Yadkin County Zoning Ordinance

Amended:

July 21, 2003;
April 19, 2004;
February 21, 2005;
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April 16, 2007;
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November 21, 2011
December 16, 2013

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ZONING ORDINANCE

An Ordinance establishing zoning regulations in Yadkin County, North Carolina, providing for the administration, amendment, and enforcement of these regulations; and providing for and defining the duties and powers of a Board of Adjustment in accordance with the provisions of North Carolina General Statutes, Article 18, Chapter 153A; and for the repeal of all previous Zoning Ordinances.
The purpose of this Ordinance is to provide for the public health, safety and general welfare; encourage orderly development; protect the quality of the environment; and to regulate the location and use of structures and land for commerce, industry and residences in accordance with the County's adopted Land Use Plan.

ARTICLE 1. LEGAL PROVISIONS

Section 1. Enactment and Authority

The Board of Commissioners of Yadkin County, North Carolina, pursuant to the authority granted by Article 18, Chapter 153A of the North Carolina General Statutes, does hereby ordain and enact into law the following Articles and Sections.

Section 2. Title

This Ordinance shall be known as the Zoning Ordinance of Yadkin County, North Carolina.

Section 3. Official Zoning Map

An official Zoning Map depicting the actual location of the Zoning Districts is made a part of this ordinance and adopted by reference. The official zoning map, which is identified by the title "Zoning Map of Yadkin County, North Carolina", shall be known as the "Zoning Map". The official Zoning Map shall be maintained in the Yadkin County Department of Planning and Development, shall bear the adoption date of this Ordinance and the date of any subsequent map amendments, and may consist of a series of maps.

Section 4. Jurisdiction

The provisions of this Ordinance shall apply within the areas designated as Zoning Districts on the official zoning map(s) by the Board of Commissioners of Yadkin County. The official Zoning Map(s) will be on file in the office of the Department of Planning and Development.

Section 5. Bona Fide Farms Exempt

Pursuant to the state enabling legislation for county zoning, N.C General Statute 153A-340(b), the provisions of this Ordinance shall not apply to bona fide farms as defined in Article 21, nor to any uses or activities defined as agricultural or farming uses in N.C. General Statute 106-581.1 The statute defines these uses to include any activity performed on the property to add value to the farm product(s).

This Ordinance does not impose nor exercise any controls over croplands, timberlands, pasturelands, orchards, vineyards or idle or other farmlands. Nor does this ordinance exercise control over any farmhouse, barn, poultry house, or other farm buildings, including tenant or other houses for persons working on said farms, as long as such houses shall be in the same ownership as the farm and located on the farm. Residences for non-farm use or occupancy and other non-farm uses, including Kennels as defined in Article 21 and the rearing and care of other animals not included in the definition of Livestock in Article 21 shall be subject to the provisions of this Ordinance.

Section 6. Interpretation and Conflict

In interpreting and applying the provisions of this Ordinance, they shall be held to be the minimum requirements for the promotion of the public safety, health, convenience, prosperity, and general welfare. It is not intended by this Ordinance to interfere with, abrogate, or annul any easements, covenants, or other agreements between parties. However, where this Ordinance imposes a greater restriction than any legal or other restriction that may apply to land within its jurisdiction, the provisions of this Ordinance shall govern.

Section 7. Severability

If any Article, Section, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid by the courts, such decision shall not affect the validity of the remaining portion of this Ordinance.

Section 8. Relationship to Adopted Plans

The Land Use Plan adopted by the Board of Commissioners of the County of Yadkin indicates desired development of various types, uses and/or levels of intensity according to location and other variables. This Plan should be used as a guide for the application of this Ordinance to land within the areas covered, as well as for the provision of public services

Section 9. Repeal of Previous Ordinance

The Zoning Ordinance originally adopted 1989 that applies to the area east of Yadkinville is hereby repealed. It is not intended by this Ordinance to repeal, abrogate, annul, or in any way to impair or interfere with any other existing provisions of law or ordinance. Nor is it intended to stay any action to enforce the previous regulations, as provided for in those regulations, as may be in process or may occur, as appropriate, upon or after the effective date of this Ordinance.

Section 10. Effective Date

This Ordinance shall be in force from and after its adoption and approval.
Passed and adopted this Sixteenth day of December, 2013.
The effective date of this Ordinance is the Seventeenth day of December, 2013.

ATTEST:

Clerk to the Board

Chairman, Yadkin County Board of Commissioners

ARTICLE 2. ADMINISTRATION

Section 1. The Zoning Administrator

The Zoning Administrator, or his authorized agent, is hereby authorized, and it shall be his duty, to enforce the provisions of this Ordinance. These officials shall have the right to enter upon the premises of any property in question at any reasonable time, if necessary to carry out their duties. It is the intention of this Ordinance that all questions arising in connection with enforcement and interpretation shall be presented first to the Zoning Administrator. Appeal from his decision shall be made to the Board of Adjustment.

In administering the provisions of this Ordinance, the Zoning Administrator shall:

A. Make and maintain records of all applications for permits and requests listed herein; dated records of all permits issued or denied, of all special conditions or modifications involved, and of all applicable requirements specifically imposed or waived under his/her discretion as authorized herein.

B. File and safely keep copies of all plans submitted, and the same shall form a part of the records of his office and shall be available for inspection at reasonable times by any interested person.

C. Transmit to the appropriate board or commission and the Board of County Commissioners all applications and plans for which their review and approval is required.

D. Conduct inspections of the premises and, upon finding that any of the provisions of this Ordinance are being violated, notify in writing the person responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it.

Section 2. Zoning Permits

A. Zoning Permit Required

A valid Zoning Permit shall be presented with any application for a Building Permit. No Building Permit shall be issued for any land use in a zoned area until such Zoning Permit is presented.

It shall be unlawful to commence the excavation for or the construction of any building or other structure including accessory structures; or to commence the moving, substantive alteration or structural repair of any building; or the use of any land or building, including accessory structures, until the Zoning Administrator has issued a Zoning Permit for such work or use including a statement that the Plans, specifications and intended use of such land, or structures, in all respects conforms with the provisions of this Ordinance. These regulations are not intended to limit or hinder in any way the normal repair and maintenance of real property; however, repairs requiring replacement or reinforcement of structural or load-bearing components typically regulated by state or federal building codes shall first be subject to issuance of a Zoning Permit, and plans for such repairs forwarded to the County Building Inspector. Application for a Zoning Permit shall be made in writing to the Zoning Administrator on forms provided for that purpose. Zoning Permits shall be void after six (6) months from the date of issue unless substantial progress on the project has been made by that time.

B. Approval of Plans

It shall be unlawful for the Zoning Administrator or his/her designee to approve any plans or issue a Zoning Permit for any purpose regulated by this Ordinance until he has inspected such plans in detail and found them in conformity with this Ordinance. To this end, the Zoning Administrator shall require that every application for a Zoning Permit be accompanied by a plan or plat drawn to scale and showing the following in sufficient detail to enable him to ascertain whether the proposed activity is in conformance with this Ordinance.

1. The actual shape, location, and dimensions of the lot.
2. The shape, size, and location of all buildings or other structures to be erected, altered or moved and of any building or other structures already on the lot.
3. The existing and intended use of all such buildings or other structures.
4. Such other information concerning the lot or adjoining lots as may be essential for determining whether the provisions of this Ordinance are being observed.

C. Issuance of Zoning Permits

If the proposed activity, as set forth in the application, is in conformity with the provisions of this Ordinance, the Zoning Administrator shall issue a Zoning Permit. If any application for a Zoning Permit is not approved, the Zoning Administrator shall state the cause for such disapproval in writing on the application. Issuance of a permit shall, in no case, be construed as waiving any provision of this or any other ordinance or regulation.

Section 3. Certificates of Occupancy

No new building or part thereof shall be occupied, and no addition or enlargement of any existing building shall be occupied, and no existing building after being moved shall be occupied, and no change of occupancy shall be made in any existing building or part thereof, until the Building Inspector or Zoning Administrator has issued a Certificate of Occupancy therefor. The Change of Occupancy Provision shall not apply to rooms intended for transit rental. A Temporary Certificate of Occupancy may be issued for a portion or portions of a building which may safely be occupied prior to final completion and occupancy of the entire building or for other temporary uses.

The Certificate of Occupancy shall be issued automatically by the Building Inspector after all final inspections have been made.

In the case of existing buildings or other uses not requiring a Building Permit, after supplying the information and data necessary to determine compliance with this Ordinance and appropriate regulatory codes of Yadkin County for the occupancy intended, the Zoning Administrator shall issue a Certificate of Occupancy when, after examination and inspection, it is found that the building or use in all respects conforms to the provisions of this Ordinance and appropriate regulatory codes of Yadkin County for the occupancy intended.

Section 4. Other Permits

The Zoning Administrator shall be authorized to issue other permits as required by this Ordinance or the Board of County Commissioners.

Section 5. Administrative Procedures

A. Public Hearings

Any case involving an appeal or variance requires a public hearing to be held by the Board of Adjustment and any case involving a change of zoning district classification, text amendment or other change in this ordinance requires a public hearing to be held by the Board of Commissioners.

Each Board shall fix a date for hearing the appeal or request, to be held within a reasonable time period after a completed application is accepted by the Zoning Administrator, to allow the County to give public notice as required by law, as well as due notice to the parties in interest. At the hearing any person or party may appear in person or by agent or attorney. Each Board shall take action on a matter within a reasonable time after the termination of the proceedings.

B. Revocation of Conditional Use Permits and Variances

After a public hearing has been held and approval granted for a conditional use or variance, the granting Board may reverse any decision with a public hearing upon finding:

1. That the approval was obtained by fraud; or
2. That the use for which such approval was granted is not being executed; or
3. That the use for which such approval was granted has ceased to exist or has been suspended for one year or more; or
4. That the permit granted is being, or recently has been, exercised contrary to the terms for conditions of such approval; or
5. That the permit granted is in violation of an ordinance or statute; or
6. That the use for which the approval was granted was so exercised as to be detrimental to the public health or safety, or so as to constitute a nuisance.

C. Appeals

Administrative Appeals may be taken to the Board of County Commissioners by any person, firm, or corporation aggrieved, or by any officer, department, or board of the County affected by a decision of the Planning Board. Such appeals shall be filed with the Board of County Commissioners by notice specifying the grounds for appeal. Appeals shall be filed within thirty (30) days from the date of the action being appealed. Appeals shall be effective upon receipt.

Appeals may be taken to the Board of Adjustment by any person, firm, or corporation aggrieved, or by an officer, department, or board of the County affected by any decision of an administrative official, charged with the enforcement or interpretation of this Ordinance, thought to be in error. Such appeals shall be filed with the Board of Adjustment by notice specifying the grounds for appeal. Appeals shall be filed within sixty (60) days from the action being appealed. The officer from whom the appeal is taken shall forthwith transmit to the Board of Adjustment all papers constituting the record upon which the action appealed from was taken together with any additional written reports or documents as he deems pertinent. The Board of Adjustment may, after a public hearing, so long as such action is in conformity with the terms of this Ordinance, reverse or affirm, wholly or in part, or may modify any order, requirement, decision, or determination as ought to be made, and to that end shall have the powers of the administrative official from whom the appeal is taken.

Further appeals from the Board of Adjustment or from any action of the Board of County Commissioners shall be taken directly to the courts as provided by law.

D. Fees

Each applicant for an appeal from an administrative decision or decision of the Planning Board, for a variance or Conditional Use Permit, or with a request for rezoning or other change in this Ordinance, shall pay a fee, according to the fee schedule available in the Planning Department, to Yadkin County to cover

the costs of advertising and administration. A receipt for this fee shall be issued by the County. However, this fee shall not apply to requests originating with any Yadkin County department, board, or agency.

E. County May Appeal

In all cases, the Board of County Commissioners reserves the right to appeal any decision of the Zoning Administrator to the Board of Adjustment and any decision of the Board of Adjustment to the courts.

Section 6. Vested Rights

A. Purpose

The purpose of this section is to implement provisions of G.S. 153A-344.1 that establish a statutory zoning vested right upon the approval of a site-specific development plan.

B. Procedure

1. At the time that the landowner submits an application for a subdivision plat or Conditional Use Permit, the landowner must declare he is seeking to acquire a vested right pursuant to G.S. 153A-344.1 and the Yadkin County Zoning Ordinance by completing the appropriate form.
2. For subdivision plats, where a vested right will be sought, the Zoning Administrator will advertise and schedule a public hearing following the same procedure used for Conditional Use Permits. (For Conditional Use Permits, the scheduling of public hearings is automatic.)
3. For proposed developments that do not require subdivision plat approval or a Conditional Use Permit, the landowner may seek to establish a vested right by following procedures for application for a Conditional Use Permit.
4. A variance shall not constitute a site-specific development plan and approval of a site-specific development plan with the condition that a variance be obtained shall not confer a vested right unless and until the necessary variance is obtained.

C. Establishment of Vested Right

1. A vested right shall be deemed established upon the valid approval, or conditional approval, of the above mentioned subdivision plat or Conditional Use Permit. Such vested right shall confer upon the landowner the right to undertake and complete the development and use of said property under the terms and conditions of the subdivision plat or Conditional Use Permit.
2. A right that has been vested, as provided for in this section, shall remain vested for a period of two (2) years. This vesting shall not be extended by any amendments or modifications unless expressly provided by the County. The County may, but is not required to, extend the vested term to a maximum total of five (5) years.

D. Termination

A vested right, once established as provided for in this section, precludes any zoning action by the County which would change, alter, impair, prevent, diminish, or otherwise delay the development or use of the property as set forth in an approved site specific development plan, except that the right will be terminated in the following circumstances:

1. With written consent of the affected landowner;
2. Upon finding that natural or man-made hazards on or in the immediate vicinity of the property, if uncorrected, would pose a threat to the public health, safety and welfare if the project were to proceed as contemplated in the site specific development plan;
3. To the extent that the affected landowner receives compensation for all costs and losses;
4. Upon finding that the landowner, or his representative, intentionally supplied inaccurate information or made material misrepresentations that made a difference in the plan approval by the county;
5. Upon the enactment of a State or Federal law or regulation that precludes development as contemplated in the site specific development plan; or,

6. At the end of the applicable vesting period with respect to buildings and uses for which no valid building permit applications have been filed.

ARTICLE 3. ENFORCEMENT AND PENALTIES

Section 1. Enforcement Authority

This Ordinance shall be enforceable in accordance with provisions available in the General Statutes of North Carolina Article 18, Chapter 153A.

Section 2. Violation

It is unlawful and a violation of this Ordinance to establish, create, expand, alter, occupy or maintain any use, land development activity, or structure, including, but not limited to, signs and buildings, that violates or is inconsistent with any provision of this Ordinance or any order, approval, or authorization issued pursuant to this Ordinance. Approvals and authorizations include, but are not limited to: Conditional Use Permits, Building Permits, Zoning Permits, Certificates of Occupancy, variances, development plans, planting plans, site plans, sign plans, and conditions. It is also a violation to engage in any construction, land development activity, or use without all approvals and authorizations required by this Ordinance.

Each day of a violation is a separate and distinct violation.

Section 3. Violator

Violators include any person who owns, leases, occupies, manages, designs or builds any structure or engages in any land use or development activity in violation of this Ordinance and any person who owns, leases, or occupies a use in violation of this Ordinance. A violation may be charged against more than one violator.

Section 4. Complaints Regarding Violations

When a violation of this Ordinance occurs, or is alleged to have occurred, any person may file a written or verbal complaint. Such complaint shall state fully the cause and basis thereof and shall be filed with the Zoning Administrator, or his authorized agent. An investigation shall be made within ten (10) days. Actions as provided in these regulations shall be taken.

When a violation is discovered and is not remedied through informal means, written Notice of the Violation shall be given. This notice shall be delivered by hand delivery or certified mail to the violator's last known address, or hand delivery to or posting the notice at the property in violation.

The notice shall include the following:

a. A description of the violation and its location,

b. The measures necessary to correct it,

c. The possibility of civil penalties and judicial enforcement action,

d. Notice of right to appeal, and

e. The time period allowed, if any, to correct the violation, which time period may vary depending on the nature of the violation and knowledge of the violator.

This notice is an administrative determination subject to appeal as provided below.

Section 5. Appeal to Board of Adjustment

A violator who has received a Notice of Violation may appeal the determination that a violation has occurred to the Board of Adjustment by making a written request and paying the appropriate fee within thirty (30) days of receipt of the Notice of Violation. Citations that follow the original Notice of Violation may not be appealed to the Board. The Board shall hear the appeal and may affirm, or reverse, wholly or partly, or may modify the determination of the violation. If there is no appeal, the determination of the Zoning Administrator is final.

Section 6. Failure to Comply with Notice or Board of Adjustment Decision

If the violator does not comply with a Notice of Violation, which has not been appealed, or with a final decision of the Board of Adjustment, the violator shall be subject to enforcement action as prescribed by State law or by this Ordinance.

Section 7. Criminal Penalties

Any person, firm, or corporation violating any Section or provision of this Ordinance shall, upon conviction, be guilty of a misdemeanor and shall be fined not more than $50.00 or imprisoned not more than thirty (30) days for each violation. Each day such violation continues, however, shall be a separate and distinct offense, punishable as herein before provided.

Section 8. Civil Remedies

If a building or structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained, or any building, structure, or land is occupied or used in violation of the General Statutes of North Carolina, this Ordinance, or other regulation made under authority conferred thereby, will subject the offender to a civil penalty in the amount of $50.00 per violation. Each day the violation continues shall be a separate and distinct offense. Yadkin County may also apply to the District Court, Civil Division, or any other court of competent jurisdiction, for a mandatory or prohibitory injunction and Order of Abatement commanding the defendant to correct the unlawful condition upon, or cease the unlawful use, of the property.

In addition to an injunction, the court may enter an Order of Abatement as a part of the judgment in the case. An Order of Abatement may direct that buildings or other structures on the property be closed, and demolished, or removed; that fixtures, furniture, or other movable property be removed from buildings on the property; that grass and weeds be cut; that improvements or repairs be made; or that any other action be taken that is necessary to bring the property into compliance with this Ordinance. If the defendant fails or refuses to comply with an injunction or with an Order of Abatement within the time allowed by the court, he may be cited for contempt and the County may execute the Order of Abatement. The County shall have a lien on the property for the cost of executing an Order of Abatement. **[Amendment date: December 17, 2012]**

Section 9. Equitable Relief

Yadkin County may apply to the District Court, Civil Division or other court of competent jurisdiction for an appropriate equitable remedy. It shall not be a defense to the County's application for equitable relief that there is an adequate remedy at law.

Section 10. Combination of Remedies

The County may choose to enforce this Ordinance by any one, all, or combination of the above procedures.

Section 11. State Enforcement Authority For Water Supply Watershed

The Environmental Management Commission may take any appropriate preventive or remedial enforcement action authorized under G.S. 143-214.5 against any person who violates any minimum statewide water supply watershed management requirement.

ARTICLE 4. CHANGES AND AMENDMENTS

Section 1. Initiation of Amendments

The Board of County Commissioners may, on its own motion, upon recommendation of the Planning Board, or upon petition by an interested person, amend, supplement, change, modify or repeal the regulations or district boundaries established by this Ordinance. A petition by an interested person shall be submitted to the Board of County Commissioners through, and reviewed by, the Planning Board, which shall consider its merit and make a recommendation to the Board of County Commissioners. In no case shall final action by the Board of County Commissioners be taken on amending, changing, supplementing, modifying or repealing the regulations or district boundaries hereby established until the Board of County Commissioners has held a public hearing.

Section 2. Action By the Applicant

A. Initiation of Amendments

1. Proposed changes or amendments to the Yadkin County Zoning Map and/or the text of this Ordinance may be initiated by the Board of County Commissioners, Planning Board, County Administration, Board of Adjustment, or by the owner(s), designated agent(s), or any interested party, of property within the area proposed to be changed.

2. The text or map of this ordinance shall not be amended, supplanted, changed, modified or repealed until after a public hearing has been held by the Board of Commissioners at which all parties in interest and citizens shall have the opportunity to be heard. A notice of such public hearing shall be given once a week for two (2) successive weeks in a newspaper of general circulation in the County; said notice shall be published for the first time not less than ten (10) days and not more than twenty-five (25) days prior to the date fixed for such public hearing. In computing such period, the day of publication is not to be included but the day of the hearing shall be included. In addition, before changing the zoning map, notice shall be mailed to adjoining property owners at least 10 days before the hearing date. Notice shall also be provided by posting the subject property at least 10 days before the hearing date.

   Pursuant to NC G.S. 153A-343(b), for zoning map amendments affecting more than 50 properties, the county may employ the alternate notice method of publishing a half-page newspaper advertisement once a week for two (2) successive weeks in a newspaper of general circulation in the County; said notice shall be published for the first time not less than ten (10) days and not more than twenty-five (25) days prior to the date fixed for such public hearing.

B. Petition

A petition for any change or amendment shall contain a description and/or statement of the present and proposed zoning regulation or district boundary, and the names and addresses of the owner or owners of the property involved. Such petition shall be filed no later than the last working day of the month prior to the Planning Board meeting at which the petition is to be considered. There must be a separate petition prepared for each parcel of land that has different ownership.

C. Fees

A nonrefundable fee, according to the schedule posted in the Planning Department, shall be paid to Yadkin County for each application for an amendment, to cover costs of advertising and other administrative expenses incurred.

D. Repetition for Amendment

With the exception of requests originating with the Planning Board, Board of Adjustment, or County Administration, a petition for any rezoning of the same property or any petition for the same amendment to the Zoning Ordinance text shall be permitted only once within any one year period. The Board of County Commissioners, by eighty percent (80%) affirmative vote of its total membership, may waive this restriction if it finds any emergency exists.

Section 3. Action By the Planning Board

Every proposed amendment (text and map), supplement, change, modification or repeal of this Ordinance shall be referred to the Planning Board for its recommendation and report. The Planning Board shall hold a public meeting, at which the Board of County Commissioners may sit concurrently with the Planning Board if the Board of Commissioners so desires.

The Board of County Commissioners shall receive from the Planning Board written notice of the meeting and its subject matter.

The following policy guidelines shall be followed by the Planning Board concerning zoning amendments and no proposed zoning amendment will receive favorable recommendation unless:

A. The proposal will place all property similarly situated in the area in the same category, or in appropriate complementary categories.

B. There is convincing demonstration that all uses permitted under the proposed district classification would be in the general public interest and not merely in the interest of an individual or small group.

C. There is convincing demonstration that all uses permitted under the proposed district classification would be appropriate in the area included in the proposed change. (When a new district designation is assigned, any use permitted in the district is allowable, so long as it meets district requirements, and not merely uses which applicants state that they intend to make of the property involved.)

D. There is convincing demonstration that the character of the neighborhood will not be materially or adversely affected by any use permitted in the proposed change.

E. The proposed change is in accord with the Land Use Plan and sound planning principles.

Pursuant to NC G.S. 153A-341, the Planning Board shall include, in its written recommendation and report to the Board of County Commissioners, comments on the consistency of the proposed change with the Land Use Plan and any other relevant plans that have been adopted by the Board of County Commissioners.

The Planning Board shall render its decision on any properly filed application within sixty (60) days after the introduction of such application and shall transmit its recommendation and report, including the reasons for its determinations, to the Board of County Commissioners.

Section 4. Action By the Board of County Commissioners

The Board of Commissioners shall call a public hearing for the next available regular evening meeting date, allowing time for advertising. Notice shall also be made by posting the property involved for a period of at least one (1) week prior to the hearing.

Before taking such lawful action as it may deem advisable, the Board of County Commissioners shall consider the Planning Board's recommendations on each proposed zoning amendment. If no recommendation is received from the Planning Board within sixty (60) days after the public meeting, the proposed amendment shall be deemed to have been a positive recommendation by the Planning Board. Pursuant to NC G.S. 153A-341, any statement by the Planning Board that the proposed amendment is inconsistent with the Land Use Plan or any other adopted plan shall not preclude the Board of County Commissioners from adoption of the amendment. Before adopting or rejecting any zoning amendment, the Board of County Commissioners shall adopt a statement explaining why its decision is consistent with the Land Use Plan, reasonable and in the public interest. This statement on plan consistency is not subject to judicial review.

The applicant, the Planning Board, and the Zoning Administrator shall be given written copies of the Board of Commissioners' decision and the reasons therefor.

Section 5. Withdrawal of the Application

Any application submitted in accordance with the provisions of this Article for the purpose of amending the regulations or district boundaries established by this Ordinance may be withdrawn at any time, but fees are nonrefundable.

Section 6. Conflict of Interest

Pursuant to NC G.S. 153A-340(g), no member of the Planning Board or the Board of County Commissioners may vote on a proposed amendment or recommendation to amend this ordinance, if that member has a direct, substantial, readily-identified financial interest in the outcome of the decision.

ARTICLE 5. BOARD OF ADJUSTMENT

Section 1. Establishment

A. There shall be and hereby is created a Board of Adjustment (hereafter called the "Board") consisting of five (5) regular members and two (2) alternates. Alternate members may serve either temporarily (as when a member is disqualified from participation on an individual case due to conflict of interest) or to fill a vacancy, as well as serving for an absent member.

B. The Board of County Commissioners shall appoint members of the Board of Adjustment ("Board").

C. Members of the Board serving upon the effective date of this Ordinance shall serve the balance of the term to which he or she was appointed.

D. New members shall be appointed for a maximum term of three (3) years, but may be appointed for less in order to stagger terms properly.

E. Terms will be staggered so that no more than fifty (50) percent of the members' terms expire at one time.

F. The terms of Board members shall be staggered as follows: the terms of two (2) members and one (1) alternate shall expire in one year, the terms of two (2) more members shall expire the next year, and the terms of the last member and one (1) alternate shall expire the following year.

G. The members of the Board of Adjustment shall be residents of the County.

Section 2. Proceedings of the Board of Adjustment

A. Purpose

1. It is the intent of this Ordinance that all questions of interpretation and enforcement shall first be presented to the Zoning Administrator, or his authorized representative.
2. Such questions shall be presented to the Board of Adjustment only on an appeal from the decision of the Zoning Administrator, or his authorized agent, and that recourse from the decision of the Board shall be to the courts as provided by law.
3. The Board has the authority to grant zoning variances and such other issues as authorized by law or the Board of Commissioners.
4. It is further intended that the duties of the County Commissioners shall not include the hearing and passing upon disputed questions that may arise in connection with the enforcement of this Ordinance, but the procedure for determining such questions shall be as herein set forth.

B. Officers

The Board shall elect one of its members as Chairman, another as Vice-Chairman, and shall appoint a Secretary and such other subordinates as may be authorized by the Board of County Commissioners or as the Board of Adjustment deems necessary.

C. Meetings

1. Meetings of the Board shall be held at the call of the Chairman and at such other times as the Board may determine.
2. All meetings of the Board shall be open to the public.

D. Administering Oaths and Compelling Attendance of Witnesses

The Chairman or, in his absence, the acting Chairman, may administer oaths, compel the attendance of witnesses, and subpoena materials considered relevant or essential to the disposition of any case.

E. Minutes of the Meetings

The Board shall keep minutes of its proceedings, showing the vote of each member upon every question, or if absent or failing to vote, indicating such fact, and also keep records of its examination and other official action.

F. Voting

The concurring vote of four fifths (4/5) of the Board (not including alternates) shall be necessary to grant a variance. A majority of the members shall be required to decide any other quasi-judicial matter or to determine an appeal made in the nature of certiorari. For the purposes of this subsection, vacant positions on the board and members who are disqualified from voting on a quasi-judicial matter shall not be considered members of the board for calculation of the requisite majority if there are no qualified alternates available to take the place of such members.

G Conflicts of Interest

Members of the Board may not participate in or vote on any matter where they have a fixed opinion on the case prior to the hearing, have undisclosed ex parte communications or close family, business, or associational ties with an affected person, or have a financial interest in the outcome of the case.

H. Appeal to the Board of Adjustment

An appeal to the Board or request of a variance from the requirements of this Ordinance may be taken by any person, firm, or corporation aggrieved, or by any governmental officer, department, board, or agency affected by any decision of the Zoning Administrator, or his authorized agent, based in whole or in part upon the provisions of this Ordinance. Such appeal shall be taken within thirty (30) days after the decision being appealed is made, by filing with the Zoning Administrator and with the Board a Notice of Appeal, specifying the grounds thereof.

I. Fees

A fee shall be paid by the applicant according to the County fee schedule to cover administrative and advertising costs and postage.

J. Duty of the Zoning Administrator upon Notice of Appeal or Variance Request

The Zoning Administrator shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken or regarding the appeal or variance request.

K. Effect of an Appeal

An appeal stays all proceedings in furtherance of the action appealed from unless the Zoning Administrator certifies to the Board, after the Notice of Appeal has been filed with him, that by reason of the facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property or that because the violation charge is transitory in nature, a stay would seriously interfere with the enforcement of the Ordinance, in which case proceedings shall not be stayed otherwise than by a restraining order, which may be granted by the Board or by a court of record to whom an appeal has been made.

L. Setting a Hearing Date

The Board shall fix a date for hearing of the appeal or variance request, to be held within forty-five (45) days of the date a complete application was submitted, giving notice to the applicant by certified mail.

M. Public Notice of Hearing

Notice of a variance public hearing shall be posted on the property for which the variance is sought and be advertised in a local newspaper once, at least ten (10) days and not more than twenty five (25) days before the hearing.

Notice of an appeal hearing shall be advertised in a local newspaper once, at least ten (10) days and not more than twenty five (25) days before the hearing.

N. Notice of Decision to Appellant

The decision of the Board, in writing, shall be delivered to the appellant either by personal service or by certified mail, return receipt requested.

Section 3. Powers and Duties of the Board of Adjustment

A. Administrative Review

The Board shall hear and decide appeals where it is alleged there is an error in any order, requirement, decision, or determination made by the Zoning Administrator, or his authorized agent, in the enforcement of this Ordinance.

B. Zoning Variances

When practical difficulties or unnecessary hardships would result from carrying out the strict letter of a zoning ordinance, the board of adjustment shall have the power to vary or modify any of the regulations or provisions of the ordinance so that provisions of the ordinance upon a showing of all of the following:

(1) Unnecessary hardship would result from the strict application of the ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.

(2) The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance.

(3) The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.

(4) The requested variance is consistent with the spirit, purpose, and intent of the ordinance shall be observed, ordinance, such that public safety and welfare secured, safety is secured and substantial justice is achieved.

C. Decisions of the Board of Adjustment

The Board may, so long as such action is in conformity with the terms of this Ordinance, reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination, and to that end shall have powers of the Zoning Administrator from whom appeal is taken.

D. Conditional Uses

The Board of Adjustment shall consider all duly submitted applications for Conditional Use, and after public hearing shall grant or deny all Conditional Use Permits as provided in this ordinance.
[Amendment date: November 18, 2013]

ARTICLE 6 – GENERAL PROVISIONS

Section 1. Zoning Affects All Land and Every Building and Use

No building or land shall hereafter be used and no building or part thereof shall be erected, moved or altered except in conformity with the regulations herein specified for the district in which it is located.

Section 2. Bona Fide Farms Exempt

Bona fide farms are not affected by these regulations but any use of farm property for non-farm purpose is subject to these regulations.

Section 3. Applicability to Incorporated and Extraterritorial Areas

The provisions of the Ordinance are not applicable in the incorporated areas of Boonville, East Bend, Jonesville, or Yadkinville or in the established extraterritorial jurisdictions of these municipalities.

Section 4. Subdivisions in Rural Agricultural District

In order to allow the development of residential subdivisions that are compatible to the rural parts of the County and to better manage the proliferation of large-scale developments which could alter these parts of the County and potentially threaten existing agricultural operations, a person must apply to have their land rezoned if they wish to subdivide into four (4) lots or more. This section does not apply to lands outside of the Rural Agricultural (RA) district nor does this apply to divisions of land that are exempt from the Yadkin County Subdivision Ordinance.

Section 5. Street Access

No building shall be erected on a lot which does not abut a public street or private street, or have access to a public street or private street, provided that in a business district or in a planned project in a residential district, a building may be erected adjoining a parking area or other dedicated open space which has access to a street used in common with other lots.

Section 6. Required Yards Not to be Used by Building

The minimum yards or other open spaces required by this Ordinance for each and every building shall not be encroached upon or considered as meeting the yard and open space requirements of any other building.

Section 7. Relationship of Building to Lot

Every building hereafter erected, moved or structurally altered shall be located on a lot and in no case shall there be more than one (1) principal building and its customary accessory buildings on the lot, except in the case of a specially designed complex of institutional, residential, commercial, or industrial buildings in an appropriate zoning district.

(For exceptions to this Section refer to Article 13. Section 1)

Section 8. Reduction of Lot and Yard Areas Prohibited

No yard or lot existing at the time of passage of this Ordinance shall be reduced in size or area below the minimum requirements set forth in Article 12, except for street widening or the construction of public utilities and sidewalks. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established by this Ordinance.

Section 9. Age, Installation and Use of Manufactured Homes

A. Manufactured homes which are not HUD approved, or which were manufactured prior to June 15, 1976, may not be brought into Yadkin County from another county or jurisdiction, or from another location within Yadkin County, to be placed on a private lot or within a manufactured home park. However, a manufactured home located in Yadkin County prior to the adoption of this amendment that does not meet the above criteria, may remain in use until such home is removed from the original lot.

B. Skirting of masonry or other suitably durable and attractive material shall be installed and maintained around all manufactured home foundations.

C. Pursuant to recommendations of the NC Fire Marshal and HUD standards for Manufactured Home Safety and Construction **[§3280.2]**, no manufactured home shall be used in any manner other than for a single-family residence, except when used for a sales office on a manufactured home sales lot, or for temporary use approved by the Zoning Administrator.

D Owners of manufactured home parks existing as of the adoption of this amendment shall conform to the standards for manufactured home park maintenance set forth herein, Article 17, Section 8, Item 10, p.49.

[Amendment date: December 15, 2008]

Section 10. Zero Lot Lines

Zero lot line lots may be used, as long as the required yards are maintained around each building housing individual dwelling units in a duplex or multi-family building, or individual units in a commercial or industrial development, which are to be sold, and it is desired to deed the land under the unit to the purchaser, such as in the case of town houses or patio homes. In such case, the individual lots are not required to meet the dimensional requirements of Article 12, but the development becomes a subdivision and must be approved as such under the Subdivision and Zoning Ordinances.

Section 11. Site Plan Required

All new development, with the exception of single family residential, will be subject to Site Plan Review by the Yadkin County Planning Department prior to the issuance of a Zoning Permit, Watershed Permit or Building Permit. The Site Plan shall consist of two (2) sets of plans drawn to scale, one (1) of which shall be returned to the applicant upon approval. The Site Plan shall contain the following:

A. The shape and dimensions of the lot on which the proposed building is to be erected;

B. The location of said lot with respect to adjacent rights-of-way;

C. The shape, dimensions, and location of all buildings, existing and proposed, and required setbacks;

D. The nature of the proposed use of the building or land, including the extent and location of the use;

E. The location and dimensions of off-street parking and loading space and means of ingress and egress;

F. The square feet and percentage of lot as built upon area if the lot is located in a Watershed;

G. The location of all required buffers;

H. Required Driveway Permits from the Department of Transportation;

I. A landscape plan (for any development/construction other than single family residential).

J. A Sedimentation and Erosion Control Plan (if applicable) as submitted to the Land Quality Section, Department of Environment and Natural Resources.

K. Any other information which the Planning Staff may deem necessary for consideration in enforcing all provisions of this Ordinance.

L. Prior to approval of the Site Plan, the Planning Staff may consult with other qualified personnel for assistance to determine if the application meets the requirements of this Ordinance.

No permanent power will be authorized and no Certificate of Occupancy will be issued until all the above items are provided and the Site Plan is deemed complete by the Planning Department, and an "as built plan" is submitted by an appropriately licensed person.

SECTION 12. Recreational Vehicles Prohibited as a Permanent Dwelling Type

Recreational vehicles are prohibited to be used as a permanent dwelling on any lot, lot of record, or zoning lot. Recreational vehicles are allowed as a use within permitted or grandfathered recreational vehicle parks, recreation clubs, or campgrounds.
[Amendment date: April 19, 2010]

ARTICLE 7. ESTABLISHMENT AND INTENT OF DISTRICTS AND BOUNDARIES

Section 1. Zoning Districts Established

For the purposes of this Ordinance, the County of Yadkin is hereby dividing the County zoning jurisdiction into zoning districts with the designations as listed below:

RA:	*Rural Agricultural*	***RR:***	*Restricted Residential*
RL:	*Residential Limited*	***RG:***	*Residential General*
RI:	*Residential Institutional*	***CP:***	*Conservation Protected*
MHP:	*Manufactured Home Park*	***CB:***	*Community Business*
HB:	*Highway Business*	***MI-1:***	*Manufacturing Industrial One*
MI-2:	*Manufacturing Industrial Two*	***WO:***	*Watershed Overlay*

Section 2. District Boundaries Shown on Zoning Map

The boundaries of the districts are shown and made a part of the map accompanying this Ordinance, entitled "Zoning Map of Yadkin County, North Carolina." The Zoning Map and all the notations, references, and amendments thereto, and other information shown thereon are hereby made part of this Ordinance the same as if such information set forth on the map were fully described and set out herein. The Zoning Map is posted at the County Planning Department in Yadkinville and is available for inspection and review by the public.

Section 3. Rules Governing Interpretation of District Boundaries

Where uncertainty exists as to the boundaries of any of the aforesaid districts as shown on the zoning map, the following rules shall apply:

A. Where such district boundaries are indicated as approximately following street or highway lines, such lines shall be construed to be such boundaries;

B. Where district boundaries are so indicated that they approximately follow lot lines, such lot lines shall be construed to be said boundaries;

C. Where district boundaries are so indicated that they are approximately parallel to the centerline of streets or highways, or the rights-of-way of same. Such district boundaries shall be construed as being parallel thereto and at such distance there from as indicated on the zoning map;

E. In case any further uncertainty exists, the Board of Adjustment shall interpret the intent of the map as to location of such boundaries.

Section 4. Intent of Zoning Districts

Listed below is the intent of each zoning district. Each district was formulated using goals and recommendations from the Yadkin County Land Use Plan.

RA Rural Agriculture

The purpose of this district is to maintain a rural development pattern where single-family housing is intermingled with agricultural uses, not having access to public water and sewer systems. This district is also designed to protect rural areas from the intrusion of non-agricultural land uses that could create a nuisance, detract from the quality of life and/or present a danger to the natural environment.

RR Restricted Residential

The purpose of this district is to stabilize established and planned residential neighborhoods by providing a place for medium density stick built and modular homes, provided that adequate water and sewer systems are available.

RL Residential Limited

The purpose of this district is to stabilize established and planned residential neighborhoods by providing a place for medium density stick-built, modular, and Class A manufactured homes, provided that adequate water and sewer systems are available.

RG Residential General

The purpose of this district is to provide a place for medium density residential uses of all types, stick-built, modular, and Class A and B manufactured homes, provided that adequate water and sewer systems are available

RI Residential Institutional

The purpose of this district is to provide a place for high-density residential development where the principle use will be multi-family development with office, institutional, and some commercial uses permitted, provided that adequate water and sewer systems are available. To maintain a quality of construction and design consistent with the institutional intent of the RI district, prefabricated metal, wood and synthetic exterior siding shall be prohibited in construction of new principle and accessory structures in this district, except in cases where it is shown that the proposed exterior building materials will be of such a quality in appearance and durability as to have no adverse impact on the surrounding neighborhood. High-rise and/or large-scale office projects are also prohibited in this district: Office buildings shall be limited to two (2) stories above grade and to ten thousand (10, 000) total square feet of floor space.

MHP Manufactured Home Park

The purpose of this district is to provide a place for high-density development of manufactured homes in a park like setting.

CP Conservation Protected

The purpose of this district is to preserve and limit development within certain land and/or water areas which serve as wildlife refuges, possess natural beauty, are utilized for outdoor recreational purposes, provide needed open space, or are environmentally sensitive.

CB Community Business

The purpose of this district is to accommodate retail, service, and related businesses that are usually clustered together and cater to the immediate community. Community business districts should typically be located at the intersection of collector and arterial roads. These sites shall have direct access to collector and arterial roads, provided that adequate water and sewer systems are available.

HB Highway Business

The purpose of this district is to accommodate the development of retail, service, and related businesses which are located along, and have direct access to major roadways throughout the county, which cater to the traveling public, and should as a rule have access to public water and sewer systems.

MI-1 Manufacturing Industrial One

The purpose of this district is to provide locations for intensive industrial and/or manufacturing, processing, and assembly uses and to protect adjacent rural/residential areas from such land uses.

MI-2 Manufacturing Industrial Two

The purpose of this district is to accommodate industrial and/or manufacturing, processing, and assembly uses which may have existed prior to the enactment of this ordinance and/or may be located in areas of the County that are not conducive to the provision of public water and sewer services.

WO Watershed Overlay

The purpose of this overlay district is to identify the areas of the County that are subject to the Yadkin County Watershed Ordinance, which can regulate lot sizes, built upon areas, and non-residential development.

ARTICLE 8. GROUP DEVELOPMENTS

Section 1 Purpose

The purpose of standards for group developments is to promote orderly development where two (2) or more structures are to be constructed on a single parcel, which is not intended to be subdivided. The Zoning Administrator must approve a site plan before construction shall begin. Group developments shall comply with this Article, as well as any other applicable requirements in this Ordinance.

Section 2 Development Plan

A development plan shall be submitted with the application. The plan must be scaled, prepared and certified by a professional surveyor and/or design engineer. The plan shall be submitted and approved in two stages, the preliminary and final and shall include the following information:

A. The preliminary plan shall include the following;

1. Location, arrangement, and dimensions of parking spaces, width of internal drives and aisles, width of bays, and angle parking;
2. Location and dimensions of said properties;
3. Location, arrangement, and dimensions of loading and unloading areas;
4. Location and dimensions of ingress and egress points and all interior streets;
5. General drainage systems;
6. Location and material of fences and walls;
7. Ground cover, topography, slopes, banks, and ditches;
8. Location and general exterior dimensions of all buildings and accessory structures.

B. In addition to the items listed above, the final plan shall include the following;

1. Location of all screening and planting areas;
2. The plans for proposed sanitary sewers, storm sewers, wells or water distribution lines, and utilities *(items must be flagged on property for inspection)*;
3. Approval of Sedimentation and Erosion Control Plan from NCDENR;
4. Approvals from the Environmental Health Department and the Fire Marshal;
5. Evidence of coordination with the NCDOT about the proposed development and any arrangements to handle added traffic volume at the proposed site;
6. Plans for waste and refuse disposal equipment and method of disposal such as compactors, or dumpsters and;
7. Delineation of areas to be constructed in phases and sequential order.

Section 3 Plan Review Deadlines

The preliminary plan shall be reviewed and returned within thirty (30) days. The final plan must be submitted no later than one (1) year from the date that the preliminary plan was approved.

Section 4 Multi-Family Development (includes apartments, condominiums, and townhouses)

1. Minimum density requirements shall be two (2) units per acre; however, the Environmental Health Department may increase lot size requirements through site evaluations on a case-by-case basis. A developer shall be permitted to develop up to twelve (12) units per acre if access to public water and sewer systems is available.
2. A minimum of fifteen percent (15%) of the gross acreage shall be reserved as open space.
3. Parking spaces and internal streets shall not be located closer than fifteen (15) feet from the front, side, or rear of any building.
4. Buildings shall not be located closer than fifty (50) feet from one another.
5. Any group of buildings forming a courtyard shall reserve at least twenty-five percent (25%) of the perimeter of such courtyard open for access by emergency vehicles.
6. Buffers shall be installed meeting the requirements of Article 18 (Buffers and Screening).
7. A plan for solid waste storage collection and disposal shall be approved by the Local Ordinance Officer.
8. All common open space, as shown on the approved development plan, must be conveyed in accordance with one of the following methods for the purpose of upkeep and maintenance:
   a. By leasing or conveying title to a corporation, homeowner's association, or other legal entity; and
   b. If units are rented, the property owner or management firm.

   Also, a copy of the maintenance agreement must be submitted with the development plan.

Section 5 Mini-warehousing

1. Buildings and accessory structures shall be located a minimum of fifty (50) feet from any street right-of-way and thirty (30) feet from any side or rear property lines.
2. Buildings and accessory structures shall be located no closer than thirty (30) feet from one another, providing adequate access for loading, unloading, ingress and egress.
3. The total ground cover of all principal buildings and all accessory structures shall not exceed seventy percent (70%) of the total site.

ARTICLE 9. OVERLAY DISTRICTS

Section 1. Watershed Overlay District

The Watershed Overlay District is hereby established to identify on the Zoning Map those areas of the County that are subject to the Watershed Protection Ordinance. Any parcel or lot that falls within a Watershed Overlay District shall be required to adhere to the requirements of the Watershed Protection Ordinance, as amended.

The following Watersheds (which include their critical and protected areas, as well as the balance of the watershed areas) in Yadkin County are included in the Watershed Overlay District:

Jonesville ROR	***WS-IV***
Deep Creek	***WS-III***
Hunting Creek	***WS-III***
Yadkin River King ROR	***WS-IV***
Yadkin River Winston-Salem ROR	***WS-IV***
Davie ROR	***WS-IV***

Section 2. Elkin Municipal Airport Overlay District

This Amendment is adopted pursuant to the authority conferred by N.C. General Statutes, Chapter 63, Article 4. It is hereby found that an obstruction has the potential for endangering the lives and property of users of the Elkin Municipal Airport, and property or occupants of land in its vicinity; that an obstruction may affect existing and future instrument approach minimums of the Elkin Municipal Airport; and that an obstruction may in effect reduce the size of areas available for the landing, takeoff, and maneuvering of aircraft, thus tending to destroy or impair the utility of the Elkin Municipal Airport and the public investment therein, and is therefore not in the interest of the public safety, or general welfare. Accordingly, it is declared:

1. That the creation or establishment of an airport obstruction has the potential of being a public nuisance and may injure the region served by the Elkin Municipal Airport;
2. That it is necessary in the interest of the public health, public safety, and general welfare that the creation or establishment of obstructions that are hazards to air navigation be prevented; and
3. That the prevention of these obstructions should be accomplished, to the extent legally possible, by the exercise of the police power without compensation.

It is further declared that the prevention of the creation or establishment of hazards to air navigation or obstructions and the elimination, removal, alteration or mitigation of air hazards to air navigation or obstructions, or the marking and lighting of obstructions, are public purposes for which a political subdivision may raise and expend public funds and acquire land or interests in land.

2.1. Definitions

As used in this Section only, unless the context otherwise requires:

AIRPORT ELEVATION. The highest point of an airport's usable landing area measured in feet from sea level. The Elkin Municipal Airport is 1,068 feet above sea level.

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

HORIZONTAL AND CONICAL ZONES. These zones are set forth in Item 2.2 of this Amendment.

HORIZONTAL SURFACE. A horizontal plane set in Yadkin County at 150 feet above the established airport elevation, the perimeter of which in plan coincides with the perimeter of the horizontal zone.

2.2: Elkin Municipal Airport Zones

In order to carry out the provisions of this Ordinance, there are hereby created and established certain zones which include all of the land in Yadkin County lying beneath the horizontal surfaces and conical surfaces as they apply to the Elkin Municipal Airport. Such zones are shown on the Elkin Municipal Airport Zoning Map consisting of one sheet, representing the current version on file in the Yadkin County Zoning Department, which is attached to this Ordinance and made a part hereof. An area located in both of the following zones is considered to be only in the zone with the more restrictive height limitation. The zones are hereby established and defined as follows:

Horizontal Zone—The horizontal zone is established by swinging arcs of 10,000 feet radii from the center of each end of the surface of each airport runway and connecting the adjacent arcs by drawing lines tangent to those arcs.

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

2.3: Elkin Municipal Airport Zone Height Limitations

Except as otherwise provided in this Ordinance, no structure shall be erected, altered or maintained, and no tree shall be allowed to grow in any zone created by this Ordinance, to a height in excess of the applicable height limit herein established for such zone. Such applicable height limitations are hereby established for each of the zones in question as follows:

1. Horizontal Zone-Established at 150 feet in Yadkin County above the Elkin Municipal Airport elevation, or at an elevation of 1,218 feet above mean sea level.

2. Conical Zone-Slopes twenty (20) feet outward for each foot upward beginning at the periphery of the horizontal zone in Yadkin County and at 150 feet above the Elkin Municipal Airport elevation; and extending 4,000 feet outward from the airport site and upward to a height of 350 feet above the Elkin Municipal Airport elevation. In terms of actual elevation, the Conical Zone ranges from 1,218 feet to 1,418 feet above mean sea level.

3. Accepted Height Limitations-Nothing in this Ordinance shall be construed as prohibiting the construction or maintenance of any structure, or growth of any tree to a height up to one hundred (100) feet above the surface of the land. Height shall be measured from the highest point on the ground along the periphery of the structure or tree to the highest point on the structure or tree.

4. General Absolute Height Limit-Except for wireless communications towers as provided in (5.) below, no new structure over 175 feet in height will be permitted in the Airport Overlay District. The Zoning Administrator shall require that the applicant submit documentation signed and sealed by certified engineer or surveyor, and indicating building height and site ground elevation above mean sea level for all proposed structures between 150 and 175 feet high in this District. For proposed structures 150 to 175 feet high with ground elevation at 1,050 feet or greater above mean sea level, the Zoning Administrator may require further review and approval by the Planning Board.

5. Wireless Communications Towers -Wireless communications towers up to 300 feet in height may be permitted in the airport overlay district, provided: For all proposed wireless communications towers in this district, the Zoning Administrator shall require that the applicant submit documentation by certified engineer or surveyor of site ground elevation above mean sea level, along with documentation by certified engineer or surveyor that such tower would not penetrate the horizontal or conical surfaces at the proposed site. Wireless communications towers in the airport overlay district are also subject to all countywide development standards and application procedures provided in Article 10 of this Ordinance.

2.4: Use Restriction

No use may be made of land or water within any zone established by this Section in such a manner as to create electrical interference with navigational signals or radio communication between the Elkin Municipal Airport and aircraft, make it difficult for pilots to distinguish between this airport's lights and others, result in glare in the eyes of pilots using this airport, impair visibility in the vicinity of this airport, create bird strike hazards, or otherwise in any way endanger or interfere with the landing, takeoff, or maneuvering of aircraft intending to use this airport.

2.5: Nonconforming Uses

1. Regulations Not Retroactive-The regulations prescribed by this Section shall not be construed to require the removal, lowering or other change or alteration of any structure or tree not conforming to the regulations as of the effective date of this Ordinance or any amendment thereto, or otherwise interfere with the continuance of a nonconforming use. Nothing contained herein shall require any change in the construction, alteration, or intended use of any structure, the construction or alteration of which was begun prior to the effective date of this Ordinance, and is diligently prosecuted.

2. Marking and Lighting-Notwithstanding the preceding provision of this Section, the owner of any existing nonconforming structure or tree is hereby required to permit the installation, operation, and maintenance thereon of such markers and lights as shall be deemed necessary by the Zoning Administrator to indicate to the operators of aircraft in the vicinity of the Elkin Municipal Airport the presence of such obstructions. Such markers and lights shall be installed, operated and maintained at the expense of the Town of Elkin.

2.6: Permits

1. All applications for development in the overlay zones shall include the height from ground level of all proposed structures over one hundred (100) feet high. Applications for development over 150 feet high shall be accompanied by documentation of elevation above mean sea level and proposed structure height, signed and sealed by a certified engineer or surveyor.

2. In the event a tree is allowed to grow in the overlay zones above the height limits established by this Ordinance, said tree shall be removed, topped, trimmed, or otherwise modified to bring into compliance with this Ordinance. If the Zoning Administrator or his designee determines that the tree adversely affects the safe use of the Elkin Municipal Airport, the Town of Elkin will pay for the direct cost to remove, top, trim, or otherwise modify said tree to bring into compliance with this Ordinance.

3. Existing Uses—No permit shall be granted that would allow the establishment or creation of an obstruction in this overlay district that is a hazard to air navigation or permit a nonconforming use, structure, or tree to become a greater hazard to air navigation than it was on the effective date of this Ordinance or any amendments thereto, or than it is when the application for a permit is made.

4. Obstruction Marking and Lighting—Any permit or variance granted may, if such action is deemed advisable to effectuate the purpose of this Ordinance and be reasonable in the circumstances, be so conditioned as to require the owner of the structure or tree in question to permit the Town of Elkin at its own expense, to install, operate and maintain thereon such marking and lights as may be necessary.

5. Variances—In addition to the provisions for variances provided in Article 5, project plans requiring variance from the requirements of this Section shall include a determination from the Federal Aviation Administration as to the effect of the proposal on the operation of air navigation facilities and the safe, efficient use of navigable airspace. Using this and any other evidence as they may require in approving such variance, the Board of Adjustment shall find that the proposed use will not create a hazard to air navigation.

ARTICLE 10. WIRELESS COMMUNICATION TOWERS

The following development standards shall; 1) apply to the installation, construction, attachment and alteration of facilities to accommodate wireless communication facilities; 2) provide the criteria for evaluating such proposed activities; 3) provide a procedure to ensure suitability, certification and related purposes.

It is the intent of this Article that placement, construction, or modification of wireless communications facilities shall be in conformity with the Federal Communications Act, 47 U.S.C. Section 332 as amended; in accordance with the rules promulgated by the Federal Communications Commission; and consistent with the NC General Statutes 153A-349.50 through 153A-349.53. Where these regulations are found to be in conflict with state or federal law in effect as of the adoption of this ordinance or as subsequently amended, the applicable state and/or federal laws shall take precedence.

Section 1. Purpose

As a matter of public policy the County aims to encourage the delivery of new wireless technologies throughout the County while discouraging unnecessary proliferation of communication towers. Such development activities will promote and protect the health, safety, prosperity and general welfare of persons living in Yadkin County. The County shall also, through these standards, encourage collocation of wireless communications facilities on existing support structures; and shall streamline and expedite permitting procedures in accordance with the Federal Telecommunications Act of 1996, and Article 18, Part 3B of Chapter 153A of the NC General Statutes.

Section 2. Interpretation

To the extent these development standards conflict with other County Ordinances, these Standards shall have precedence in matters specific or relating to wireless communications.

Section 3. Applicability and Preferred Locations

Wireless Communication Facilities may be allowed within Yadkin County as follows;

1. Antenna Attachments. Antenna attachments onto an existing Support Structure or onto an Attached Wireless Communication Facility shall be permitted by administrative approval subject to the development criteria of Section 5.

2. Accessory Uses and Location on County-Owned Land. Location of Wireless Communication Facilities and Support Structures on land owned by Yadkin County, or as accessory uses on land owned and occupied by communications service providers, may also be permitted by administrative approval, subject to the standards of Section 5.

3. New Support Structures. Wireless Communication Facilities with new support structures shall be permitted by means of legislative adoption of a Conditional Rezoning (Article 16), or approval of a Conditional Use Permit (Article 17). Prior to applying for a Conditional Rezoning or Conditional Use Permit, the applicant shall provide the Zoning Administrator with adequate information to establish that collocation on an existing Support Structure is not reasonably feasible, as defined in NC G. S. 153A-349.52(c)(3).

4. Preferred Locations. In setting location priorities the County may consider public safety and land use issues such as those addressed in the Land Use Plan and other adopted plans and regulations, including aesthetics and preservation of viewsheds.

Section 4. Additional Conditions and Requirements

The following conditions and requirements shall apply to Wireless Communication Facilities in Yadkin County:

1. Pre-existing Wireless Communications Facility. Wireless Communications Facilities for which a permit has been issued prior to the original effective date of this Ordinance shall be considered as nonconforming and subject to the provisions of Article 15.
2. Speculative Construction of Support Structures. As provided in G.S. 153A-349.52(g), a zoning permit shall be issued for a new wireless support structure meeting all other requirements of this ordinance with or without documentation of intent, by the owner or by at least one other party, to locate a wireless facility on the structure. However, the zoning permit shall be conditioned on provision of such documentation before issuance of any building permit or authorization to construct. If intent of a wireless communications service provider to locate a facility on the proposed structure is not established within 24 months after issuance of the zoning permit, such zoning permit shall be null and void.
3. Amateur Radio Exclusion. This Article shall not govern the installation of any amateur radio facility owned and operated by a federally licensed amateur radio station operator.
4. Relationship to Other Ordinances. Except for Historic Districts, this Article shall supersede all conflicting requirements of other ordinances regarding the locating and permitting of Wireless Communication Facilities.
5. Airport Zoning. Any Wireless Communication Facility located or proposed to be located in airport areas governed by the Federal Aviation Administration shall also comply with the provisions of all applicable local, state and federal airport regulations.
6. Building Codes. Construction of all Wireless Communication Facilities shall comply with the requirements of the Yadkin County Building Codes and permitting process in addition to the requirements of this Section.
7. Business Decisions. In evaluating applications or locations for Wireless Communications Facilities, information regarding an applicant's business decisions about designed service, including customer demand for its service or quality of its service to or from a particular area or site, shall not be considered or required by the County [NC G.S. 153A-349.52(c), effective 12/1/2007].
8. Radio Frequency Emissions. In evaluating applications or locations for Wireless Communications Facilities, information regarding radio frequency emissions shall not be deemed a public safety consideration or required by the County [NC G.S. 153A-349.52(a), effective 12/1/2007].

Section 5. Development Standards

A. Height standards. The following shall apply to all Wireless Communications Facility installations:

1. Attached Wireless Communications Facilities. Attached Wireless Communication Facilities shall not add more than twenty (20) feet to the height of the existing building or structure to which it is attached (Attachment Structure). Also, antenna attachments to existing communication towers shall not increase the height of the tower above the maximum permitted height of that tower.
2. Height for new Wireless Communication Facilities shall be reviewed on a case by case basis as part of the Conditional Rezoning process (Article 16) or the Conditional Use Permit process (Article 17). The height of the proposed Wireless Communication Facility should be consistent with the height of existing facilities on similar properties in similar locations; and considering ground elevations, topographical conditions and other site development criteria within this Article.

B. Setback Standards. The following setback standards shall apply to all Wireless Communication Facility installations.

1. Attached Wireless Communication Facilities shall meet the setback provisions of the underlying zoning district in which they are located. However, an Attached Wireless Communication Facility Antenna Array may extend up to 30 inches horizontally beyond the edge of the Attachment Structure so long as the Antenna Array does not encroach upon an adjoining parcel.

2. Wireless Communications Facilities with new Support Structures shall have minimum property setback requirements from all directions equal to the height of the structure plus 25 feet, unless the applicant provides a structural engineer's certification that the proposed structure is of a collapsible design with a more compact projected fall zone. Provided such certification, the minimum property setback requirements from all directions shall be equal to the projected fall zone as certified, plus 25 feet.

C. Landscaping. The following landscaping requirements shall be maintained by the applicant and shall apply to all Wireless Communications Facility installations.

1. New Construction. New Wireless Communications Facilities with Support Structures and Attached Wireless Communication Facilities with new building construction shall be landscaped with a minimum landscaped area of ten (10) feet around the perimeter of the security fence meeting the following standards:

   i. One row of evergreen trees with a minimum caliper of 1.75 inches shall be installed with a maximum spacing of 25 feet.

   ii. Evergreen shrubs capable of creating a continuous hedge and obtaining a height of at least five (5) feet shall be planted with a maximum spacing of five (5) feet. Plants shall be at least three (3) gallon container plants or 24 inches tall at the time of planting.

   iii. Plantings shall be indigenous or compatible to the area and drought-resistant.

2. Land Form Preservation. Existing mature tree growth and natural land form on the site shall be preserved to the extent feasible; provided, however, that vegetation interfering with antenna function or with access to the equipment facility may be cut or removed.

3. Existing Vegetation. Existing vegetation on a Wireless Communication Facility site may be used in lieu of required landscaping if allowed on the approved site plan.

4. Minimum Site Disturbance. Grading for the new Wireless Communication Facility shall be minimized and limited only to the area necessary for the new facility.

D. Aesthetics, Placement, Materials and Colors. Wireless Communications Facilities shall be designed for compatibility with existing structures and surroundings to the extent feasible, including placement in a location consistent with proper functioning of the Wireless Communications Facility, and the use of compatible or neutral colors.

E. Lighting. The following lighting requirements shall apply to all Wireless Communications Facility installations. Wireless Communications Facilities shall not be artificially illuminated, directly or indirectly, except for:

1. Security and safety lighting of equipment buildings if such lighting is appropriately down shielded to keep light within the boundaries of the site; and

2. Such illumination of the Wireless Communications Facility as may be required by the FAA or other applicable authority, installed to minimize impact on nearby property.

3. Unless otherwise required by the FAA or other applicable authority, the required light shall be red with a lens designed to reduce ground lighting when the site is within 100' of a dwelling.

F. Signage. Wireless Communications Facilities shall not display any signage, logos, decals, symbols or any messages of a commercial or noncommercial nature, except for a small message containing provider identification and emergency telephone numbers and such information as may be required by applicable local, state or federal regulations.

G. Fencing. Wireless Communications Facilities with Support Structures shall be enclosed by an opaque fence not less than 6 feet in height. Security features may be incorporated into the buffer and landscaping requirements for the site. Nothing herein shall prevent fencing that is necessary to meet requirements of

State or Federal agencies.

H. Sound. No unusual or excessively loud alarms or other sound emissions are permitted.

I. Structural Integrity. Wireless Communications Facilities with Support Structures shall be constructed to the Electronics Industries Association/Telecommunications Industries Association (EIAITIA) 222 Revision F Standard titled "Structural Standards for Steel Antennas Towers and Antenna Support Structures" (or equivalent), as it may be updated and amended. Each new Support Structure shall be capable of supporting multiple antenna arrays.

J. Collocation Support Structure Design. All Wireless Communication Facilities with a support structure up to a height of 150 feet shall be engineered and constructed to accommodate at least 2 antenna arrays. All facilities with support structures up to a height of 150 feet or greater shall be engineered and constructed to accommodate at least 3 antenna arrays.

K. Collocation Agreement. All applicants for new Wireless Communications Facilities are required to submit a statement with the application agreeing to allow collocation by other providers if reasonably feasible under G.S. 153A-349.52(c)(3).

Section 6. Temporary Facilities

Temporary Wireless Communications Facilities may be permitted by Administrative Approval for a term not to exceed 90 days. Once granted, a temporary Wireless Communications Facility permit may be extended for an additional 90 days upon evidence of need by the applicant. In case of emergency (e.g., storm damage to an existing tower or other circumstances resulting in the interruption of existing service) the Administrative Review shall be expedited to the extent feasible.

Section 7. Approval Process

A. Application Submission. All applications regardless of Wireless Communication Facility type shall meet all of the requirements contained in this section.

B. Application Contents. Each applicant shall submit a sealed complete set of drawings prepared by a licensed architect or engineer that will include a site plan, elevation view and other supporting drawings, calculations and other documentation showing the location and dimensions of the wireless communications facility and all improvements associated therewith, including information concerning specifications, antenna locations, equipment facility and shelters, landscaping, parking, access, fencing and, if relevant as determined by staff, topography, adjacent land uses and existing vegetation.

C. Submission requirements. Application shall be submitted to the County on forms prescribed by the County. The application shall be accompanied by a site plan containing the information described above and a copy of the appropriate FCC license.

D. Board Review. If Board of Adjustment review is required, the application and site plan shall be placed on the next available Board of Adjustment agenda in accordance with the agenda deadlines established in Article 17, section 2 of this Ordinance. In addition, if Board of Adjustment review is required, site plans shall be submitted in accordance with Part B above and Article 17, section 8 of this Ordinance.

E. Application Fees. A fee shall accompany each application. Fee amounts shall be set by the Board of Commissioners, to cover the costs of review, processing and staff research.

F. Additional Technical Assistance. Reasonable additional costs may be charged to the applicant for consulting expenses, at the time of application or amendment thereof.

Section 8. Administrative Review.

Collocations and expansions of facilities on existing tower sites, not requiring enlargement of the enclosed site area, are eligible for administrative review.

A. Review Criteria. Development criteria specified in Section 5 shall remain in effect.

B. Timing of Decision. Under this Section the Zoning Administrator or designee shall render a decision on the wireless communication facility application by written response to the applicant within thirty (30) days after receipt of the complete application, except that an extension may be agreed upon by the applicant. In no case may a decision subject to administrative review be extended beyond forty-five (45) days.

C. Application Denial. If administrative approval is not obtained or is denied due to noncompliance with the development criteria, the applicant may appeal the denial to the Board of Adjustment as provided in Article 5.

D. Application Approval. With all required materials submitted in compliance with the development criteria and other requirements of this Section, the Zoning Administrator or designee may approve the application and authorize the proposed use.

Section 9. Shared Facilities and Collocation Policy.

All new Wireless Communication Facilities shall be engineered, designed and constructed to be capable of sharing the facility with other applicants, to collocate with other existing wireless facilities, and to accommodate the future collocation of other facilities, if reasonably feasible under G.S. 153A-349.52(c)(3).

Section 10. Removal of Abandoned Support Structures.

Any support structure that is not operated for a continuous period of three hundred sixty five (365) days shall be considered abandoned, and the County, at its election, may require the support structure owner to remove the support structure within 90 days after notice from the County to remove the support structure. If the abandoned support structure is not removed within 90 days, the County may remove it and recover its costs from the support structure owner. If there are two or more users of a single support structure, this provision shall not become effective until all providers cease to use the support structure. If the owner of an abandoned support structure cannot be located or is no longer in business, the requirements of this section shall be the responsibility of the landowner on whose property the support structure is located.

Section 11. Adding New Facilities at Nonconforming Sites.

New wireless communication facilities at nonconforming sites, not requiring expansion of the enclosure, may be permitted by administrative review with an engineer's certification that the facilities will be safely supported. Other expansions of nonconforming uses are subject to the requirements of Article15, Section 5.

ARTICLE 11. TABLE OF USES

Use	RA	RR	RL	RG	RI	CP	MHP	CB	HB	MI-1	MI-2
Accessory Apartment	p	p	p	p	c			c	c		
Accessory Structure	p	p	p	p	p	p	p	p	p	p	p
Accounting	c				p			p	p		
Adult care	c				c						
Adult uses										c	
Advertising agency								p	p		
Airport, public and private	c									c	c
Ambulance service/rescue squad	p				p			p	p	p	p
Amusement park								c	c		
Animal hospital/veterinarian clinic	c							p	p		
Antique shops	c							p	p		
Apartments					p			c	c		
Apparel and footwear								p	p		
Appliances, retail and wholesale								p	p		
Aquarium								p	p		
Arcades								p	p		
Architects	c				p			p	p		
Armories								p	p		
Art galleries	c							p	p		
Art supplies	c							p	p		
Arts and graphics services	c							p	p		
Asphalt products manufacturing										c	c
Auction house								c	c		
Auditors and bookkeepers	c							p	p		
Auto, truck, and motorcycle sales								p	p		
Auto, truck, motorcycle sales-Small Scale	c										
Automatic teller machine					p			p	p	p	p
Automobiles detailing	c							p	p		
Automobiles manufacturing										c	c
Automotive supplies								p	p		
Bait and tackle sales								p	p		
Bakeries	c							p	p		
Banks and finance companies								p	p		
Barber and beauty shops	c							p	p		
Baseball hitting ranges								p	p		
Bed and Breakfast	c				c			p	p		
Bedding and carpet manufacturing										p	p
Bicycle repair	c							p	p		
Bicycle sales and service								p	p		
Billboards	c							p	p	p	p
Billiard or pool halls								p	p		
Blacksmith operations								p	p	p	p
Blueprints and drafting supplies								p	p		
Boat works manufacturing										p	p
Book and stationary stores								p	p		
Bottling plants										p	p
Bowling alley									p		
Brewery										p	p
Brick, tile, and pottery yards										p	p
Building cleaning and maintenance services								p	p	p	p
Building supply and materials								p	p	p	p
Bus garages									p	p	p
Bus terminal									p	p	p
Business offices					p			p	p	p	p
Cabinet shops	c							p	p	p	p
Camera and photography supplies								p	p		
Campgrounds and RV Parks	c					c					
Candy store								p	p		

P - *Permitted Use*
C - *Conditional Use*
A - Accesory Use
(refer to Article 15)

ARTICLE 11. TABLE OF USES

Use	RA	RR	RL	RG	RI	CP	MHP	CB	HB	MI-1	MI-2
Canvas goods manufacturing										p	p
Car wash								c	c		
Cardboard containers manufacturing										p	p
Case goods manufacturing										p	p
Cemetery, private	p	p	p	p	p	p					
Cemetery, public	p				p			p	p		
Chemical manufacturing										c	c
Child care center	c				c			p	p		
Children's home								p	p		
Church (including fellowship buildings)	p	p	p	p	p	p		p	p		
Circus, carnival, fair								c	c		
Clothing and textiles production										p	p
Coin-operated laundry								p	p		
College/university/technical college					p			p	p	p	p
Community centers	c				p			p	p		
Computer and data processing services	c							p	p		
Concrete products production										p	p
Condominiums					p						
Contractor's office	c				p			p	p	p	p
Convenience store								p	p		
Correctional facilities										c	c
Country clubs	p	p	p	p	p			p	p		
Crematorium									p		
Dairy, meat, and seafood market								p	p		
Dance schools								p	p		
Delicatessen								p	p		
Department stores									p		
Detective agency	c							p	p		
Discotheques									p		
Discount stores									p		
Distillery										p	p
Drag strip and race track								c	c		
Drinking establishments									c		
Drug stores								p	p		
Dry cleaners								p	p		
Dry cleaning plants									p	p	p
Dwelling, duplex	p				p			c	c		
Dwelling, Single-family (modular)	p	p	p	p	c	p		c	c		
Dwelling, Single-family (site-built)	p	p	p	p	c	p		c	c		
Electrical appliances and equipment manufact.										p	p
Electrical equipment sales								p	p	p	p
Electronic and electrical repair	c							p	p	p	p
Employment agency								p	p		
Engineers	c				p			p	p		
Equipment rental								p	p		
Explosives manufacturing and storage										c	c
Exterminators								p	p	p	p
Fabric stores								p	p		
Family care home	p	p	p	p	p						
Farm machinery manufacturing										p	p
Farm supplies	c							c	c	p	p
Farm/heavy equipment sales and rental									p	p	p
Fertilizers manufacturing and storage										c	c
Fiberglass manufacturing and storage										p	p
Firing range, indoor									p	p	p
Firing range. outdoor	c									c	c
Flea markets (indoor)								p	p	p	p
Floor covering stores								p	p		
Florists	c							p	p		
Flour and feed mills								p	p	p	p

P - *Permitted Use*
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ARTICLE 11. TABLE OF USES

Use	RA	RR	RL	RG	RI	CP	MHP	CB	HB	MI-1	MI-2
Food and food products manufacturing										p	p
Food catering	c							p	p	p	p
Food store (under 10,000 sq. ft.)								p	p		
Foster home	c				c						
Foundries										p	p
Funeral home	c							p	p		
Furniture manufacturing										p	p
Furniture and home furnishings								p	p		
Furniture refinishing and repair	c							p	p	p	p
Furriers								p	p		
Gas or service station								p	p		
Gift shops								p	p		
Glass and mirror shops								p	p		
Glass products manufacturing										p	p
Go cart track								c	c		
Golf courses	c	c	c	c	c	c		p	p		
Golf driving ranges	c				c			p	p	p	p
Governmental maintenance facility								p	p	c	c
Grading operation	c								p	p	p
Greenways	p	p	p	p	p	p	p	p	p	p	p
Gun and ammunition sales	c							p	p		
Gunsmith	c							p	p	p	p
Hardware stores								p	p		
Hatcheries									p	p	p
Health clubs								p	p		
Health practitioner's office								p	p		
Heating and refrigeration shops								p	p	p	p
Heavy equipment manufacturing										p	p
Hobby, toy, and craft stores	c							p	p		
Home occupation	p	p	p	p							
Home occupation of a commercial nature	c										
Hosiery mills										p	p
Hospital									p		
Hotels/Motels									p		
Ice manufacturing										p	p
Industrial supplies and equipment								p	p	p	p
Insurance agency	c				p			p	p		
Interior designers	c							p	p		
Jewelry stores								p	p		
Junkyards and Auto Salvage Yards										c	c
Kennel and Animal Shelters	c							c	c		
Knitting mills										p	p
Landfills, sanitary										c	c
Landfills, construction or demolition	c									c	c
Landfills, land clearing and inert debris	c									c	c
Landscapers	c							p	p		
Lawn and garden care	c							p	p		
Lawn and garden supplies	c							p	p		
Lawnmower repair	c							p	p		
Leather products manufacturing										p	p
Legal services					p			p	p		
Libraries	c				p			p	p		
Linen and uniform supply services								p	p		
Liquor store									p		
Livestock (non-farm)	c					c					
Livestock sale barns										p	p
Livestock sales										p	p

P - *Permitted Use*
C - *Conditional Use*
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(refer to Article 15)

ARTICLE 11. TABLE OF USES

Use	RA	RR	RL	RG	RI	CP	MHP	CB	HB	MI-1	MI-2
Locksmith	c							p	p		
Log home manufacturing										p	p
Luggage manufacturing										p	p
Lumber and building materials-sales								p	p	p	p
Lumberyard									p	p	p
Machine and welding shops								c	c	p	p
Machine tools manufacturing										p	p
Mail order office								p	p		
Management consultants	c							p	p		
Manufactured home/recreational vehicle sales									p		
Manufactured Home Parks							c				
Manufactured Home (Class A) on individual lot	p		p	p							
Manufactured Home (Class B) on individual lot	p			p							
Manufacturer's showrooms									p	p	p
Meatpacking and poultry processing plants										p	p
Medical/dental clinics								p	p		
Medical/dental labs									p		
Metal fabricating plants										p	p
Metal fabricating shop									p		
Microbrewery	c									p	p
Micro-distillery	c									p	p
Miniature golf	c							p	p		
Mining and quarrying										c	c
Mini-warehouse								c	c	p	p
Mixed-use project					p			p	p		
Mobile Food Vending								A	A	A	A
Monument sales									p		
Monument works and sales									c	p	p
Motor vehicle body and paint shop								p	p	p	p
Motor vehicle repair								c	c	p	p
Motocross track	c							c	c		
Movie theatres (drive-in)									p		
Movie theatres (indoor)									p		
Museums	c				p			p	p		
Music stores								p	p		
News syndicates									p		
Newsstands								p	p		
Novelty and souvenir stores								p	p		
Nursing, convalescent facility, assisted living	c				c			p	p		
Oil and gasoline bulk storage										c	c
Open storage								p	p		
Optician and optical supply store								p	p		
Paint and wallpaper stores								p	p		
Paints, varnishes, finishes manufacturing										c	c
Paving and grading operation										p	p
Paper goods manufacturing										p	p
Par 3 Golf	c				c			p	p		
Parks and playgrounds	p	p	p	p	p	p		p	p	p	p
Pawn shop								p	p		
Personnel services									p		
Pet shop								p	p		
Pharmaceuticals manufacturing										p	p
Photocopying services								p	p		
Photofinishing laboratories								p	p		
Photography services and studios	c							p	p		
Pillow manufacturing										p	p
Places of assembly								p	p		
Planing mills										p	p
Plastic products manufacturing										p	p
Plumbing and heating supplies								p	p	p	p

P - *Permitted Use*
C - *Conditional Use*
A - Accesory Use
(refer to Article 15)

ARTICLE 11. TABLE OF USES

Use	RA	RR	RL	RG	RI	CP	MHP	CB	HB	MI-1	MI-2
Police and fire station operations	p				p			p	p	p	p
Post office	c				p			p	p	p	p
Postal processing center										p	p
Pottery								p	p		
Precision instruments manufacturing										p	p
Private recreation clubs	c				p			p	p		
Processing plants										c	c
Produce Sales	c							p	p	p	p
Public relations services					p			p	p		
Public utility facility (Major)	c	c	c	c	c		c	c	c	c	c
Public utility facility (Minor)	p	p	p	p	p	p	p	p	p	p	p
Publishing and printing									p	p	p
Radio and television repair	c							p	p		
Radio and television studios								p	p		
Railroad station operations										p	p
Railroad yard operations										p	p
Real estate services	c				p			p	p		
Recreation, Indoor					p			p	p		
Recreation, Outdoor	c				p			p	p		
Recycling collection center	c				c			p	p	p	p
Recycling Plant										c	c
Refineries										c	c
Rehabilitation facility									c		
Rental of vehicles								p	c		
Research activities									p	p	p
Residential development sales (office on-site)	p	p	p	p	p	p					
Residential storage facilities	c	c	c	c							
Resource extraction (sand, soil, clay)										p	p
Restaurant								p	p		
Retail uses, not otherwise listed								p	p		
Reupholstery	c							p	p	p	p
Roadside stand	p							p	p		
Rodeo	c							p	p	p	p
Saddlery/Tack Shop	c							p	p		
Sanitarium and mental institutions									c		
Sawmills	c								c	p	p
Schools (elementary, middle, high)	p				p			p	p		
Seamstress shop	c							p	p		
Secondhand store/swap shops								p	p		
Septic services								c	c	p	p
Sheet metal shops									p	p	p
Shoe repair and shining								p	p		
Shoe stores								p	p		
Shopping Mall									p	c	c
Shopping Strip									p	c	c
Shopping Center									p	c	c
Sign painting								p	p	p	p
Skating rinks									p		
Slaughterhouse										p	p
Small motor repair	c							p	p		
Solar Farms	c										
Sporting goods								p	p		
Springs manufacturing										p	p
Stained glass sales								p	p		
Stone products										p	p
Swine farm	c										
Subdivision (Major)		p	p	p	p	p		p	p	p	p
Subdivisions (Minor)	p *	p	p	p	p	p		p	p	p	p
Supermarkets									p		
Surveyors	c				p			p	p		

P - *Permitted Use*
C - *Conditional Use*
A - Accesory Use
(refer to Article 15)

ARTICLE 11. TABLE OF USES

Use	RA	RR	RL	RG	RI	CP	MHP	CB	HB	MI-1	MI-2
Tailoring and dressmaking shops								p	p		
Tanning/Nail Salon	c							p	p		
Tattoo Parlor								p	p		
Technical schools								p	p	p	p
Temporary Uses	p			p	p		p	p	p	p	p
Tent (commercial)								p	p	p	p
Tent (religious)	p	p	p	p	p	p		p	p	p	p
Textile finishing and dyeing										p	p
Tire recapping shops										p	p
Tobacco products manufacturing										p	p
Tobacco shop								p	p		
Townhouses					p						
Transfer companies								p	p	p	p
Tree service	c							c	c		
Truck, farm equip., heavy equip. sales/serv									p	p	p
Truck/freight terminal									p	p	p
Upholstering shops								p	p	p	p
Utility company operation center									p	p	p
Vacuum cleaner repair								p	p		
Variety stores								p	p		
Vending companies									p	p	p
Warehousing									p	p	p
Watch, clock, jewelry repair	c							p	p		
Wholesale distribution									p	p	p
Wholesale store								p	p		
Winery	c							c	c	p	p
Wine tasting room	c							c			
Wireless communication towers	c							c	c	c	c
Woodworking shops								p	p		
Woodworking plant									p	p	p

* See Article 6, Section 4 of General Provisions

P - *Permitted Use*
C - *Conditional Use*
A - Accesory Use
(refer to Article 15)

ARTICLE 12. DIMENSIONAL REQUIREMENTS TABLE

District	*LOT SIZE MINIMUM SIZE*	*MINIMUM WIDTH*	*MINUMUM DEPTH*	*MINIMUM YARD SETBACKS*			*MAXIMUM BUILDING HEIGHT*
				FRONT	*SIDE*	*REAR*	
RA	30,000 sq ft	75 feet	110 feet	40 feet	15 feet	25 feet	50 feet
Corner Lots Abutting Side Street					25 feet		
Accessory Structures					12 feet	15 feet	
RR	30,000 sq ft	75 feet	110 feet	40 feet	15 feet	25 feet	50 feet
Water & Sewer	20,000 sq ft	75 feet	110 feet				
Corner Lots Abutting Side Street					25 feet		
Accessory Structures					12 feet	15 feet	
RL	30,000 sq ft	75 feet	110 feet	40 feet	15 feet	25 feet	50 feet
Water & Sewer	20,000 sq ft	75 feet	110 feet				
Corner Lots Abutting Side Street					25 feet		
Accessory Structures					12 feet	15 feet	
RG	30,000 sq ft	75 feet	110 feet	40 feet	15 feet	25 feet	50 feet
Water & Sewer	20,000 sq ft	75 feet	110 feet				
Corner Lots Abutting Side Street					25 feet		
Accessory Structures					12 feet	15 feet	
RI	30,000 sq ft	75 feet	110 feet	40 feet	15 feet	25 feet	50 feet
Water & Sewer	20,000 sq ft	75 feet	110 feet				
Corner Lots Abutting Side Street					25 feet		

ARTICLE 12. DIMENSIONAL REQUIREMENTS TABLE

District	*LOT SIZE MINIMUM SIZE*	*MINIMUM WIDTH*	*MINUMUM DEPTH*	*MINIMUM YARD SETBACKS*			*MAXIMUM BUILDING HEIGHT*
				FRONT	*SIDE*	*REAR*	
CP	5 Acres	150 feet	300 feet	100 feet	50 feet	100 feet	50 feet
Corner Lots Abutting Side Street					100 feet		
Accessory Structures					50 feet	50 feet	
CB	30,000 sq ft	75 feet	110 feet	40 feet	20 feet	25 feet	50 feet
Water & Sewer	20,000 sq ft	75 feet	110 feet				
Corner Lots Abutting Side Street					25 feet		
Abutting Property Zoned Residential					25 feet		
Accessory Structures					15 feet	15 feet	
HB	30,000 sq ft	75 feet	110 feet	40 feet	20 feet	25 feet	50 feet
Water & Sewer	20,000 sq ft	75 feet	110 feet				
Corner Lots Abutting Side Street					25 feet		
Abutting Property Zoned Residential					25 feet		
Accessory Structures					15 feet	15 feet	
MI-1 and MI-2	1 Acre	100 feet	150 feet	65 feet	25 feet	30 feet	50 feet
Corner Lots Abutting Side Street					50 feet		
Abutting Property Zoned Residential					35 feet	50 feet	
Accessory Structures					20 feet	20 feet	

*Accessory structures do not include walls or fences. Must be located in the rear yard. Detached carports and garages must be located in the side or rear yard and must meet all setbacks for the principal structure.

*Minimum lot sizes are contingent upon approval of the Environmental Health Department, in areas which **do not** have access to **both** municipal water and sewer systems. Larger lot sizes may be required based on site evaluations.

*The Zoning Administrator may approve the addition of sections or strips of land not meeting the minimum district size requirements, to adjacent property in common ownership, where such land cannot be used for building development apart from improvements on the adjacent property to which it is added, and where no yard setback encroachment is created.

*Any lot abutting a state maintained road shall have at least 75 feet of road frontage; lots abutting a state maintained road in a cul-de-sac shall have at least 45 feet of road frontage. Exception given to flag (panhandle) lots as provided in the Yadkin County Subdivision Ordinance.

* Lot width shall be measured at the front set back line.

ARTICLE 13. ACCESSORY AND TEMPORARY USES

Section 1. Modular Offices and Classrooms

Modular offices or classrooms may be used on a temporary basis in districts where they are not listed as a permitted or conditional use for such purposes as construction offices, bloodmobiles, bookmobiles, classrooms and traveling museums. However, such uses must obtain a Temporary Occupancy Permit from the Zoning Administrator if the use is to last more than forty-eight (48) hours at one site.

Modular offices may also be used for other office or business purposes in cases where the permanent structure has been destroyed through no fault of the owner or tenant. A Temporary Occupancy Permit must be obtained before the use of the mobile office is initiated. This occupancy permit shall be valid for a specified period of time while reconstruction takes place not to exceed six (6) months and may be renewed no more than once.

Temporary construction equipment may be located on a construction or development site. However, a temporary occupancy permit must be obtained before locating such equipment. This occupancy permit shall be valid for a specified period of time while reconstruction takes place not to exceed six (6) months and may be renewed.

Section 2. Manufactured Homes

A. **Temporary use:**
Temporary use of a manufactured home as a residence shall be permitted in any residential district in cases where the permanent home has been destroyed through no fault nor through any intentional act of the owner. The owner shall obtain a Zoning Permit for temporary occupancy from the Zoning Adminstrator before the use of the manufactured home is initiated or at the same time as the Building Permit is applied for in the case of construction of a new permanent home on the same lot. This permit shall be valid for a specified period of time not to exceed six (6) months while reconstruction or construction takes place and may be renewed once for an additional six (6) month period by the Zoning Administrator. Applicable certifications from the Planning Department shall also be obtained by the owner for new home construction at the same time the permit for temporary occupancy is granted.

B. **Accessory Use:**

1. **Owner Occupied Exemption**– In the RA (Rural Agriculture) District a property owner may place up to two (2) manufactured homes as additional dwellings, to rent, on a single parcel. The property owner shall reside on the parcel in question. The property shall have an overall density of one-half acre (or 21,780 square feet) per dwelling, or the density required by the Environmental Health Department, whichever is greater, for an additional septic system. Dwellings must comply with all applicable requirements of the RA district.

2. **Family Cluster Exemption** – In the RA (Rural Agriculture) District a property owner may have three (3) manufactured homes, for occupancy by family members only and not for rent, on a single parcel. The property shall have a density of 30,000 square feet per dwelling, or the density required by the Environmental Health Department for additional septic systems, whichever is greater. Dwellings must comply with all applicable requirements of the RA district.

3. **Conditional Use for Hardship** – In a zoning district where manufactured homes are permitted, an individual may petition the Board of Adjustment to place a manufactured home as a temporary additional dwelling on a single parcel that does not meet minimum lot size requirements, or on a larger parcel owned or in use by a family member or guardian. However, prior to issuance of a Conditional Use for Hardship, the Environmental Health Department must approve the additional septic system on the parcel in question. The Board of Adjustment must renew Conditional Uses for hardship annually. If for any reason the conditions of the hardship cease to exist, the conditional use shall become null and void. Conditional Uses for Hardship are for temporary situations only, and shall not be issued as a remedy for financial difficulty.

Section 3. Temporary Permits for Commercial Tents

A permit must be obtained from the Zoning Administrator prior to erecting a tent in the Community Business (CB), Highway Business (HB), Manufacturing Industrial One (MI-1) or Manufacturing Industrial Two (MI-2) Districts.

Section 4. Temporary Uses

Examples of permitted temporary uses include but are not limited to:

Tractor pulls, carnivals, circuses, gun shows, turkey shoots, agricultural fairs, charity dinners, Christmas tree lots, craft fairs, film shoots, festivals, seasonal markets, famers markets, hot air balloon sites, helicopter landing sites, concerts, dances,

(a) The applicant must submit a statement, with a description of the proposed use, hours of operation, the proposed number of people expected to attend the temporary use/special event, location of parking, driveways, and any other pertinent information.

(b) The following standards must be met when issuing a temporary use/special event permit:

(1) If not on the applicant's privately owned property, the applicant must provide written approval of the temporary use from the property owner.

(2) The location of the temporary use/special event must minimize adverse effects on surrounding properties, including traffic generation and impacts. The site should contain sufficient land area to accommodate all proposed activities. The owner or event organizer shall notify surrounding property owners of the times of the event, activities planned, and measures to be taken to ensure that traffic congestion is mitigated. Temporary uses/special events are prohibited between 11pm and 7am;

(3) Adequate off-street parking must be provided. The use must not displace the required off-street parking spaces or loading areas of the principal permitted uses on the site. The entrance and exit drives shall be designed to prevent traffic hazards and nuisances;

(4) Display areas and/or temporary structures must comply with the required setbacks and must not interfere with the sight triangle of any intersection of roads or streets;

(5) Only one temporary use/special event can be permitted for a single parcel of land at any given time;

(6) Any applicable permits must be obtained from the NCDOT;

(7) Signage is permitted 14 days before the event and must be removed at the close of the event;

(8) Each event must not exceed 14 days and not to exceed 2 times during any 12-month period; and

(9) The temporary use must comply with the County division of environmental health regulations regarding sewage disposal.

(c) If a particular use is not listed in the definition of temporary use/special event, the planning director has the authority to grant a temporary use/special event permit for a similar and compatible use.

[Amendment date: December 17, 2012]

ARTICLE 14. EXCEPTIONS AND MODIFICATIONS

The dimensional requirements of this Ordinance shall be met in all respects except that under the specified conditions as outlined in this Ordinance the requirements may be waived or modified as stated; and in addition, the dimensional requirements may be changed or modified by the Board of Adjustment as provided for in Article 5.

Section 1. Front Yard Modifications in Residential Districts

Where fifty percent (50%) or more of the lots in any block or within six hundred (600) feet on both sides of the proposed structure, whichever is less, is composed of lots which have been developed with buildings whose front yards are less than the minimum required front yard as specified in Article 12, Dimensional Requirements, the required front yard shall be the average depth of front yards of the developed lots, or the minimum front yard as specified in Article 12, Dimensional Requirements, whichever is less. Provided further that, if any lot lies between two buildings less than one hundred (100) feet apart, the required front yard for such lot shall be no greater than the average front yard of the two adjoining lots or twenty-five (25) feet, whichever is more.

Where fifty percent (50%) or more of the lots in any block or within 600 feet on both sides of the proposed structure, whichever is less, is composed of lots with buildings whose front yards are greater than the minimum required front yard as specified in Article 12 (Dimensional Requirements), the required front yard shall be the average depth of front yards of the developed lots. Provided further, that if any lot lies between two (2) buildings which are less than 100 feet apart, the required front yard for such lot shall be no less than the average front yard of the two adjoining lots.

Section 2. Other Yard Modifications

Where through lots occur, the required front yard shall be provided on both streets. Architectural features such as open or enclosed fire escapes, steps, outside stairways, balconies and similar features, and uncovered porches may not project more than four (4) feet into any required yard setback. Sills, cornices, eaves, gutters, buttresses, ornamental features, and similar items may not project into any required yard more than thirty (30) inches.

Section 3. Height Limit Exceptions

Church steeples, chimneys, belfries, water tanks or towers, fire towers, flag poles and masts, church spires, silos, grain elevators, and conveyors, wireless and broadcasting towers, monuments, cupolas, domes, antennas (except satellite dish antennas), and similar structures, necessary mechanical appurtenances, and/or other architectural embellishments not intended for human inhabitation may be erected to any height, unless otherwise regulated.

[Amendment date: November 21, 2011]

Section 4. Zero Lot Lines

Any planned development in any district may make use of the Zero Lot Concept, that is, no minimum lot size or yard requirements, provided that the total area of the planned development meets the minimum lot size in its district, that the planned development remains under single control through a property owner's association or similar means, and that minimum yards and buffers, as required in its district, are preserved around the entire perimeter of the planned development. Such a planned development is a subdivision and must be approved as such through the requirements of the Subdivision Regulations, as well as meeting the requirements of the Zoning Ordinance.

Section 5. Measuring Setbacks

The front setback shall be measured from the right of way or from the edge of the pavement, whichever is closer to the proposed building site. Side and rear set backs shall be measured from the applicable property lines. From the structure the setback shall be measured from the outer wall at the point where the structure meets the ground. Attached permanent porches or decks shall be included, but eaves and access ramps shall not be included in the building footprint for the purpose of measuring the setbacks.

Section 6. Conservation Subdivisions

An owner of real property totaling 20 or more contiguous acres in area, and having existing direct access to public water and sewerage, may apply to the Zoning Administrator to create a planned conservation subdivision. Conservation subdivisions are characterized by dedicated common open space and clustered compact lots. The purpose of a conservation subdivision is to protect farmland, open space and/or natural resources and features, while allowing for the same maximum number of residences, consolidated infrastructure and reduced development costs. Specific dimensional requirements of Article 12 may be waived when replaced by the requirements of this section, as provided below.

Procedures for Review and Approval: Upon receiving a preliminary subdivision plat and plans for a proposed conservation subdivision, the Zoning Administrator and Planning Board shall conduct a public meeting as provided in the Yadkin County Subdivision Ordinance. This process may be conducted concurrently with any planned group development or conditional rezoning as provided in Article 8 and Article 16 of this ordinance. In addition:

A. Lot size and yard requirements may be reduced by no more than one-half (1/2), and maximum lot coverage may be increased by no more than twice (2X) the requirements of Article 12. In no case shall overall housing density in the development exceed the normal density requirements of the district; nor shall any use be permitted in such a development that is not otherwise permitted in the district.

B. Additional infrastructural requirements:

1. Public water and sewer connections shall be planned and made available to each building lot.
2. Each building lot shall adjoin an internal street or existing public roadway on at least one side. Street frontage shall total at least 20% of the perimeter of the lot.
3. Sidewalks shall be installed along the entire length of internal streets on any side where building lots face the street.

C. Dedicated open space shall be contiguous or divided into no more than two (2) sections for each fifty (50) acres to be developed, and shall include at least 30% of the total area of the land. The requirement of this section for open space is in addition to any provision in the Yadkin County Subdivision Ordinance for land set aside for recreation, open space, or for land considered unsuitable for platting.

D. Common open space shall be restricted in perpetuity from further subdivision and/or land development by deed restriction, conservation easement, or other agreement in a form acceptable to the County Attorney and duly recorded in the office of the County Register of Deeds.

E. A plan and narrative for the use, maintenance, and insurance of the open space and all common facilities, including provisions for funding, shall be included with the application. Such plan shall:

1. Define ownership, as one of the following:
   a. The original owner may retain ownership of the open space and common facilities, and dedicate a conservation easement to a land trust or other public entity. The owner may use the land for farming, excluding livestock feeding or grazing, or for recreational purposes that do not disturb the natural setting.
   b. The open space and common facilities may be deeded to a homeowners' association or land trust, which may manage the common uses, recreational or otherwise, and preservation of the open space.
   c. The open space and common facilities may be held as common property, and a partial interest deeded with each of the building lots.
2. Establish appropriate regular and periodic operation and maintenance responsibilities.
3. Estimate staffing needs, insurance requirements, and other associated costs and define the means for funding the same on an on-going basis.
4. The Zoning Administrator or the Planning Board may require the applicant to escrow sufficient funds for the maintenance and operation costs of open space and/or common facilities for up to one year.

F. If allowed by the topography and shape of the land, each proposed building lot in the subdivision should have at least 25% of its boundary either adjacent to the required open space, or directly facing the open space across an internal street in the subdivision. Exception may be made to preserve valuable natural or historic features present on the property.

G. The Planning Board should encourage close proximity to other similar development.

H. The Planning Board may impose other conditions at its discretion, including, but not limited to: provisions for additional utilities, drainage, other physical improvements, landscaping, lighting, streets and access ways, safety, and compatibility of design.

When the Planning Board is satisfied that all above requirements are met, the subdivision review and approval process may continue as provided in the Subdivision Ordinance, with approval of the preliminary plat and permission for the owner to begin site improvements.

In the event the party responsible for maintenance of the open space fails to maintain all or any portion in reasonable order and condition, the County may assume responsibility for its maintenance and may enter the premises and take corrective action, including the provision of extended maintenance. The costs of such maintenance may be charged to the owner or to any person or group controlling the property, and may include administrative costs and penalties. Such costs shall become a lien on all subdivision properties.

ARTICLE 15. NONCONFORMING USES

Section 1. Definition and Purpose

A "nonconformity" is any use, building, structure, or lot which lawfully existed prior to the adoption of this Ordinance and which fails to comply with one or more of the applicable regulations or standards established herein. A nonconformity is also any use, building, structure, or lot which was lawfully created, constructed, etc., under this Ordinance but which was subsequently rendered nonconforming due to circumstances that were not self-created.

The traditional approach towards nonconformities has been to impose restrictions on them that will gradually cause them to disappear or to be brought into compliance with a community's zoning regulations. Due to a number of factors, this approach has not been successful.

Whether a nonconformity is harmful or beneficial to surrounding properties, the neighborhood, or community will depend upon the individual circumstances. The fairness of treating all nonconformities of a particular type in the same manner simply because one or two of them are causing problems is highly debatable.

Therefore, the basic policy of this Ordinance is to allow the continuation of any nonconformity, the normal maintenance and repair thereof, and reconstruction when nonconforming real property is destroyed by natural event or casualty beyond the control of the owner; but to classify any expanding, altering, changing, or resuming of a nonconformity as a conditional use and to review it to determine whether it will have substantial adverse impact upon adjoining properties, the neighborhood, or the community. If a proposal will have a substantial adverse impact, it will be denied. If it will not, a Conditional Use Permit will be issued to allow it. However, conditions and safeguards may be attached to the permit to require that the nonconformity be brought into compliance with the regulations of this Ordinance or that any potential hazards or problems be mitigated. Procedures and standards are established to ensure that the rights and interest of the owner of the nonconformity, of the owners of adjacent and neighboring properties, and the public will be weighed in making these determinations. The termination of a nonconformity cannot be required under this Ordinance, but the governing body reserves its authority to deal with unlawful development or hazardous or noxious conditions under its other powers.

Section 2. Continuation, Maintenance, and Repair of a Nonconformity Allowed Without Permit

The continuation of any nonconformity and the normal maintenance and repair thereof is allowed without a general or conditional use approval. Normal maintenance and repair means that which is necessary to maintain and to correct any damage or deterioration to the structural soundness or to the exterior or interior appearance of a building or structure.

Section 3. Bringing a Nonconformity Into Compliance

The owner of a nonconformity may bring it into compliance by securing any permit or approval which would have been required in the first instance for the intended or resulting use, building, structure, or lot under this Ordinance or any other applicable local law. For example, if the owner of a building wants to change its use from one which is not allowed under this Ordinance to one which is allowed pursuant to a general use zoning permit, he may secure a zoning permit and thus eliminate the nonconformity. Likewise, approval may be secured under this jurisdiction's Subdivision Regulations to recombine two lots which do not comply with the minimum area regulations for building lots into one which does. Thus, the provisions in this Section are primarily intended to deal with those situations where a nonconformity may easily be brought into compliance. In contrast, the procedures and standards in Sections 4 and 5 are primarily intended to deal with those situations where it may be difficult or expensive to bring a nonconformity into compliance, but the owner nevertheless wants permission to alter, expand, change, rebuild, or resume it.

Section 4. Reconstruction of a Nonconformity

Reconstruction or restoration of any nonconforming building or structure damaged or destroyed by fire, flood, wind, explosion or casualty, may be allowed with a general zoning permit, provided the zoning permit is issued within three (3) months after the event that caused destruction of the property; and provided such reconstruction is begun within six (6) months after the zoning permit issue date. Reconstruction of a nonconformity shall closely approximate the original structure in size and design, and shall be located on or as close as possible to the original site. Reconstruction to a significantly greater extent than the original construction shall be considered an expansion of the nonconformity, subject to Section 5 below. Reconstruction of a nonconforming building destroyed by neglect or by deliberate act of the property owner is not provided under this Section.

Section 5. Conditional Use Permit Required for Any Proposed Alteration, Expansion, Change, or Resumption of a Nonconformity

A. The altering, expanding, changing, or resuming of a nonconformity is only allowed pursuant to a Conditional Use Permit issued by the Board of Adjustment under this Article. The terms "altering, expanding and changing" shall be strictly construed. "Resuming" means the reusing or reoccupying of a nonconforming building or structure which was unused or unoccupied for a continuous period of three-hundred and sixty-five (365) days or more, or the resuming of a nonconforming use which was abandoned for a continuous period of three hundred and sixty-five (365) days or more. If a nonconforming building or structure is reused or reoccupied or an abandoned use is resumed within a lesser period of time, no permit is required under this Ordinance as long as the nature and degree of the nonconformity will not be changed or increased from that which existed before the nonconformity became unused, unoccupied, or abandoned.

B. A petition for a Conditional Use Permit shall be filed with the Yadkin County Planning Department.

C. The Board of Adjustment shall fix a time and place for the hearing, give notice thereof to the interested parties and the public, and render and give notice of its decision.

Section 6. Standards for Granting a Permit for Any Proposed Alteration, Expansion, Change or Resumption of a Nonconformity

A. After taking evidence and testimony, the Board of Adjustment shall find whether the proposed alteration, expansion, change, rebuilding, or resumption of the nonconformity will have a substantial adverse impact upon adjacent properties, the neighborhood, or the public. The Board of Adjustment may consider any relevant factor, but no petition shall be granted unless it complies with the criteria 1 through 7 below. If it finds that a petition will not have a substantial adverse impact, the Board of Adjustment shall grant a Conditional Use Permit and may impose reasonable conditions and safeguards on the issuance of such permit.

Adequate provision and arrangement has been made or will be made concerning the following, where applicable:

1. Access roads or entrance or exit drives with respect to such matters as automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire and other emergency;
2. Off-street parking and loading areas where required and refuse and other service areas with respect to their impact upon the considerations in subsection 1 immediately above and the economic, noise, glare, odor, and other impacts on adjoining properties and properties in the general neighborhood;
3. Utilities, water, sewerage, schools, fire, and police protection, and other necessary public and private services and facilities with respect to their location, availability and compatibility;
4. Landscaping, screening and fencing with respect to the effectiveness of their type, dimensions and character in minimizing the economic, noise, glare, odor and other impacts on and harmonizing the conditional use with adjoining properties and properties in the general neighborhood;
5. Signs, if any, proposed exterior lighting with reference to glare, traffic safety, economic effect, compatibility, and harmony with adjoining properties and properties in the general neighborhood;
6. The type, size and intensity of the proposed conditional use, including such consideration as the size of the site, the location of the use upon it, the hours of operation, and numbers of people who are likely to utilize or be attached to the use, with respect to the impact upon adjoining properties or properties within the general neighborhood, and the purposes of the use district; and
7. Changes in surface drainage characteristics with respect to erosion, siltation, pollution, flooding, or other detrimental effects both on the site and other properties.

B. If the Board of Adjustment finds that a petition will have a substantial adverse impact, it shall consider:

1. The possible detriment or benefit to the owner of the nonconformity from refusing to issue the permit, from issuing it but requiring, either wholly or partially, that the nonconformity be brought into compliance, or from issuing it as requested;
2. The possible detriment or benefit to the owners of adjacent or neighboring properties from refusing to issue the permit, from issuing it but requiring, either wholly or partially, that the nonconformity be brought into compliance, or from issuing it as requested; and
3. The possible detriment or benefit to the public (a) from refusing to issue the permit, from issuing it but requiring, either wholly or partially, that the nonconformity be brought into compliance, or from issuing it as requested and (b) from allowing and/or refusing to allow other nonconformities of the same type or within the same neighborhood to continue as is, to be altered, expanded, changed, rebuilt, or resumed, or to be brought into compliance.

C. The Board of Adjustment may consider any other relevant factor. The Board of Adjustment shall not approve a petition which fails to comply with the criteria in Section 5. A. 1-7 unless it finds that the detriment to the owner from denying the permit will be so great as to prohibit any reasonable opportunity to recoup his investment in the nonconformity while the benefit to adjacent and neighboring owners and the public from denying the permit will be minimal. The Board of Adjustment may deny the petition or approve it in whole or

in part. If the Board of Adjustment grants a Conditional Use Permit, it may impose reasonable conditions and safeguards to mitigate any potential hazards or problems or to bring the nonconformity into compliance to the extent necessary to protect the rights and interests of adjacent and neighboring owners and the public.

D. In acting upon a petition for a Conditional Use Permit, the Board of Adjustment cannot order the discontinuance or termination of a nonconformity, refuse to allow the development of a vacant lot, or refuse to allow the alteration, expansion, change, rebuilding, or resumption of a nonconformity which cannot comply with the yard and height regulations. If a petition is denied, the continuation of an existing nonconformity and the normal maintenance and repair thereof will still be allowed under this Ordinance without a General or Conditional Use Permit. This policy is adopted to encourage owners of nonconformities to apply for permits to improve and bring them into conformance to the extent possible without imposing any unreasonable sanctions if total conformance is not possible under the regulations of this Ordinance.

Section 7. Reservation of Authority to Deal With Nonconformities Under Other Powers

Notwithstanding the policies and provisions of this Ordinance with respect to nonconformities, the governing body expressly reserves its authority to initiate criminal and civil proceedings against unlawful uses, buildings, structures, and lots, including those which unlawfully existed prior to the adoption of this Ordinance, and to control or abate noxious uses, to require the repair or demolition of unsafe buildings or structures, or to control or eliminate unsafe or hazardous conditions through the exercise of any powers other than the ones exercised under this Ordinance.

Section 8. Exceptions and Modifications

The following exceptions and modifications shall be allowed without the issuance of a Conditional Use Permit by the Board of Adjustment.

A. **Lots not Meeting Minimum Lot Size Requirements**
In any district in which single family dwellings are permitted, any lot of record which existed before the enactment of this Ordinance, which has dimensions which are less than required by these regulations, may be used as a building site for a single family dwelling.

B. **Yard Requirements Modifications**
Where a lot has width or depth less than that required in the district in which it is located, the Zoning Administrator shall be authorized to reduce the yard and setback requirements for such lot of record by not more than thirty percent (30%). Additional or other forms of yard modification may be permitted with a variance granted by the Board of Adjustment.

ARTICLE 16. PARALLEL CONDITIONAL DISTRICTS and the CONDITIONAL REZONING PROCESS

Section 1. Purpose

A parallel conditional district is a zoning district in which the development and use of the property is subject to the ordinance standards for the corresponding general use district such as density and screening requirements, along with the rules, regulations, and conditions imposed as part of the legislative decision creating the district and applying it to the particular property. The uses that may be considered for a parallel conditional district are restricted to those uses permitted in the corresponding general use district (whether uses permitted by right or conditional uses), and uses may be established only in accordance with specific standards and conditions relating to each specific development project.

The parallel conditional district rezoning process allows particular uses to be established, but only in accordance with a site-specific development project. Some land uses are of such a nature or scale that they have significant impacts on both the immediately surrounding area and/or on the entire community that cannot be predetermined and controlled by general district standards. There are also circumstances in which a general district designation allowing such a use by right would not be appropriate for a particular property, though the use itself could, if properly planned, be appropriate for the property and be consistent with the objectives of these regulations, the adopted land use plan, and other plans for the physical development of the County as adopted by the Board of Commissioners. The review

process established herein provides for the accommodation of such uses by reclassification of property into a parallel conditional district.

The parallel conditional district approval process is established to reclassify property from the general use district to a parallel conditional district. Such districts are described herein. The rezoning process shall be initiated by the owner(s) of all the property to be included in such district, or such owners' authorized agents, and shall be accompanied by an official application, the established fee, and all documentation required as per this Article. In the event that an application for the reclassification of property to a parallel conditional district seeks the approval of a use normally allowed as a conditional use in the corresponding general use district: Approval of the application by the Board of Commissioners solely in accordance with the provisions of this Article shall be deemed sufficient to allow such use of the property, and it will not then be necessary for the applicant or the property owner to obtain a conditional use or other compliance permit, or to meet conditions prescribed by other Articles of this Ordinance.

Section 2. Reclassification Required

In order for a property owner to secure privileges for developing property under the parallel conditional zoning process, the property must first be rezoned by the Board of Commissioners to a parallel conditional district. Any use permitted under this process must also conform to the development regulations for the corresponding general zoning district. Thus, if for example a property were rezoned to a CB-CD District and a particular use were authorized thereby, that use must (i) be a use allowed (either on a use permitted by right or conditional basis) in the CB district, and (ii) meet all density, screening, and related requirements of the CB District. Rezoning of property to a parallel conditional district is a voluntary procedure on the part of the property owner and is intended only for firm and site-specific development proposals. It is not intended or suited for securing early zoning for tentative proposals which may not be undertaken for some time.

Section 3. Application Materials

No parallel conditional district shall be established until the owner(s) of the land in question (or his/her authorized agent) has submitted an application for the rezoning of the property and the Board of Commissioners has approved such application in accordance with the procedures stated herein.

A. **Plans and Other Information to Accompany Application**

Every application for the rezoning of property to a parallel conditional district shall be submitted to the Zoning Administrator, accompanied by all additional information required below. Additionally, sufficient copies of scale drawn plans and any supporting text to provide all members of the Planning Board and Board of Commissioners as well as County staff must be submitted. The following information must be provided if applicable:

1. A boundary survey and vicinity map showing the property's total acreage, zoning classification(s), general location in relation to major streets, railroads, and/or waterways, the date, and north arrow.
2. All existing easements, reservations, and rights-of-way.
3. Proposed number and general location of all building sites, their approximate area, and their approximate dimensions.
4. Proposed use of all land and structures, including the number and/or density of residential units, if any, proposed and the total square footage of any non-residential development.
5. A description of all screening, buffering, and landscaping required by these regulations and/or proposed by the applicant, as well as any proposed treatment of any existing natural features.
6. All existing and proposed points of access to public streets.
7. Delineation of areas within the regulatory floodplain as recognized by the Federal Emergency Management Agency. Base flood elevation data shall be provided before any plats are approved as per Article 5, Section D(4) of the Yadkin County Flood Damage Prevention Ordinance.
8. The owner's names and addresses, property identification numbers and existing land use(s) of all adjoining properties. This information is available from the Yadkin County Tax Mapping Department.
9. Proposed phasing, if any, and approximate completion time for each phase of the project.

10. Traffic, parking, and circulation plans, showing the proposed location and arrangement of parking spaces and ingress and egress to adjacent streets.

11. Location and maintenance arrangements for all open space, recreation, and/or common areas within the development.

12. A list of all known sites of historic or cultural significance within or adjacent to the project area.

The Zoning Administrator and the Board of County Commissioners shall each have the authority to waive any application requirement where the type of use or scale of the development proposal makes providing any of the foregoing items unnecessary or impractical.

B. Additional Materials

In the course of evaluating the proposed use, the Zoning Administrator, the Planning Board or Board of County Commissioners may request additional information from the applicant. A request for such additional information shall stay any further consideration of the application by the Planning Board or Board of Commissioners. This information may include (but not be limited to) the following:

1. Storm water management and drainage plan;

2. Existing and proposed topography at five-foot contour intervals or less;

3. The existing and proposed locations of all water and sewer lines and fire hydrants intended to serve the proposed development;

4. Proposed number, type, and location of signs;

5. A traffic impact study of the proposed development prepared by a qualified transportation or traffic engineer or planner. The traffic impact study shall include the following information:

    a. Existing traffic conditions within the study area boundary, as determined by the North Carolina Department of Transportation;

    b. Traffic volumes generated by the existing and proposed development on the project area, including the morning peak, afternoon or evening peak, and average annual traffic levels;

    c. The distribution of existing and proposed trips through the street network;

    d. Analysis of capacities of intersections located within the study area boundary;

    e. Recommendations for improvements designed to mitigate traffic impacts of the proposed development and to enhance pedestrian access to the development from the public right-of-way;

    f. Other pertinent information including but not limited to accidents, noise, and impacts on air quality and other natural resources; and

6. Description and copies of proposed deed restrictions to be placed on the property;

7. Exterior features of proposed development including height and design standards; and

8. Any other information needed to demonstrate compliance with these regulations.

The Zoning Administrator shall determine the number of copies of each application and other required documentation to be submitted by an applicant so that copies may be circulated to all appropriate agencies for review and comment.

Section 4. Fees

No application shall be considered unless it contains or is accompanied by all items listed in Section 3.A (and as may be required in Section 3.B) and a fee, in accordance with a fee schedule approved by the Board of Commissioners for the submittal of a parallel conditional district application.

Section 5. Submittal to the Zoning Administrator

All complete applications shall be submitted to the Zoning Administrator by the end of the calendar month preceding the Planning Board's public meeting at which it is to be reviewed. Except as otherwise permitted, in no case shall the

meeting at which the Planning Board initially reviews the application occur greater than sixty (60) days after the completed application has been submitted by the applicant to the Zoning Administrator.

Section 6. Planning Board Review

The Planning Board shall have a minimum of sixty (60) days from the date which it initially met to review the application to submit its recommendation to the Board of Commissioners. If a recommendation is not made during the sixty (60) day period, the application shall be forwarded to the Board of Commissioners without a recommendation from the Planning Board.

Section 7. Board of Commissioners Action

Once a recommendation has been received from the Planning Board, or the sixty (60) day Planning Board review period has expired, the Board of Commissioners shall schedule a public hearing concerning the application. Notice of said public hearing shall be as prescribed in the North Carolina General Statute 153A-323.

Section 8. Board of Commissioners Decision

A. At the conclusion of the public hearing, the Board of Commissioners may deny or approve the application to rezone the property to a conditional zoning district, thereby authorizing the development of the property in accordance with the approved parallel conditional district and all applicable preliminary and final plat approvals required by the Yadkin County Subdivision Ordinance.

B. Rezoning to a Parallel conditional district is a legislative process subject to judicial review using the same procedures and standards of review as apply to general use district zoning decisions. As such, in considering any application to reclassify property to a conditional zoning district, the Board of Commissioners may consider the following:

1. Whether the proposed reclassification is consistent with the purposes, goals, objectives, and policies, of the adopted land use plan, and other plans for the physical development of the County as adopted by the Board of Commissioners;
2. Whether the proposed reclassification is compatible with the overall character of existing development in the immediate vicinity of the subject property;
3. The adequacy of public facilities and services intended to serve the subject property, including but not limited to roadways, parks and recreational facilities, police and fire protection, schools, storm water drainage systems, water supplies and waste water treatment systems and garbage services; and
4. Whether the proposed reclassification will adversely affect a known archeological, environmental, historical, or cultural resource.

Section 9. Fair and Reasonable Conditions

In approving an application for a conditional zoning district, the Board of Commissioners may attach fair and reasonable conditions. Any such conditions shall relate to the relationship of the proposed use to the surrounding property, proposed support facilities such as parking areas and driveways, pedestrian and vehicular circulation systems, screening and landscaped areas, the timing of development, street and right-of-way improvements, water and sewer improvements, storm water drainage, the provision of open space, provisions to maintain the ecological or historical resources that may be impacted by the proposed use, and other matters that the Board of Commissioners may find appropriate or the applicant may propose. Such conditions to approval of the application may include dedication of rights-of-way or easements for streets, water, sewer, or other public utilities necessary to serve the proposed development. The applicant shall have reasonable opportunity to consider and respond to any such conditions prior to final action by the Board of Commissioners.

Section 10. Effect of Approval

If an application for a parallel conditional district is approved, the district that is established and all conditions which may have attached to the approval are binding on the property as an amendment to these regulations and to the official Zoning Map. All subsequent development and use of the property shall be in accordance with the standards for the approved conditional zoning district and all conditions attached to the approval.

A. **Recordation of Notice of Conditions**

If an application is approved subject to conditions, the Zoning Administrator shall record with the Register of Deeds a notice that development of the subject property is subject to conditions and that such conditions are on file at the Zoning Administrator's office.

B. **Property Zoning Map Identification**
Following the approval of the application for a parallel conditional zoning district, the subject property shall be identified on the Official Zoning Map by the appropriate district designation. A parallel conditional district shall be identified by the same designation as the corresponding general zoning district followed by the letters CD (for example, "CB-CD").

C. **Vested Rights**
An approved parallel conditional district shall have, at a minimum, a two (2) year vested right as allowed under Article 2, Section 6 of this ordinance and N.C.G.S. Section 153A-344.1, except as such vested right may be altered as allowed by N.C.G.S. 153A-344.1(e), provided however, that an applicant may request a vesting period in excess of two (2) years as provided in Article 2, Section 6.C. of this Ordinance. A vested right shall remain effective beyond the end of the period of time established for any buildings or uses for which a valid building permit has been issued during the vested right period, so long as such building permit is valid.

Section 11. Alterations to Approval

A. **Manner of Treatment**
Except as provided in Section 11.B below, changes to the approved application for rezoning to a parallel conditional district or to the conditions attached to its approval shall be treated the same as amendments to these regulations or to the official Zoning Map and shall be processed in accordance with the procedures in this Article.

B. **Minor Changes**
Minor changes in the detail of the approved plan which (i) will not alter the basic relationship of the proposed development to adjacent property; and (ii) will not alter the uses permitted or increase the density or intensity of development; and (iii) will not decrease the off-street parking ratio or reduce the yards provided at the periphery of the site may be made with the written approval of the Zoning Administrator. The Zoning Administrator shall always have the discretion to decline to exercise this delegated authority either because there is uncertainty about approval of the change pursuant to this standard or because a rezoning application for a public hearing and Board of Commissioners consideration is deemed appropriate under the circumstances. If the Zoning Administrator declines to exercise his authority; then the applicant may file an application for a public hearing and Board of Commissioners decision.

Section 12 . Review of Approval of a Parallel Conditional District

It is intended that property shall be reclassified to a parallel conditional district only in light of firm plans to develop that property. Therefore, subject to any vested right in favor of the property owner and no sooner than two (2) years after the date of approval of the application, the Planning Board may examine the progress made toward developing the property in accordance with the approved application and any conditions attached to the approval. If the Planning Board determines that progress has not been made toward developing the property in accordance with the approved application and conditions, the Planning Board shall forward to the Board of Commissioners a report, which may recommend that the property be rezoned. The Board of Commissioners may then hold a duly noticed public hearing and vote to rezone the property to a general zoning district.

ARTICLE 17. CONDITIONAL USES

Section 1. Objectives and Purpose

It is recognized that there are some land uses which are basically in keeping with the intent and purpose of the various zoning districts created by this Ordinance, yet these uses may have a significant impact on those districts. These impacts are best determined following careful review of the specific proposal. In order to add flexibility to this Ordinance, certain uses are allowed by means of controls exercised through the Conditional Use Permit process.

Section 2. Procedures

Conditional Use Permits shall be granted by the Yadkin County Board of Adjustment as permitted by G.S. 153A-345 for all conditional uses identified in the Table of Uses. These uses may be established only after approval by the Board of Adjustment.

The owner or owners of all property included in the petition for a Conditional Use Permit shall submit required application information to the County Planning Department by at least thirty (30) days before the Board of Adjustment meeting at which it is to be heard. Such application shall include all of the requirements pertaining to it in this Ordinance.

Applications shall include a site plan as outlined in Section 8 of this Article, and be accompanied by a fee according to the Planning Department Fee Schedule.

All requests for Conditional Use Permits shall be reviewed by the Board of Adjustment within ninety (90) days from the submission to the Planning Department. However, this requirement is not intended to prevent the Board of Adjustment from delaying action after review.

Section 3. Board of Adjustment Action

The Services and Development Director shall set and advertise a date and time for a public hearing before the Board of Adjustment. Notice of such hearing shall be published in a newspaper of general local circulation not less than ten (10) days nor more than twenty five days (25) days before the date set for the public hearing. At the public hearing all interested parties shall be permitted to testify in sworn testimony. Prior to the hearing all adjacent property owners shall be mailed a notice of the hearing, via 1st class mail. The person mailing notices shall certify that such notices have been mailed. Cost of postage shall be reimbursed through fees set by the Board of County Commissioners. In addition, the property for which the conditional use is proposed shall be posted at least one (1) week before the public hearing.

The Board of Adjustment shall consider the application and comments at the public hearing and may grant or deny the Conditional Use Permit. For the Conditional Use Permit to be granted, a majority vote in favor of the applicant is required. If the Conditional Use Permit is granted, the Board of Adjustment shall use as a guide the specific conditions outlined in this Article for each use proposed. In addition, the Board of Adjustment shall find:

A. That the use will not materially endanger the public health or safety, if located according to the plan submitted and approved;

B. That the use meets all required conditions and specifications;

C. That the use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity; and

D. That the location and character of the use, if developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be located and in general conformity with the Yadkin County Land Use Plan.

In granting the Conditional Use Permit the Board of Adjustment may designate only those conditions, in addition to those stated herein, which, in its opinion, assure that the use and its proposed location will be harmonious with the area and with the spirit of this Ordinance and clearly in keeping with the public welfare. All such additional conditions shall be entered in the minutes of the meeting, at which the Conditional Use Permit is granted, on the Conditional Use Permit itself, and on the approved plans submitted therewith. All specific conditions shall run with the land and shall be binding on the original applications for the Conditional Use Permit, their heirs, successors, and assigns.

Section 4. Denial and Appeal

If the Board of Adjustment denies the Conditional Use Permit, it shall enter the reason for its action in the minutes of the meeting at which the action is taken.

No appeal may be taken from the action of the Board of Adjustment in granting or denying a Conditional Use Permit except through the Yadkin County Superior Court within thirty (30) days of the decision or forever be barred.

Section 5. Compliance with District Regulations

In addition to the conditions specifically imposed in this article and such further conditions as the Board of Adjustment may deem reasonable and appropriate. Conditional Uses shall comply with all other regulations for the zoning district in which they are located unless the provisions for the conditional use provide to the contrary.

Section 6. Failure to Comply with Plans/Notifications of Adjacent Property Owners

In the event of failure to comply with the plans approved by the Board of Adjustment, or with any other conditions imposed upon the Conditional Use Permit, the permit shall thereupon immediately become void and of no effect. No building permits for further construction or Certificates of Occupancy under this Conditional Use Permit shall be issued, and all completed structures shall be regarded as nonconforming uses subject to the provisions of this Ordinance. In such cases, owners of adjoining property shall be notified that the Conditional Use Permit is no longer in effect.

Section 7. Modification of Plans

Where plans are required to be submitted and approved as part of the application for a Conditional Use Permit, modifications of the original plans may be authorized by the Board of Adjustment.

Section 8. Supplemental Requirements for Specific Conditional Uses

A site plan (with nine (9) copies) must always be submitted with the application at least thirty (30) days before the next scheduled Board of Adjustment meeting and shall show at least the following:

A. Recordable boundary survey showing the shape and dimensions of the lot on which the proposed building(s) is to be erected along with North reference and graphic scale, name and seal of surveyor, property zoning classification, fire district, and town limit lines if applicable; and of all internal divisions, such as manufactured home spaces or industrial park leased areas, with each division numbered;

B. Dimensions and names of all internal roads;

C. Dimensions and description of all easements;

D. Vicinity map and township;

E. Tax parcel identification number and total acreage

F. Owner's name, address and telephone number, adjoining properties, and owners with deed references, as well as the location of structures on adjoining properties;

G. The location of said lot with respect to adjacent rights-of-way;

H. The shape, dimensions, and location of all buildings, out buildings, loading areas, places of assembly, outdoor display areas, storage areas (indoors and outdoors); any existing and proposed utilities, sidewalks and other facilities associated with the use, existing and proposed; and required setbacks;

I. Topography of the site (contour lines no greater than five (5) feet), natural features (streams, lakes, ponds, rocky outcrops, wooded areas, marshes, flood plains, and any other site of interest), historic sites, and cemeteries;

J. All proposed stormwater drainage structures and systems;

K. The nature of the proposed use of the building or land, including the extent and location of the use;

L. The location and dimensions of off-street parking and loading space and the means of ingress and egress;

M. Phases or stages of development if applicable;

N. The square feet and percentage of lot as built upon area if the lot is located in a Watershed;

O. The location and type of all required buffers and landscaping;

P. Required Driveway Permits from NCDOT;

Q. A sedimentation and Erosion Control Plan (if applicable) as submitted to NCDENR;

R. Certificates or letters of approval if the applicant proposes a community water and/or sewerage system;

S. A copy of the recorded deed verifying ownership of the property; and,

T. Any other information, which the Planning Staff may deem necessary for consideration in enforcing all provisions of this Ordinance.

In addition, the conditional use site plan shall indicate the location and dimensions of outdoor activity areas including outdoor storage, location and type of outdoor lighting, and areas of environmental concern such as flood plains, surface water, and drainage ways. Prior to approval of the site plan, the Planning staff may consult with other qualified personnel for assistance to determine if the application meets the requirements of this Ordinance. Approval from the Environmental Health Department and Fire Marshal's Office shall be required before any Conditional Use Permit is issued. Individual Conditional Uses may require more information, as given in this Section or elsewhere in this Ordinance. In addition, the Board of Adjustment may require other information as it deems necessary in order to determine if the proposal meets all requirements and will not endanger persons or property.

The Board of Adjustment may impose reasonable conditions in addition to those given in this Section and elsewhere in this Ordinance. In order to do this, the Board of Adjustment must determine that additional conditions are necessary to protect the welfare and safety of the public and of property, or to meet the tests given elsewhere in this Ordinance. Below are specific requirements for conditional uses by name. They are as follows:

Adult Uses

Zoning District: MI-1, MI-2

Site Considerations:

1. No adult entertainment establishment shall be located within one thousand (1,000) feet of another adult entertainment establishment which shall be measured from the exterior walls of the building(s) containing such regulated use.
2. No adult entertainment establishment shall be located within one half mile of any area zoned for residential use or from the property line of residential unit(s), churches, synagogues, temples, nursery schools, day care centers (child/adult) and public or private schools, in all zoning districts, which will be measured from the property line(s) containing such regulated use. Areas zoned for residential use shall be classified as any Rural Agricultural (RA), Residential Restricted (RR), Residential Limited (RL) Residential General (RG), Residential Institutional (RI) or Manufactured Home Park District (MHP).

Screening:

Screening is required around the entire perimeter of any adult entertainment establishment. This screening shall consist of a naturally wooded area or planted with a mixture of evergreen and deciduous trees and shrubs to simulate a naturally wooded area within three (3) years. This screening shall be located in a fifteen (15) foot wide buffer.

Required Plan: *(In addition to those listed at the top of this Section.)*

1. Location of existing structures on property within 1,000 feet of exterior wall(s) of the regulated use.
2. Zoning of properties within 750 feet of each property line of the regulated use.
3. Other information which may be necessary to judge the probable effect of the proposed activity on neighboring properties, and to carry out the intent of this Ordinance.

Operational Considerations:

1. If applicable, all viewing booths shall be open and be visible to manager(s) of the establishment.
2. If applicable, there shall be a minimum separation of 6 feet between patrons and performers.
3. Masseuses and servers of food and beverage shall at all times wear a shirt and pants.
4. No nude or seminude service or entertainment of any kind shall be allowed outside the building of a regulated use.
5. The adult entertainment establishment shall be limited to one wall sign per premise. The sign shall not be internally lighted. Maximum sign size shall be 20 square feet.

Airport (Public)

Zoning Districts: RA, MI-1, MI-2

Site Standards:

1. Airport size and layout shall conform to current FAA design standards.
2. There shall be a minimum of three hundred (300) feet between any runway or taxiway to the nearest property used or zoned for residential purposes.

Screening and Fencing: When located within one hundred (100) feet of the property line or street rights-of-way and abutting property used or zoned for residential uses, hangars, storage buildings, terminals, loading docks, parking lots, and any other associated structure, shall be screened in accordance with Article 19 (Buffers and Screening) of this Ordinance.

Required Plan: *(In addition to those listed at the top of this section)*

1. Scaled drawings of location and size of landing strips and the location of landing lights.
2. Map of all property within five hundred (500) feet of proposed airfield property line and within fifteen hundred (1500) feet of each end of the runway, including names and addresses of property owners and type of land use for each property, as given in the tax listings.
3. A map depicting the location, type, and height of any structure, including towers, over two hundred (200) feet in height and within a five (5) mile radius.
4. A copy of the current FAA design, approach, and airspace obstruction standards.
5. Documentation showing FAA permits and design approval.

Amusement Park; Circus; Carnival or Fair

Zoning Districts: CB, HB

Site Standards:

1. The site must be located on a major roadway that can accommodate the anticipated traffic volume when the fairground is in use.
2. All buildings, arenas, stadiums, exhibit areas, barns, and similar activity areas, shall be set back from all property lines and street rights-of-way a minimum of one hundred (100) feet.
3. In addition to requirements of Article 18 (Parking and Loading) of this Ordinance, parking lots must be set back at least twenty (20) feet from any property line or street right-of-way.

Screening and Fencing: A fence at least eight (8) feet in height shall enclose activity areas and buildings that will stay locked when the fairground is not in use. Additional buffering may be required by the Board of Adjustment in the case of facilities for outdoor functions, such as outdoor arenas, in order to protect adjacent properties from noise, light, and glare.

Lighting: Outdoor lighting shall be shielded to prevent light from directly hitting adjacent property or any public right-of-way.

Animal hospital/veterinarian clinic

Zoning Districts: RA

Site Standards: All buildings or other structures pertaining to the operation, including outdoor runs and pens, shall maintain required setbacks from all property lines the same as required for the principal structure on the property.

Lighting: Outdoor lighting shall be designed to minimize or prevent light from directly hitting adjacent property or any public right-of-way.

Screening: All kennel buildings, runs, pens, or other facilities shall be buffered from adjacent property used or zoned for residential purposes by fencing or vegetation meeting the requirements of Article19 (Buffers and Screening).

Auction House; Car Wash; Farm Supplies; Machine and Welding Shops; Mini-warehouse; Monument Sales; Motor Vehicle Repair; Septic Services; Tree Service

Zoning Districts: HB, CB

Site Standards:

1. Minimum setbacks of twice (2x) what is required by this Ordinance.
2. Site shall not create a greater nuisance than the existing or previous commercial use.
3. Noise created by proposed use shall not be any greater than that which was created by the existing or proposed commercial use.
4. Traffic flow and conditions created by the proposed use shall not be any greater than that created by the existing or previous commercial use.
5. Applicant shall present evidence and support materials to the Board of Adjustment that demonstrate compliance with above requirements (2,3,4).

Lighting: Outdoor lighting shall be designed to minimize or prevent light from directly hitting adjacent property or any public right-of-way.

Screening and Fencing: Buffers shall be installed which meet the requirements of Article 19 (Buffers and Screening) of this Ordinance.

Automobiles Manufacturing; Asphalt Products Manufacturing; Chemical Manufacturing; Explosives Manufacturing and Storage; Fertilizers Manufacturing and Storage; Governmental Maintenance Facility; Oil and Gasoline Bulk Storage; Paints, Varnishes, Finishes Manufacturing; Processing Plants; Recycling Plants; Refineries

Zoning Districts: MI-1, MI-2

Site Standards:

1. All manufacturing and storage buildings and yards shall be a minimum of two hundred (200) feet from any residential use, hospital, nursing or convalescent home, retirement home, life care community, school, or church. However the Board of Adjustment shall be authorized to increase this setback if the situation warrants, based on the specific substances that are to be manufactured or stored and in what specific quantities.
2. All structures (except fences and walls), buildings, storage areas, etc. used in the operation shall be a minimum of one hundred (100) feet from all property lines or street rights-of-way.
3. Buildings must meet all requirements for Hazardous Occupancy under the NC Building Code.

Lighting: Outdoor lighting shall be designed to minimize or prevent light from directly hitting adjacent property or any public right-of-way.

Screening and Fencing: The use shall be totally enclosed by a security fence or wall at least eight (8) feet high or enclosed within a locked fireproofs building. A vegetative screen, either planted or natural wooded area, shall be provided along any street right-of-way and any property line within four hundred (400) feet of property used or zoned for residential purposes.

Operational Requirements:

1. The site shall be utilized in a manner that shall not pose a hazard off-site.
2. All unpaved storage areas shall be maintained in a manner that prevents dust from adversely impacting adjacent properties.
3. Buildings must be maintained to meet all requirements for Hazardous Occupancy under NC building Code.

4. The County Fire Marshal and local fire department shall be kept notified of the types of materials used, manufactured, or stored on site.

Auto Sales - Small Scale

Zoning Districts: RA

Site Standards:

1. Buildings or structures used in connection with small scale auto sales require a minimum setback of twice (2x) what is required by this Ordinance.
2. All uses other than display of autos associated with the business must be located in the side or rear yard of the property.
3. All storage associated with the auto sales must be stored indoors; Outdoor storage shall not be permitted.
4. A maximum of five (5) vehicles for sale can be on display at any time.

Screening: All structures associated with the auto sales shall be buffered from adjacent property used or zoned for residential purposes by fencing or vegetation meeting the requirements of Article 19 (Buffers and Screening).

Operational Requirements:

1. The business use shall not create any noxious fumes, odors, traffic congestion, noise, or other nuisance factors. **[Amendment date: December 17, 2012]**

Automobile Salvage Yards and Junkyards

Zoning Districts: MI-1, MI-2

Site Standards:

1. Minimum setback of twice (2x) what is required by this Ordinance (Article 12), and shall apply both to buildings and to open storage areas.
2. No automobile salvage yard or junkyard shall be permitted to locate or expand within one-half (1/2) mile radius of any property used or zoned for residential purposes, and any property used as a hospital, nursing or convalescent home, retirement home, life care community, school, or church.
3. Yards shall comply with Chapter 40 of the North Carolina Fire Prevention Code.
4. Yards shall not be permitted to locate or expand within the one hundred (100) year floodplain as shown on the latest Federal Emergency Management Agency maps of Yadkin County.
5. Yards shall not locate or expand within five hundred (500) feet of any watercourse such as a stream, river, reservoir, pond, or lake.
6. Yards shall not locate or expand within one thousand (1,000) feet of any water course such as a stream, river, reservoir, pond, or lake located in any water supply watershed (WS-I through WS-IV) or any outstanding resource watershed.
7. Each yard shall have its own deeded direct access.
8. Bona fide garages, repair shops, and service stations where the short-term open storage of not more than five (5) junked vehicles, is incidental to the business, shall not apply to these requirements.

Lighting: Outdoor lighting shall be designed to minimize or prevent light from directly hitting adjacent property or any public right-of-way.

Screening and Fencing: Areas of open storage shall be totally enclosed by a completely opaque fence at least six (6) feet in height. In addition, a vegetative buffer shall be planted along all property lines, leaving space for an ingress and egress location. Yards shall not be visible from any adjacent property or public

right-of-way. The buffer shall be included as part of the required setbacks and shall meet the requirements of Article 19 (Buffers and Screening).

Bed and Breakfast

Zoning Districts: RA, RI

Site Standards:

1. Guestrooms or guesthouses shall not be equipped with kitchen or cooking facilities.
2. If operation utilizes guesthouses then maximum density requirements shall be two (2) units per acre; however, the Yadkin County Health Department may revise minimum lot size requirements through site evaluations, on a case-by-case basis.
3. There shall be no less than one (1) bathroom, consisting of a bath or shower, water closet, and lavatory for every two (2) guestrooms.
4. One (1) unlighted sign shall be permitted, which shall have a maximum dimension of twenty-four (24) square feet, and not more than five (5) feet high, at its highest point above ground level.
5. Parking shall not be allowed in any front yard, unless facility utilizes guest houses.

Lighting: Outdoor lighting shall be designed to minimize or prevent light from directly hitting adjacent property or any public right-of-way.

Screening and Fencing: Parking areas and outdoor areas used for storage of equipment or supplies must be screened from adjacent properties. These buffers must meet the requirements of Article 19 (Buffers and Screening) of this Ordinance.

Billboards

Zoning District: RA

Site Standards: All billboards must meet the requirements of Article 20 (Signs) of this Ordinance.

Required Plan: *(In addition to those listed at the top of this section)*

1. The required site plan must show the location of any other billboards along both sides of the street within 2,000 feet of the proposed site.
2. The plan must show the location of the buildings and types of land use on the property on which it is to stand, on adjacent properties, and across the street, for a distance of five hundred (500) feet in both directions from the sign.

Operational Considerations: The sign shall be kept in good repair and clear of overgrown vegetation.

Campgrounds and Recreational Vehicle Parks

Zoning Districts: RA, CP

Site Standards:

1. Minimum campground or RV Park size is ten (10) acres.
2. For lots or spaces which provide full hook up services (water/sewer) minimum lot, space, or site size of one thousand two hundred (1,200) square feet. For lots or spaces that are not provided with full hook up services minimum lot size of three hundred fifty (350) square feet. The Yadkin County Health Department may revise minimum lot size or site requirements through site evaluations, on a case-by-case basis.
3. Maximum development density not to exceed forty-five percent (45%) of total gross land area (excluding roads).
4. No more than one (1) recreational vehicle per lot site.

5. Minimum ten percent (10%) total gross land area dedication for recreational uses excluding maximum density development.
6. Property owner may dedicate a minimum of five percent (5%) total gross land area for the use of tent camping, excluding the use of recreational vehicles.
7. No more than two (2) vehicles per site allowed for parking.
8. No site or lot shall have direct access to a public road.
9. Minimum interior street widths of twenty (20) feet of gravel, with a six (6) inch gravel base, within the park or campground.
10. The park and/or campground shall be set back fifty (50) feet from all public or private rights-of-way, side and rear property lines.
11. Minimum interior side setbacks of twenty (20) feet and rear setbacks of ten (10) feet between sites.
12. Minimum forty-five (45) feet deeded, platted easement to a state maintained road.
13. All utilities must be provided through underground access, which may include water, sewer, power, phone, cable, natural gas, etc.
14. Adequate lighting shall be provided for all common areas, including the interior lighting of any building open after dusk.
15. Owner shall provide a refuse disposal plan satisfactory to the Local Ordinance Officer. The approved plan shall be noted on the site plan.
16. Separate sanitary facilities for both sexes (including showers), as well as drinking water, shall be available within four hundred (400) feet of each campsite.
17. Existing recreational vehicle parks and campgrounds shall have one (1) year from the effective date of this Ordinance to comply with these requirements. Consideration will be given to those parks and campgrounds that do not meet the minimum acreage requirements.
18. Campgrounds and recreational vehicle parks shall not be located in a floodplain.

Lighting: Outdoor lighting shall be designed to minimize or prevent light from directly hitting adjacent property or any public right-of-way.

Screening and Fencing: A vegetative buffer shall be planted along all side and rear property lines, or around the boundary of the campground and recreational vehicle park. The buffer shall be included as part of the required setbacks and shall meet the requirements of Article19 (Buffers and Screening) of this Ordinance.

Required Plan: Proposed layout of the campground, including individual sites, cabins, recreation areas, drinking water outlets, sanitary disposal facilities, and other service buildings.

Operational Requirements:

1. No recreational vehicle shall be used as a primary residence within a recreational vehicle park.
2. There shall be no removal of wheels or axles from any recreational vehicle so as to keep the residence temporary.
3. Yadkin County, at any time, can request the owner to display vehicular mobility of any vehicle on the premises.
4. All porches, decks, and other attachments shall not be attached permanently so as to accommodate any request of mobility by the County of Yadkin.
5. There shall be no manufactured homes or manufactured homes allowed in any recreational vehicle park or campground other than the residence of the owner or caretaker of the facility.
6. A fire extinguisher shall be available at each service building and at the office.
7. Campgrounds and parks shall be maintained free of accumulations of debris, which may contribute to rodent harborage or distinct breeding grounds for flies, mosquitoes, insects, or other pests. The growth

of brush, weeds, shrubbery, and grass shall be controlled to prevent harborage of ticks, chiggers, and other noxious insects. Open areas shall be maintained free of heavy undergrowth and maintained to promote a pleasing aesthetic appearance.

Child Care Center

Zoning Districts: RA, RI

Site Standards:

1. Indoor activity areas shall be provided equivalent to at least twenty-five (25) square feet per attendee.
2. Access to the facility shall not create traffic flow problems on nearby streets. Road improvements may be required to ease traffic flow concerns.

Screening or Fencing: Play areas shall be enclosed by a chain link or solid fence or wall at least four (4) feet high. Side and rear property lines must be screened from adjoining properties in accordance with Article 19 (Buffers and Screening).

Operational Requirements: The construction and operation shall comply with the provisions of the North Carolina General Statutes and any other applicable federal, state, or local standards.

Community Centers, Libraries, Museums, Outdoor Recreation, Post Office, Private Recreation Clubs

Zoning Districts: RA, RI

Site Standards: All commercial buildings, greenhouses, storage sheds, and similar structures shall meet twice (2x) the required setbacks for the applicable zoning district in which the proposed use is located.

Lighting: Outdoor lighting shall be designed to minimize or prevent light from directly hitting adjacent property or any public right-of-way.

Screening and Fencing: A vegetative buffer must be provided which will screen adjacent properties used or zoned for residential purposes, from the effects of light and noise generated on the site, as well as parking areas and all structures, out buildings, loading areas, places of assembly, outdoor display areas, and other facilities associated with the use. The buffer shall comply with Article 19 (Buffers and Screening). The Board of Adjustment may require an attractive solid fence or wall up to eight (8) feet in height in addition to the required screening, if the conditions on the site and adjacent properties warrant it.

Correctional Facilities

Zoning Districts: MI-1, MI-2

Site Standards:

1. No correctional facility shall be permitted to locate or expand within a one (1) mile radius of any property used or zoned for residential purposes, and any property used as a hospital, nursing or convalescent home, retirement home, life care community, school, or church.
2. All structures, recreation areas, work areas, parking and loading areas, and common areas associated with the correctional facility shall be required to maintain five (5x) times the applicable setbacks of the corresponding zoning district.

Lighting: Outdoor lighting shall be so designed to minimize or prevent light from directly hitting adjacent property or any public right-of-way.

Screening and Fencing: As a part of the required setbacks, a buffer twice (2x) what is required in accordance with Article 19 (Buffers and Screening) shall be installed.

Drag strip and race track

Zoning Districts: CB, HB

Site Standards:

1. Minimum lot size of forty (40) acres.
2. Setbacks shall be twice (2x) the standard district setbacks. Parking and track shall not encroach upon the setback area.
3. The lot shall have its own direct access to a state maintained road. The access shall serve only the drag strip or racetrack.
4. All tracks shall be located a minimum of five hundred (500) feet from all property lines and public roads.

Lighting: Outdoor lighting shall be designed to minimize or prevent light from directly hitting adjacent property or any public right-of-way.

Screening and Fencing: A vegetative buffer must be provided which will screen adjacent properties used or zoned for residential purposes, from the effects of light and noise generated on the site, as well as parking areas and all structures, out buildings, loading areas, places of assembly, outdoor display areas, and other facilities associated with the use. The buffer shall comply with Article19 (Buffers and Screening). The Board of Adjustment may require an attractive solid fence or wall up to eight (8) feet in height, in addition to the required screening, if the conditions on the site and adjacent properties warrant it.

Driving Range

Zoning Districts: RA, RI

Site Standards:

1. No maintenance building or clubhouse shall be closer than one hundred (100) feet from any property line.
2. Driving Ranges shall be located so that adjoining properties are not adversely affected by the activity due to noise, glare, traffic, or other factors.
3. Driving Ranges shall have a minimum depth of one thousand (1,000) feet from the tees to the end of the driving area or the end shall be controlled with netting and /or earth berms to prevent golf balls from leaving the property.

Screening and Fencing: Fencing, netting, trees, earth berms, or other approved control measures, shall be provided around the perimeter of the driving area to prevent golf balls from leaving the property. Driving ranges shall be screened from adjacent properties used or zoned for residential purposes. These buffers must meet the requirements of Article 19 (Buffers and Screening) of this Ordinance.

Lighting: Outdoor lighting shall be designed to minimize or prevent light from directly hitting adjacent property or any public right-of-way.

Operational Requirements: The volume of any outdoor speakers or public address system must be kept low enough to not be heard off the premises.

Farm Supplies, Grading operation, Landscapers, Lawn and garden care, Lawn and garden supplies, Tree service

Zoning Districts: RA

Site Standards:

1. All commercial buildings, greenhouses, storage sheds, and similar structures and parking or storage areas for vehicles, equipment, or supplies shall be set back from all property lines and street rights-of-way, a minimum of twice (2x) the required setbacks for the principal building in the zoning district in which the property is located.
2. Paving equipment and paving material storage shall not be permitted.
3. Non-operational equipment shall not be permitted.

Screening and Fencing: Parking areas and outdoor areas used for storage of equipment or supplies must be screened from adjacent properties. These buffers must meet the requirements of Article19 (Buffers and Screening) of this Ordinance.

Firing Range

Zoning Districts: RA, MI-1, MI-2

Site Standards:

1. No portion of the firing line shall be closer than three hundred (300) feet to any exterior property line or five hundred (500) feet from an existing dwelling.
2. A projectile-proof backstop, consisting of concrete, steel, earth, or a combination thereof, at least twenty (20) feet high shall be erected and maintained behind all target areas.
3. Access shall be controlled to prevent unregulated entrance to the firing range.
4. Entire property shall be posted every one hundred (100) feet at the property line with signage indicating there is a shooting range.
5. Adequate off street parking shall be provided.

Screening and Fencing: A vegetative buffer must be provided which will screen adjoining residential uses from the effects of light and noise generated on the site, as well as parking areas and all structures, out buildings, loading areas, places of assembly, outdoor display areas, and other facilities associated with the use. The buffer shall comply with Article19 (Buffers and Screening). The Board of Adjustment may require an attractive solid fence or wall up to eight (8) feet in height, in addition to the required screening, if the conditions on the site and adjacent properties are warranted.

Operational Requirements: No firing activities shall occur daily between the hours of 10:00 p.m. to 7:00 a.m. Eastern Standard Time. On Sundays, shooting shall not commence before 12:30 p.m. The hours may be increased no more than six (6) times a year for an official shooting tournament involving thirty (30) or more participants.

Noise produced on the firing range shall be mitigated to a sound level of 90db or less at any adjacent property line or adjacent roadway. A plan showing features adequate to reduce noise produced on the range to a sound level of 90db or less at any adjacent property line or adjacent roadway shall be shown and certified by a licensed acoustical professional. Decibel level must be confirmed by an as built sound test prior to the facility receiving a Certificate of Occupancy.

Additional Site Plan Information: Complete layout of each range, including shooting stations or firing lines, target areas, shotfall zones or safety fans shall be located on site, backstops, berms and baffles, projected noise contours, existing and proposed structures, occupied dwellings within one-fourth mile, roads, streets, or other access areas, buffer areas, and parking areas for the range facility. . **[Amendment date: November 18, 2013]**

Funeral Home

Zoning Districts: RA

Site Standards:

1. Minimum lot size of two (2) acres.
2. Minimum building setback from any street right-of-way shall be at least twenty-five (25) feet greater than is required for the district said use is located.
3. Parking area shall also be subject to setback requirements.
4. Minimum side and rear setbacks shall be fifty (50) feet.

Lighting: Outdoor lighting shall be designed to minimize light from directly hitting adjacent property or any public right-of-way.

Screening and Fencing: Any parking area, common space, or outdoor gathering place shall be screened from adjacent properties used or zoned for residential purposes. This buffer must meet the requirements of Article 19 (Buffers and Screening) of this Ordinance.

Go Cart Track

Zoning Districts: CB, HB

Site Standards:

1. Minimum lot size of two (2) acres.
2. Setbacks shall be twice (2x) the standard district setbacks. Parking and track shall not encroach upon the setback area.
3. The lot shall have its own direct access to a state maintained road. The access shall serve only the go cart track.

Lighting: Outdoor lighting shall be designed to minimize or prevent light from directly hitting adjacent property or any public right-of-way.

Screening and Fencing: A vegetative buffer must be provided which will screen adjacent properties used or zoned for residential purposes, from the effects of light and noise generated on the site, as well as parking areas and all structures, out buildings, loading areas, places of assembly, outdoor display areas, and other facilities associated with the use. The buffer shall comply with Article19 (Buffers and Screening). The Board of Adjustment may require an attractive solid fence or wall up to eight (8) feet in height, in addition to the required screening, if conditions on the site and adjacent properties warrant.

Golf Courses, Par 3 Golf Courses, Miniature Golf

Zoning Districts: RA, RR, RL, RG, RI

Site Standards:

1. No maintenance building, out building, storage building, or clubhouse shall be closer than one hundred (100) feet from any property line.
2. These uses shall be located so that adjoining properties are not adversely affected by the activity due to noise, glare, traffic, or other factors.

Screening and Fencing: Fencing, netting, trees, earth berms, or other approved control measures, shall be provided around the perimeter of the golf course to prevent golf balls from leaving the property.

Lighting: Outdoor lighting shall be designed to minimize light from directly hitting adjacent property or any public right-of-way.

Operational Requirements: The volume of any outdoor speakers or public address system must be kept low enough to not be heard off the premises.

Home Occupation of a Commercial Nature

Zoning Districts: RA

Site Standards:

1. Unlike the usual home occupation, accessory buildings or structures may be used in connection with the home occupation of a commercial nature, with a minimum setback of twice (2x) what is required by this Ordinance.
2. All uses associated with the home occupation of a commercial nature must be located in the side or rear yard of the property.
3. All storage associated with the home occupation of a commercial nature must be stored indoors; outdoor storage shall not be permitted.
4. The Board of Adjustment will determine if the proposed use fits the definition of home occupation of a commercial nature.

Screening: All structures associated with the home occupation of a commercial nature shall be buffered from adjacent property used or zoned for residential purposes by fencing or vegetation meeting the requirements of Article 19 (Buffers and Screening).

Operational Requirements:

1. The owner of the business must reside on the property on which the business is located.
2. The business use shall not create any noxious fumes, odors, traffic congestion, noise, or other nuisance factors.

Horse Show/Riding Facility, Rodeo

Zoning Districts: RA

Site Standards:

1. Livestock waste shall be managed to prevent from spreading to adjacent properties.
2. Minimum lot size of twenty (20) acres.
3. The lot shall have its own direct access to a state maintained road. The access shall serve only the horse show or riding facility.
4. Adequate off street parking shall be provided.

Lighting: Outdoor lighting shall be designed to minimize or prevent light from directly hitting adjacent property or any public right-of-way.

Screening and Fencing: A vegetative buffer must be provided which will screen adjacent properties used or zoned for residential purposes, from the effects of light and noise generated on the site, as well as parking areas and all structures, out buildings, loading areas, places of assembly, outdoor display areas, and other facilities associated with the use. The buffer shall comply with Article19 (Buffers and Screening). The Board of Adjustment may require an attractive solid fence or wall up to eight (8) feet in height, in addition to the required screening, if conditions on the site and adjacent properties warrant.

Additional Requirements: Associated small-scale facilities (i.e. tack shop, restaurant) that are incidental to the Horse Show/ Riding Facility, but may enhance the overall property in relation to tourism, may be permitted on a case-by-case basis by the Board of Adjustment. The Board of Adjustment shall hold a public hearing and upon approval issue a Conditional Use Permit for each use. Associated uses are subject to the above requirements as well. **[Amendment date: December 17, 2012]**

Kennel, Animal Shelters

Zoning Districts: RA, CB, HB

Site Standards: All buildings or other structures pertaining to the operation, including outdoor runs and pens, shall maintain required setbacks from all property lines the same as required for the principal structure on the property.

Lighting: Outdoor lighting shall be designed to minimize or prevent light from directly hitting adjacent property or any public right-of-way.

Screening: All kennel buildings, runs, pens, or other facilities shall be buffered from adjacent property used or zoned for residential purposes by fencing or vegetation meeting the requirements of Article19 (Buffers and Screening).

Landfill, Sanitary

Zoning Districts: MI-1, MI-2

Site Standards:

No sanitary landfill shall be permitted to locate or expand within three hundred (300) feet of any property used or zoned for residential purposes, and any property used as a hospital, nursing or convalescent home, retirement home, life care community, school, church or commercial property. No sanitary landfill shall be permitted to locate or expand within five hundred (500) feet of any residential dwelling or well.

Screening and Fencing: The entire property, or portion of it being used for the landfill and all supporting functions, shall be fenced with a security fence at least eight (8) feet high and screened meeting the requirements of Article19 (Buffers and Screening) of this Ordinance.

Additional Requirements: All Landfill uses are subject to the requirements of the State of North Carolina and Yadkin County.

Landfills, Construction and Demolition, Land Clearing and Inert Debris

Zoning Districts: RA, MI-1, MI-2

Site Standards:

No construction/demolition or land clearing/inert debris landfill shall be permitted to locate or expand within two hundred (200) feet of any property used or zoned for residential purposes, and any property used as a hospital, nursing or convalescent home, retirement home, life care community, school, church or commercial property. No demolition or land clearing/inert debris landfill shall be located within five hundred (500) feet of any residential dwelling or well.

Screening and Fencing: The entire property, or portion of it being used for the landfill and all supporting functions, shall be fenced with a security fence at least eight (8) feet high and screened meeting the requirements of Article19 (Buffers and Screening) of this Ordinance.

Additional Requirements: All Landfill uses are subject to the requirements of the State of North Carolina and Yadkin County.

Livestock (non-farm)

Zoning Districts: RA, CP

Site Standards:

1. Livestock waste shall be managed so as to prevent from spreading to adjacent properties.
2. In the area where animals are kept, eighty percent (80%) of the existing vegetation must be maintained.

Screening and Fencing: The portion of the property being used to keep the livestock shall be fenced with a security fence at least four (4) feet high, as to keep livestock confined and off of adjoining properties.

Manufactured Home Park

Zoning District: MHP

Site Standards:

1. Manufactured homes shall be located at least fifty (50) feet apart as measured from the external walls. Exact to-scale locations of all home sites shall be shown on the surveyed site plan.
2. The park shall be developed on a tract at least two (2) acres in area. Manufactured home spaces shall be at least 30,000 square feet in area, excluding internal access roads; boundaries of each space and location of each home site shall be shown on the submitted site plan. One home shall be allowed per space. District dimensional requirements of Article 12 shall be maintained for each space. The site plan shall be recorded in the Register of Deeds upon approval of the Conditional Use Permit.
3. All streets within the manufactured home park shall be paved with concrete or asphalt or provided with an all-weather surface of at least four (4) inches of compacted crushed stone on a well compacted sub-base to a continuous width of twenty (20) feet minimum. Expanding parks shall have 180 days from the commencement of the expansion activities to meet the requirements of the section. All access streets shall have a continuous right-of-way width of forty-five (45) feet minimum with base and surface equal to the interior streets. All streets shall have a minimum vertical clearance of fourteen (14) feet. No dead-end street shall have a length exceeding 500 feet without an appropriately sited "Dead End Street" sign.
4. Off-Street Parking: Each manufactured home space shall have two (2) off-street parking spaces. Required parking spaces shall be included within the minimum square footage required for each manufactured home space. The driveway and parking spaces shall meet the same requirements as the streets in 5.01 above.
5. Cul-de-sac: Dead-end streets of at least 200 feet or more shall be provided with cul-de-sacs with a minimum of sixty (60) feet in diameter of the paved or graveled surface.

6. Access: No manufactured home space may have direct access to any public street. Each lot shall have direct access to an internal street of the park.
7. Street Names and Street Signs: Permanent street names shall be assigned to all internal streets. Such street names shall not be similar in name to any existing road name in Yadkin County and must be approved by the Planning Department.
8. Fire Lanes: Fire lanes shall be at least twenty (20) feet in width with the edge of the interior roadways.
9. Underground electrical service connections shall be installed for all proposed lots.
10. The park owner shall be responsible for park maintenance for the duration of the use as follows:
    a. Skirting of masonry or other suitably durable and attractive material shall be installed and maintained around all home foundations.
    b. The park grounds shall be kept free of trash, junk and junked vehicles.
    c. Access to the park water system shall be provided suitable for firefighting equipment.
    d. A copy of proposed park regulations shall be submitted with the application.
    e. The park owner shall provide and maintain for all tenants a refuse collection system that conforms to all applicable municipal, county and state solid waste rules and regulations.

Screening and Fencing: Article 19 (Buffers and Screening), shall be followed, except that buffers or screens shall be placed along all side and rear property lines regardless of abutting zoning district.

Lighting: Outdoor lighting shall be designed to minimize or prevent light from directly hitting adjacent property or any public right-of-way. A plan for lighting shall be included in the submitted park plans

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Manufactured Home and Recreational Vehicle Sales; Farm/Heavy Equipment Sales

Zoning Districts: HB

Site Standards:

1. Minimum lot size of two (2) acres.
2. Minimum setbacks of two (2x) times the applicable setbacks of the corresponding zoning district.
3. Site shall not create a greater nuisance than the existing or previous commercial use.
4. Noise created by proposed use shall not be any greater than that which was created by the existing or previous commercial use.
5. Traffic flow and conditions created by the proposed use shall not be any greater than that created by the existing or previous commercial use.
6. Applicant shall present evidence and support materials to the Board of Adjustment that demonstrate compliance with above requirements (3,4,5).

Screening and Fencing: Buffers shall be installed which meet the requirements of Article 19 (Buffers and Screening) of this Ordinance.

Lighting: Outdoor lighting shall be designed to minimize or prevent light from directly hitting adjacent property or any public right-of-way.

Microbrewery/ Micro-distillery

Zoning Districts: RA

Site Standards:

1. Facility must be located in such a manner that visual impact to adjoining properties used or zoned for residential or agricultural purposes is minimal

2. All structures, buildings, storage areas, etc. (except fences or walls) associated with the brewery/distillery must be two times (2X) the setback for the applicable zoning district from all property lines or street rights-of-way.

Lighting: Outdoor lighting shall be designed to minimize light directly hitting adjacent property or any public right-of-way.

Screening and Fencing: All parking and storage areas associated with the brewery/distillery shall be screened from adjoining properties used or zoned for residential or agricultural purposes. If existing topography and natural vegetation does not provide an existing visual barrier, selective screening may be required. Screening shall meet the requirements of Article19 (Buffers and Screening).

Additional Requirements: Associated small-scale processing or catering facilities (i.e. cheese making, restaurant) that are incidental to the brewery/distillery, but may enhance the overall property in relation to tourism, may be permitted on a case-by-case basis by the Board of Adjustment. The Board of Adjustment shall hold a public hearing and upon approval issue a Conditional Use Permit for each use. Associated uses are subject to the above requirements as well. **[Amendment date: November 18, 2013 & May 18, 2015]**

Mining and Quarrying

Zoning Districts: MI-1, MI-2

Site Standards:

1. Submit a copy of a completed application as required by the State of North Carolina for a Mining Permit.
2. A letter or other certification of approval must be submitted from the NCDOT, as to the safety and design of the access or entrance onto a State maintained road from the mine.
3. Access to a mine or mining operation must be from a State maintained road. The access leading from the State maintained road to the said operation must have a cleared drivable area of not less than twenty (20) feet. All interior access roads on the said property must also have a cleared drivable area of not less than twenty (20) feet. All accesses shall be maintained at all times to ensure smooth traffic flow.
4. The boundary of the property shall be located at least five hundred (500) feet from any residential dwelling, hospital, nursing or convalescent home, retirement home, life care community, school, or church.

Screening and Fencing: An area of land, which shall not be less than fifty (50) feet in width shall be provided along all boundaries of the affected land. This buffer area must be left at all times in a natural vegetative state or planted with trees, shrubs, plants that create a visual screen. Trees and plants must be native to the area and trees shall not be less than six (6) feet in height in three (3) years

Motocross track

Zoning Districts: RA, CB, HB

Site Standards:

1. Minimum lot size of forty (40) acres.
2. Setbacks shall be twice (2x) the standard district setbacks. Parking and track shall not encroach upon the setback area.
3. The lot shall have its own direct access to a state maintained road. The access shall serve only the drag strip or racetrack.
4. All tracks shall be located a minimum of five hundred (500) feet from all property lines and roads

Lighting: Outdoor lighting shall be designed to minimize or prevent light from directly hitting adjacent property or any public right-of-way.

Screening and Fencing: A vegetative buffer must be provided which will screen adjacent properties used or zoned for residential purposes, from the effects of light and noise generated on the site, as well as parking areas and all structures, out buildings, loading areas, places of assembly, outdoor display areas, and other facilities associated with the use. The buffer shall comply with Article19 (Buffers and Screening). The Board of Adjustment may require an attractive solid fence or wall up to eight (8) feet in height, in addition to the required screening, if conditions on the site and adjacent properties warrant.

Nursing, Convalescent, Assisted Living Facility, Adult Care, Foster Home

Zoning Districts: RA, RI

Site Standards:

1. Minimum lot size of two (2) acres.
2. Minimum setback from any street right-of-way shall be at least twenty-five (25) feet greater than is required for the district said use is located.
3. Minimum side and rear setbacks shall be fifty (50) feet.
4. Service facilities, such as gift shops, snack bars, and personal service shops may be provided if the facilities are completely within the building and designed to serve patrons of the facility and their visitors only.

Lighting: Outdoor lighting shall be designed to minimize light from directly hitting adjacent property or any public right-of-way.

Screening and Fencing: Any parking area, common space, or outdoor gathering place shall be screened from adjacent properties used or zoned for residential purposes. This buffer must meet the requirements of Article 19 (Buffers and Screening) of this Ordinance.

Public Utility Facility

Zoning Districts: RA, RR, RL, RG, MHP, RI, CB, HB, MI-1, MI-2

Site Standards:

1. All structures associated with public utilities shall maintain standard setbacks applicable in the zoning district from street rights-of-way and twice (2x) the standard setbacks from any other property line.
2. Any equipment producing noise or sound shall be set back one hundred (100) feet from any property line.
3. All storage must be located indoors, no outdoor storage shall be allowed.

Screening and Fencing: Utility facilities and all associated structures and equipment shall be enclosed with a security fence with a minimum height of eight (8) feet and screened with either a minimum three (3) foot wide strip planted with dense evergreen vegetation or a twenty (20) foot wide strip of a natural wooded area. The vegetative buffer shall be located adjacent to the property line and between the property line and fence. Transmission line rights-of-way shall be exempt from the buffer requirements.

Recycling Collection Center

Zoning Districts: RA, RI

Site Standards:

1. All structures associated with collection centers shall maintain standard setbacks applicable in the zoning district from street rights-of-way and twice (2x) the standard setbacks from any other property line.
2. All equipment producing noise, sound or waste, or using recyclable material containers, shall be set back one hundred (100) feet from any property line.
3. All storage must be located indoors, no outdoor storage shall be allowed, other than waste containers.

Screening and Fencing: Collection centers and all associated structures and equipment shall be enclosed and screened in accordance with Article 19 (Buffers and Screening). The buffer shall be located adjacent to the property line and between the property line and fence.

Rehabilitation Facility; Sanitarium and Mental Institutions

Zoning Districts: HB

Site Standards:

1. No facility or institution shall be permitted to locate or expand within one-half (1/2) mile radius of any property used or zoned for residential purposes, and any property used as a hospital, nursing or convalescent home, retirement home, life care community, school or church.
2. Minimum lot size of five (5) acres.
3. Minimum setbacks of two (2x) times the applicable setbacks of the corresponding zoning district.

Screening and Fencing: The use shall be totally enclosed by an opaque fence along all side and rear property lines. In addition, a vegetative buffer shall be planted along all side and rear property lines, leaving space for an ingress and egress location. The buffer shall be included as part of the required setbacks and shall meet the requirements of Article 19 (Buffers and Screening).

Residential Storage Facilities

Zoning Districts: RA, RR, RL, RG

Site Standards:

1. The parcel on which the structure is constructed shall be in fee simple ownership of the person constructing the residential storage facility.
2. The structure shall be of compatible construction with the surrounding area.
3. The maximum size allowed is three thousand (3,000) square feet.
4. No outdoor storage is allowed except as specifically provided otherwise.
5. Minimum lot size shall be the same as for a single-family residence.
6. Storage of vehicles shall not be in the front yard.
7. Outside lighting shall be designed to prevent direct glare on adjoining residences.
8. Setbacks shall be at a minimum the same as single-family dwellings.

[Amendment date: August 16, 2010]

Residential Uses: Accessory Apartment; Dwelling, Single-family (modular); Dwelling, Single-family (site-built)

Zoning Districts: RI, CB, HB

Site Standards:
New structures shall meet a minimum setback of twice (2x) the district requirements (see Article 12). A single Accessory Apartment may be attached to an existing building if the finished structure would meet the standard district setback requirements.

Screening and Fencing:
All homes shall be buffered from adjoining properties that are zoned for business use; buffering shall meet the requirements of Article 19 (Buffers and Screening).

Residential Uses: Apartments; Dwelling, duplex

Zoning Districts: CB, HB

Site Standards:
New structures shall meet a minimum setback of twice (2x) the district requirements (see Article 12).

Screening and Fencing:
All homes shall be buffered from adjoining properties that are zoned for business use; buffering shall meet the requirements of Article 19 (Buffers and Screening).

Sawmills

Zoning Districts: RA, HB

Site Standards:

1. The sawmill shall be a minimum of four hundred (400) feet from any residential use, hospital, nursing or convalescent home, retirement home, life care community, school, or church. However the Board of Adjustment shall be authorized to increase this setback if the situation warrants.
2. All structures (except fences and walls), buildings, storage areas, etc. used in the operation shall be a minimum of one hundred (100) feet from all property lines or street rights-of-way.
3. Buildings must meet all requirements under the NC Building Code.

Lighting: Outdoor lighting shall be designed to minimize or prevent light from directly hitting adjacent property or any public right-of-way.

Screening and Fencing: The use shall be totally enclosed by a security fence or wall at least eight (8) feet high or enclosed within a locked fireproof building. A vegetative screen, either planted or natural wooded area, shall be provided along any street right-of-way and any property line within four hundred (400) feet of property used or zoned for residential purposes.

Operational Requirements:

1. The site shall be utilized in a manner that shall not pose a hazard off-site.
2. All unpaved storage areas shall be maintained in a manner that prevents dust from adversely impacting adjacent properties.
3. Buildings must be maintained to meet all requirements for Hazardous Occupancy under NC building Code.
4. The County Fire Marshal and local fire department shall be kept notified of the types of materials used, manufactured, or stored on site.

Shopping Mall; Shopping Strip; Shopping Center

Zoning Districts: MI-1, MI-2

Site Standards:

1. Minimum lot size of two (2) acres.
2. Buildings and accessory structures shall be located a minimum of fifty (50) feet from any street right of way and thirty (30) feet from any side or rear property line.
3. A plan for solid waste storage, collection, and disposal, shall be approved by the Zoning Administrator.
4. The total ground cover for all principal buildings and all accessory structures shall not exceed thirty percent (30%) of the total site.

Screening and Fencing:

1. Buffers shall be installed meeting the requirements of Article 19 (Buffers and Screening)
2. Ten percent (10%) of all parking areas shall be comprised of landscaped medians

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Small Shops, Offices and Retail: Accounting, Architects, Art galleries, Art supplies, Arts and graphics services, Auditors and bookkeepers, Automobile detailing, Bakeries, Barber and beauty shops, Bicycle repair, Cabinet shops, Computer and data processing services, Contractor's office, Detective agency, Electronic and electrical repair, Engineers, Florists, Food catering, Furniture refinishing and repair, Gun and ammunition sales, Gunsmith, Hobby, toy and craft stores, Insurance agency, Interior designers, Lawnmower repair, Locksmith, Management consultants, Photography services and studios, Produce sales, Radio and television repair, Real estate services, Saddlery/Tack shop, Seamstress shop, Small motor repair, Surveyors, Tanning/Nail salon, Watch, clock, jewelry repair

Zoning Districts: RA

Site Standards:

1. Principle business uses of this nature may be allowed as conditional uses in RA, if specifically shown in Article 11 (Table of Uses), with a minimum setback of twice (2x) what is required by this ordinance.
2. Parking areas shall meet the standard district setback requirement.
3. Structures shall be limited in floor area to one thousand (1,500) square feet. In cases where existing buildings are desired to be used, the Board of Adjustment can approve a fifteen hundred (1,500) square foot business within a larger building on a case by case basis.

4. Structures shall be limited to one business use.
5. Outdoor storage shall not be permitted.

Screening: All structures and parking areas shall be buffered from adjacent property used or zoned for residential purposes by fencing or vegetation meeting the requirements of Article 19 (Buffers and Screening).

Operational Requirements: The use shall not create any noxious fumes, odors, traffic congestion, noise, or other nuisance factors. **[Amendment date: May 18, 2015]**

Solar Farms

Zoning Districts: RA

Site Standards:

1. All structures associated with solar farms shall maintain standard setbacks applicable in the zoning district from street rights-of-way and twice (2x) the standard setbacks from any other property line.
2. Any equipment producing noise or sound shall be set back one hundred (100) feet from any property line.
3. All storage must be located indoors, no outdoor storage shall be allowed.

Screening and Fencing: Utility facilities and all associated structures and equipment shall be enclosed with a security fence with a minimum height of eight (8) feet and screened with either a minimum three (3) foot wide strip planted with dense evergreen vegetation or a twenty (20) foot wide strip of a natural wooded area. The vegetative buffer shall be located adjacent to the property line and between the property line and fence. Transmission line rights-of-way shall be exempt from the buffer requirements.

Operational Requirements:

1. The business use shall not create any noxious fumes, odors, traffic congestion, noise, or other nuisance factors.
2. When the solar farm ceases operations all structures and equipment related to the solar farm must be removed. Any structure or equipment associated with the solar farm that is not operated for a continuous period of three hundred sixty five (365) days shall be considered abandoned, and the County may require the owner to remove such structure within 90 days after notice from the County. If the abandoned structure or equipment is not removed within 90 days, the County may remove it and recover its costs from the owner. If the owner of the abandoned structure or equipment cannot be located or is no longer in business, the requirements of this section shall be the responsibility of the landowner on whose property the structure or equipment is located. **[Amendment date: December 17, 2012]**

Swine Farm (See Article 21, Definitions for description of swine farm)
Zoning Districts: RA

Site Standards:

Facility (swine house or lagoon) must be located not less than 2,500 feet from any occupied residence. This setback shall be increased in direct proportion to increases above 600,000 steady state live weight (SSLW), not to exceed 7,500 feet.

1. Facility (swine house or lagoon) must be located not less than 2,500 feet from any school, hospital, church, outdoor recreational facility, State Park as defined in G.S. 113-44.9, historical property acquired by the County or State pursuant to G.S. 121-9 or listed in the North Carolina Register of Historic Places pursuant to G.S. 121-4.1, or child care center as defined in G.S. 110.86, that is licensed

under Article 7 of Chapter 110 of the General Statutes. This setback shall be increased in direct proportion to increases above 600,000 SSLW not to exceed 7,500 feet.

2. Facility must be located not less than 500 feet from any property boundary. This setback shall be increased in direct proportion to increases above 600,000 SSLW, not to exceed 1,500 feet.
3. Facility must be located not less than 500 feet from any well supplying water to a public water system, as defined in G.S. 130A-313. This setback shall be increased in direct proportion to increases above 600,000 SSLW, not to exceed 1,500 feet.
4. Facility must be located not less than 500 feet from any other well that supplies water for human consumption. This setback shall be increased in direct proportion to increases above 600,000 SSLW not to exceed 1,500 feet.

   a.) The outer perimeter of the land area onto which waste is applied from a lagoon that is a component of a swine farm shall be at least 75 feet from any boundary of property on which an occupied residence is located and from any perennial steam or river, other than an irrigation ditch or canal. This setback shall be increased in direct proportion to increases above 600,000 SSLW.

   b.) No component of a liquid animal waste management system for which a permit is required under Part 1 or 1A of Article 21 of Chapter 143 of the General Statutes shall be constructed on land that is located within the 100-year flood plain.

   c.) A swine house or lagoon that is a component of a swine farm may be located closer to a residence or a property boundary than is allowed if written permission is given by the owner of the property, recorded with the Register of Deeds and approved during the Conditional Use review process.
5. The set back distances requirement by these Conditional Use Permit standards shall not be required with respect to residences or other structures which are built or established after a new or expanded swine farm has been appropriately zoned under this Ordinance.

Screening and Fencing: The portion of the property being used to keep the livestock shall be fenced with a security fence at least five (5) feet high, as to keep livestock confined and off of adjoining properties.

Control of Emissions: The applicant shall submit plans for odor control for swine operations including relevant information pertaining to prevailing winds over the site.

Emergency Number Posted: The operator of a swine farm shall post at the entry to the swine farm and on the door of the most prominent confinement building the emergency contact names and telephone numbers of the following: (1) owner (2) operator (3) other Agent of the owner/operator (4) Division of Water Quality Emergency Number, and (5) Yadkin County Health Department Number. The posting shall be made and maintained in a manner such that remains readable and protected from the elements on a continual basis.

Conflict With Other Laws and Regulations: The provisions of any federal or state law or regulation establishing standards affording greater protection to the public health, safety, and general welfare, or the surface and ground water resources of the State shall prevail within the jurisdiction of Yadkin County and shall prevail over standards of this Swine Farm Conditional Use Permit. Relevant information required for appropriate State and Federal applications shall also be provided during the Conditional Use Permit application and review process.

Winery

Zoning Districts: RA, CB, HB

Site Standards:

1. Facility must be located in such a manner that visual impact to adjoining properties used or zoned for residential or agricultural purposes is minimal.

2. All structures, buildings, storage areas, etc. (except fences or walls) associated with the winery must be two times (2X) the setback for the applicable zoning district from all property lines or street rights-of-way.
3. A facility serving as an established Cooperative Winery or as an independent commercial winery may be permitted without the presence of an on-site vineyard, if, in the Board's estimation, the facility will benefit, cater to, and serve the vineyards of Yadkin County and surrounding areas.
4. A winery may be operated in association with an existing vineyard, which by definition is a bona fide farm. A winery located on the same property as a vineyard, and operated to add value to the vineyard crop, is exempt from county zoning regulations under Article 1, Section 5 of this ordinance.

Lighting: Outdoor lighting shall be designed to minimize light directly hitting adjacent property or any public right-of-way.

Screening and Fencing: All parking and storage areas associated with the winery shall be screened from adjoining properties used or zoned for residential or agricultural purposes. If existing topography and natural vegetation does not provide an existing visual barrier, selective screening may be required. Screening shall meet the requirements of Article19 (Buffers and Screening).

Additional Requirements: Associated small-scale processing or catering facilities (i.e. cheese making, restaurant) that are incidental to the winery, but may enhance the overall property in relation to tourism, may be permitted on a case-by-case basis by the Board of Adjustment. The Board of Adjustment shall hold a public hearing and upon approval issue a Conditional Use Permit for each use. Associated uses are subject to the above requirements as well.

Wine Tasting Room

Zoning Districts: RA, CB,

Site Standards:

1. A wine tasting room may be operated in association with an existing vineyard, which by definition is a bona fide farm. A wine tasting room located on the same property as a vineyard, and operated to add value to the vineyard crop, is exempt from county zoning regulations under Article 1, Section 5 of this ordinance.
2. Facility must be located in such a manner that visual impact to adjoining properties used or zoned for residential or agricultural purpose is minimal.

Lighting: Outdoor lighting shall be designed to minimize light directly hitting adjacent property or any public right-of-way.

Screening and Fencing: All parking and storage areas, as well as the wine tasting room itself, shall be screened from adjoining properties used or zoned as for residential purposes. If existing topography and natural vegetation does not provide an existing visual barrier, selective screening may be required. Screening shall meet the requirements of Article19 (Buffers and Screening).

Additional Requirements:

1. Associated small-scale catering facilities (i.e. gift shop, cheese making, restaurant) which may enhance the overall property in relation to tourism, may be permitted on a case-by-case basis by the Board of Adjustment. The Board of Adjustment shall hold a public hearing and upon approval issue a Conditional Use Permit for each use. Associated uses are subject to the above requirements as well.
2. Festivals to be held in conjunction with the wine tasting room shall comply with the conditions and requirements for Outdoor Recreation as provided in this article, so that a consistent festival plan shall be included in the required site plan for the wine tasting room.

Wireless Communication Towers

Zoning Districts: RA, CB, HB, MI-1, MI-2

Site Standards: Refer to Article 10 (Wireless Communication Towers).

Article 18. Parking and Loading

Section 1. Off-Street Parking Required

At the time of the erection of any building, or at the time any principal building is enlarged or increased in capacity by adding dwelling units, guestrooms, seats, or floor area, or before conversion from one type of use or occupancy to another, permanent off-street parking space shall be provided in the amount specified by this Article. Such parking space may be provided in a parking garage or properly guarded open space.

Section 2. Certification of Minimum Parking Requirements

Each application for a Zoning Permit (except for dwellings) shall include information as to the location and dimensions of off-street parking and the means of ingress and egress to such space. This information shall be in sufficient detail to enable the Zoning Administrator to determine whether the requirements of this Article are met.

Section 3. Combination of Required Parking Space

The required parking space for any number of separate uses may be combined in one (1) lot, but the required space assigned to the one (1) use may not be assigned to another use, with one exception. One-half (1/2) of the parking space required for churches whose peak attendance will be at night or on Sundays may be assigned to a use which will be closed at night and on Sundays.

Section 4. Remote Parking Space

If the off-street parking space required by this Ordinance cannot be reasonably provided on the same lot on which the principal use is located, such space may be provided on any land within reasonable distance of the main entrance to such principal use, provided such land is in the same ownership as the principal use and in the same zoning district. Said land shall be used for no other purposes, so long as no other adequate provisions of parking space meeting the requirements of this Ordinance have been made for the principal use. In such cases, the applicant for a permit for the principal use shall submit with his application for a Zoning Permit or a Certificate of Occupancy an instrument duly executed and acknowledged, which subjects said land to parking use in connection with the principal use for which it is made available. Such instrument shall become a permanent record and be attached to the Zoning Permit or Certificate of Occupancy application. In the event such land is ever used for other than off-street parking space for the principal use to which it is encumbered and no other off-street parking space meeting the terms of this Ordinance is provided for the principal use, the Certificate of Occupancy or Zoning Permit for such principal use shall become void.

Section 5. Requirements for Parking Lots

Where parking lots for more than five (5) cars are permitted or required, the following provisions shall be complied with in addition to the requirements of Section 9 below:

A. The lot may be used only for parking and not for any type of loading, sales, dead storage, repair work, dismantling or servicing, but shall not preclude convention exhibits or parking of rental vehicles.

B. All entrances, exits, barricades at sidewalks, and drainage plans shall be approved and constructed before occupancy.

C. A strip of land five (5) feet wide adjoining any street line, right of way, or any lot zoned for residential uses shall be reserved as open space, guarded with wheel bumpers and planted in grass and/or shrubs or trees.

D. Any parking lot of more than five (5) cars which is adjacent, along the side or rear property lines, to property used or zoned for residential uses, shall be provided with screening as described in Article 19 (Buffers and Screening).

E. Only one (1) entrance and one (1) exit sign, no larger than two (2) square feet prescribing parking regulations, may be erected at each entrance or exit.

F. Any lighting of parking areas shall be shielded so as to cast no light upon adjacent properties and streets.

Section 6. Vehicle Storage

A. **Residential Districts**

Only vehicles intended for personal use shall be parked or stored on any property zoned for residential use. No storage of commercial inventory whatsoever shall be permitted and no inoperative or unlicensed vehicles shall be permitted to be parked or stored, except as otherwise permitted by this Ordinance. Commercial trucks or vans driven home by employees shall be allowed.

B. **Public and Conservation, Office and Professional, Business and Industrial Districts**

Customer and employee parking is permitted along with the parking and storing of governmental or commercial vehicles in any public and conservation, office and professional, business, or industrial district. Inoperative vehicles shall only be permitted to be parked or stored while undergoing repairs at a commercial garage or automobile service station or if stored in an approved junk or wrecking yard in an industrial district.

Section 7. Minimum Parking Requirements

The number of off-street spaces required by this Article shall be provided on the same lot with the principal use except as provided in Section 4 and the required number of off-street parking spaces specified for each use shall be considered as the absolute minimum. In addition, a developer shall evaluate his own needs to determine if they are greater than the minimum specified by this Ordinance. For purposes of this Ordinance, an off-street parking space shall be no less than one hundred sixty (160) square feet in area, and adequate ingress and egress shall be provided for each off-street parking space. Required handicapped spaces shall be in accordance with all applicable North Carolina State Building Codes.

Land Uses	Required Parking
Air, motor and rail freight terminals	Two (2) parking spaces for each three (3) employees, plus One (1) space for each vehicle in the operation.
Airports, railroad passenger stations and bus terminals	One (1) parking space for each four (4) seats for waiting passengers, plus two (2) spaces for each three (3) employees, plus one (1) space for each vehicle used in the operation.
Auditoriums	One (1) parking space for each four (4) seats in the largest assembly room.
Banks	One (1) parking space for each two hundred (200) square feet of gross floor space, plus one (1) space for each two (2) employees.
Beauty and Barber Shops	One (1) parking space for each service chair plus one (1) additional parking space for each employee.
Bed and Breakfast Operations	One (1) parking space for each room to be rented plus residential requirements.
Bowling Alleys	Two (2) parking spaces for each alley plus one (1) space for each 200 square feet of gross floor space for affiliated uses such as restaurants, bars and the like.
Camp or Care Center	One (1) parking space for each employee and one parking space for each five (5) beds.
Cemeteries	One (1) parking space for each employee.
Churches	One (1) parking space for each four (4) seats.

Civic Clubs, Fraternal Lodges, or Community Centers	One (1) parking space for each two hundred (200) square feet of gross floor space.
Clinics	Five (5) parking spaces for each doctor plus one (1) parking space for each employee.
Day Care Facilities and Preschools	One (1) parking space for each employee plus one (1) parking space for every (5) students.
Dwellings, Duplex	Two (2) parking spaces per dwelling unit.
Dwellings, Multifamily	Two (2) parking spaces per dwelling unit.
Dwellings, Single Family	Two (2) parking spaces per dwelling unit.
Fire Stations	One and one-half (1 1/2) parking spaces per employee or fireman on duty at one time.
Funeral Homes	One (1) parking space for each four (4) seats in the chapel or parlor.
Golf Courses	Four (4) spaces for each hole, and one (1) space for each employee.
Greenhouse and Nursery Operations (without retail sales on premises)	One (1) parking space for each employee.
Home Occupations	One (1) parking space per home occupation in addition to residence requirements.
Hospitals and Sanitariums	One (1) parking space for each employee on the longest shift plus one (1) parking space for each two (2) beds.
Hotels	One (1) parking space for each two (2) rooms to be rented, plus one (1) additional parking space for each two (2) employees, plus additional parking spaces as may be required for any commercial or business uses located in the same building.
Industrial and Manufacturing Uses	One (1) parking space per two employees.
Libraries	One (1) parking space for each four (4) seats provided for patron use.
Motels, Tourist Homes and Guest Houses	One (1) parking space for each room to be rented plus one (1) space for each employee.
Nursing, Retirement And Convalescent Homes	One (1) parking space for each five (5) beds intended for patient use.
Offices	One (1) parking space for each employee.
Private Clubs and Lounges	One (1) parking space for each two (2) seats at bars and one (1) parking space for each four (4) seats at tables.
Public Buildings	One (1) parking space for each employee plus one (1) space for every two hundred (200) square feet .
Public Utility Buildings	One (1) parking space for each employee.
Recreational Facilities, Not Otherwise Listed (without facilities for spectators)	One (1) parking space for each employee plus one (1) parking space for every two (2)

	participants at full capacity.
Recreational Facilities, Not Otherwise Listed (with facilities for spectators)	Same as recreational facilities without spectators plus one (1) parking space for every four (4) spectator seats.
Restaurants and Cafeterias	One (1) parking space for each four (4) seats at tables, and one (1) parking space for each two (2) seats at counters or bars plus one (1) parking space for each two (2) employees.
Retail Uses Not Otherwise Listed	One (1) parking space for each four hundred (400) square feet of gross floor area.
Riding Stables and Academies	One (1) parking space for each employee plus one (1) parking space for every three (3) stalls or horses (whichever is more). Horse trailers are not to be stored in required parking spaces.
Rooming or Boarding Houses	One (1) parking space for each room to be rented plus one (1) parking space for each employee.
Schools, Elementary and Junior High or Middle School	One (1) parking space for each classroom and administrative office, plus one (1) parking space for each employee and one (1) large space for each bus.
Schools, Senior High	One (1) parking space for each fifteen (15) students for which the building was designed, plus one (1) parking space for each classroom and administrative office, plus one (1) parking space for each employee, plus one (1) large space for each bus.
Schools, Colleges, Technical and Trade	One (1) parking space for every six (6) students, based upon the maximum number of students attending classes at any one time, plus one (1) space for each administrative office, plus one (1) space for each professor or teacher.
Service Stations	Five (5) parking spaces for each service bay.
Services not otherwise listed	One (1) space for every two hundred (200) square feet of floor space.
Shopping Centers	Six (6) parking spaces for each one thousand (1,000) square feet of gross floor space in the center, plus one (1) space per business, provided collectively.
Stadiums and Arenas	One (1) parking space for each four (4) seats in the stadium or arena.
Stores, Department	One (1) parking space for each one hundred fifty (150) square feet of gross floor area.
Stores, Retail Food	One (1) parking space for each one hundred fifty (150) square feet of gross floor area.
Theaters, Indoor	One (1) parking space for each four (4) seats up to four hundred (400) seats, plus one (1) space for each six (6) seats above four hundred (400).
Wholesale Uses	One (1) parking space for each employee on the longest shift.

Section 8. Design Standards for Off-Street Parking

All off-street areas required by this Article shall conform with the following Design Standards:

A. All parking spaces shall have minimum dimensions of nine (9) feet in width and eighteen (18) feet in length. All access or backup aisles shall conform to the following minimum dimensions:

Parking Angle	Aisle Dimension
90 degrees	24 feet
60 degrees	18 feet
45 degrees	14 feet
30 degrees	12 feet
0 degrees	12 feet

B. The use of streets, sidewalks, alleys or other public rights-of-way for parking or maneuvering to and from off-street parking spaces is prohibited, except where such maneuvering is necessary in the use of driveways for access to and from single-family and two family dwellings. All off-street parking areas shall be so arranged that ingress and egress is by forward motion of the vehicle.

C. Parking area edges shall be protected by suitable curbing, wheel guards, or other means to prevent vehicular encroachment on a public right-of-way or on adjacent property, and to protect the public right-of-way and adjoining properties from the damaging effects from surface drainage from parking lots.

D. Where parking or loading areas are provided adjacent to the public street, ingress and egress thereto shall be made only through driveways not exceeding twenty-five (25) feet in width at the curb line of said street, except where the Zoning Administrator finds that a greater width is necessary to accommodate the vehicles customarily using the driveway.

E. Businesses adjacent to, or integrated in, a shopping center or cluster of commercial facilities shall use the common access with other business establishments in the center.

F. No driveway shall be located closer than twenty-five (25) feet to any street intersection.

G. Any lighting of parking areas shall be shielded so as to cast no light upon adjacent properties and streets.

Section 9. Off-Street Loading Purpose and General Requirements

Off-street loading requirements are established in order to ensure the proper and uniform development of loading areas throughout the County, to relieve traffic congestion in the streets and to minimize any detrimental effects of off-street loading areas on adjacent properties.

Each application for a Zoning Permit shall include plans and other information of sufficient detail to enable the Zoning Administrator to determine whether or not the requirements of this Article have been met. Plans for off-street loading areas shall include information as to:

A. The location and dimensions of driveway entrances, access aisles and loading spaces.

B. The provisions for vehicular and pedestrian circulation.

C. The location of sidewalks and curbs.

The Zoning Permit for the construction or use of any building, structure or land where off-street loading space is required shall be withheld by the Zoning Administrator until the provisions of this Section have been met. If at any time such compliance ceases, any Certificate of Occupancy which has been issued for the use of the property shall immediately become void and of no effect.

Section 10. Design Standards for Off-Street Loading Space

The off-street loading space required by this Article shall be provided for standing, loading, and unloading operations either inside or outside a building, on the same lot with the use served, and shall conform to the following standards:

A. For uses containing a gross floor area of less than 20,000 square feet, each off-street loading space shall have minimum dimensions of fifteen (15) feet in width and thirty (30) feet in length.

B. For uses containing a gross floor area of 20,000 square feet or more, each off-street loading space shall be fifteen (15) feet in width and forty-five (45) feet in length as a minimum.

C. All off-street loading spaces shall have a minimum vertical clearance of fifteen (15) feet.

D. Access aisles or apron spaces shall be of sufficient width to allow for proper backing and/or turning movements.

E. Required off-street loading areas including drives and access aisles shall be constructed with a hard surface material.

F. Loading spaces and access ways shall be located in such a way that no truck or service vehicle using such areas shall block or interfere with the free, normal movement of other vehicles on a service drive or on any off-street parking area, public street, aisle or pedestrian way used for general circulation. In addition, the off-street loading facilities shall be designed and constructed so that all maneuvering of vehicles for loading and unloading purposes shall take place entirely within the property lines of the premises.

G. Loading area edges shall be protected by suitable curbing to prevent encroachment on a public right-of-way or on adjacent property, and to protect the public right-of-way and adjoining properties from the damaging effects of surface drainage from off-street loading areas.

H. Any lighting of loading areas shall be shielded so as to cast no light upon adjacent properties and streets.

I. Any off-street loading areas and access ways adjacent, along the side or rear property lines, to property used or zoned for residential purposes, shall be provided with screening meeting the standards described in Article 19 (Buffers and Screening).

Section 11. Minimum Off-Street Loading Requirements

Off-street loading shall be provided and maintained as specified in the following :

A. Uses which normally handle large quantities of goods, including but not limited to industrial plants, wholesale establishments, storage warehouses, freight terminals, hospitals or sanitariums, and retail sales establishments, shall provide off-street loading facilities in the following amounts:

Gross Floor Area (Square Feet)	Minimum Number of Spaces Required
5,000 - 20,000	1
20,001 - 80,000	2
80,001 - 170,000	3
170,001 - 260,000	4
For each additional 45,000	1 – Additional

B. Uses which do not handle large quantities of goods, including but not limited to office buildings, restaurants, funeral homes, hotels, motels, apartment buildings, and places of public assembly, shall provide off-street loading facilities in the following amounts:

Gross Floor Area (Square Feet)	Minimum Number of Spaces Required
5,000 - 80,000	1
80,001 - 200,000	2
200,001 - 320,000	3
320,001 - 500,000	4
For each additional 180,000	1- Additional

ARTICLE 19. BUFFERS AND SCREENING

Section 1. Purpose of Buffers

Buffers, or screens, are required to protect one class of use from adverse impacts caused by a use in another class by helping the principle use to blend into the neighborhood, screen its purely functional aspects from the street and neighboring properties, and absorb and/or deflect any excessive noise. This regulation benefits both the developer and the adjoining property owners because it allows the developer several options from which to

choose in developing the property, while insuring each neighbor adequate protection regardless of the developer's choice, thereby protecting the property values of all properties involved. Buffers are also used to protect waterways and streams from excess pollution due to unfiltered runoff.

Section 2. Buffers Required

In all districts, other than RA, RR RL, RG, and CP, or at a minor public utility facility, a buffer or screen is automatically required on the side and rear lot lines that abut a residential or rural agricultural district. Information shall be submitted to the Zoning Administrator showing details of the proposed barrier as to the location and type of buffer. Buffers may also be required under the Yadkin County Watershed Protection Ordinance, as well as any regulations for buffers by the State of North Carolina.

Section 3. Buffer Specifications

Unless specified elsewhere in this Ordinance, a buffer shall be one of the following:

1. An eight (8) foot high attractive opaque barrier; or
2. A buffer that is eight (8) feet wide, which includes two (2) rows, staggered, of eight (8) foot high, dense evergreen planting; or
3. A twenty (20) foot wide natural wooded or planted strip.
4. Approval by the Zoning Administrator required.

If a buffer is an eight (8) foot high attractive opaque barrier, it shall not permit visibility from one side to the other and it must also dampen noise where needed. Such barrier may be a decorative masonry wall, wood plank or basket weave type fence, an open fence with evergreen vegetation (minimum three (3) feet wide), or the like which is planted facing adjoining property.

Where evergreens (native trees and shrubs) are used, a species and size shall be planted which will normally be expected to reach eight (8) feet in three (3) years time.

A buffer may also be a minimum of twenty (20) feet wide natural vegetative or planted strip. The natural vegetative or planted strip shall be either undisturbed natural low bushes, shrubs, or trees. The natural buffer must provide reasonable screening in the estimation of the Zoning Administrator. If not, the developer may be required to provide a dense evergreen screen as stated above, in addition to what natural vegetation exists.

Section 4. Location of Buffer

The width of the buffer, or screen, shall be included as part of the required setbacks. A fence may also be installed, in addition to the required buffer, at the discretion of the property owner. However, vegetative buffers shall be located adjacent to the property line and between the property line and any fence.

Section 5. Construction and Maintenance

A buffer must be installed or constructed, as appropriate, prior to the issuance of a Certificate of Occupancy. Once erected, a buffer shall be properly maintained at all times. The construction and maintenance of a buffer shall be the responsibility of the landowner or developer, except as provided below in Section 6.

Section 6. Deferring Requirements

The required buffering may be deferred for up to five (5) months after approval of the deferment by the Zoning Administrator, upon the receipt of a buffering guarantee security payable to Yadkin County and meeting the following requirements.

A. The developer may deposit cash, cashier's check, or an Irrevocable Letter of Credit, either from Yadkin County or in escrow with a financial institution designated as an official depository of Yadkin County.

B. The developer or property owner shall obtain a landscaping plan and guaranteed cost estimate (official bid) from a landscaping firm.

C. The bond shall equal one and a half (1.5) times the entire cost of installing all required landscaping, based on the average of three (3) landscapers' bids.

D. Any bond of $9,999.99 or less must be in the form of a cashier's check, or similar bank check, payable to the County of Yadkin and valid for a minimum period of six (6) months.

E. Any bond of $10,000 or more may be a cashier's check, cash, or irrevocable letter of credit.

F. In the case of a failure on the part of the property owner or developer to complete the landscaping, if any funds are not spent in completing the work, the County will complete the work and the County shall retain, as a service charge, twenty-five percent (25%) of its total cost and return the balance to the property owner or developer.

G. If cash or other instrument is deposited in escrow with a financial institution as provided above, then the developer shall file with the Services and Development Director an agreement between the financial institution and himself guaranteeing the following:

1. That said escrow account shall be held in trust until released by the Services and Development Director and may not be used or pledged by the developer in any other manner during the term of the escrow; and

2. That in the case of a failure on the part of the property owner to complete said improvements, the financial institution shall, upon notification by the Services and Development Director and submission to the financial institution of an estimate of the amount needed to complete the improvements, immediately pay to Yadkin County the funds estimated to complete the improvements up to the full balance of the escrow account, or deliver to the County any other instruments fully endorsed or otherwise made payable in full to the County.

Section 7. Enclosure Requirements

In the residential and rural agricultural districts, all outdoor storage of governmental, commercial, industrial, or utility inventory or equipment, any minor public utility facility, or any other use which may represent a public hazard, must be enclosed with a fence or wall at least eight (8) feet in height.

In commercial and industrial districts all business, servicing, and processing uses, with outdoor storage, except off-street parking and loading, shall be within completely enclosed buildings or enclosed by a wall or fence (including gates for ingress and egress) not less than eight (8) feet in height.

These requirements may be increased for a conditional use as described in Article 17 (Conditional Uses) of this Ordinance or by the Planning Board as it deems appropriate, based on the situation at the site in question and nearby properties.

ARTICLE 20. SIGNS

Section 1. Statement of Purpose

Sign regulations are established to restrict private signs and lights which overload the public's capacity to receive information, which violate privacy, or which increase the probability of accidents by distracting attention or obstructing vision. Such regulations are also designed to encourage signing and lighting and other private communications which aid orientation and identify activities, and to reduce conflict among private signs.

Section 2. All Signs Must Meet Requirements of this Section

Administration. It is the duty of the Zoning Administrator to refuse a permit for the erection or construction of any sign or structure that does not meet the requirements of this Section. The Zoning Administrator shall order the removal of any signs that are not constructed or maintained in accordance with the provisions of this Ordinance.

Permit Required. In order to insure compliance with this Section a Zoning Permit must be obtained prior to the construction or erection of all signs which are not otherwise exempt. Applications for permits shall be submitted on forms obtained at the County Services and Development Department.

Section 3. More Than One Principal Use Per Lot

Where a zoning lot contains more than one principal use or establishment, the provisions of this Article shall apply to the lot as a whole and the owner(s) of the lot shall be responsible for allocating permitted signs and display surface area among the individual uses or establishments. The sign plan submitted for such a zoning lot shall show all signs located or proposed thereon and shall be designed so that all signs are in harmony and consistent with

each other. Such a sign plan shall be referred to as a Unified Sign Plan for the zoning lot. A Unified Sign Plan is an overall plan for the placement and design of multiple signs for a building or group of buildings on a single lot.

Section 4. Plan Approval Required

In a case where a freestanding sign is to be installed (including a portable sign), where multiple signs are expected to be used, or where there are multiple users or establishments on a single lot, a Unified Sign Plan, depicting the information indicated in the above two (2) Sections, is required to be submitted and approved by the Planning Staff before a zoning permit can be issued.

Section 5. Exemptions

The following types of signs are exempted from the application of the regulations herein:

A. Unlighted signs, bearing only property identification numbers and names, mailbox numbers, the name of the occupant of the premises, or other identification of premises not of a commercial nature;

B. Signs on private property for noncommercial purposes, such as private parking signs, signs on newspaper tubes, "No Trespassing" signs, and signs warning of animals;

C. Governmental flags and insignia;

D. Holiday decorations;

E. Local notices and warnings, regulatory, informational, or directional signs;

F. Integral decorative or architectural features of buildings, including signs which denote only the building name, date of erection or street number;

G. Signs directing and guiding traffic and parking on private property;

H. Signs which cannot be seen from a public street or right-of-way;

I. The act of changing advertising copy of messages or any sign designed for the use of replaceable copy;

J. Price signs at automobile service stations or other establishments engaged in the retail sale of gasoline;

K. Signs announcing the location of self-service or full service gasoline pumps at any establishment engaged in the retail sale of gasoline;

L. Signs painted on or permanently attached to a currently licensed motor vehicle;

M. Private "For Sale" signs temporarily attached to items or vehicles for sale;

N. Off-premise advertising signs, not including billboards, that advertise a business or industry (including home occupations) are allowed on a premise other than the premise a business or industry (including home occupations) is located on, provided such sign does not exceed one (1) sign per lot, and must be located at an intersection of two (2) or more streets, six (6) feet in height, and sixteen (16) square feet per display surface. These signs must be independently freestanding signs (not attached to a tree or other living plant material, utility pole, or building), shall not be located in the right-of-way and must be located so as not to infringe upon proper sight distance for traffic, E-911 roadsigns, and NCDOT roadsigns. An off-premise advertising sign displaying multiple businesses may be used as the allowed sign(s) per lot, as long as the sign does not exceed ten (10) feet in height, and thirty-five (35) square feet in total display area. A multiple business off-premise advertising sign shall not be located in the right-of-way nor shall infringe upon proper sight distance for traffic, 911 roadsigns, and NCDOT roadsigns;

O. Off premise signs for churches, schools, and civic centers are allowed on a premise other than the premise the use is located on, provided such sign does not exceed one (1) sign per lot, and must be located at an intersection of two (2) or more streets, six (6) feet in height, and sixteen (16) square feet per display surface. These signs must be independently freestanding signs (not attached to a tree or other living plant material, utility pole, or building), shall not be located in the right-of-way and must be located so as not to infringe upon proper sight distance for traffic, E-911 roadsigns, and NCDOT roadsigns. An off-premise sign displaying multiple churches, schools, or civic centers may be used as the allowed sign(s) per lot, as long as the sign does not exceed ten (10) feet in height, and thirty-five (35) square feet in total

display area. A multiple business off-premise advertising sign shall not be located in the right-of-way nor shall infringe upon proper sight distance for traffic, 911 roadsigns, and NCDOT roadsigns;

P. On premise signs that identify bona fide farming operations (up to forty eight (48) square feet)

Q. On premise signs that identify public buildings, schools, governmental offices, and similar institutions (Up to forty eight (48) square feet), illumination shall be restricted to indirect white lighting.

Section 6. Prohibited Signs

Unless otherwise permitted as a temporary or conditional use, the following signs are prohibited:

A. Banners, posters, pennants, ribbons, streamers, strings of light bulbs, spinners, or other similar devices;

B. Signs advertising an activity, business, product, or service no longer conducted on the premises upon which the sign is located;

C. Off-premises advertising signs not including billboards or signs mentioned in Section 5 or Section 10;

D. Roof signs;

E. Projecting signs and freestanding signs located within a public right-of-way except when erected by the County, State, or Federal Government.

Section 7. Temporary Signs

The following are permitted temporary signs:

A. Real estate signs

B. Construction site identification signs

C. Yard or garage sale signs and off-premises directional signs

D. Signs announcing the grand opening of new businesses

E. Campaign signs

F. Auction signs, no greater than twenty four (24) square feet and five (5) feet in height.

Temporary signs shall be removed within seven (7) days from the day the use or event the sign was intended for ceases.

Section 8. Portable Signs

A portable sign is any sign which is not permanently attached to the ground or to a building or other structure and which, because of its relatively light weight, is meant to be moved from place to place.

No more than one (1) lighted portable sign, with or without changeable copy, shall be allowed on a single premise in any institutional, commercial or industrial zoning district and the sign must be placed no closer than ten (10) feet to any property line or street right-of-way. In no case shall a portable sign be used to advertise any activity, event, service, or place other than on the premises where the sign is located.

Section 9. Shopping Center Signs

For shopping centers in single ownership or under unified control, one (1) freestanding identification sign at each entrance, not counting toward the total allowable sign area, shall be permitted, subject to the following:

A. **Content**
Such signs shall advertise only the name and location of such center and the name and type of business of one or more occupants thereof.

B. **Height and Location**
This freestanding sign shall not project higher than twenty (20) feet above ground level if it is located less than fifty (50) feet from the street right-of-way, not higher than twenty-five (25) feet if it is between fifty (50) and one hundred (100) feet from the street, and not higher than thirty (30) feet above ground level if the sign is located more than one hundred (100) feet from the street right-of-way.

No freestanding sign shall be closer than twenty (20) feet to any street right-of-way or thirty (30) feet to any other property line.

C. **Multiple Entrances**
If a shopping center has additional entrances, one (1) freestanding identification sign, meeting the same minimum setbacks, is allowed per additional street entrance. This sign shall not exceed thirty-two (32) square feet in display surface and six (6) feet in height.

D. **Individual Tenant Signs**
Individual tenants of a shopping center are not permitted a freestanding sign of any kind. Wall signs are permitted, based on the total allowable sign area, based on the requirements of the zoning district the shopping center is located within.

Section 10. Billboards

A. **Size, Height, Design and Location**

District	Type of Use	Maximum Size (square feet)	Maximum Height (feet)	Minimum Distance Between Signs	Number of Signs Allowed
CB	Permitted	300	30	1,500	1
RA	Conditional	300	30	2,000	1
HB	Permitted	400	30	1,500	2*
MI	Permitted	400	30	1,500	2*

** Back to back and V type signs are allowed. Side by side or stacked signs are prohibited in all districts.*

B. **Setbacks for Billboards**

Setbacks for billboards shall be thirty (30) feet from the center of road or ten (10) feet from edge of any public right of way, whichever distance is greater.

Section 11. Location of Signs

All signs, including the supports, frames, and embellishments thereto, shall be located on-premise, on private property, and not located within thirty feet from the center of the road or ten (10) feet of any public right-of-way whichever distance is greater. No sign shall be attached, affixed, or painted on any light standard or other utility pole, any tree, or other natural object. Signs shall not be located any closer than fifteen (15) feet to any property line.

Section 12. Nonconforming Signs

All nonconforming signs existing on the effective date of this Ordinance may remain in place, subject to the following requirements:

A. No nonconforming sign shall have any changes made in the words or symbols used or the message displayed on the sign unless the sign is specifically designed for periodic change or message. However, this Ordinance shall not prohibit the normal maintenance of signs to keep them neat.

B. No nonconforming sign shall be structurally altered so as to change the shape, size, or type of design of the sign nor shall any nonconforming sign be relocated.

C. No nonconforming sign shall be allowed to remain after the activity, business or use to which it is related has been discontinued.

Upon failure to comply with any of the above requirements, the Zoning Administrator shall cause the removal of any nonconforming signs as hereafter provided.

D. The Zoning Administrator shall give the owner of the nonconforming sign notice of the violation by registered or certified mail. Notice to the owner or the occupant of the premises on which the sign is located shall be sufficient. These notices shall contain a brief statement of the particulars in which this Article is violated and the manner in which such violation is to be remedied.

E. Failure to correct such violation within thirty (30) days shall constitute a violation of this Ordinance and is punishable under the provisions of Article 3 (Enforcement and Penalties).

Section 13. Maintenance and Removal of Unsafe or Abandoned Signs

All signs of any nature shall be maintained in a state of good repair. No sign shall be allowed to remain which becomes structurally unsafe, hazardous or endangers the safety of the public or property. Upon determining that a sign is structurally unsafe, hazardous or endangers the safety of the public or property, the Zoning Administrator or his designated agent shall order the sign to be made safe or removed, subject to the following provisions:

A. The owner of the sign, the occupant of the premises on which the sign or structure is located, or the person or firm maintaining the same shall, upon written notice by registered or certified mail from the Zoning Administrator, forthwith in the case of immediate danger and in any case within ten (10) days, secure or repair the sign or structure in a manner approved by the Building Inspector or his designated agent, or remove the same.

B. If such order is not complied with within ten (10) days, the Zoning Administrator or his designated agent shall remove the sign at the expense of the owner or leasee thereof. No sign shall be erected or maintained in such a manner that any portion of its surface or its supports will interfere in any way with the free use or access to any fire escape, exit or standpipe, or so as to obstruct any window so that light or ventilation is reduced below minimum standards required by any applicable law or building code.

Whenever a sign has been abandoned or advertises an activity, business, product, or service no longer conducted on the premises, such sign, including all of its attendant supports, frames, and hardware, shall be removed within two (2) months of the cessation or vacating of the use or establishment, unless such sign is utilized by a new use or establishment on the premises in conformance with all current regulations of this Ordinance. If such sign is not removed, or a sign is erected in violation of the provisions of this Section, the Zoning Administrator or designee shall cause such sign to be removed or brought into compliance in accordance with the method prescribed for nonconforming signs in Section 12, above.

Section 14. Signs Permitted in Residential and Rural Agricultural Districts

A. Permanent freestanding monument identification signs for subdivisions, multifamily, and planned developments shall be limited to two (2) signs at each major entrance(s) to the development, not exceeding thirty-two (32) square feet in display surface area, located on private property no closer than fifteen (15) feet to any property line or street right-of-way, not exceeding six (6) feet in height above ground level, and illumination shall be restricted to indirect white lighting.

B. Permanent freestanding identification signs for manufactured home parks and campgrounds shall be limited to one (1) sign at each major entrance to the park or campground, not exceeding twenty (20) square feet in display surface area, located on private property no closer than fifteen (15) feet to any property line or street right-of-way, not exceeding five (5) feet in height above ground level, and illumination shall be restricted to indirect white lighting.

C. One (1) permanent freestanding identification sign for nonresidential and noninstitutional uses is permitted, provided the sign is located on private property at least fifteen (15) feet from any property line or street right-of-way. The sign shall not exceed five (5) feet in height above ground level, and illumination shall be restricted to indirect white lighting. The display surface area shall not exceed twenty (20) square feet.

D. For all residential and agricultural zoning districts, one (1) identification sign for each home occupation shall be permitted, but shall not be closer than fifteen (15) feet to any property line or street right-of-way, shall not project higher than five (5) feet above ground level, and shall not exceed four (4) square feet in area.

E. Billboards allowed as a conditional use in Rural Agricultural District (RA) (see section 10)

F. Church signs shall be limited to one (1) freestanding sign for each property line facing a public road, not exceeding eighty (80) square feet per display surface area, and thirty (30) feet in height, and shall not be closer than fifteen (15) feet from any property line or street right-of-way. Any church in these districts within five hundred (500) feet of an interstate highway shall be allowed an additional on-premise freestanding sign which shall not exceed sixty (60) feet in height, with a display surface not exceeding one hundred and twenty (120) square feet (with the exception of billboards, see section 10).

Section 15. Signs Permitted in the Community Business (CB) District

A. One (1) freestanding sign and either one (1) wall, projecting, or canopy sign is allowed per lot. The wall, projecting, or canopy sign may be placed on all walls with road frontage. On corner lots, businesses fronting on more than one (1) public street shall be permitted one (1) freestanding identification sign for each frontage.

B. Freestanding signs shall not exceed fifteen (15) feet in height, the display surface shall not exceed sixty (60) square feet. (with the exception of billboards, see section 10)

C. Projecting and canopy signs shall be permitted. The display surface shall not exceed ten (10) square feet, and shall maintain a clear distance of eight (8) feet from ground level.

D. Wall signs shall not protrude more than twelve (12) inches from the wall to which it is attached. It shall not extend above the eave line of the building to which it is attached. If the building consists of two (2) or more stories, the top of the sign shall not extend more than twenty (20) feet above ground level. Wall signs shall be limited to the name, trademark, and servicemark of the establishement(s) located on the lot.

E. Illumination of signs is permitted. Illumination shall be designed as to minimize light from directly hitting public rights-of-way and adjacent properties used or zoned for residential and rural agricultural purposes. Billboards (see section 10)

F. Church signs shall be limited to one (1) freestanding sign for each property line facing a public road, not exceeding eighty (80) square feet per display surface area, and thirty (30) feet in height, and shall not be closer than fifteen (15) feet from any property line or street right-of-way. Any church in this district within five hundred (500) feet of an interstate highway shall be allowed an additional on-premise freestanding sign which shall not exceed sixty (60) feet in height, with a display surface not exceeding one hundred and twenty (120) square feet (with the exception of billboards, see section 10).

Section 16. Signs Permitted in the Highway Business (HB) District

A. One (1) freestanding sign and either one (1) wall, projecting, or canopy sign is allowed per lot. The wall, projecting, or canopy sign may be placed on all walls with road frontage. On corner lots, businesses fronting on more than one (1) public street shall be permitted one (1) freestanding identification sign for each frontage.

B. Freestanding signs shall not exceed thirty (30) feet in height, and the display surface shall not exceed eighty (80) square feet. A business in this district, within five hundred (500) feet of an interstate highway, shall be allowed an additional on-premise freestanding sign which shall not exceed sixty (60) feet in height. The display surface shall not exceed one hundred and twenty (120) square feet. (with the exception of billboards see section 10)

C. Wall signs shall not protrude more than twelve (12) inches from the wall to which it is attached. It shall not extend above the eave line of the building to which it is attached. If the building consists of two (2) or more stories, the top of the sign shall not extend more than twenty (20) feet above ground level. Wall signs shall be limited to the name, trademark, and servicemark of the establishment(s) located on the lot.

D. Projecting and canopy signs shall be permitted. The display surface shall not exceed ten (10) square feet, and shall maintain a clear distance of eight (8) feet from ground level.

E. Illumination of signs is permitted. Illumination shall be designed as to minimize or prevent light from directly hitting public rights-of-way and adjacent properties used or zoned for residential and rural agricultural purposes.

Billboards (see section 10)

Section 17. Signs Permitted in the Manufacturing Industrial One (MI-1) and Manufacturing Industrial Two (MI-2) District

A. One (1) freestanding sign and either one (1) wall, projecting, or canopy sign is allowed per lot. The wall, projecting, or canopy sign may be placed on all walls with road frontage. On corner lots, businesses fronting on more than one (1) public street shall be permitted one (1) freestanding identification sign for each frontage.

B. Freestanding signs shall not exceed thirty (30) feet in height. The display surface shall not exceed eighty (80) square feet, with the exception of billboards (see section 10)

C. Projecting and canopy signs shall be permitted. The display surface shall not exceed ten (10) square feet, and shall maintain a clear distance of eight (8) feet from ground level.

D. Illumination of signs is permitted. Illumination shall be designed as to minimize or prevent light from directly hitting public rights-of-way and adjacent properties used or zoned for residential and rural agricultural purposes.

Billboards (see section 10)

Section 18. Computation of Sign Area

A. In measuring the area of signs permitted under these regulations, the entire face of the sign (one (1) side only) shall be included. Structural parts, which are not intended for advertising purposes, shall not be included as part of this measurement. In computing the total sign area, the smallest rectangle that can encompass the sign face shall be used to determine the height and width of the sign. The height and width shall then be multiplied to determine the total area of the sign.

B. The height of a sign shall be the distance from the grade level where the sign is erected to the top of the sign or sign structure, whichever is greater.

ARTICLE 21. DEFINITIONS

Section 1. Definitions

For the purpose of this Ordinance certain terms and words are defined as follows:

Words used in the present tense include the future tense. Words used in the singular number include the plural, and words used in the plural number include the singular. The word "person" includes a firm, association, organization, partnership, corporation, trust, and company as well as an individual. The word "lot" includes the word "plot" or "parcel." The word "building" includes the word "structure." The word "shall" is always mandatory and not directory. The word "may" is permissive. The words "used" or "occupied", as applied to any land or building, shall be construed to include the words "intended," "arranged," or "designated to be used" or "occupied." The words "residential property" shall apply to land zoned for residential use and to other land occupied by residential structures. The words "a map", "a zoning map", or "Yadkin County Zoning Map" shall mean the Zoning Map of Yadkin County, North Carolina. The words "article," "Zoning Ordinance" or "Yadkin County Zoning Ordinance" shall mean the Zoning Ordinance of Yadkin County, North Carolina. The words "Yadkin County planning area" or "planning area" shall mean the area within which Yadkin County exercises zoning authority. All other words not defined below shall be defined by the North American Industry Classification System (NAICS). If the word cannot be found in the NAICS the standard edition of the Webster's Dictionary shall be used.

ACCESSORY APARTMENT. A secondary dwelling unit established in conjunction with and clearly subordinate to a primary dwelling unit, whether a part of the same structure as the primary dwelling unit or a detached dwelling unit on the same lot.

ACCESSORY STRUCTURE. See Structure, Accessory.

ACCESSORY USE. See Use, Accessory.

ADULT USES. Any structure or use of land which meets the definition of adult establishment as outlined in G.S.14-202.10 (Licensed health massage/body work therapists shall not be considered an adult massage business)

AGRICULTURAL LAND. Any parcel of land which is used in the raising of agricultural, dairy, or forest products, livestock, poultry, or fur-bearing animals.

AGRICULTURAL PRODUCTION, CROP. The use of land for the primary purpose of raising and harvesting row, field, or tree crops on a commercial basis on a bona fide farm. The growing and sale of agricultural crops on the premises shall not constitute agricultural crop production.

AGRICULTURAL PRODUCTION, LIVESTOCK. The use of land for the primary purpose of raising animals or producing animal products, such as eggs or dairy products, on a commercial basis on a bona fide farm, including grazing, ranching, and dairy farming.

AIRPORT, PRIVATE. A landing field for the private use of the property owner or lessee, including hangar area for aircraft used by the owner or lessee at the private airport.

AIRPORT, PUBLIC. Landing fields, aircraft parking or service facilities, passenger or baggage terminals, or related facilities for operation, service, fueling, repair, storage, charter, sales, or rental of aircraft, operated by an airport authority or other corporation.

ALLEY. A vehicular way used for providing service access along rear or side property lines of lots. Residential alleys will generally remain private.

AMORTIZATION. The process of providing for a timed extinction of a use that is not in compliance with this Ordinance.

ANIMAL HOSPITAL/VETERINARY CLINIC. Any facility used for the purpose of giving licensed medical treatment to animals or pets and any other customarily incidental treatment of the animals, such as grooming, boarding, or selling of pet supplies.

AQUARIUM. An establishment where aquatic collections of living organisms are kept and exhibited.

APARTMENT. A room or suite of rooms in an multi-unit residential building, generally rented by the occupant, which provides complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation in each separate unit.

APPEAL. An action requesting reversal or modification of an interpretation or decision made by the Zoning Administrator in the application of these regulations.

ASPHALT PRODUCTS. A facility preparing asphalt and/or concrete mixtures for street and driveway paving.

ANTENNA ARRAY. An Antenna Array is one or more rods, panels, discs or similar devices used for the transmission or reception of radio frequency signals, which may include omni-directional antenna (rod), directional antenna (panel) and parabolic antenna (disc). The Antenna Array does not include the Support Structure.

ATTACHED WIRELESS COMMUNICATION FACILITY. An Attached Wireless Communication Facility is an Antenna Array that is attached to an existing building or structure (Attachment Structure), which structures shall include but not be limited to utility poles, signs, water towers, rooftops, towers with any accompanying pole or device (Attachment Device) which attaches the Antenna Array to the existing building or structure and associated connection cables, and an Equipment Facility which may be located either inside or outside of the Attachment Structure.

AUCTION HOUSE. A structure or enclosure where goods are sold by auction.

AUTOMATIC TELLER MACHINE. A bank that provides banking or financial services.

AUTOMOBILE SALVAGE YARD. Any establishment which is maintained, used or operated for storing, keeping, buying and/or selling two or more wrecked, junked, scrapped, ruined, dismantled or inoperable motor vehicles, regardless of the length of time which individual motor vehicles are stored or kept at said establishment.

AUTOMOBILE, TRUCK, AND MOTORCYCLE SALES. An establishment primarily engaged in the retail sale of new and used automobiles, trucks, motorcycles, motor scooters, mopeds, all-terrain vehicles, snowmobiles, go-carts, utility trailers, and similar items. Shall include any outdoor area where the above-mentioned are stored throughout the day and the night, and are held for the purpose of sale or lease as an entire or complete unit.

BANKS AND FINANCE COMPANIES. A facility engaged in deposit banking or extending credit in the form of loans.

BASE FLOOD. A flood having a one percent chance of being equaled or exceeded in any given year.

BASE FLOOD ELEVATION. The elevation of the reach of the one-hundred-year floodwaters.

BED AND BREAKFAST. An owner-occupied or manager-occupied residential facility providing rooms for overnight lodging, or lodging and meals.

BOARD OF ADJUSTMENT. The Yadkin County Board of Adjustment, appointed by the Board of Commissioners to conduct quasi-judicial hearings on appeals, variances and conditional use permits, and to rule on these proposals as provided herein.

BOARD OF COMMISSIONERS. The Yadkin County Board of Commissioners, elected governing body of the County.

BONA FIDE FARM. Crop lands, timber lands, pasture lands, apple orchards, idle or other farm lands as well as any farm houses, barns, poultry houses, and tenant houses for workers, as long as such houses for workers shall be in the same ownership as the farm and located on the farm. (The above definition relates to zoning and should not be associated with tax or other definitions)

BREWERY. Any brewery producing more than 6 million barrels per year.

BUFFERS. The portion of a yard where special plantings may be required by the *Zoning Ordinance* to separate and partially screen two adjacent land uses that are ordinarily incompatible by virtue of their use.

BUFFER ZONE. The strip of land adjacent to a lake or natural watercourse.

BUILDABLE AREA. The area of a zoning lot remaining after the minimum setback requirements of this Ordinance have been satisfied.

BUILDING, see also Structure. Any structure having a roof supported by columns or walls and intended for the shelter, housing, or enclosure of any person, process, equipment, or goods.

BUILDING, PRINCIPAL. The building in which the principal use of the zoning lot is conducted.

BUILDING HEIGHT. HEIGHT, BUILDING. The vertical distance from the average elevation at the finished grade of all the sides of a building, measured at the midpoint of each side to the highest point of a flat roof, or to the deck line of a mansard roof, or the average height level between eaves and ridges for gable, hip, gambrel, and pitch roofs.

BUILDING MATERIALS SUPPLY. An establishment engaged in selling lumber and a general line of building materials and hardware to the public.

BUS TERMINAL. A facility for the storage, maintenance, and dispatch of buses or taxis, and associated customer ticketing and waiting areas.

BUSINESS OFFICES. An establishment primarily engaged in providing: engineering, architectural, and surveying services; accounting, auditing, and bookkeeping services; public relations services; legal services; real estate services; the services of insurance agents, brokers and carriers; the services of security and commodity brokers; and the services of bank holding companies.

CAMPGROUNDS AND RECREATIONAL VEHICLE PARKS. A contiguous site or tract of land under unified ownership intended and designed to accommodate recreational vehicles or tent spaces as temporary living quarters for recreational or vacation purposes.

CARPORT. A roofed structure enclosed on not more than two sides and used for the parking of motor vehicles.

CAR WASH. A facility where motor vehicles are washed, cleaned, and/or waxed by hand or with manually-operated equipment or automatic machinery.

CEMETERY, PUBLIC. Land and facilities used for burial of the dead meeting the requirements of a perpetual care cemetery under State law. Such a facility includes any burial ground, mausoleum, or columbarium operated by a cemetery company and meeting licensing requirements of the State.

CEMETERY, PRIVATE. Land and facilities used for the burial of the dead, including municipal, private family, farm, church or animal cemeteries, which have not been licensed and do not meet the licensing requirements of a perpetual care cemetery under State law.

CERTIFICATE OF ZONING COMPLIANCE. A statement, signed by the Zoning Administrator, stating that the plans for a building, structure, or use of land complies with the Zoning Ordinance of Yadkin County.

CHILD CARE CENTER. A day care facility in which day care is provided for thirteen or more children when any child is preschool-age, or sixteen or more children when all children are school age.

CHILD DAY CARE (SMALL HOME). A day care operation in which day care is provided for three to five preschool-age children, plus up to three additional school-age children.

CHILDREN'S HOME. A facility engaged in the care of children who have been abandoned or given up for adoption. Home may include living quarters, dining areas, recreation areas, education facility, etc.

CHURCH. A facility of a church or religious organization operated for worship and which may include religious training or study.

CLUB OR LODGE. A building or land used for the activities of a private club or social organization and not adjunct to, or operated as, or in connection with, a public tavern, cafe, or other place open to the public.

COLLEGE OR UNIVERSITY. An institution of higher education offering associate, undergraduate and/or graduate degrees.

COLLOCATION/SITE SHARING. Collocation/Site Sharing shall mean use of' a common telecommunications facility or common site by more than one wireless communication license holder or by one wireless license holder for more than one type of communications technology and/or placement of an antenna array on a structure owned or operated by a utility or other public entity.

COMMON OPEN SPACE. The open space land held in common ownership by property or unit owners in a development, normally provided for in the declaration or restrictive covenants and normally in common use.

COMMUNITY CENTER. An area or facility designed to meet the demand for active recreation, including play fields, ball diamonds, parks with picnic and playground equipment, tennis courts, swimming pools, tot lots and similar uses, available to the public and under the management or control of a public agency.

CONDITIONAL USE PERMIT. A permit that allows a use of land upon approval by the Board of Adjustment as part of a public hearing process.

CONDOMINIUM. A dwelling unit owned as a single-family home within a multiple property together with an undivided portion of ownership in areas and facilities held in common with other property owners in the development. Condominiums may take a number of forms such as attached townhouses, apartments, or other forms of residential structures. The common areas and structures may include underlying land, parking areas, recreation facilities, swimming pools, and in the case of an apartment house, hallways, basements, heating units, and elevators.

CONSERVATION SUBDIVISION: A subdivision characterized by dedicated common open space and clustered compact lots, as provided in Article 14, Section 6 of this Ordinance.

CONSTRUCTION, START OF. After issuance of a building permit by the Inspections Department, the first placement of a structure, including a manufactured home, on a site, for which a building inspection is required. This shall include excavation, forming, and bracing for concrete placement; the subsequent installation and tying of steel reinforcements for footings, piles, or columns (if required), the pouring of slabs, or footings, or excavation or the placements of a manufactured home on a foundation.

CONTIGUOUS AREA. Any area which abuts directly on a subject property or is separated from the subject property by a street or the right-of-way of a railroad or other utility or public service corporation.

CONTRACTOR'S OFFICE. An establishment providing general contracting and/or building construction services for residential, farm, industrial, or commercial uses, and which does not involve outdoor storage of machinery or equipment.

CONVENIENCE STORE. Any retail establishment offering for sale gasoline, diesel fuel, kerosene, automotive products, prepackaged food products, household items, and/or other goods commonly associated with the same.

COOPERATIVE WINERY. A winery that is established by a group of grape growers to cater to surrounding vineyards, absent of any on-site winery. The facility is traditionally located independent of any on-site vineyard.

CORNER LOT. See Lot, Corner.

CORRECTIONAL FACILITY. A facility providing housing and care for individuals confined by law, operated under the authority of local, State, or Federal government.

CREMATORIUM. A location containing properly installed, certified apparatus intended for use in the act of cremation.

CUL-DE-SAC. A local street having only one end open to traffic with the other end permanently terminated by a vehicular turnaround.

DENSITY. The ratio of dwelling units permitted on a zoning lot to the area of the zoning lot. Density is expressed in this Ordinance as the number of units per one acre.

DIRECTOR OF SERVICES AND DEVELOPMENT. The Director of the Yadkin County Services and Development Department.

DISTILLERY. A facility in which alcoholic beverages are distilled; and which possesses the appropriate license from the State of North Carolina.

DWELLING, DUPLEX. A single-family dwelling that is connected on only one side by means of a common dividing structural or load bearing party wall of at least ten linear feet to another single-family dwelling.

DWELLING, MODULAR. A dwelling unit constructed in accordance with the standards set forth in the North Carolina State

Building Code and composed of components substantially assembled in a manufacturing plant and transported to the building site for final assembly on a permanent foundation.

DWELLING, SINGLE-FAMILY (Site-built). A detached building constructed completely on-site.

DWELLING, MULTIFAMILY. A detached building constructed on-site in compliance with the North Carolina State Building Code and designed for three or more dwelling units.

EASEMENT. A grant of one or more of the property rights for a specific purpose by the property owner to, or for the use by, the public or another person.

EMS DEPARTMENT. Yadkin County Emergency Services Department.

ENGINEER. A person licensed to practice engineering in the State of North Carolina.

ENVIRONMENTAL HEALTH. Yadkin County Environmental Health Department.

EQUIPMENT FACILITY. An Equipment Facility is any structure used to contain ancillary equipment for a Wireless Communication Facility which includes cabinets, shelters, a build out of an existing structure, pedestals, and other similar structures.

EROSION. The wearing away of land surface by the action of wind, water, gravity, or any combination thereof.

EROSION CONTROL ACT. The *North Carolina Sedimentation Pollution Control Act of 1973* and all rules and orders adopted pursuant to it and amendments. (Regulated by NCDENR)

EROSION, NATURAL. The wearing away of the earth's surface by water, wind, or other natural agents under natural environmental conditions undisturbed by man.

FAMILY. One or more persons related by blood, adoption, or marriage, and their foster parents, or children, or stepparents, or stepchildren, living together in a single dwelling unit; or a number of persons eighteen years or older, not exceeding four and their children or stepchildren under eighteen years of age, living together in a single dwelling unit, though not all related by blood, adoption, or marriage; and such domestic servants as are employed on the same premises. A family may include five or fewer foster children placed in a family foster home licensed by the State of North Carolina. The term *family* shall not be construed to include any group of persons living together as a fraternal, sororal, social, honorary, or professional organization.

For the purposes of this definition, the following persons shall be considered related by blood: (A) any relative of the head of household or of the spouse (whether living or dead) of the head of household to the third degree of collateral consanguinity, or to any degree of lineal consanguinity, as defined in State law; and (B) a parent or child by adoption, marriage, or legitimization of any person (including the head of household or spouse of the head of household) described in (A) above; and (C) a dependent, as defined in State law, of any person described in (A) or (B) above.

FAMILY CARE HOME. A transitional housing facility with support and supervisory personnel licensed by the State of North Carolina or operated by a nonprofit corporation chartered pursuant to Chapter SSA, North Carolina General Statutes, which provides room and board, personal care and rehabilitation services in a supportive family environment for not more than six residents, exclusive of supervisory personnel, including but not limited to, handicapped persons, older adults, foster children, abused individuals, homeless persons, and those recovering from drug or alcohol abuse. This use shall include Family Care Homes, as defined in North Carolina General Statute 168-21. This use shall not serve primarily as an alternative to incarceration, shall not include individuals who are dangerous to others, as defined in North Carolina General Statute 122C3-(11)b, and shall not include persons living together as a fraternal, sororal, social, honorary, or professional organization.

FAMILY MEMBERS, DIRECT. Direct lineal decedents (children, grandchildren, and great grandchildren) and direct lineal ascendants (father, mother, grandfather and grandmother); and brothers, sisters, nieces and nephews.

FARM TENANT HOUSING. A dwelling unit occupied by the family of a person employed in agriculture-related activities on the premises.

FEDERAL AVIATION ADMINISTRATION. FAA

FEDERAL COMMUNICATIONS COMMISSION. FCC

FEDERAL TELECOMMUNICATIONS ACT OF 1996. FTA.

FIRE MARSHAL. Yadkin County Fire Marshal's Office.

FIRING RANGE, INDOOR. An enclosed facility designed as business or commercial enterprise for public use and used for the discharge of firearms at targets.

FIRING RANGE, OUTDOOR. An outdoor facility designed as a business or commercial enterprise for public use and used for the discharge of firearms at targets.

FLOOD BOUNDARY AND FLOODWAY MAP. An official map on which the Federal Emergency Management Agency has delineated both the floodway and floodway fringe areas. Said maps also contain cross sectional information relevant to both the floodway and floodway fringe areas with data available in official reports supplied by the Federal Emergency Management Agency.

FLOOR AREA, GROSS. The total number of square feet on all floors of a building, as measured from the outside faces of the building.

FOOD OR DRUG STORE. An establishment primarily engaged in selling food for home preparation and consumption, or prescription drugs, nonprescription medicines, and related lines.

FRONT LOT LINE. See Lot Line, Front. FRONT YARD. See Yard, Front.

FRONTAGE. The property abutting on one side of a street measured along the street right-of-way line.

FUNERAL HOME. An establishment engaged in undertaking services, such as preparing the human dead for burial and in arranging and managing funerals. This definition includes crematories and mortuaries.

FURNITURE AND HOME FURNISHINGS STORE. An establishment primarily engaged in the retail sale of new or used household furniture, floor coverings, draperies, curtains, and upholstery materials, and miscellaneous home furnishings, such as bedding and linens, lamps and shades, mirrors and window treatments.

GOLF COURSE. An area designed for golf, including a Par 3 golf course, having at least nine holes, each with a tee, fairway, green, and one or more hazards. A clubhouse, pool and other facilities associated with a country club built around a golf course are considered part of the golf course.

GOLF DRIVING RANGE. An open-air golf practice facility.

GRADING BUSINESS. A business that provides grading services and that does not store or manufacture asphalt, concrete, sand or other similar materials on site. (Grading business does not provide paving services)

GREENHOUSES, PRIVATE. A small facility where plants are grown for personal use, not for retail or commercial sale.

GREENHOUSES AND NURSERIES, COMMERCIAL. An establishment primarily engaged in the retail sale of trees, shrubs, other plants, seeds, bulbs, mulches, soil conditioners, fertilizers, pesticides, garden tools, and other garden supplies to the general public. These establishments primarily sell products purchased from others, but may sell some plants which are grown at the establishment.

GREENWAY. A linear open space along a natural or constructed corridor which may be used for pedestrian or bicycle passage. Greenways often link areas of activity, such as parks, cultural features, or historic sites with each other and with populated areas.

GROSS FLOOR AREA. The total area of any buildings in the project, including the basements, mezzanines and upper floors, exclusive of stairways and elevator shafts. It excludes separate service facilities outside the buildings such as boiler rooms and maintenance shops.

GROUND COVER. Any natural vegetative growth or other material which renders the soil surface stable against accelerated erosion. (EROSION CONTROL)

GROUP DEVELOPMENT. Development where two or more structures are to be constructed on a single parcel, which is not intended to be subdivided. These include, but are not limited to; manufactured home parks, multi-family developments, and shopping centers.

HARDSHIP. A condition, either medical in nature, or constituting an emergency deemed by the Zoning Administrator as worthy of special consideration in administering the Ordinance; for example, as a result of fire or natural disaster. Financial hardship shall not be a consideration in granting relief from the requirements of this Ordinance.

HARDWARE STORE. An establishment primarily engaged in the retail sale of a number of basic hardware lines, such as tools, builders hardware, paint, glass, housewares, household appliances, and cutlery.

HATCHERIES. An establishment where the eggs or fry of fish or chickens are incubated and raised for commercial purposes.

HAZARDOUS MATERIAL. Any substance listed as such in the Superfund Amendments and Reauthorization Act (SARA) Section 302, Extremely Hazardous Substances; the Comprehensive Environmental Response, Compensation and Liability Act (CERC LA) Hazardous Substances; or Section 311 of the Clean Water Act (CWA) (oil and hazardous substances).

HAZARDOUS SUBSTANCE. Any chemical defined as a physical hazard or a health hazard under standards of North Carolina Administrative Code 7C.0101(a)(105). Physical hazards include, but are not limited to, chemicals which are combustible, explosive, flammable, and reactive. Health hazards include, but are not limited to, chemicals which are

carcinogens, toxins, corrosives, and irritants.

HEALTH DEPARTMENT. The Yadkin County Health Department.

HEIGHT. When referring to a Wireless Communication Facility, height shall mean the distance measured from ground level to the highest point on the Wireless Communication Facility, excluding the Antenna Array.

HOME OCCUPATION. Any profession or occupation carried on by a member of a family or a member of a recognized profession residing on the premises, provided that no merchandise or commodity is sold or offered for sale on the premises and that no mechanical equipment is installed or used except such that is normally used for domestic or professional purposes, and provided that not over twenty-five percent of the total actual floor area of any structure is used for home occupation (work within the home) or professional purposes and that all parking generated by the conduct of such home occupation be off the street and other than in a required front yard. A sign may be used in conjunction with the home occupation but shall not be larger than four square feet.

HOME OCCUPATION OF A COMMERCIAL NATURE. A commercial use, excluding agricultural or horticultural activities, conducted on a property along with a residence and detached from and secondary to the residential use.

HOSPITAL. A facility providing medical, psychiatric, or surgical services for sick or injured persons, including emergency treatment, diagnostic services, training, research, and administration.

HOTEL OR MOTEL. A building or group of buildings used principally to provide shelter, with or without meals, for not fewer than four paying guests.

HUD. United States Department of Housing and Urban Development.

IMPROVEMENT. Any structure or constructed feature not included under the definition of structure.

INSPECTIONS DEPARTMENT. Yadkin County Inspections Department

JUNK. Old or scrapped copper, brass, rope, rags, batteries, paper, trash, rubber, debris, waste, dismantled or wrecked vehicles or parts thereof, iron, steel, discarded mobile homes and other old or scrap materials.

JUNKED or ABANDONED MOTOR VEHICLE. A motor vehicle that does not display a current license plate and that: (1) is partially dismantled or wrecked; or (2) cannot be self-propelled in a manner in which it was originally created or intended to move; or (3) is deteriorated to an extent that poses a health or safety hazard.

JUNKYARD. Any open area of five hundred (500) square feet or more which is maintained, operated, or used for storing, keeping, dismantling, disassembling, salvaging, abandoning, buying or selling junk regardless of length of time that junk is stored or kept, or for maintenance or operation of an automobile graveyard; or the open storage of three (3) or more junked motor vehicles. An existing Junkyard shall be one which was in existence on the effective date of this Ordinance as evidenced by registration of the junkyard with the County. **[Amendment date: December 17, 2012]**

KENNEL. Any facility used for the purpose of boarding animals, excluding horses, cattle, swine, sheep, goats, geese or peafowl. Kennels may conduct other such incidental activities, such as the sale of animals, treatment of the animals, grooming or cleaning, and the sale of pet supplies. In addition, any establishment wherein any person engages in business or practice, for fee, of boarding, breeding, grooming, letting for hire, or training of more than three domesticated animals at any one time; or an establishment wherein any person engages in the business or practice, for a fee, of selling more than one litter of domesticated animals at any one time or the selling of any three individual domesticated animals (not defined as litter herein) at any one time. Domesticated animals, for the purpose of this ordinance, shall be defined as dogs, cats, and other generally accepted household pets. Litter, for the purpose of this Ordinance, shall be defined as the progeny resulting from the breeding of two domesticated animals. The following shall not constitute the operation of a kennel as defined above and in no way shall this provision regulate the following:

(a) The ownership of domesticated animals as household pets;

(b) The ownership of domesticated animals for hunting or tracking purposes;

(c) The ownership of domesticated animals for the purpose of exhibiting at shows, obedience or field trials; and

(d) The ownership of domesticated animals for the purpose of protection or guarding of residences or commercial establishments.

LAKE OR NATURAL WATERCOURSE. Any stream, river, brook, swamp, sound, bay, creek, run, branch, canal, waterway, estuary, and any reservoir, lake or pond, natural or impounded, in which sediment may be moved or carried in suspension, and which could be damaged by accumulation of sediment.

LAND DISTURBING ACTIVITY. Any use of the land by any person in residential, industrial, educational, institutional, or

commercial development, highway and road construction and maintenance, that results in a change in the natural cover or topography that may cause or contribute to sedimentation.

LANDFILL, CONSTRUCTION AND DEMOLITION. A landfill which accepts construction or demolition debris or waste including solid waste from construction, remodeling, repair or demolition operations on pavement, buildings, or other structures. Such landfills must meet criteria set by the State of North Carolina.

LANDFILL, SANITARY. A facility for the disposal of all types of solid wastes, excluding hazardous wastes or toxic substances.

LANDOWNER. Any owner of a legal or equitable interest in real property, including the heirs, devise, successors, assigns and personal representative of such owner. The owner may allow a person holding a valid option to purchase, to act as his agent or representative for purposes of submitting a proposed site-specific development plan in the manner allowed by this Ordinance.

LANDSCAPE ARCHITECT. A person licensed to use the title of landscape architect in the State of North Carolina.

LIBRARY, PUBLIC. A publicly operated facility housing a collection of books, magazines, audio and videotapes, or other material for use by the general public.

LIQUOR STORE. An establishment regulated by the Alcoholic Beverage Control Board selling alcoholic beverages.

LIVESTOCK. Domesticated animals intentionally reared in an agricultural setting to produce food, fiber or other materials, or for their labor. Not to include dogs kept in kennels, or other domestic or exotic household pets.

LIVESTOCK, NON-FARM. Possession of livestock on a residential lot for non-agricultural purposes, rather recreation and/or pleasure (i.e. horses, swine, goats, etc.).

LIVESTOCK SALES. A commercial establishment wherein livestock is collected for sale or auctioning.

LOCAL ORDINANCE OFFICER. Designee or such other person in the Planning Department as the adopting jurisdiction may designate as the officer principally responsible for the enforcement of this Ordinance.

LOG HOME MANUFACTURING. A facility where all components of log homes are produced and shipped to work sites.

LOT. A parcel of land, the boundaries of which are established by some legal instrument such as a deed or a recorded plat (but not tax map) and which is recognized as a separate tract for purposes of transfer of title, in single or multiple ownership occupied or intended for occupancy by a principal building together with its accessory buildings including the open space required under this Ordinance. For purposes of this Ordinance, the word "lot" shall mean any number of contiguous lots or portions of lots upon which one principal building and its accessory buildings are located or are intended to be located that are intended for occupancy.

LOT, ADJACENT. Any lot or parcel, which has a common boundary, right-of-way, or easement with the subject lot.

LOT, CORNER. *A* lot abutting two or more streets at their intersection, or upon two parts of the same street, forming an interior angle of less than one hundred thirty-five degrees as measured at the centerline of the street. The point of intersection of the street right-of-way lines, or of the street right-of-way lines as extended, is the corner.

LOT COVERAGE. That portion of the lot area, expressed as a percent, that is covered by impervious surface cover.

LOT, DOUBLE FRONTAGE. A lot having frontage and access on two or more streets. A corner lot shall not be considered as having double frontage unless it has frontage and access on three or more streets.

LOT, INTERIOR. A lot other than a corner lot.

LOT FRONT. That side of a lot, which fronts on a street. In the case of a corner lot, the subdivider shall designate the front of the lot for purposes of these regulations and the Yadkin County Zoning Ordinance by labeling the front and side building lines as such on the final plat.

LOT LINE. A line or series of connected line segments bounding a lot.

LOT LINE, FRONT. The line, which separates the lot from a street right-of-way. Corner lots shall have only one front lot line.

LOT LINE, INTERIOR. A side lot line, which separates the lot from another lot.

LOT LINE, REAR. That lot line, which is opposite and most distant from the front lot line. In cases where neither of these conditions is applicable, the Zoning Officer shall designate the rear lot line.

LOT LINE, SIDE. A lot line other than a front or rear lot line.

LOT, NONCONFORMING. A lot which does not meet all the dimensional requirements of the zoning district in which it is

located, which exists by virtue of the fact that it lawfully existed on the day before the effective date of the Zoning Ordinance or subsequent amendments, and which continues to exist.

LOT WIDTH. The horizontal distance between the side lot lines at the building front setback line as measured along a straight line parallel to the front lot line or parallel to the chord thereof.

LOT OF RECORD. A lot which is a part of a subdivision, a plat of which has been recorded in the office of the register of deeds, or a lot which is described by metes and bounds, the description of which has been so recorded, prior to the effective date of this Ordinance.

MALL. See "Shopping Center".

MANUFACTURED HOME. A dwelling unit that is composed of one or more components, each of which was substantially assembled in a manufacturing plant and designed to be transported to the home site on its own chassis; a dwelling unit that exceeds forty feet in length and eight feet in width; a dwelling unit that is constructed in accordance with the National Manufactured Home Construction and Safety Standards; and a dwelling unit that is not constructed in accordance with the standards of the North Carolina State Building Code for one and two family dwellings.

(1) ***CLASS A.*** A manufactured home constructed after July 1, 1976 and that meets or exceeds the construction standards promulgated by the Department of Housing and Urban Development that were in effect at the time of construction and that satisfies the following additional criteria:

A. Is a multi-sectional home **(i.e. double-wide, triple-wide)**.

B. The pitch of the manufactured home's roof has a minimum vertical rise of two and two tenths feet for each twelve feet of horizontal run and the roof is finished with a roofing material with a fire rating of Class C or better and is commonly used in standard residential construction.

C. The exterior siding consists predominately of vinyl horizontal lap siding, wood or hardboard, cedar or other wood siding, wood grain, weather resistant pressboard siding, stucco siding or brick or stone siding, or other non-glare surface or other siding whose reflectivity does not exceed that of flat white paint.

D. The manufactured home is set up in accordance with the standards set by the North Carolina Department of Insurance and a continuous, permanent masonry foundation or masonry curtain wall, without openings other than for ventilation and access, is installed under the perimeter of the manufactured home.

E. The tongue, axles, removable towing apparatus, and transporting lights are removed after final placement on the site.

(2) ***CLASS B***: A manufactured home constructed after July 1, 1976 and that meets or exceeds the construction standards promulgated by the Department of Housing and Urban Development that were in effect at the time of construction and that satisfies the following additional criteria:

A. Is a single-section home **(i.e. single-wide)**.

B. The pitch of the manufactured home's roof has a minimum vertical rise of two and two tenths feet for each twelve feet of horizontal run and the roof is finished with a roofing material with a fire rating of Class C or better and is commonly used in standard residential construction.

C. The exterior siding consists predominately of vinyl or aluminum horizontal lap siding, wood or hardboard, or other non-glare surface or other siding whose reflectivity does not exceed that of flat white paint.

D. A continuous curtain wall or foundation of permanent brick, masonry stone with stucco finish, vinyl, metal or comparably durable material, without openings other than for ventilation and access, is installed under the perimeter of the manufactured home.

E. The tongue, axles, removable towing apparatus, and transporting lights are removed after final placement on the site.

MANUFACTURED HOME, ABANDONED. A manufactured home that is not being occupied or maintained as a dwelling, or that does not provide complete, independent living facilities for one family, including permanent provisions for living, sleeping, eating, cooking, and sanitation.

MANUFACTURED HOME PARK. Any parcel or contiguous group of parcels owned by a person or family, where a total of three (3) or more manufactured homes are installed and permitted, excluding any exemption(s) or exception(s) provided

herein.

MANUFACTURED AND MODULAR HOMES, AND RECREATIONAL VEHICLE SALES. An establishment primarily engaged in the retail sale of new and used manufactured homes, modular homes, recreational vehicles, and similar items. Any outdoor area where manufactured homes, modular homes, recreational vehicles are stored throughout the day and the night, and are held for the purpose of sale or lease as an entire or complete unit.

MANUFACTURED HOME SPACE. The land in a manufactured home park allotted to or designed for the accommodation of one manufactured home and any structures accessory to the home.

MANUFACTURING. (A) A manufacturing establishment primarily engaged in the fabrication or assembly of products from pre-structured materials or components. Because of the nature of its operations and products, Manufacturing A produces little or no noise, odor, vibration, glare, and/or air and water pollution, and, therefore, has minimal impact on surrounding properties. ***(B)*** A manufacturing establishment whose operations, including storage of materials; processing, fabrication or assembly of products; and loading and unloading of new materials and finished products occurs within an enclosed building, and which does not produce or utilize in large quantities as an integral part of the manufacturing process toxic, hazardous, or explosive materials. Noise, odor, dust, or vibration from the manufacturing process may result in only minor impacts on adjacent properties. ***(C)*** A manufacturing establishment whose operations, including storage of materials; processing, fabrication or assembly of products; and loading and unloading of new materials and finished products may occur either inside an enclosed building or outside on the premises. Toxic, hazardous, or explosive materials may be produced or used in large quantities as an integral part of the manufacturing process. Noise, odor, dust, vibration, or visual impacts, as well as potential public health problems in the event of an accident, could impact adjacent properties.

MEAT PACKING AND POULTRY PROCESSING PLANTS. An establishment primarily engaged in the slaughtering of cattle, chickens, hogs, sheep, lambs, and calves for meat to be sold or to be used on the same premises in canning, cooking, curing, and freezing, and in making sausage, lard, and other products.

MEDICAL OR DENTAL LABORATORIES. An establishment primarily engaged in providing professional analytic or diagnostic services to the medical profession, or to the patient, on direction of a physician; or an establishment primarily engaged in making dentures, artificial teeth, and orthodontic appliances to order for the dental profession.

MEDICAL AND DENTAL CLINICS. An establishment primarily engaged in furnishing medical and surgical services to individuals and licensed for such practice by the State.

METAL FABRICATION PLANT. A large-scale (greater than 3,001 square feet) facility, which is engaged in the shaping of metal and similar materials.

METAL FABRICATION SHOP. A small-scale (3,000 square feet or less) facility which is engaged in the shaping of metal and similar materials.

MICROBREWERY. An independent brewery producing 6 million barrels of beer or less each year using traditional brewing practices with the intent to sell.

MICRO-DISTILLERY. A facility in which alcoholic beverages are distilled not to exceed 50,000 proof gallons per year; and which possesses the appropriate license from the State of North Carolina.

MINING, QUARRYING, OR RESOURCE EXTRACTION. Any mining activity, as defined in State law, including:

(A) The breaking of the surface soil in order to facilitate or accomplish the extraction or removal of minerals, ores, or other solid matter;

(B) Any activity or process constituting all or part of a process for the extraction or removal of minerals, ores, soils, and other solid matter from its original location; and,

(C) The preparation, washing, cleaning, or other treatment of minerals, ores, or other solid matter so as to make them suitable for commercial, industrial, or construction use.

Mining shall not include those aspects of deep mining not having significant effect on the surface, where the affected land does not exceed one acre in area. Mining shall not include mining operations where the affected land does not exceed one acre in area. Mining shall not include plants engaged in processing minerals produced elsewhere and whose refuse does not affect more than one acre of land. Mining shall not include excavation or grading when conducted solely in aid of on-site farming or of on-site construction for purposes other than mining. Removal of overburden and mining of limited amounts of any ores or mineral solids shall not be considered mining when done only for the purpose and to the extent necessary to determine the location, quantity, or quality of any natural deposit, provided that no ores or mineral solids removed during such exploratory excavation or mining are sold, processed for sale, or consumed in the regular operation of a business, and provided further that the affected land resulting from any such exploratory excavation does not exceed one acre in area.

MINI-WAREHOUSE. Moving and/or storage services for household and business goods, including self-service storage

facilities.

MIXED-USE PROJECT: A planned development of property involving integrated multi-family residential and business uses. Mixed-use projects feature prominent commercial intent with commercial-grade construction, and do not include single-family or duplex residential projects with proposed secondary businesses or home occupations.

MOBILE FOOD VENDOR. A food truck is a mobile food service establishment that prepares and serves food and/or beverages for sale to the general public on a recurring basis from a truck, vehicle-mounted, or vehicle-towed piece of equipment designed to be readily moved.

MODULAR STRUCTURE. A manufactured structure designed for year-round residential or commercial use, with major components or modules pre-assembled and transported to a site for final assembly and utility connections, but which is not designed to be transported on its own chassis. Such structures must meet all of the requirements of the North Carolina State Building Code and must have attached a North Carolina Validating Stamp.

MONUMENT SALES. An establishment where concrete or rock-based monuments, such as yard décor, tombstones, etc., are sold.

MOTOR VEHICLE (CAR, TRUCK, MOTORCYCLE). Every vehicle, which is self-propelled, and every vehicle designed to run upon the highways which is pulled by a self-propelled vehicle. For purposes of this definition, the term *motor vehicle* shall also include vehicles or implements used in farming or construction.

MOTOR VEHICLE BODY OR PAINT SHOP. An establishment primarily engaged in bodywork, painting, or customizing of automobiles or other motor vehicles.

MOTOR VEHICLE REPAIR. An establishment maintained and operated for the primary purpose of making mechanical and/or body repairs to automobiles, trucks, tractors, and/or farm equipment.

MOTORCROSS TRACK. A facility designed as a business or commercial enterprise for public use and used for the racing of two wheel motor cycles, bikes, four wheel all terrain vehicles or similar motorized vehicles.

MOVIE THEATER, DRIVE-IN. An establishment for the outdoor viewing of motion pictures by patrons while in motor vehicles.

MOVIE THEATER, INDOOR. An establishment for the indoor viewing of motion pictures by patrons.

MOTOR VEHICLE REPAIR. An establishment engaged in providing mechanical automotive maintenance and repair, such as engine repair, exhaust system replacement and transmission repair, and/or providing other related services, such as upholstery or glass replacement. This use includes service stations but does not include bodywork or painting.

MULTI-FAMILY. Includes the definitions of apartments, condominiums, and townhouses.

MUSEUM OR ART GALLERY. A structure used for the display and preservation of paintings, sculpture, and other constructed or natural objects illustrating human or natural history.

NCDENR. North Carolina Department of Environment and Natural Resources.

NCDOT. North Carolina Department of Transportation.

N.C.G.S. or G.S. North Carolina General Statute

NURSING, CONVELESCENT, ASSISTED LIVING FACILITY. A home for persons aged, ill or handicapped in which two or more persons not of the immediate family of the owner of manager of said home are provided with food, shelter, and nursing care.

OIL AND GASOLINE BULK STORAGE. The storage on a zoning lot of two thousand five hundred gallons or more of flammable liquid, or two thousand gallons water capacity or more of flammable gas, excluding storage tanks, above ground as defined herein below.

OPAQUE BARRIER: A vertical structure constructed of masonry, concrete, metal, or wooden material, which does not allow light to pass through.

OPEN SPACE. Any area, which is not divided into private or civic building lots, streets, rights-of-way, parking, or easements for purposes other than open space conservation.

OPEN SPACE, COMMON. Open space within a development not in individually owned lots, which is designed and intended for the common use or enjoyment of the residents of the development.

OPEN STORAGE. Any area which contains trash collection areas or dumpsters, open air docks, outdoor storage of bulk materials and/or parts, or areas regularly used for outdoor repair areas or service stations, motor vehicle dealers, or inspection stations, but excluding temporary construction and related activities and closed bay docks.

OUTPARCEL SITE. A freestanding lot developed separately but linked functionally to a shopping center.

OVERLAY DISTRICT. A zoning district which overlays and combines with one of the principal zoning districts established by this Ordinance. In such case the property involved is subject to the requirements of both districts.

PARKING, COMMERCIAL. A principal use of a zoning lot with or without a parking structure for use as a place for the temporary or long-term parking of motor vehicles.

PERSON. Any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, interstate body, or other legal entity.

PLANNED RESIDENTIAL DEVELOPMENT. A residentially zoned area planned and developed as a unit, which is characterized by environmentally sensitive design through the use of flexible development standards.

PLANNING BOARD. The Planning Board of Yadkin County.

PLANNING AND DEVELOPMENT DEPARTMENT. The Yadkin County department with lead responsibility for administration of the zoning ordinance. Also, may be referred to as the Planning Department.

PLANNING STAFF: The Zoning Administrator and appointed authorized officials or employees in the Yadkin County Planning and Development Department.

PLANTING AREA. An outdoor area, the surface of which may not be covered by impervious surface cover, such as asphalt, concrete or gravel, nor by structures, and must be devoted entirely to the planting and maintenance of trees, shrubs, and groundcovers, or construction of fences, walls, and/or earth berms.

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

PLAT, FINAL. The final map of all or a portion of a subdivision or site, showing the boundaries and location of lots, streets, easements and any other requirements of the Subdivision Regulations which is presented for local government approval and subsequent recordation with the Register of Deeds.

PLAT, PRELIMINARY. A map indicating the proposed layout of the subdivision or site showing lots, streets, water, sewer, storm drainage, and any other requirements of the *Subdivision Regulations* which is presented for preliminary approval.

POLICE OR FIRE STATION. A facility established for public law enforcement purposes or public fire protection and prevention purposes.

POST OFFICE. A facility or structure used for the collection, sorting, and distribution of mail within several zip code areas, having retail services for the general public, such as stamps, postcards, or postal insurance.

POSTAL PROCESSING CENTER. A facility or structure used for the collection, sorting, processing, and distribution of bulk mail or packages to other postal facilities or to the general public, and which may have some retail services for the general public, such as stamps, postcards, or postal insurance.

PREMISES. A lot or parcel of real property where a business, profession, service, commodity, product, accommodation, event, attraction or other enterprise or activity or use exists or is conducted, manufactured, sold, offered, maintained or takes place.

PRINCIPAL BUILDING. See Building, Principal.

PRINCIPAL USE. See Use, Principal.

PRIVATE RECREATION CLUBS. An area or facility designed to meet the demand for active recreation, including play fields, ball diamonds, parks with picnic and playground equipment, Par 3 golf courses, tennis courts, swimming pools, tot lots and similar uses, which are private.

PROPERTY. Means all property subject to zoning regulations and restrictions and zone boundaries within the zoning jurisdiction of the County.

PUBLIC. Under the control or responsibility of the Elected Body on behalf of the general population, rather than individual or private control.

PUBLIC SEWER SYSTEM. An approved sewage disposal system, including municipal and sanitary district sewerage systems as well as "package" plants constructed in a location and to specifications approved by the Environmental Health Department in consultation with the NC Division of Health Services.

PUBLIC UTILITIY FACILITY (major). Facilities of any agency which under public franchise or ownership, provides the general public with electricity, gas, oil, water, sewage, electronic signals, or rail transportation. The term *utility* shall not be construed to include the following: corporate or general offices; storage or service buildings or yards; gas or oil processing, manufacturing or storage facilities; transmission towers; or postal facilities.

PUBLIC UTILITIY FACILITY (minor). A facility less than 1200 sq ft for such utilities as transformer stations, pumping stations, water towers, and telephone exchanges. Facility must meet district setbacks unless an engineer certified report requiring less is submitted. Facility must be screened from adjoining properties.

PUBLIC WATER SUPPLY SYSTEM. An approved water supply system, including municipal and sanitary district water systems approved by the Environmental Health Department in consultation with the NC Division of Health Services.

QUARRY. See Mining, Quarrying, or Resource Extraction.

RADIO AND TELEVISION STUDIOS. An establishment primarily engaged in providing two-way radio/telephone communication services, telephone voice and data communications, telegraph services, radio and television broadcasting, or cable and other pay television services, but excluding those uses classified as utilities.

RACETRACK. A facility designed as a business or commercial enterprise for public use and used for the racing of automobiles or similar motorized vehicles.

RECREATION AREA, COMMON. An area of open space which is required in certain types of developments for active or passive recreational uses.

RECREATION SERVICES, INDOOR. Establishments engaged in providing indoor amusement or entertainment services.

RECREATION SERVICES, OUTDOOR. Establishments engaged in providing outdoor amusement or entertainment services.

RECREATIONAL VEHICLE. A vehicular type accommodation, other than a manufactured home, designed as temporary accommodations for travel, vacation, or recreation purposes, which is propelled by its own motive power or is mounted on or drawn by another vehicle.

RECREATIONAL VEHICLE SPACE. A plot of land within a recreational vehicle park designed for the accommodation of one recreational vehicle, tent, or other individual camping unit on a temporary basis.

RECYCLING COLLECTION CENTER. An incidental use that serves as a community drop-off point for temporary storage of recoverable resources. No processing of such items is allowed. This facility would generally be located in a shopping center parking lot or in other public or institutional areas, such as churches and schools.

RECYCLING PLANT. A facility at which recoverable resources, such as newspapers, magazines, books, and other paper products; glass; metal and aluminum cans; waste oil; iron and steel scrap; rubber; and/or other products are recycled, and treated to return such products to a condition in which they may again be used for production.

REFINERY. A facility which produces petroleum based products.

REGISTER OF DEEDS. The Yadkin County Register of Deeds.

REHABILITATION CENTER. A facility engaged in the treatment of substance abuse patients.

RENTAL OF MOTOR VEHICLES. An establishment primarily engaged in furnishing motor vehicle rental, leasing, and parking services to the public.

RESEARCH ACTIVITIES. An establishment primarily engaged in commercial research and providing testing services such as calibration and certification of instruments, food testing services, forensic laboratories, metallurgical testing, and industrial X-ray inspection services, etc.

RESIDENTIAL. Of or pertaining to permanent dwellings or to land used for dwellings as defined herein.

RESIDENTIAL STORAGE FACILITIES. An off-premises building classified as the principle structure on a lot, used for the storage of personal property. This building is not intended for uses other than storage of personal vehicles, goods or materials.

RESTAURANT (WALK-IN, DRIVE-THROUGH SERVICE). An establishment which delivers prepared food and/or beverages to customers in motor vehicles, regardless of whether or not it also serves prepared food and/or beverages to customers who are not in motor vehicles, for consumption either on or off the premises.

RESTAURANT (WALK-IN). An establishment which serves food and beverages primarily to customers seated at tables or counters located within the building or designated outdoor seating areas. This includes cafes, tea rooms, and outdoor cafes.

RETAIL USES, NOT OTHERWISE LISTED. A commercial enterprise that provides goods and/or services directly to the consumer, where such goods are available for immediate purchase and removal from the premises by the purchaser (not classified elsewhere).

SANITARIUM AND MENTAL INSTITUTIONS. A health station, retreat, or an institution for the recuperation and treatment of persons suffering from physical or mental disorders.

SCHOOL, ELEMENTARY, MIDDLE, HIGH. A structure used primarily by and for any two or more age or grade levels and operated by the public school system or approved by the North Carolina Department of Public Instruction as meeting the requirements of State law.

SCREENING. The method by which the view from one site to an adjacent site is shielded or hidden. Screening techniques include buffers, berms, and opaque fences or walls.

SEDIMENTATION. Solid particulate matter, both mineral and organic, that has been or is being transported off the site of the land disturbing activity or into a lake or natural watercourse.

SEDIMENTATION AND EROSION CONTROL PLAN. Plan that shows the measures, structures, or devices which control the soil material within the land area under responsible control of the person conducting the land disturbing activity (Regulated by NCDENR).

SEPTIC SERVICES. A service provider who collects and disposes of solid and liquid wastes from private sewage disposal systems.

SERVICES, BUSINESS. **(A)** An establishment primarily engaged in providing a service(s) to businesses and to a lesser extent, individuals. All merchandise and rental equipment is stored inside enclosed buildings. **(B)** An establishment primarily engaged in providing services to commercial and business establishments. Operations may include large-scale facilities and storage of merchandise and equipment outside enclosed buildings.

SERVICES, HEALTH. Kidney dialysis centers, blood banks, birth control clinics, drug treatment centers, and similar uses.

SERVICES, PERSONAL. An establishment primarily engaged in providing a service to individuals such as a beauty and/or barbershop, a dry-cleaning establishment, advertising, or computer services.

SETBACK. (for wireless communication facility) Setback shall mean the required distance from the property line of the parcel on which the Wireless Communication Facility is located to the base of the Support Structure and equipment shelter or cabinet where applicable, or, in the case of guy-wire supports, the guy anchors.

SETBACK LINES. The lines on the front, rear, and sides of a lot which delineates the area within which a structure may be built and maintained according to the district regulations.

SHOPPING CENTER. A building or group of either connected or freestanding which is designed with common parking, pedestrian movement, ingress and egress, and used for the sale of merchandise or services to the public.

SIDE YARD. See Yard, Side.

SIGN. Any words, letters, figures, numerals, phrases, sentences, emblems, devices, designs, trade names, or trade marks, used to promote an individual, firm, associations, corporation, profession, business, commodity, or product. Any form of publicity which is visible from any public way, directing attention to an individual, business, commodity, service, activity, or product, by means of words, lettering, parts of letters, figures, numerals, phrases, sentences, emblems, devices, designs, trade names or trademarks, or other pictorial matter designed to convey such information, and displayed by means of paint, bills, posters, panels, or other devices erected on an open framework, or attached or otherwise applied to stakes, posts, poles, trees, buildings, or other structures or supports.

SIGN, AWNING (ON-PREMISES). An on-premises sign constructed of fabric-like, non-rigid material, which is a part of a fabric or flexible plastic awning framed and attached to a building.

SIGN, GROUND (OFF-PREMISES). A freestanding sign which draws attention to or communicates information about a business, service, commodity, accommodation, attraction, or other activity which is conducted, sold, or offered at a location other than the premises on which the sign is located.

SIGN, GROUND (ON-PREMISES). A freestanding on-premises sign.

SIGN, MARQUEE. Any canopy substantially framed in steel which is durably constructed and of sufficient strength and design to carry superimposed sign structures.

SIGN, OFF-PREMISES. See Sign, Ground (Off-Premises).

SIGN, ON-PREMISES. A sign displaying information pertaining only to a business, industry, activity, or profession located on the premises where the sign is displayed and pertaining only to the name of the business, type of product sold, manufactured, or assembled, and/or service, activity, or entertainment offered on said premises, including business identification and occupancy signs.

SIGN, PROJECTING (ON-PREMISES). An on-premises sign supported by a pole or other supporting structure, hanging from a building.

SIGN, REAL ESTATE. A sign which is designed for the sale, lease, promotion, and identification of real estate.

SIGN, ROOF (ON-PREMISES). An on-premises sign located above the eaves and below the peak of the roof where the sign is located.

SIGN, WALL (ON-PREMISES). An on-premises sign affixed to the wall of any building and completely in contact with the building throughout its greatest dimension, which does not extend beyond the main wall of the building more than twelve inches except in accordance with these regulations.

SITE-SPECIFIC DEVELOPMENT PLAN (for vested right). A plan which has been submitted to the County by a landowner describing with reasonable certainty the type and intensity of use for a specific parcel or parcels of property. The contents of a site specific development plan that is submitted in the interest of obtaining a vested right under Article 2, Section 6 shall the meet the requirements found in Article 16, Section 8 of this ordinance.

SITE PLAN. A plan which has been submitted to the County by a landowner describing with reasonable certainty the type and intensity of use for a specific parcel or parcels of property.

STADIUM, COLISEUM, OR EXHIBITION BUILDING. A structure or facility designed, intended, or used primarily for public gatherings; indoor exhibitions, galleries, or conventions; or indoor or outdoor spectator events including, but not limited to, professional and amateur sporting events, concerts, theatrical presentations, motor vehicle racing.

STREAM BUFFER. A natural or vegetated area through which stormwater runoff flows in a diffuse manner and which provides for infiltration of runoff and filtering of pollutants. The buffer is measured landward from the top of the bank defining the edge of the stream channel.

STREAM, PERENNIAL. A watercourse that flows year-round, including rivers, streams, lakes, and ponds, indicated as a solid blue line on the most recent version of USGS 7.5 minute (1:24,000 scale) topographic maps.

STREET. A public right-of-way or private easement which affords traffic circulation and a means of access to abutting property. The term street includes road, avenue, place, way, drive, lane, boulevard, highway, and any facility principally designed for motor vehicle traffic, except an alley or an easement solely for utilities or pedestrians

STREET, PRIVATE. Street, road, or right-of-way, which affords access to abutting properties, requires a subdivision streets (roads) disclosure statement in accordance with G.S. 136-102.6 and is not dedicated to or maintained by the public.

STREET RIGHT-OF-WAY. Street right-of-way shall mean any public right-of-way set aside for public travel which has been accepted for maintenance by the State of North Carolina or has been dedicated for public travel by the recording of a plat or a subdivision which has been approved or is subsequently approved by Yadkin County, or has otherwise been established as a public street prior to the adoption of this Ordinance.

STRUCTURE. Anything constructed or erected which is above grade including a manufactured home and a storage trailer. For purposes of this Ordinance *structure* does not include landscape features, such as ornamental pools, planting boxes, sculpture, birdbaths, open terraces, at-grade bridges and walkways, at-grade slab patios, driveways, walls or fences, shelters for pets, playhouses, open stairs, recreational equipment, flagpoles, underground fallout shelters, air-conditioning compressors, pump houses, wells, mailboxes, privies, outdoor fireplaces, gate houses, burial vaults, cemetery markers or monuments, bus shelters, or wharves.

STRUCTURE, ACCESSORY. A structure detached from a principal building on the same zoning lot, the use of which is customarily incidental to the principal building. This includes freestanding satellite dishes, any other devices which access satellites and amateur radio antennae. Items excluded include doghouses, fences, and other minor personal property.

SUBDIVISION. Refer to the Yadkin County Subdivision Ordinance, as amended, for a definition of "subdivision."

SUPERMARKET. Food markets or combination food markets and department stores with more than 3,000 square feet of floor area.

SUPPORT STRUCTURE. (For Wireless Communication Facilties) A Support Structure is a structure designed and constructed specifically to support an Antenna Array, and may include a monopole, self supporting (lattice) tower, guy-wire-support tower and other similar structures. Any device (Attachment Device) which is used to attach an Attached Wireless Communication Facility to an existing building or structure (Attachment Structure) shall be excluded from the definition of and regulations applicable to Support Structures.

SURVEYOR. A person licensed to practice surveying in the State of North Carolina.

SWIMMING POOL, PRIVATE. A swimming pool intended for the private, noncommercial use of a property owner(s), homeowner's association, residential development, or club.

SWINE FARM. Any tract or contiguous tract of land in Yadkin County devoted to raising animals of the porcine species served by animal waste management systems having a design capacity of 600,000 steady state live weight (SSLW) or greater regardless of the actual number of swine on the farm.

TEMPORARY WIRELESS COMMUNICATION FACILITY. Temporary Wireless Communication Facility shall mean a Wireless Communication Facility to be placed in use for ninety (90) or fewer days.

THOROUGHFARE. Any street designated on the adopted thoroughfare plan or any street which is an extension of any street on the thoroughfare plan and which extends into the area not covered by the thoroughfare plan.

TOWER AND ANTENNA USE APPLICATION (TAA). A form provided to the applicant by the County for the applicant to specify the location, construction, use and compliance with the development standards of a proposed Wireless Communications Facility subject to an approved site plan and any special conditions determined by the Planning Director or designee appropriate under the provisions of this Ordinance.

TOWNHOUSE. A one-family dwelling unit, with a private entrance, which is part of a structure whose dwelling units are attached horizontally in a linear arrangement, and having a totally exposed front and rear wall to be used for access, light, and ventilation.

TRACT. All contiguous land and bodies of water being disturbed or to be disturbed as a unit, regardless of ownership.

TRAILER, TRAVEL. See Recreational Vehicle.

TREE SERVICE. A service provider who engages in the destruction of trees by cutting, girdling, or interfering the water supply, by applying chemicals, or regarding around the trunk of the tree.

TRUCK/FREIGHT TERMINAL. Any facility for handling freight, with or without storage and maintenance facilities.

USE. The purpose or activity for which land or structures are designed, arranged, or intended, or for which land or structures are occupied or maintained, including any such activity with respect to the requirements of this Ordinance.

USE, ACCESSORY. A use or activity which is customarily incidental to a specific principal use and which is located on the same zoning lot as the associated principal use except for off-site parking or other use provided for by this Ordinance.

USE, NONCONFORMING. Any use not permitted in the zoning district in which it is located, which lawfully exists by virtue of the fact that it existed as of the effective date of the Zoning Ordinance or subsequent amendments, and which has not been discontinued under the provisions of the Zoning Ordinance.

USE, PRINCIPAL. Those uses of land listed in Table of Uses (Article 11) in the Zoning Ordinance.

USE, TEMPORARY. A use which may be located in a zoning district not allowing the use on a permanent basis, after issuance of a permit specifying a limited duration for the use.

USGS. United States Geological Survey.

VARIANCE. An action requesting consideration for relief from the strict enforcement of the standards of the ordinance where special circumstances or unusual considerations may exist on the parcel of land.

VESTED RIGHT. A right pursuant to General Statute 153A-344(b) to undertake and complete the development and use of property under the terms and conditions of an approved site-specific development plan. See the Zoning Ordinance.

WAREHOUSING. Establishments primarily engaged in the warehousing and storage of general merchandise, refrigerated goods, and farm products.

WASTE. Surplus materials resulting from on-site construction and disposed of at other locations.

WATERSHED PROTECTION ORDINANCE. The Yadkin County Watershed Protection Ordinance.

WATER SUPPLY WATERSHED. An area from which water drains to a point of impoundment and the water is then used principally as a source for a public water supply.

WETLANDS. Areas inundated or saturated by surface or ground water at a frequency and duration sufficient to support and, under normal circumstances, do support a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

WINERY. A manufacturing facility engaged in the production and sale of wine or wine-like beverages.

WIRELESS COMMUNICATION FACILITY. A Wireless Communication Facility is any unstaffed facility for the transmission and/or reception of wireless telecommunications services, usually consisting of an Antenna Array, connection cables, an Equipment Facility, and a Support Structure to achieve the necessary elevation.

WIRELESS COMMUNICATIONS. Personal wireless services as defined in the Telecommunications Act of 1996, which includes FCC licensed commercial wireless telecommunications services including cellular, personal communication services (PC S), specialized mobile radio (SMR), enhanced specialized mobile radio (LSMR), paging, and similar services that currently exist.

WOODWORKING PLANT. A large-scale (greater than 3,001 square feet) facility, which is engaged in the shaping of wood and similar materials.

WOODWORKING FABRICATION SHOP. A small-scale (3,000 square feet or less) facility, which is engaged in the shaping of wood and similar materials.

YARD. Any area of land located between a lot line and a required setback line. The minimum depth of a yard shall be determined by horizontal measurement at a right angle from the applicable lot line.

YARD, FRONT. The yard extending across the full width of the lot and lying between the front lot line and the front setback line as required in this Ordinance.

YARD, INTERIOR SIDE. The yard extending along the length of the lot between the required front yard and the required rear yard, and between the side lot line and the side building setback line, as required in this Ordinance, provided that the side lot line is not adjacent to a public street right-of-way.

YARD, REAR. The yard extending across the full width of the lot and lying between the rear lot line and the rear building setback line as required in this Ordinance.

YARD, SIDE. An open, unoccupied space situated between the sideline of the building and the adjacent side line of the lot and extending from the rear line of the front yard to the front line of the rear yard.

YARD, STREET SIDE. The yard extending along the length of the lot between the required front yard and the required rear yard adjacent to a public right-of-way or private access easement and between the side lot line and the side building setback line as required in this Ordinance.

ZERO LOT LINE. A common lot line on which an interior or exterior wall of a structure may be constructed which distinguishes the property line.

ZONING ADMINISTRATOR. Individual or individuals designated by the Planning and Development Director, charged with the administration of this Ordinance to the general public. The Planning and Development Director shall also be considered a Zoning Administrator.

ZONING LOT. A lot, or portion thereof, within a single zoning district shall be considered and treated as one zoning lot.

ZONING PERMIT. A permit issued by the Zoning Enforcement Officer or designee which authorizes the recipient to use or occupy a tract of land or a structure; or to erect, alter or install a structure or sign which fully meets the requirements of this Ordinance.