to ensure safe movement through or across a site;
- 03. Signage shall comply with the applicable standards in Section <>, Signage;
- 04. All merchandise and related materials shall be removed from the site following the sale;
- 05. The maximum period of operation of itinerant merchant sales shall be from 7:00 AM to 10:00 PM; and



- 06.** Permitted itinerant merchant sales shall be limited in duration in accordance with **Table <>**, Table of Common Temporary Uses and Duration.

**B. OUTDOOR SEASONAL SALES**

Outdoor seasonal sales are permitted on a lot in all zoning districts, except lots occupied by residential uses, subject to the following standards:

- 01.** Seasonal sales shall be limited to seasonal agricultural products such as Christmas trees, pumpkins, and living plants;
- 02.** The maximum hours of operation of an outdoor seasonal sales use shall be from 7:00 AM to 10:00 PM, except when located in a residential district, then the seasonal sales use shall cease by 9:00 PM;
- 03.** Exterior lighting shall comply with the requirements in Section <>, Exterior Lighting;
- 04.** One recreational vehicle is allowed as a temporary dwelling for security purposes in association with the seasonal sales use, provided it meets the general standards of Section, <> Temporary Dwelling, and is removed at the end of the sales;
- 05.** The on-site secondary sale of seasonal products by an agricultural use or retail sales use is not considered outdoor seasonal sales and is not subject to these standards; and
- 06.** Outdoor seasonal sales shall be limited in duration in accordance with **Table <>**, Table of Common Temporary Uses and Duration.

**C. SPECIAL EVENTS**

**01. EXEMPT EVENTS**

A special event is not subject to the requirements in this section, if:

- a. The event lasts one day or less within a 90-day period on a lot with an established principal use; or
- b. The event is sponsored by the Town, Henderson County, or the State.

**02. SUBJECT TO THIS ORDINANCE**

A special event not otherwise exempted from the standards in this section is permitted on a lot in a non-residential zoning district, subject to the following standards:

- a. A special event includes, but is not limited to arts and crafts shows, cultural events, musical events, concerts, and stage shows, celebrations, festivals, farmers' markets, fairs, carnivals, circuses, or outdoor religious events; and
- b. Circuses, carnivals, and similar amusements may be subject to the applicable provisions of the Town Code of Ordinances.
- c. The special event shall be limited in duration in accordance with **Table <>**, Table of Common Temporary Uses and Duration.

**D. PORTABLE STORAGE CONTAINERS**

**01. RESIDENTIAL PRINCIPAL USES**

Storage in a storage container (e.g., a portable storage container) may be permitted as a temporary use to a single-family detached, townhouse, two-family, triplex, or quadplex dwelling unit, subject to the following standards.

**a. TYPES DISTINGUISHED**

Storage containers shall take one of the following two forms:

- i. A container used for the purposes of storage of personal property such as household items being temporarily stored or relocated; or
- ii. A roll-off box, bin, or construction dumpster used for the collection and hauling of waste or debris.

**b. PERMIT REQUIRED**

A building permit shall not be required for a storage container, but a temporary use permit issued in accordance with Section <>, Temporary Use Permit, is required.

**c. EXEMPTIONS**

The standards in this section shall not apply to storage containers used as temporary construction trailers, construction dumpsters, or construction materials recycling facilities, provided construction on the site is on-going.

**d. MAXIMUM SIZE**

Containers shall be no larger in dimension than nine feet in height, eight feet in width, or 20 feet in length.



**e. MAXIMUM NUMBER**

No more than two storage containers shall be located on a single lot or parcel of land.

**f. HAZARDOUS SUBSTANCES**

Storage containers shall not be used to store or transport non-residential materials and substances, including but not limited to the following: solid waste, hazardous materials, explosives, or unlawful substances and materials.

**g. LOCATION**

- i. A storage container may be located in a driveway, a designated parking area, or behind a dwelling.
- ii. If site conditions make placement of the storage container behind a dwelling, on a driveway, or in a designated parking area impossible, then the storage container may be located immediately adjacent to the driveway or designated parking area.
- iii. A storage container shall not be located between the front of a dwelling and the street it faces unless any other placement is impossible due to site conditions.
- iv. In no instance shall a storage container be located within a Town street, public street right-of-way, or in a location that poses a threat to public health or safety.

**h. DURATION**

Portable storage containers shall be limited in duration in accordance with [Table <>](#), Table of Common Temporary Uses and Duration.

**02. NON-RESIDENTIAL AND MIXED PRINCIPAL USES**

Storage of goods, products, or materials within a storage container (e.g., portable storage container, shipping container, etc.) may be permitted as a temporary use as part of a lawfully established non-residential or mixed-use, subject to the following standards:

**a. TYPES DISTINGUISHED**

Storage containers shall take one of the following four forms:

- i. A portable storage container (sometimes referred to as a “POD”) used for the purposes of storage of finished goods or bulk materials within packaging;
- ii. A shipping container;
- iii. A roll-off box, bin, or construction dumpster used for the collection and hauling of waste or debris; or
- iv. A fully-enclosed, non-motorized, trailer (commonly known as a semi-trailer) with wheels intended to be towed to a site for the purpose of storage or transport of goods, materials, or equipment.

**b. PERMIT REQUIRED**

A building permit shall not be required for a storage container, but a temporary use permit issued in accordance with [Section <>](#), Temporary Use Permit, is required.

**c. EXEMPTIONS**

The standards in this section shall not apply to storage containers used as temporary construction trailers, construction dumpsters, or construction materials recycling facilities, provided construction on the site is on-going.

**d. MAXIMUM SIZE**

Containers shall be no larger in dimension than ten feet in height, eight feet in width, or 40 feet in length.

**e. MAXIMUM NUMBER**

No more than four storage containers shall be located on a single lot or parcel of land.

**f. HAZARDOUS SUBSTANCES**

Storage containers shall not be used to store or transport solid waste, hazardous materials, explosives, or unlawful substances and materials.

**g. LOCATION**

- i. A storage container may be located to the side or rear of a building, but shall not be located between a primary building wall and the street.
- ii. If site conditions make placement of the storage container behind or beside a building impossible, then the storage container may be located within designated parking or loading area provided such placement does not interfere with the safe operation of vehicles and provided the placement does not render the site nonconforming with respect to off-street parking space requirements.
- iii. In no instance shall a storage container be located within a Town street, public street right-of-way, or in a location that poses a threat to public health or safety.

**h. DURATION**

Portable storage containers shall be limited in duration in accordance with [Table <>](#), Table of Common Temporary Uses and Duration.



**E. TEMPORARY DISASTER DWELLING**

A temporary disaster dwelling unit is permitted on a lot in a residential, non-residential, or conditional zoning district, subject to the following standards:

- 01.** One temporary dwelling may be used to house occupants of the principal dwelling under construction or subject to repair due to a disaster, natural or fire or other damage.
- 02.** Temporary dwellings shall be located on the same lot as the structure under construction.
- 03.** Temporary emergency dwellings operated by a religious institution, governmental agency, or nonprofit organization may be located to provide emergency shelter where fire, flood, or other natural disaster has displaced persons.
- 04.** A temporary dwelling shall be removed within 90 days of issuance of a Certificate of Occupancy for the structure, or removed immediately if the Building Permit expires or is revoked.
- 05.** A temporary dwelling shall be limited in duration in accordance with [Table <>](#), Table of Common Temporary Uses and Duration.

**F. TEMPORARY DWELLING**

A temporary dwelling is permitted on a lot while a permanent dwelling is being constructed, subject to the following standards:

**01. GENERAL STANDARDS**

- a.** A temporary dwelling may be either a dwelling that meets all applicable State Residential Building Code requirements for a dwelling or a recreational vehicle.
- b.** The temporary dwelling shall be located on the lot in a manner to meet the dimensional standards of the zoning district, to the maximum extent practicable.
- c.** One temporary dwelling may be used to house occupants of the principal dwelling under construction or subject to repair.
- d.** Temporary dwellings may be used on a construction site and occupied by persons having construction or security responsibilities over such construction site.
- e.** Temporary dwellings shall be located on the same lot as the structure under construction.
- f.** The temporary use permit shall not be issued until a Site Plan is approved or a Building Permit is issued for the principal structure.

**02. DURATION**

Portable storage containers shall be limited in duration in accordance with [Table <>](#), Table of Common Temporary Uses and Duration.

**G. TEMPORARY OFFICE**

A temporary office is permitted on a lot, subject to the following standards:

**01. REAL ESTATE OFFICE/ MODEL HOME**

- a.** The office is located on a lot that is part of the development being sold or leased;
- b.** Signage complies with the standards in [Section <>](#), Signage;
- c.** The office complies with the dimensional standards of the zoning district in which it is located;
- d.** The office complies with all applicable State laws; and
- e.** The temporary office is converted into a dwelling or removed in accordance with [Table <>](#), Table of Common Temporary Uses and Duration.
- f.** Real estate office/model home uses may accommodate up to 100 percent of the required off-street parking on a different lot or site, provided:
  - i.** The most distant parking space is located within 1,000 linear feet; and
  - ii.** Provided there is an improved pedestrian access between the parking area and the use being served.

**02. CONSTRUCTION OFFICE**

- a.** A construction office shall be located on the same lot or site where the construction is taking place.
- b.** A construction office shall not be located within required setbacks or easements, unless no alternative is available.



- c. The construction office shall be removed from the site in accordance with [Table <>](#), Table of Common Temporary Uses and Duration.
- d. Construction office uses may accommodate up to 100 percent of the required off-street parking on a different lot or site provided:
  - i. The most distant parking space is located within 1,000 linear feet; and
  - ii. Provided there is an improved pedestrian access between the parking area and the use being served.



## § 4.7 UNLISTED USES

### 4.7.1. PROCEDURE FOR DETERMINATION

Sets out the process to be used in classifying an unlisted use based on the standards in the determination procedure, definitions, and the use category descriptions.

- A.** In the event that a proposed principal, secondary, and temporary use type is not listed in this Ordinance, and such land use is not listed in Section <>, Prohibited Uses, or is not otherwise prohibited by law, the Planning Director shall determine whether a materially similar land use exists in this Ordinance.
- B.** The Planning Director shall determine whether or not an unlisted use is similar to an existing use type based on the definitions in Section <>, Terms Defined, the standards for unlisted uses in Section <>, Determination, and the appropriate table in Section <>, Use Category Descriptions. Nothing shall limit the Planning Director from seeking input from Town staff, the Planning Board, or the Town Council in determining how to categorize an unlisted use.
- C.** Should the Planning Director determine that a materially similar land use does exist, the regulations governing that land use shall apply to the unlisted use type and the Planning Director’s determination shall be recorded in writing.
- D.** In cases where a proposed unlisted use type is not found to be similar to an existing use type, the Planning Director may, but shall not be required to, initiate a text amendment application to revise the text of this Ordinance to add the use type in accordance with Section <>, Text Amendment.

### 4.7.2. USE CATEGORY DESCRIPTIONS

The following tables set out the range of use categories, use characteristics, and example use types by use classification listed in Section <>, Listing of Common Principal Uses.

#### A. AGRICULTURAL USE CLASSIFICATION

Table <>, Agricultural Use Categories, sets out the use categories included in the agricultural use classification in Table <>, Listing of Common Principal Uses. It also describes the characteristics and examples of the use types in each use category. Bona fide farms are exempted from the zoning provisions in this Ordinance.

TABLE <>: AGRICULTURAL USE CATEGORIES	
USE CATEGORY	CHARACTERISTICS
	EXAMPLE
Agricultural Processing	The Agricultural Processing Use Category is characterized by uses engaged in the storage, distribution, refinement, packaging, and transport of agricultural products and by-products.
	Example use types include grain and feed elevators, processing, caning, and dehydration plants, as well as storage facilities. Processing of animal products is an industrial use.
Agricultural Support Services	The Agricultural Support Services Use Category is characterized by commercial establishments engaged in the sales, repair, rental, and storage of tools, equipment, supplies, and machinery in support of farms, farming, agriculture, or horticulture.
	Example use types include farm equipment sales, sales of farming supplies, establishments engaged in repair, refurbishment, servicing of farm equipment (whether on-site or in a centralized location), agricultural research facilities, and similar uses.
Livestock-related	The Livestock-Related Use Category is characterized by the commercial and non-commercial propagation, rearing, exercising, feeding, milking, housing, controlling, handling, or general care of living animals and livestock.
	Example use types include the raising and production of cattle (beef and dairy), pigs, mules, ducks, horses, goats, poultry, sheep, and similar livestock or domesticated animals. Breeding and rearing of animals typically thought of as household pets (e.g., dogs, cats, small rodents, etc.) is not animal husbandry.



**B. COMMERCIAL USE CLASSIFICATION**

Table <>, Commercial Use Categories, sets out the use categories included in the commercial use classification in Table <>, Listing of Common Principal Uses. It also describes the characteristics and examples of the use types in each use category.

<b>TABLE &lt;&gt;: COMMERCIAL USE CLASSIFICATION</b>	
<b>USE CATEGORY</b>	<b>CHARACTERISTICS</b>
	<b>EXAMPLE</b>
Animal Related	The Animal-Related Use Category is characterized by uses related to the provision of medical services and treatment to animals, including veterinary services, animal hospitals, and the boarding of animals related to the provision of these services.
	Examples use types include animal shelters, animal grooming, kennels (outdoor and indoor), animal hospitals, and veterinary clinics.
Eating & Drinking	The Eating and Drinking Use Category includes use types that prepare and sell food and beverages for immediate or direct on- or off-premise consumption. Secondary uses may include bars or cocktail lounges associated with the establishment, decks and patios for outdoor seating, drive-through facilities, facilities for live entertainment or dancing, customer and employee parking areas, and valet parking facilities.
	Example use types include restaurants (including brewpubs) with indoor and outdoor seating, caterers, restaurants, specialty eating establishments (ice cream parlors, bakery shops, dessert shops, juice, or coffee houses). Secondary uses may include bars or cocktail lounges associated with the establishment, decks and patios for outdoor seating, drive-through facilities, facilities for live entertainment or dancing, customer and employee parking areas, and valet parking facilities.
Equipment Related	The Equipment-Related Use Category is characterized by commercial establishments engaged in the rental and repair of large and small equipment, tools, tables, chairs, party supplies, plants, and similar features available for short term rental for consideration.
	Example use types include tool rental, and heavy and light equipment repair/refurbishment uses.
Event Venue	The Event Venue Use Category is characterized by establishments that provide gathering spaces and facilities available for conducting events, receptions, and similar shared experiences. Such facilities are rented hourly or by the day, and may include dining, catering, and activity areas. Secondary uses may include classrooms, accommodations, and equipment storage.
	Example use types include conference halls, conference centers, retreats, wedding venues, and similar spaces.
Financial Services	The Financial Services Use Category includes use types engaged in the provision of financial advice, savings, making of loans, and secure storage of currency or similar valuables.
	Example use types include banks, credit unions, investment offices, payday loan establishments, credit counselling, and pawn shops.
Lodging	The Lodging Use Category includes use types that provide lodging units or space for short-term stays for rent, lease, or interval occupancy. Secondary uses may include pools and other recreational facilities, limited storage, restaurants, bars, supporting commercial, meeting facilities, offices, and parking.
	Example use types include hotels, motels, bed and breakfast inns, extended stay facilities, campgrounds, and hunting lodges.
Office Related	The Office Use Category includes use types that provide for activities that are conducted in an office setting and generally focus on business, professional, or financial services. Secondary uses may include cafeterias, day care facilities, recreational or fitness facilities, parking, supporting commercial, or other amenities primarily for the use of employees in the business or building.



**TABLE 4.2: COMMERCIAL USE CLASSIFICATION**

USE CATEGORY	CHARACTERISTICS
	EXAMPLE
	Example use types include business and sales offices (such as tax preparers, and real estate agents), and professional services (such as lawyers, accountants, engineers, or architects). Offices that are part of and located with a principal use in another use category are considered secondary to the establishment's primary activity. Contractors and others who perform services off-site are included in the Offices Use Category if equipment and materials are not stored outside and no fabrication, services, or similar work is carried on at the site. Government offices and medical and dental clinics, medical or dental labs, and blood collection facilities are classified as Institutional uses.
Parking Related	The Parking-Related Use Category includes uses engaged in the provision of short-term, temporary off-site parking for automobile, trucks, motorcycles, battery powered vehicles, and similar vehicles intended for personal transport. Such uses may or may not permit the temporary storage of trailers and similar vehicle-related appurtenances.
	Example use types include parking lots and parking structures. Uses engaged in sales or rental are vehicle-related uses.
Personal Services	The Personal Service Use Category is characterized by use types related to the provision of services or product repair for consumers. Personal services use types meet frequent or recurrent service needs of a personal nature, including the repair of small personal items such as shoes, watches, jewelry, and clothing
	Example use types include laundromats, laundry and dry-cleaning drop-off establishments, photographic studios, mailing or packaging services, photocopy and blueprint services, funeral homes, fitness centers, locksmiths, hair salons and barber/beauty shops, tanning and nail salons, tattoo parlors and body piercing establishments, massage therapy and day spas, dance or music instruction, and psychics or mediums.
Recreation Related	The Recreation-Related Use Category is characterized by use types that provide recreational, amusement, and entertainment opportunities that are privately-owned and commercial in nature. Uses may be either indoors, outdoors, or both.
	Example use types include recreational uses occurring outdoors (private golf driving ranges and privately-owned miniature golf facilities; go-cart racing, race-track, or dirt-track facilities; water parks, and amusement parks; and privately-owned active sports facilities), billiard halls, indoor commercial recreation uses, bowling alleys, movie theatres, dance and yoga studios, fitness centers, sports instructional schools, martial arts instruction, and similar uses.
Retail Sales	The Retail Sales Use Category includes use types involved in the sale, lease, or rent of new or used products primarily intended for the general public. Secondary uses may include offices, storage of goods, limited assembly, processing, or repackaging of goods for on-site sale, concessions, ATM machines, outdoor display/sales areas, and parking. Use types within this use category are categorized based on their intensity, scale, and function.
	Example use types include stores selling, leasing, or renting consumer, home, and business goods, whether new or used, including art and art supply stores, audio/video stores, bicycle sales, book stores, clothing stores, convenience stores, department stores, dry good sales, electronic equipment stores, fabric shops, furniture stores, florist shops, garden supply centers, gift shops, grocery stores, hardware stores, stores that sell household products, jewelry stores, office supply stores, pet and pet supply stores, and pharmacies. Secondary uses may include storage of products for sale, offices, concessions, seating areas, areas for testing of products prior to purchase, and provision of product-related service or repair.
Sexually-Oriented Business	An adult use as defined in Section 14-202.10(2) of the North Carolina General Statutes.
Storage-Related	The Storage-Related Use Category includes uses engaged in the temporary short-term storage of goods, personal property, vehicles, and similar aspects in off-site areas. Storage of goods can take place in indoor and outdoor facilities.
	Example use types include self-storage facilities.



**TABLE <>: COMMERCIAL USE CLASSIFICATION**

USE CATEGORY	CHARACTERISTICS
	EXAMPLE
Vehicle Related	The Vehicle-Related Use Category includes use types involving the direct sale; rental; storage; and servicing of automobiles, trucks, boats, motorcycles, recreational vehicles, and other consumer motor vehicles intended to transport persons or goods over land or water or through the air, whether for recreation, commerce, or personal transport. Secondary uses may include offices, sales of parts, maintenance facilities, parking, outdoor display, and vehicle storage.
	Example use types include vehicle sales or rentals; automotive repair and servicing; automotive painting/bodywork; boat and marine sales or rental; aircraft parts, sales, and maintenance; transmission shops; automotive wrecker services; oil change, state vehicle inspection, and muffler shops; automotive parts sales and maintenance; car wash and auto detailing; and tire sales and mounting services.

**C. INDUSTRIAL USES**

Table <>, Industrial Use Categories, sets out the use categories included in the industrial use classification in Table <>, Listing of Common Principal Uses. It also describes the characteristics and examples of the use types in each use category.

**TABLE <>: INDUSTRIAL USE CATEGORIES**

USE CATEGORY	CHARACTERISTICS
	EXAMPLE
Energy Related	The Energy-Related Use Category is characterized by establishment engaged in the industrial-scale production of energy (electricity).
	Example use types include solar energy conversion, wind energy conversion, geothermal, and gas energy conversion activities, as well as coal-fired plants, natural gas plants, and hydro-electric facilities.
Extractive Industry	The Extractive Industry Use Category includes use types involving the extraction, removal, or basic processing of minerals, liquids, gases, or other natural resources. Such uses also include quarrying, well operation, drilling, mining, or other procedures typically done at an extraction site. Secondary uses may include offices, limited wholesale sales, security or caretaker's quarters, outdoor storage, and maintenance facilities.
	Examples use types include quarries, borrow pits, mining, and sand and gravel operations.
Flex Space	The Flex Space Use Category includes uses engaged in the provision of covered floor area available for short-term or long-term rental for the conduct of light industrial, assembly, storage, office, and related functions.
	Example use types include industrial floor area that is available for rental and configuration as a wide variety of use types.
Industrial Services	The Industrial Services Use Category includes use types involving the repair or servicing of industrial, business, or consumer machinery equipment, products, or by-products. Firms that service consumer goods do so by mainly providing centralized services for separate retail outlets. Contractors and building maintenance services and similar use types perform services off-site. Few customers, especially the general public, come to the site. Secondary activities may include limited retail or wholesale sales, offices, parking, warehousing, and outdoor storage.
	Example use types include machine shops; tool repair; electric motor repair; repair of scientific or professional instruments; heavy equipment sales, rental, or storage; heavy equipment servicing and repair; building, heating, plumbing, or electrical contractors; fuel oil or bottled gas distributors; research and development facilities; laundry, dry-cleaning, and carpet cleaning plants; and general industrial service uses. Contractors and others who perform services off-site are included in the Office Use Category under Commercial Use Classification if equipment and materials are not stored outside and no fabrication, services, or similar work is carried on at the site.



**TABLE 4.1: INDUSTRIAL USE CATEGORIES**

USE CATEGORY	CHARACTERISTICS
	EXAMPLE
Manufacturing	The Manufacturing Use Category includes use types involved in the manufacturing, processing, fabrication, packaging, or assembly of goods. Products may be finished or semi-finished and are generally made for the wholesale market, for transfer to other plants, or to order for firms or consumers. The use category also includes custom industries (establishments primarily engaged in the on-site production of goods by use of hand tools and small-scale equipment). Goods are generally not displayed or sold on site, but if so, such sales are a subordinate part of total sales. Relatively few customers come to the manufacturing site. Secondary uses may include retail or wholesale sales, offices, cafeterias, parking, employee recreational facilities, warehouses, storage yards, repair facilities, truck fleets, fueling facilities, security and caretaker's quarters.
	Manufacturing uses include, but are not limited to: manufacture or assembly of machinery, equipment, instruments, vehicles, appliances, communications equipment, computer or electronic equipment, precision items and other electrical items; the processing of food and related products; lumber mills, pulp and paper mills, the manufacture of other wood products; production or repair of small machines or electronic parts and equipment; and similar uses.
Utility Related	The Utility-Related Use Category is characterized by activities associated with the provision of a utility or infrastructure-related service such as electricity distribution, potable water treatment, storage, or delivery, wastewater collection, storage, or treatment. Facilities are classified as major or minor depending upon their impacts or scale.
	Example use types include potable water treatment plants, utility equipment and storage yards, utility substations, water towers, pump stations, stormwater management facilities, telephone exchanges, and facilities serving transit.
Warehouse Related	The Warehouse-Related Use Category includes use types involving the storage or movement of goods for themselves or other firms or businesses. Goods are generally delivered to other firms or the final consumer, except for some will-call pickups. There is little on-site sales activity with the customer present. Secondary uses include offices, truck fleet parking, outdoor storage, and maintenance areas.
	Example use types include separate storage warehouses (used for storage by retail stores such as furniture and appliance stores); distribution warehouses (used for distribution by trucking companies; cold storage plants; and outdoor storage (as a principal use). Self-storage is a commercial use type.
Waste Related	The Waste-Related Use Category includes use types that receive solid or liquid wastes from others for disposal on the site or for transfer to another location, uses that collect sanitary wastes, or uses that manufacture or produce goods or energy from the composting of organic material or processing of scrap or waste material. This use category also includes use types that receive wastes from others. Secondary uses may include offices, outdoor storage, recycling of materials, and repackaging and trans-shipment of by-products.
	Example use types include recycling and salvage centers, convenience centers, transfer stations, land clearing and construction debris landfills, tire disposal or recycling, waste composting, incinerators, energy recovery plants, salvage yards and junkyards, and recycling drop-off centers.
Wholesale Sales	The Wholesale Use Category includes use types involving the sale, lease, or rent of products primarily intended for industrial, institutional, or commercial businesses. The uses emphasize on-site sales or taking of orders and often include display areas. Businesses may or may not be open to the general public, but sales to the general public are limited. Products may be picked up on-site or delivered to the customer. Secondary uses may include offices, product repair, warehouses, minor fabrication services, outdoor storage, and repackaging of goods.
	Example use types include sale or rental of machinery, equipment, heavy trucks, building materials, special trade tools, welding supplies, machine parts, electrical supplies, janitorial supplies, restaurant equipment and store fixtures; mail order houses; and wholesalers of food, clothing, plants and landscaping materials, auto parts, and building hardware.



**D. INSTITUTIONAL USES**

Table <>, Institutional Use Categories, sets out the use categories included in the institutional use classification in Table <>, Listing of Common Principal Uses. It also describes the characteristics and examples of the use types in each use category.

**TABLE <>: INSTITUTIONAL USE CATEGORIES**

USE CATEGORY	CHARACTERISTICS
	EXAMPLE
Assembly	The Assembly Use Category is characterized by uses and facilities that bring people together for the purposes of learning or discussion, worship, recreation, or as part of a fraternal organization. Secondary uses may include entertainment or recreation facilities, day care, food preparation facilities, offices, parking, and similar features.
	Example use types include auditoriums, community centers, fraternal clubs, lodges, and religious institutions. Schools are included in the education related category.
Cultural Facility	The Cultural Facility Use Category includes use types of a public, nonprofit, or charitable nature that provide cultural amenities and educational services. Services and facilities typically include meeting areas, display areas, recreational features, as well as indoor facilities used primarily for business or professional conferences, seminars, and training programs. Generally, such uses are open to or provide services to members of the general public. Secondary uses may include parking, training facilities, kitchens/cafeterias, recreation areas, offices, meeting rooms, storage, food sales or consumption.
	Example use types include museums, libraries, senior centers, youth clubs, and art galleries.
Day Care	The Day Care Use Category includes use types that provide care, protection, and supervision for children or adults on a regular basis away from their primary residence, and for less than 24 hours a day. Care can include education and development activities. Care can be provided during daytime or nighttime hours. Secondary uses include offices, food preparation, recreation areas, and parking.
	Example use types day care centers, nurseries, nursery schools, adult day care facilities. Home day care is considered a secondary use. Drop-in or short-term day care provided in connection with employment or at a shopping center, recreational facility, religious institution, hotel, or other principal uses are not included in the Day Care Use Category.
Education Related	The Educational Use Category is characterized by uses engaged in the provision of educational services to children and adults, whether through public or private learning institutions. Secondary uses include living quarters, food preparation facilities, recreational facilities, offices, gathering spaces, and related activities.
	Example use types include primary and secondary schools, colleges, vocational schools, and establishments engaged in providing training whether for profit or as a community service.
Governmental Related	The Government-Related Use Category includes facilities and establishments engaged in governance and the provision of governing-related services, public safety, and operations.
	Example use types include governmental offices, governmental maintenance facilities, post offices, law enforcement facilities, fire stations, and similar uses.
Health Care	The Health Care Use Category includes use types that provide medical or surgical care and treatment to patients as well as laboratory services. Secondary uses may include offices, laboratories, laundry facilities, teaching facilities, meeting areas, cafeterias, parking, maintenance facilities, housing for staff or trainees, and limited accommodations for family members.
	Example use types include hospitals, outpatient medical facilities, urgent care providers, medical offices (doctors, dentists, radiologists, etc.), clinics, congregate care, memory care, drug and alcohol treatment facilities, psychiatric treatment facilities, and blood/tissue collection facilities.



**TABLE <>: INSTITUTIONAL USE CATEGORIES**

USE CATEGORY	CHARACTERISTICS
	EXAMPLE
Open Space	The Open Space Use Category includes use types that focus on open space areas largely devoted to vegetative landscaping or outdoor recreation and that tend to have few structures. Secondary uses may include club houses, recreational structures, statuary, fountains, maintenance facilities, concessions, parking, and columbaria and mausoleums (as secondary to cemeteries).
	Example use types include arboretums or botanical gardens, parks, community gardens, areas of undisturbed vegetation on land owned by the public or a conservation entity, and cemeteries.
Recreation Related	The Recreation Use Category includes active and passive recreation uses and facilities (whether indoor or outdoor) that are available for use by the general public or by the residents of a neighborhood or community.
	Example use types include athletic fields or courts, swim clubs, country clubs, golf courses, indoor recreation uses, and similar facilities.
Telecommunications	The Telecommunications Use Category is characterized by uses and facilities engaged in the provision of wireless telecommunication signals and information.
	Example use types include telecommunications antennae, signal processing equipment, antenna supporting structures, broadcasting studio and broadcasting towers.
Transportation	The Transportation Use Category includes use types that provide for the landing and takeoff of airplanes and helicopters, and passenger terminals for surface transportation. Secondary uses may include freight handling areas, concessions, offices, parking, maintenance, and fueling facilities.
	Example use types include airports, helicopter landing facilities, and passenger terminals for ground transportation (train, bus). Transit route facilities such as bus stops, bus shelters, and park-and-ride facilities are classified as Utilities.

**E. RESIDENTIAL USES**

Table <>, Residential Use Categories, sets out the use categories included in the residential use classification in Table <>, Listing of Common Principal Uses. It also describes the characteristics and examples of the use types in each use category.



**TABLE <>: RESIDENTIAL USE CATEGORIES**

USE CATEGORY	CHARACTERISTICS
	EXAMPLE
Assisted Living	The Assisted Living Use Category is characterized by establishment providing residential occupancy to unrelated individuals in need of care, treatment, or assistance. Assistance may take the form of daily life care, specialized medical care, counselling, addiction, or fostering services.
	Example use types include congregate care, nursing homes, rehabilitation centers, and retirement communities.
Group Living	The Group Living Use Category includes use types that provide for the residential occupancy of a structure by a group of people who do not meet the definition of “household.” The size of the group may be larger than the average size of a household. Tenancy is typically arranged on a monthly or longer basis. Generally, group living structures have a common eating and or congregating area for residents. The residents may receive care, training, or treatment. Secondary uses include recreational facilities, dining facilities, and parking of vehicles for occupants and staff.
	Example use types include dormitories, family care homes, group homes, rooming, boarding houses, and similar uses. Facilities for rehabilitation or the treatment of addiction are considered assisted living facilities.
Household Living	The Household Living Use Category includes use types that provide for the residential occupancy of a dwelling unit by a household. Tenancy is arranged on a month-to-month or longer basis. Secondary uses commonly associated with household living are recreational activities, raising of pets, hobbies, and parking of the occupants’ vehicles. Home occupations are secondary uses that are subject to additional regulations.
	Example use types include detached residential dwellings like single-family detached dwellings or manufactured homes, attached residential structures like townhouses, multi-family uses, upper story dwellings, and similar uses.

