

Chapter 111 ZONING ¹¹

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ARTICLE I. IN GENERAL

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Sec. 111-1. Title.

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

(Ord. of 2-6-1989, art. 1, § 2; Ord. of 5-18-2015, art. 1, § 2)

Sec. 111-2. Official zoning map.

An official zoning map depicting the actual location of the zoning districts is made a part of this article 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 county planning office, shall bear the adoption date of the ordinance from which this article is derived and the dates of any subsequent map amendments, and may consist of a series of maps.

(Ord. of 5-18-2015, art. 1, § 3)

Sec. 111-3. Jurisdiction.

The provisions of this article shall apply within the areas designated as zoning districts on the official zoning map by the board of commissioners of the county. The official zoning map will be on file in the planning office.

(Ord. of 2-6-1989, art. 1, § 3; Ord. of 5-18-2015, art. 1, § 4)

Sec. 111-4. Bona fide farms exempt.

- (a) Pursuant to the state enabling legislation for county zoning, G.S. 160D-101, the provisions of this article shall not apply to bona fide farms as defined in section 111-615, nor to any uses or activities defined as agricultural or farming uses in G.S. 106-581.1. The statute defines these uses to include any activity performed on the property to add value to the farm product.

- (b) This article does not impose nor exercise any controls over croplands, timberlands, pasturelands, orchards, vineyards or idle or other farmlands. Nor does this article 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 section 111-615 and the rearing and care of other animals not included in the definition of livestock in section 111-615 shall be subject to the provisions of this article.

(Ord. of 5-18-2015, art. 1, § 5)

Sec. 111-5. Interpretation and conflict.

In interpreting and applying the provisions of this article, 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 article to interfere with, abrogate, or annul any easements, covenants, or other agreements between parties. However, where this article imposes a greater restriction than any legal or other restriction that may apply to land within its jurisdiction, the provisions of this article shall govern.

(Ord. of 2-6-1989, art. 1, § 4; Ord. of 5-18-2015, art. 1, § 6)

Sec. 111-6. Relationship to adopted plans.

The land use plan adopted by the board of commissioners 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 article to land within the areas covered, as well as for the provision of public services.

(Ord. of 5-18-2015, art. 1, § 8)

Secs. 111-7—111-30. Reserved.

ARTICLE II. ADMINISTRATION

Sec. 111-31. Zoning administrator.

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Secs. 111-37—111-60. Reserved.

Sec. 111-31. Zoning administrator.

The zoning administrator, or an authorized agent, is hereby authorized, and it shall be their duty, to enforce the provisions of this article. 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 article that all questions arising in connection with enforcement and interpretation shall be presented first

to the zoning administrator. Appeal from this decision shall be made to the board of adjustment. In administering the provisions of this article, the zoning administrator shall:

- (1) 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 this discretion as authorized herein.
- (2) 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.
- (3) 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.
- (4) Conduct inspections of the premises and, upon finding that any of the provisions of this article 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.

(Ord. of 5-18-2015, art. 2, § 1)

Sec. 111-32. Zoning permits.

(a) *Required.*

- (1) 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.
- (2) 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 article. 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 the issuance of a zoning permit, and plans for such repairs shall be 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 months from the date of issue unless substantial progress on the project has been made by that time.

(b) *Approval of plans.* 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 article:

- (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 article are being observed.

(c) *Issuance.* If the proposed activity, as set forth in the application, is in conformity with the provisions of this article, 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 article or any other ordinance or regulation.

(Ord. of 5-18-2015, art. 2, § 2)

Sec. 111-33. Certificates of occupancy or compliance.

- (a) 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 has issued a certificate of occupancy or compliance therefor. The change of occupancy provision shall not apply to rooms intended for transit rental. A temporary certificate of occupancy or compliance may be issued for a portion of a building which may safely be occupied prior to final completion and occupancy of the entire building or for other temporary uses.
- (b) The certificate of occupancy or compliance shall be issued by the building inspector after all final inspections have validated that the work performed complies with this article.
- (c) 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 article and appropriate regulatory codes of the county for the occupancy intended, the building inspector shall issue a certificate of occupancy or compliance when, after examination and inspection, it is found that the building or use in all respects conforms to the provisions of this article and appropriate regulatory codes of the county for the occupancy intended.

(Ord. of 5-18-2015, art. 2, § 3)

Sec. 111-34. Other permits.

The zoning administrator shall be authorized to issue other permits as required by this article or the board of county commissioners.

(Ord. of 5-18-2015, art. 2, § 4)

Sec. 111-35. Administrative procedures.

- (a) *Public hearings.*
 - (1) Any case involving an appeal or variance requires an evidentiary 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 article requires a legislative public hearing to be held by the board of commissioners.
 - (2) Each board shall schedule 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 special use permits and variances.* After an evidentiary public hearing has been held and approval granted for a special use or variance, the granting board may reverse any decision with an evidentiary public hearing upon finding:
 - (1) That the approval was obtained by fraud;
 - (2) That the use for which such approval was granted is not being executed;
 - (3) That the use for which such approval was granted has ceased to exist or has been suspended for one year or more;

- (4) That the permit granted is being, or recently has been, exercised contrary to the terms for conditions of such approval;
 - (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.*
- (1) 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 30 days from the date of the action being appealed. Appeals shall be effective upon receipt.
 - (2) 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 article, 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 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 an evidentiary public hearing, so long as such action is in conformity with the terms of this article, 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.
 - (3) Further appeals from the board of adjustment or from any action of the board of county commissioners shall be 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 special use permit, or with a request for rezoning or other change in this article, shall pay a fee, according to the fee schedule available in the planning office, to the county to cover the costs of advertising and administration. Such fee is set annually by the board of commissioners. A receipt for this fee shall be issued by the county. However, this fee shall not apply to requests originating with any 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 appeal any decision of the board of adjustment.

(Ord. of 5-18-2015, art. 2, § 5)

Sec. 111-36. Vested rights.

- (a) *Purpose.* The purpose of this section is to implement provisions of G.S. 160D-108 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 special use permit, the landowner must declare he is seeking to acquire a vested right pursuant to G.S. 160D-108 and this chapter by completing the appropriate form.
 - (2) For subdivision plats, where a vested right will be sought, the zoning administrator will advertise and schedule an evidentiary public hearing following the same procedure used for special use permits.

- (3) For proposed developments that do not require subdivision plat approval or a special use permit, the landowner may seek to establish a vested right by following procedures for application for a special 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 special approval, of the above-mentioned subdivision plat or special 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 special use permit.
 - (2) A right that has been vested, as provided for in this section, shall remain vested for a period of two 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 years.
 - (3) A Multi-Phased Development at least twenty-five acres, subject to a master development plan with committed elements, to be permitted and built in phases may request vesting of seven years from first site plan approval. G.S.160D-108.
- (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 manmade 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.

(Ord. of 5-18-2015, art. 2, § 6)

Secs. 111-37—111-60. Reserved.

ARTICLE III. ENFORCEMENT AND PENALTIES

Sec. 111-61. Enforcement authority.

Sec. 111-62. Violation.

Sec. 111-63. Violator.

Sec. 111-64. Complaints regarding violations.

Sec. 111-65. Appeal to board of adjustment.

Sec. 111-66. Failure to comply with notice or board of adjustment decision.

Sec. 111-67. Criminal penalties.

Sec. 111-68. Civil remedies.

Sec. 111-69. Equitable relief.

Sec. 111-70. Combination of remedies.

Secs. 111-71—111-99. Reserved.

Sec. 111-61. Enforcement authority.

This article shall be enforceable in accordance with provisions available in the G.S. 160D-404.

(Ord. of 5-18-2015, art. 3, § 1)

Sec. 111-62. Violation.

- (a) It is unlawful and a violation of this article 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 article or any order, approval, or authorization issued pursuant to this article. Approvals and authorizations include, but are not limited to: special 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 article.
- (b) Each day of a violation is a separate and distinct violation.

(Ord. of 5-18-2015, art. 3, § 2)

Sec. 111-63. 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 article and any person who owns, leases, or occupies a use in violation of this article. A violation may be charged against more than one violator.

(Ord. of 5-18-2015, art. 3, § 3)

Sec. 111-64. Complaints regarding violations.

- (a) When a violation of this article 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 an authorized agent. An investigation shall be made within ten days. Actions as provided in these regulations shall be taken.
- (b) When a violation is discovered and is not remedied through informal means, written notice of the violation shall be given. The 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.
- (c) The notice shall include the following:
 - (1) A description of the violation and its location;

- (2) The measures necessary to correct it;
 - (3) The possibility of civil penalties and judicial enforcement action;
 - (4) Notice of right to appeal; and
 - (5) 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.
- (d) This notice is an administrative determination subject to appeal as provided below.

(Ord. of 5-18-2015, art. 3, § 4)

Sec. 111-65. 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 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.

(Ord. of 5-18-2015, art. 3, § 5)

Sec. 111-66. 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 article.

(Ord. of 5-18-2015, art. 3, § 6)

Sec. 111-67. Criminal penalties.

Any person, firm, or corporation violating any section or provision of this article shall, upon conviction, be guilty of a misdemeanor and shall be fined not more than \$50.00 or imprisoned not more than 30 days for each violation. Each day such violation continues, however, shall be a separate and distinct offense, punishable as hereinbefore provided.

(Ord. of 5-18-2015, art. 3, § 7)

Sec. 111-68. Civil remedies.

- (a) 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 article, or other regulations made under authority conferred thereby, such action 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. The 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.
- (b) 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 article. 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.

(Ord. of 5-18-2015, art. 3, § 8)

Sec. 111-69. Equitable relief.

The 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.

(Ord. of 5-18-2015, art. 3, § 9)

Sec. 111-70. Combination of remedies.

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

(Ord. of 5-18-2015, art. 3, § 10)

Secs. 111-71—111-99. Reserved.

ARTICLE IV. CHANGES AND AMENDMENTS

Sec. 111-100. Procedure.

Sec. 111-101. Action by the planning board.

Sec. 111-102. Action by the board of county commissioners.

Sec. 111-103. Withdrawal of the application.

Sec. 111-104. Conflict of interest.

Secs. 111-105—111-121. Reserved.

Sec. 111-100. Procedure.

- (a) *Initiation of amendments by the county.* 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 article. 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 legislative public hearing.
- (b) *Initiation of amendments by other parties.*
 - (1) Proposed changes or amendments to the county zoning map and/or the text of this article may be initiated by the board of county commissioners, planning board, county administration, board of adjustment, the property owner, or property owner's designated agent

Actual Notice. – Except for a government-initiated zoning map amendment, when an application is filed to request a zoning map amendment and that application is not made by the landowner or authorized agent, the applicant shall certify to the local government that the owner of the parcel of land as shown on the county tax listing has received actual notice of the proposed amendment and a copy of the notice of the hearing. Actual notice shall be provided in any manner permitted under G.S. 1A-1, Rule 4(j). If notice cannot with due diligence be achieved by personal delivery, certified mail, or by a designated delivery service authorized pursuant to 26 U.S.C. § 7502(f)(2), notice may be given by publication consistent with G.S. 1A-1, Rule 4(j1). The person or persons required to provide notice shall certify to the local government that actual notice has been provided, and such certificate shall be deemed conclusive in the absence of fraud.

- (2) The text or map of this article shall not be amended, supplanted, changed, modified or repealed until after a legislative 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 hearing shall be given once a week for two successive weeks in a newspaper of general circulation in the county; said notice shall be published for the first time not less than ten days and not more than 25 days prior to the date scheduled for such 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 by first class mail to the owner of that parcel of land as shown on the county tax listing and the owners of all parcels of land abutting that parcel of land (properties are "abutting" even if separated by a street, railroad, or other transportation corridor) as shown on the county tax listing at least ten but not more than 25 days before the hearing date. Notice shall also be provided by posting the subject property at least ten but not more than 25 days before the hearing date.
- (3) Pursuant to G.S. 160D-602(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 successive weeks in a newspaper of general circulation in the county; said notice shall be published for the first time not less than ten days and not more than 25 days prior to the date scheduled for such legislative public hearing.
- (c) *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 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.
- (d) *Fees.* A nonrefundable fee, according to the schedule posted in the planning office and set annually by the board of commissioners, shall be paid to the county for each application for an amendment to cover costs of advertising and other administrative expenses incurred.
- (e) *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 text of the ordinance from which this chapter is derived shall be permitted only once within any one-year period. The board of county commissioners, by 80 percent affirmative vote of its total membership, may waive this restriction if it finds any emergency exists.

(Ord. of 5-18-2015, art. 4, §§ 1, 2)

Sec. 111-101. Action by the planning board.

- (a) Every proposed amendment (text and map), supplement, change, modification or repeal of this article shall be referred to the planning board for its recommendation and report. The planning board shall hold a legislative public meeting, at which the board of county commissioners may sit concurrently with the planning board if the board of commissioners so desires.
- (b) The board of county commissioners shall receive from the planning board written notice of the meeting and its subject matter.

- (c) The following policy guidelines shall be followed by the planning board concerning zoning amendments, and no proposed zoning amendment will receive favorable recommendation, unless:
 - (1) The proposal will place all property similarly situated in the area in the same category, or in appropriate complementary categories.
 - (2) 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.
 - (3) 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.
 - (4) 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.
 - (5) The proposed change is in accord with the land use plan and sound planning principles.
- (d) Pursuant to G.S.160D-604(d), 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.
- (e) The planning board shall render its decision on any properly filed application within 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.

(Ord. of 5-18-2015, art. 4, § 3)

Sec. 111-102. Action by the board of county commissioners.

- (a) The board of commissioners shall call a legislative 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 at least ten but not more than 25 days before the hearing date.(b) 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 60 days after the public meeting, the proposed amendment shall be deemed to have been a positive recommendation by the planning board. Pursuant to G.S.160D-604(d), 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 or is not consistent with the land use plan, reasonable, and in the public interest. This statement on plan consistency is not subject to judicial review.
- (b) 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 60 days after the public meeting, the proposed amendment shall be deemed to have been a positive recommendation by the planning board. Pursuant to G.S.160D-604(d), 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 or is not consistent with the land use plan, reasonable, and in the public interest. This statement on plan consistency is not subject to judicial review.

- (c) The applicant, the planning board, and the zoning administrator shall be given written copies of the board of commissioners' decision and the reasons therefor.

(Ord. of 5-18-2015, art. 4, § 4)

Sec. 111-103. 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 article may be withdrawn at any time, but fees are nonrefundable.

(Ord. of 5-18-2015, art. 4, § 5)

Sec. 111-104. Conflict of interest.

Pursuant to G.S. 160D-109, (a) Governing Board. – A governing board member shall not vote on any legislative decision regarding a development regulation adopted pursuant to this Chapter where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member.

(a) Governing Board. - A governing board member shall not vote on any zoning amendment if the landowner of the property subject to a rezoning petition or the applicant for a text amendment is a person with whom the member has a close familial, business, or other associational relationship.

(b) Appointed Boards. – Members of appointed boards shall not vote on any advisory or legislative decision regarding a development regulation adopted pursuant to this Chapter where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member. An appointed board member shall not vote on any zoning amendment if the landowner of the property subject to a rezoning petition or the applicant for a text amendment is a person with whom the member has a close familial, business, or other associational relationship.

(c) Administrative Staff. – No staff member shall make a final decision on an administrative decision required by this Chapter if the outcome of that decision would have a direct, substantial, and readily identifiable financial impact on the staff member or if the applicant or other person subject to that decision is a person with whom the staff member has a close familial, business, or other associational relationship. If a staff member has a conflict of interest under this section, the decision shall be assigned to the supervisor of the staff person or such other staff person as may be designated by the development regulation or other ordinance. No staff member shall be financially interested or employed by a business that is financially interested in a development subject to regulation under this Chapter unless the staff member is the owner of the land or building involved. No staff member or other individual or an employee of a company contracting with a local government to provide staff support shall engage in any work that is inconsistent with his or her duties or with the interest of the local government, as determined by the local government.

(d) Quasi-Judicial Decisions. – A member of any board exercising quasi-judicial functions pursuant to this Chapter shall not participate in or vote on any quasi-judicial matter in a manner that would violate affected persons' constitutional rights to an impartial decision maker. Impermissible violations of due process include, but are not limited to, a member having a fixed opinion prior to hearing the matter that is not susceptible to change, undisclosed ex parte communications, a close familial, business, or other associational relationship with an affected person, or a financial interest in the outcome of the matter.

(e) Resolution of Objection. – If an objection is raised to a board member's participation at or prior to the hearing or vote on a particular matter and that member does not recuse himself or herself, the remaining members of the board shall by majority vote rule on the objection.

(f) Familial Relationship. – For purposes of this section, a "close familial relationship" means a spouse, parent, child, brother, sister, grandparent, or grandchild. The term includes the step, half, and in-law relationships.

(Ord. of 5-18-2015, art. 4, § 6)

Secs. 111-105—111-121. Reserved.

ARTICLE V. BOARD OF ADJUSTMENT

Sec. 111-122. Establishment.

Sec. 111-123. Proceedings.

Sec. 111-124. Powers and duties.

Secs. 111-125—111-146. Reserved.

Sec. 111-122. Establishment.

- (a) There shall be and hereby is created a board of adjustment (hereafter called the "board") consisting of five regular members and two 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 shall be appointed for terms of three years, but may be appointed for less in order to stagger terms properly.
- (d) Terms will be staggered so that no more than 50 percent of the members' terms expire at one time.
- (e) The members of the board of adjustment shall be residents of the county.

(Ord. of 5-18-2015, art. 5, § 1)

Sec. 111-123. Proceedings.

- (a) *Purpose.*
 - (1) It is the intent of this article that all questions of interpretation and enforcement shall first be presented to the zoning administrator, or an authorized agent.
 - (2) Such questions shall be presented to the board of adjustment only on an appeal from the decision of the zoning administrator, or authorized agent, and 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 article, but the procedure for determining such questions shall be as herein set forth.
- (b) *Officers.* The board shall elect one of its members as chairperson, another as vice-chairperson, 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 chairperson 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 chairperson or, in his absence, the acting chairperson, 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 actions.
- (f) *Voting.* The concurring vote of four-fifths 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 process.* An appeal to the board or request of a variance from the requirements of this article 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 article. Such appeal shall be taken within 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 set annually by the board of commissioners 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 schedule a date for an evidentiary public hearing of the appeal or variance request, to be held within 45 days of the date a complete application was submitted, giving notice to the applicant by certified mail.
- (m) *Public notice of evidentiary hearing.*
 - (1) Notice of a variance evidentiary 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 days and not more than twenty-five days before the hearing.
 - (2) Notice of a *quasi-judicial evidentiary* appeal hearing shall be advertised in a local newspaper once, at least ten days and not more than twenty-five 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.

(Ord. of 5-18-2015, art. 5, § 2)

Sec. 111-124. Powers and duties.

- (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 authorized agent, in the enforcement of this article.
- (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 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 such that public 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 article, 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) *Special uses.* The board of adjustment shall consider all duly submitted applications for special use, and after an evidentiary public hearing, shall grant or deny all special use permits as provided in this article.

(Ord. of 5-18-2015, art. 5, § 3)

Secs. 111-125—111-146. Reserved.

ARTICLE VI. GENERAL PROVISIONS

Sec. 111-147. Zoning affects all land and every building and use.

Sec. 111-148. Non-farm use of farm property subject to regulations.

Sec. 111-149. Applicability to incorporated and extraterritorial areas.

Sec. 111-150. Subdivisions in rural agricultural district.

Sec. 111-151. Street access.

Sec. 111-152. Required yards not to be used by building.

Sec. 111-153. Relationship of building to lot.

Sec. 111-154. Reduction of lot and yard areas prohibited.

Sec. 111-155. Age, installation and use of manufactured homes.

Sec. 111-156. Zero lot lines.

Sec. 111-157. Site plan required.

Sec. 111-158. Recreational vehicles prohibited as a permanent dwelling type.

Secs. 111-159—111-170. Reserved.

Sec. 111-147. 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.

(Ord. of 2-6-1989, art. 2, § 1; Ord. of 5-18-2015, art. 6, § 1)

Sec. 111-148. Non-farm use of farm property subject to regulations.

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

(Ord. of 5-18-2015, art. 6, § 2)

Sec. 111-149. Applicability to incorporated and extraterritorial areas.

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

(Ord. of 5-18-2015, art. 6, § 3)

Sec. 111-150. 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 his land rezoned if he wishes to subdivide into four 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 provisions of chapter 107, pertaining to subdivisions.

(Ord. of 5-18-2015, art. 6, § 4)

Sec. 111-151. 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.

(Ord. of 5-18-2015, art. 6, § 5)

Sec. 111-152. Required yards not to be used by building.

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

(Ord. of 5-18-2015, art. 6, § 6)

Sec. 111-153. Relationship of building to lot.

Except as provided in section 111-337, every building hereafter erected, moved or structurally altered shall be located on a lot, and in no case shall there be more than one 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.

(Ord. of 2-6-1989, art. 2, § 3; Ord. of 5-18-2015, art. 6, § 7)

Sec. 111-154. Reduction of lot and yard areas prohibited.

No yard or lot existing at the time of passage of the ordinance from which this article is derived shall be reduced in size or area below the minimum requirements set forth in section 111-309, except for street widening or the construction of public utilities and sidewalks. Yards or lots created after the effective date of the ordinance from which this article is derived shall meet at least the minimum requirements established by this article.

(Ord. of 2-6-1989, art. 2, § 2; Ord. of 5-18-2015, art. 6, § 8)

Sec. 111-155. Age, installation and use of manufactured homes.

- (a) Manufactured homes which are not HUD-approved may not be brought into the county from another county or jurisdiction, or from another location within the county, to be placed on a private lot or within a manufactured home park. However, a manufactured home located in the county which is not HUD-approved 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 state fire marshal and HUD standards for manufactured home safety and construction, 24 CFR 3280.1 et seq., 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 shall conform to the standards for manufactured home park maintenance set forth in section 111-475(c)(28)a.10.

(Ord. of 5-18-2015, art. 6, § 9)

Sec. 111-156. 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 multifamily 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 townhouses or patio homes. In such cases, the individual lots are not required to meet the dimensional requirements of section 111-309, but the development becomes a subdivision and must be approved as such under chapter 107, pertaining to subdivisions, and this chapter.

(Ord. of 5-18-2015, art. 6, § 10)

Sec. 111-157. Site plan required.

- (a) All new development, with the exception of single-family residential, will be subject to site plan review by the county planning office prior to the issuance of a zoning permit, watershed permit or building permit. The site plan shall consist of two sets of plans drawn to scale, one of which shall be returned to the applicant upon approval. The site plan shall contain the following:
- (1) The shape and dimensions of the lot on which the proposed building is to be erected.
 - (2) The location of said lot with respect to adjacent rights-of-way.
 - (3) The shapes, dimensions, and locations of all buildings, existing and proposed, and required setbacks.
 - (4) The nature of the proposed use of the building or land, including the extent and location of the use.
 - (5) The locations and dimensions of off-street parking and loading spaces and means of ingress and egress.
 - (6) The square feet and percentage of the lot as-built upon area if the lot is located in a watershed.
 - (7) The location of all required buffers.
 - (8) Required driveway permits from the department of transportation.
 - (9) A landscape plan (for any development/construction other than single-family residential).
 - (10) A sedimentation and erosion control plan (if applicable) as submitted to the land quality section, department of environmental quality.
 - (11) Any other information which the planning staff may deem necessary for consideration in enforcing all provisions of this article.
- (b) 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 article.
- (c) No permanent power will be authorized and no certificate of occupancy or compliance will be issued until all of the above items are provided and the site plan is deemed complete by the planning office, and an as-built plan is submitted by an appropriately licensed person.

(Ord. of 5-18-2015, art. 6, § 11)

Sec. 111-158. 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.

(Ord. of 5-18-2015, art. 6, § 12)

Secs. 111-159—111-170. Reserved.

ARTICLE VII. ESTABLISHMENT AND INTENT OF DISTRICTS AND BOUNDARIES

Sec. 111-171. Zoning districts established.

Sec. 111-172. District boundaries shown on zoning map.

Sec. 111-173. Rules governing interpretation of district boundaries.

Sec. 111-174. Intent of zoning districts.

Secs. 111-175—111-192. Reserved.

Sec. 111-171. Zoning districts established.

For the purposes of this article, the county 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

(Ord. of 2-6-1989, art. 4, § 1; Ord. of 5-18-2015, art. 7, § 1)

Sec. 111-172. District boundaries shown on zoning map.

The boundaries of the districts are shown and made a part of the map accompanying the ordinance from which this article is derived, 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 article, 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 office in Yadkinville and is available for inspection and review by the public.

(Ord. of 2-6-1989, art. 4, § 2; Ord. of 5-18-2015, art. 7, § 2)

Sec. 111-173. 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:

- (1) Where such district boundaries are indicated as approximately following street or highway lines, such lines shall be construed to be such boundaries.
- (2) Where district boundaries are so indicated that they approximately follow lot lines, such lot lines shall be construed to be said boundaries.
- (3) 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 therefrom as indicated on the zoning map.
- (4) In case any further uncertainty exists, the zoning administrator shall interpret the intent of the map as to the location of such boundaries.

(Ord. of 2-6-1989, art. 4, § 3; Ord. of 5-18-2015, art. 7, § 3)

Sec. 111-174. Intent of zoning districts.

Listed below is the intent of each zoning district. Each district was formulated using goals and recommendations from the county land use plan.

- (1) *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.
- (2) *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.
- (3) *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.
- (4) *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.
- (5) *RI, residential institutional.* The purpose of this district is to provide a place for high-density residential development where the principal use will be multifamily 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 principal 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 stories above grade and to 10,000 total square feet of floor space.
- (6) *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.
- (7) *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.

- (8) *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.
- (9) *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.
- (10) *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.
- (11) *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 the ordinance from which this article is derived and/or may be located in areas of the county that are not conducive to the provision of public water and sewer services.
- (12) *WO, watershed overlay.* The purpose of this overlay district is to identify the areas of the county that are subject to chapter 109, pertaining to watershed protection, which can regulate lot sizes, built-upon areas, and nonresidential development.

(Ord. of 5-18-2015, art. 7, § 4)

Secs. 111-175—111-192. Reserved.

ARTICLE VIII. GROUP DEVELOPMENTS

Sec. 111-193. Purpose.

Sec. 111-194. Development plan.

Sec. 111-195. Plan review deadlines.

Sec. 111-196. Multifamily development (includes apartments, condominiums, and townhouses).

Sec. 111-197. Mini-warehousing.

Secs. 111-198—111-217. Reserved.

Sec. 111-193. Purpose.

The purpose of standards for group developments is to promote orderly development where two 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 article.

(Ord. of 5-18-2015, art. 8, § 1)

Sec. 111-194. 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:

- (1) The preliminary plan shall include the following:
 - a. Locations, arrangement, and dimensions of parking spaces, width of internal drives and aisles, width of bays, and angle parking;
 - b. Locations and dimensions of said properties;
 - c. Locations, arrangement, and dimensions of loading and unloading areas;
 - d. Locations and dimensions of ingress and egress points and all interior streets;
 - e. General drainage systems;
 - f. Locations and materials of fences and walls;
 - g. Ground cover, topography, slopes, banks, and ditches; and
 - h. Locations and general exterior dimensions of all buildings and accessory structures.
- (2) In addition to the items listed in subsection (1) of this section, the final plan shall include the following:
 - a. Locations of all screening and planting areas;
 - b. The plans for proposed sanitary sewers, storm sewers, wells or water distribution lines, and utilities (items must be flagged on the property for inspection);
 - c. Approval of a sedimentation and erosion control plan from NCDEQ;
 - d. Approvals from the environmental health department and the fire marshal;
 - e. Evidence of coordination with the NCDOT about the proposed development and any arrangements to handle added traffic volume at the proposed site;
 - f. Plans for waste and refuse disposal equipment and the method of disposal, such as compactors or dumpsters; and
 - g. Delineation of areas to be constructed in phases and sequential order.

(Ord. of 5-18-2015, art. 8, § 2)

Sec. 111-195. Plan review deadlines.

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

(Ord. of 5-18-2015, art. 8, § 3)

Sec. 111-196. Multifamily development (includes apartments, condominiums, and townhouses).

- (a) Minimum density requirements shall be two 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 12 units per acre if access to public water and sewer systems is available.

- (b) A minimum of 15 percent of the gross acreage shall be reserved as open space.
 - (c) Parking spaces and internal streets shall not be located closer than 15 feet from the front, side, or rear of any building.
 - (d) Buildings shall not be located closer than 50 feet from one another.
 - (e) Any group of buildings forming a courtyard shall reserve at least 25 percent of the perimeter of such courtyard open for access by emergency vehicles.
 - (f) Buffers shall be installed meeting the requirements of article 19 (buffers and screening) of this chapter.
 - (g) A plan for solid waste storage collection and disposal shall be approved by the local ordinance officer.
 - (h) 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:
 - (1) By leasing or conveying title to a corporation, homeowners' association, or other legal entity; and
 - (2) If units are rented, the property owner or management firm.
- Also, a copy of the maintenance agreement must be submitted with the development plan.

(Ord. of 5-18-2015, art. 8, § 4)

Sec. 111-197. Mini-warehousing.

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

(Ord. of 5-18-2015, art. 8, § 5)

Secs. 111-198—111-217. Reserved.

ARTICLE IX. OVERLAY DISTRICTS

Sec. 111-218. Watershed overlay district.

Sec. 111-219. Elkin Municipal Airport overlay district.

Secs. 111-220—111-246. Reserved.

Sec. 111-218. Watershed overlay district.

- (a) The watershed overlay district is hereby established to identify on the zoning map those areas of the county that are subject to chapter 109, pertaining to watershed protection. Any parcel or lot that falls within a watershed overlay district shall be required to adhere to the requirements of chapter 109, pertaining to watershed protection, as amended.
- (b) The following watersheds (which include their critical and protected areas, as well as the balance of the watershed areas) in the 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

(Ord. of 5-18-2015, art. 9, § 1)

Sec. 111-219. Elkin Municipal Airport overlay district.

- (a) This section is adopted pursuant to the authority conferred by the Model Airport Zoning Act, G.S. 63-29 et seq. 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 that:
- (1) 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) 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 are prevented; and
 - (3) The prevention of these obstructions should be accomplished, to the extent legally possible, by the exercise of the police power without compensation.
- (b) 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.
- (c) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Airport elevation means 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 means a surface extending outward and upward from the periphery of the horizontal surface at a slope of 20-to-one for a horizontal distance of 4,000 feet.

Horizontal and conical zones means zones set forth in subsection (d)(1) and (2) of this section.

Horizontal surface means a horizontal plane set in the county at 150 feet above the established airport elevation, the perimeter of which coincides with the perimeter of the horizontal zone.

- (d) *Elkin Municipal Airport zones.* In order to carry out the provisions of this article, there are hereby created and established certain zones which include all of the land in the 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 county zoning department, which is attached to the ordinance from which this article is derived and made a part hereof. An area located in both of the following zones defined in subsection (d)(1) and (2) of this section is considered to be only in the zone with the more restrictive height limitation. The zones are hereby established and defined as follows:
- (1) *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.
 - (2) *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.
- (e) *Elkin Municipal Airport zone height limitations.* Except as otherwise provided in this article, no structure shall be erected, altered or maintained, and no tree shall be allowed to grow in any zone created by this article, 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 the county above the Elkin Municipal Airport elevation, or at an elevation of 1,218 feet above mean sea level.
 - (2) *Conical zone.* Slopes 20 feet outward for each foot upward beginning at the periphery of the horizontal zone in the 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 article shall be construed as prohibiting the construction or maintenance of any structure or growth of any tree to a height of up to 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 subsection (e)(5) of this section, 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 a 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 that for all proposed wireless communications towers in this district, the zoning administrator shall require that the applicant submit documentation by a certified engineer or surveyor of site ground elevation above mean sea level, along with documentation by a 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 X of this chapter.
- (f) *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.

(g) *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 the ordinance from which this article is derived 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 the ordinance from which this article is derived, and is diligently prosecuted.
- (2) *Marking and lighting.* Notwithstanding subsection (g)(1) 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.

(h) *Permits.*

- (1) All applications for development in the overlay zones shall include the height from ground level of all proposed structures over 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 article, said tree shall be removed, topped, trimmed, or otherwise modified to bring it into compliance with this article. If the zoning administrator or 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 it into compliance with this article.
- (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 the ordinance from which this article is derived 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 article 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 V of this chapter, 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.

(Ord. of 5-18-2015, art. 9, § 2)

Secs. 111-220—111-246. Reserved.

ARTICLE X. WIRELESS COMMUNICATION TOWERS

Sec. 111-247. Intent.

Sec. 111-248. Purpose.

Sec. 111-249. Interpretation.

Sec. 111-250. Applicability and preferred locations.

Sec. 111-251. Additional conditions and requirements.

Sec. 111-252. Development standards.

Sec. 111-253. Temporary facilities.

Sec. 111-254. Approval process.

Sec. 111-255. Administrative review.

Sec. 111-256. Shared facilities and collocation policy.

Sec. 111-257. Removal of abandoned support structures.

Sec. 111-258. Adding new facilities at nonconforming sites.

Secs. 111-259—111-279. Reserved.

Sec. 111-247. Intent.

(a) 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; and
- (3) Provide a procedure to ensure suitability, certification and related purposes.

(b) It is the intent of this article that placement, construction, or modification of wireless communication facilities shall be in conformity with the Federal Communications Act, 47 USC 332, as amended; in accordance with the rules promulgated by the Federal Communications Commission; and consistent with G.S. 160D-930.(c) et seq. Where these regulations are found to be in conflict with state or federal law in effect as of the adoption date of the ordinance from which this article is derived, or as subsequently amended, the applicable state and/or federal laws shall take precedence.

(Ord. of 5-18-2015, art. 10)

Sec. 111-248. 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 the county. The county shall also, through these standards, encourage collocation of wireless communication facilities on existing support structures, and shall streamline and expedite permitting procedures in accordance with the Federal Communications Act, 47 U.S.C. § 332, as amended, section 6409 of the Middle Class Tax Relief and Job Creation Act of 2012, 47 U.S.C. § 1455(a), and in accordance with the rules promulgated by the Federal Communications Commission., and G.S. 160D-930.(c) et seq.

(Ord. of 5-18-2015, art. 10, § 1)

Sec. 111-249. 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.

(Ord. of 5-18-2015, art. 10, § 2)

Sec. 111-250. Applicability and preferred locations.

Wireless communication facilities may be allowed within the 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 111-252.
- (2) *Accessory uses and location on county-owned land.* The location of wireless communication facilities and support structures on land owned by the 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 111-252.
- (3) *New support structures.* Wireless communication facilities with new support structures shall be permitted by means of legislative adoption of a conditional rezoning (article XVII of this chapter), or approval of a special use permit (article XVIII of this chapter).
- (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.

(Ord. of 5-18-2015, art. 10, § 3)

Sec. 111-251. Additional conditions and requirements.

The following conditions and requirements shall apply to wireless communication facilities in the county:

- (1) *Pre-existing wireless communication facility.* Wireless communication facilities for which a permit has been issued prior to the original effective date of the ordinance from which this article is derived shall be considered as nonconforming and subject to the provisions of article XVI of this chapter.
- (2) *Speculative construction of support structures.* As provided in G.S. 160D-932, a zoning permit shall be issued for a new wireless support structure meeting all other requirements of this article 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 county building codes and permitting process, in addition to the requirements of this section.

- (7) *Business decisions.* In evaluating applications or locations for wireless communication 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.
- (8) *Radio frequency emissions.* In evaluating applications or locations for wireless communication facilities, information regarding radio frequency emissions shall not be deemed a public safety consideration or required by the county.

(Ord. of 5-18-2015, art. 10, § 4)

Sec. 111-252. Development standards.

- (a) *Height standards.* The following shall apply to all wireless communications facility installations:
 - (1) Attached wireless communication facilities shall not add more than 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 XVII of this chapter) or the special use permit process (article XVIII of this chapter). 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 communication 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 communication facility installations:
 - (1) *New construction.* New wireless communication facilities with support structures and attached wireless communication facilities with new building construction shall be landscaped with a minimum landscaped area of ten feet around the perimeter of the security fence meeting the following standards:
 - a. One row of evergreen trees with a minimum caliper of 1¾ inches shall be installed with a maximum spacing of 25 feet.
 - b. Evergreen shrubs capable of creating a continuous hedge and obtaining a height of at least five feet shall be planted with a maximum spacing of five feet. Plants shall be at least three-gallon container plants or 24 inches tall at the time of planting.
 - c. Plantings shall be indigenous or compatible to the area and drought-resistant.

- (2) *Land form preservation.* Existing mature tree growth and natural land forms 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 communication 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 communication facility, and the use of compatible or neutral colors.
- (e) *Lighting.* The following lighting requirements shall apply to all wireless communication facility installations. Wireless communication 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.
 - (2) Such illumination of the wireless communication 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 feet of a dwelling.
- (f) *Signage.* Wireless communication 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 communication facilities with support structures shall be enclosed by an opaque fence not less than six 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 communication facilities with support structures shall be constructed to the Electronics Industries Association/Telecommunications Industries Association (EIA/TIA) 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 two 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 three antenna arrays.
- (k) *Collocation agreement.* All applicants for new wireless communication facilities are required to submit a statement with the application agreeing to allow collocation by other providers if reasonably feasible under G.S. 160D-933(b)(3).

(Ord. of 5-18-2015, art. 10, § 5)

Sec. 111-253. Temporary facilities.

Temporary wireless communication facilities may be permitted by administrative approval for a term not to exceed 90 days. Once granted, a temporary wireless communication 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.

(Ord. of 5-18-2015, art. 10, § 6)

Sec. 111-254. 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 communication 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 the 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 section 111-469. In addition, if a board of adjustment review is required, site plans shall be submitted in accordance with subsection (b) of this section and section 111-475.
- (e) *Application fees.* A fee shall accompany each application. Fee amounts shall be set annually 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.

(Ord. of 5-18-2015, art. 10, § 7)

Sec. 111-255. Administrative review.

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

- (1) *Review criteria.* Development criteria specified in section 111-252 shall remain in effect.
- (2) *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 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 45 days.
- (3) *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 V of this chapter.
- (4) *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.

(Ord. of 5-18-2015, art. 10, § 8)

Sec. 111-256. 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. 160D-933(b)(3).

(Ord. of 5-18-2015, art. 10, § 9)

Sec. 111-257. Removal of abandoned support structures.

Any support structure that is not operated for a continuous period of 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.

(Ord. of 5-18-2015, art. 10, § 10)

Sec. 111-258. 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 section 111-398.

(Ord. of 5-18-2015, art. 10, § 11)

Secs. 111-259—111-279. Reserved.

ARTICLE XI. SOLAR ENERGY FACILITY

I. Purpose

- 1) To facilitate the siting, construction, installation and operation of solar energy facilities in Yadkin County in a manner that ensures the protection of the health, safety and general welfare of its citizens, while also avoiding adverse impacts to adjacent land uses and property owners.
- 2) To protect and enhance the economic viability and interests of the citizens and residents of Yadkin County who have made substantial financial investments in homes, businesses, and industry in Yadkin County.
- 3) To preserve the dignity and aesthetic quality of the environment of Yadkin County.
- 4) To preserve the physical integrity of land in close proximity to residential areas.
- 5) This Ordinance is not intended to abridge safety, health or environmental regulations contained

in other applicable codes, standards, or ordinances. The provisions of this ordinance shall not be deemed to nullify any provisions of any state or federal law.

- 6) This Ordinance does not address residential solar use, or a solar array that is on a business, exclusively for onsite energy usage.

II. Permit Required

- 1) Solar Energy Facilities shall be subject to the requirements and permitting process of this Ordinance, in addition to other applicable local, state, and federal laws.
- 2) This Ordinance shall apply to all areas of Yakin County except those lands lying within the jurisdiction of any municipality, unless such municipality formally requests the County to enforce these regulations within the municipality's area of jurisdiction.
- 3) Solar Energy Facilities must obtain a Zoning Permit from the Central Permitting Office prior to applying for Building Permits from the Central Permitting Office, in accordance with the procedures outlined in this Ordinance.
- 4) At no time shall the percentage of land permitted for all Solar Energy Facilities be more than five (5) percent of the total land in Yadkin County.
- 5) Solar Energy Facilities shall only be permitted in areas zoned Rural Agriculture (RA)

III. Definitions

As used in this Ordinance, the following terms shall have the meanings indicated. Words not defined in this Ordinance shall be given their ordinary and common meaning.

Abandonment: Any Solar Energy Facility that ceases to produce energy on a continuous basis for twelve (12) months will be considered abandoned.

Accessory Equipment: Any equipment serving or being used in conjunction with a Solar Energy Facility. The term includes utility or transmission equipment, power supplies, generators, batteries, equipment buildings, and storage sheds, shelters, or similar structures.

Building: Any structure having a roof supported by columns or walls, and designated or intended for the shelter, support, enclosure or protection of persons, animals or chattels.

Concentrated Solar Power (CSP): See Thermal Solar Conversion.

Conservation Area: Such areas include natural areas protected by law, such as wetlands that meet the definition in the Clean Water Act 33 USC Sec. 1251 et seq.; shore land areas; water bodies; riparian buffers; populations of endangered or threatened species, or habitat for such species; archaeological sites, cemeteries, and burial grounds; important historic sites; other significant natural features and scenic view sheds; and existing trails or corridors that connect the tract to neighboring areas.

Decommissioning Plan: A document that details the planned shut down and removal of a Solar

Energy Facility from operation or use.

Electrical Transmission Tower: A tall structure, usually a steel lattice tower, which was set up for the purpose of transmitting and receiving power, and is used to support high voltage overhead power lines.

Fence: A continuous barrier extending from the surface of the ground to a uniform height of not less than eight (8) feet from the ground at any given point, constructed to be wildlife permeable.

Gate: A door or other device attached to a fence which, when opened, provides a means of ingress and egress of persons and things for which it was intended, and which, when closed, forms a continuous barrier as part of the fence to which it is attached.

Improved Area: Area containing perimeter fencing, solar panels, electrical inverters, storage buildings and access roads.

NCDOT: North Carolina Department of Transportation

Photovoltaic Solar Conversion (PV): An active solar energy system in which sunlight is converted directly into electricity through the photovoltaic process of converting light (photons) into electricity (voltage).

Property Owner: The person(s), entity, or company having fee simple ownership of the property where the Solar Energy Facility is located.

Protected Building: All residential, commercial and institutional buildings within three hundred (300) feet of a Solar Energy Facility, excluding accessory buildings such as storage sheds.

Public Road: Any road or highway which is now or hereafter maintained by the North Carolina Dept. of Transportation as part of the State Highway System. Setbacks for improved areas shall be measured from the back of the road right-of-way.

Repair: The replacement of existing work with the same kind of material used in the existing work, not including additional work that would change the structural safety of the structure or that would affect or change required existing facilities, or that would be in violation of a provision of law or this local Ordinance. The term "Repair" shall not apply to any change in construction.

Residence: A building used as a dwelling for one or more families or persons.

SEF Owner / SEF Operator: The person(s), entity, or company that engages in or runs a Solar Energy Facility.

Solar Array: An active solar energy system that converts sunlight into electricity using either Thermal or Photovoltaic methods. Such a system has multiple solar collectors, and might include transformers, generators, batteries, and other appurtenant structures and/or facilities.

Solar Collector or Solar Panel: A device that converts sunlight into electricity using either Thermal or Photovoltaic methods.

Solar Energy Facility (SEF): A commercial electricity generating facility (PV or CSP), the primary purpose of which is to supply electricity. This consists of one or more solar arrays and other accessory structures, equipment, and buildings, including substations, battery storage, electrical infrastructure, generators, transmission lines, and other appurtenant structures and/or facilities. Also known as “Solar Farms”.

State: The State of North Carolina.

Thermal Solar Conversion: An active solar energy system that converts sunlight into electricity by using mirrors or lenses to collect and concentrate heat to a small area in order to drive a heat engine, usually a conventional steam generator. For a commercial application this is called Concentrated Solar Power (CSP).

Utility Pole: A structure owned and/or operated by a public utility, municipality, electric membership corporation, or rural electric cooperative that is designed specifically for and used to carry lines, cables, or wires for telephone, cable television, or electricity, or to provide lighting.

IV. Permit Requirements

- 1) Before a Building Permit may be submitted for an SEF, a Solar Energy Facility Development Permit must first be approved by the Board of Adjustment.
- 2) Permit Application: Throughout the permit process, the Applicant shall promptly notify the County Planner of any changes to the information contained in the permit application. Applications must be submitted 30 days prior to the next scheduled Board of Adjustment meeting. Changes that do not materially alter the initial site plan may be administratively accepted. The completed application for a SEF shall consist of nine (9) paper copies, one digital copy on a USB flash drive in PDF format; all of which must contain at least the following:
 - a. Summary: A narrative overview of the SEF, including its generating capacity.
 - b. Inventory: A tabulation describing the: number, specifications and type of each proposed solar array, including their generating capacity. Dimensions and respective manufacturers. Accessory buildings and accessory equipment.
 - c. Vicinity Map: Identification of the property on which the proposed SEF will be located. Sketch vicinity map showing relationship between SEF and the surrounding area.
 - d. Site Plan:
 - i. A site plan (with nine copies) must always be submitted with the application at least 30 days before the next scheduled board of adjustment meeting.
 - ii. Recordable boundary survey showing the shape and dimensions of the lot on which the proposed structures are to be erected along with a north reference and graphic scale, name and seal of the 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;
 - iii. Dimensions and names of all internal road and turnout locations;
 - iv. Dimensions and descriptions of all easements;

- v. Vicinity map and township;
 - vi. Tax parcel identification number and total acreage;
 - vii. Owner's name, address and telephone number, adjoining properties, and owners with deed references, as well as the location of structures on adjoining properties;
 - viii. The location of said lot with respect to adjacent rights-of-way;
 - ix. The shapes, dimensions, and locations of each solar array, buildings, out buildings, loading areas, storage areas (indoors and outdoors); any existing and proposed utilities, underground power lines, substation(s) and accessory equipment, accessory buildings, and structures, and other facilities associated with the use, existing and proposed; and required setbacks;
 - x. Topography of the site (contour lines no greater than five feet), natural features (streams, lakes, ponds, rocky outcrops, wooded areas, marshes, floodplains, and any other site of interest), historic sites, and cemeteries;
 - xi. All property lines within 300 feet of the property lines of the proposed site.
 - xii. Each array's setback distance from the closest SEF boundary, the setback of improved areas from each property line, and the separation distance between the SEF boundary and each protected building.
 - xiii. Electrical cabling from the SEF to the substation(s), and from the substation(s) to where the electricity will leave the site, and associated transmission lines.
- e. Maintenance Plan:
- i. Equipment Inspections and Maintenance. The Applicant shall detail inspection and maintenance procedures that will be taken to keep the SEF operating quietly, efficiently, and not polluting land, water, or air.
 - ii. Fence Maintenance. The Applicant shall detail inspection and maintenance procedures that will be taken to keep fencing and gates in good condition until the facility is decommissioned.
 - iii. Landscaping. The Applicant shall detail inspection and maintenance procedures that will be taken to keep the required vegetative buffer and planting area maintained, including keeping vegetation healthy, neat and orderly in appearance, and free of litter and debris. The Applicant shall detail maintenance procedures for keeping grasses or other ground cover trimmed or mowed.
 - iv. Road Maintenance. The Applicant shall detail inspection and maintenance procedures that will be taken to keep private roads and driveways serving the SEF graded, free of potholes, and passable in all weather.
- f. Miscellaneous:
- i. Certification that the proposal is for an International Electrical Congress (IEC) solar array that is designed to meet all North Carolina Building Codes.
 - ii. Certification that the solar arrays pass the Environmental Protection Agency's Toxicity Characteristic Leaching Procedure (TCLP) test.
 - iii. Signed copies of all original leases/easements and agreements for the SEF.
 - iv. Copies of any required state and federal permits, licenses, etc. This shall include permits and/or approvals issued by the North Carolina Utilities Commission.
 - v. Other relevant studies, reports, certifications, and approvals as may be reasonably requested by the Planning Board to ensure compliance with this Ordinance.

- 3) Decommissioning Plan: A Decommissioning Plan signed by the applicant or any subsequent assigns for decommissioning and the property owner addressing the following shall be submitted with the Permit Application:
- a. Anticipated life of the SEF.
 - b. Defined conditions upon which decommissioning will be initiated (i.e. end of land lease, no power production for 12 months, etc.)
 - c. Removal of all non-utility owned equipment, conduit, structures, fencing, solar panels, roads, and foundations.
 - d. Restoration of property to condition prior to development of the SEF.
 - e. Timeframe for completion of decommissioning activities, not to exceed one year.
 - f. Description and copy of any lease or any other agreement with the property owner regarding decommissioning.
 - g. Name and address of person or party responsible for decommissioning.
 - h. Plans and schedule for updating the Decommissioning Plan.
 - i. A verifiable means of determining if the decommissioning plan needs to be activated due to cessation of use for 365 days, such as a letter from the electric utility stating that it will notify the Central Permitting Office within ten (10) business days if electricity is not received from an array within the SEF for 365 days.
 - j. Before final Solar Energy Facility Development Permit is issued, provide evidence that the Decommissioning Plan was recorded with the Register of Deeds to the County Planner or his/her designee.
 - k. Estimated decommissioning costs including contingency costs of at least 25% (in current dollars), as provided by an appropriately experienced, North Carolina licensed Engineer, under seal.
 - l. The decommissioning plan shall be updated every five years and recorded with the register of deeds.
 - m. The decommissioning plan submitted is binding on all heirs and assigns.

4) Performance Guarantee:

- a. Prior to the issuance of a Solar Energy Facility Building Permit, the Applicant must provide the county with a form of surety equal to 125 percent of the entire cost of decommissioning under the plan, as estimated by a North Carolina licensed Engineer under seal, approved by the County Manager and County Attorney, either through cash, a surety performance bond, irrevocable letter of credit, or other instrument readily convertible into cash at face value, either with the County or in escrow with a financial institution designated as an official depository of the County. The form of surety shall be provided by each new owner of the SEF.

Surety performance bonds must renew automatically, include a minimum 90-day notice to the County prior to cancellation, and be from a company on the U.S. Department of Treasury's Listing of Certified Companies. Irrevocable letters of credit must be for the entire estimated life of the SEF.

- b. This surety shall be retained by the County to cover the cost of the decommissioning requirements herein. Following initial submittal of the surety, the cost calculation for decommissioning shall be reviewed every five (5) years, and the surety adjusted accordingly based upon an updated estimate of a North Carolina licensed Engineer

under seal, of the estimated decommissioning costs. Failure to comply with any requirement of this section shall result in the immediate termination and revocation of all prior approvals and permits; further, the County shall be entitled to make immediate demand upon, and/or retain any proceeds of, the surety, which shall be used for decommissioning and/or removal of the Solar Energy Facility, even if still operational.

- 5) Abandonment: An SEF that ceases to produce energy on a continuous basis for twelve (12) months will be considered abandoned unless the current responsible party (or parties) with ownership interest in the SEF provide substantial evidence (updated every 6 months after 12 months of no energy production) to the County Planner of the intent to maintain and reinstate the operation of that facility. It is the responsibility of the responsible party (or parties) to remove all equipment and facilities and restore the parcel to its condition prior to development of the SEF:
 - a. Upon determination of abandonment, the County Planner shall notify the party (or parties) responsible they must remove the SEF and restore the site to its condition prior to development of the SEF within 365 days of notice.
 - b. If the responsible party (or parties) fails to comply, the County may remove or cause to have removed the SEF, sell any removed materials, and restore the site to the condition it was in prior to development of the SEF, using the Performance Guarantee provided by subsection 4 above. If necessary, the County Planner may initiate judicial proceedings or take any other steps legally authorized against the responsible parties to recover the costs required to remove the SEF and restore the site to a condition prior to development.

V. Design Standards.

- 1) Setback and Separation Requirements
 - a. The fence which secures the SEFs improved areas shall be setback at least one hundred twenty five (125) feet from the center of all public roadways, with the exception of divided US Highways and Interstates where it shall be at least fifty (50) feet from the edge of the right of way. The fence shall be at least twenty-five (25) feet along all property lines not on a public roadway. Solar arrays and other equipment shall be setback at least twenty-five (25) feet from the interior fence line of the SEF. SEFs shall be separated by a minimum distance of three hundred (300) feet from all residential, commercial, and institutional buildings, with the exception of accessory buildings such as storage sheds. Such minimum setbacks for a SEF shall be measured from the required fence of the facility.
 - b. The property owner of an affected building may, for itself but not on behalf of another protected building, waive all or any portion of the separation requirements set forth herein. The one hundred twenty (125) foot setback distance from the center of all public roadways, with the exception of divided US Highways and Interstates where it shall be at least fifty (50) feet from the edge of the right of way. The fence shall be at least

twenty-five (25) feet along all property lines not on a public roadway would still apply in the event of a waiver. Said waiver shall be in writing and shall be in the form of an easement, with the SEF as the servient estate and the protected building as the dominant estate. The waiver/easement shall state any conditions or site plan modifications to the regulated use mutually agreed upon by the SEF, the owner of the protected building, and the County Planner as consideration for the granting of the easement. In no event shall any conditions or site plan modifications decrease the SEFs responsibilities under this Ordinance. The waiver shall be signed and acknowledged by the record owners of the fee interest of the protected building and by the owner of the fee interest of the SEF, and, if different, by all of the property owners of the property on which the SEF is located. The waiver shall further be signed by the County Planner, whose signature shall serve as a certification that the requirements of the waiver and easement have been met.

- c. Following recordation in the Yadkin County Register of Deeds, the separation requirements of this subsection between said protected building and the SEF shall be deemed amended to conform to the provisions of the waiver. The easement granted by said waiver shall be appurtenant to and run with the land and shall be binding on the parties, their heirs, successors, and assigns; provided, that the same shall by its express provisions terminate at such time as the SEF ceases to have a valid North Carolina Utilities Commission Permit for the operation of the SEF which is the subject of the waiver.

2) Fencing

- a. A fence shall be required around the entire perimeter of the SEF to secure its improved areas. The location of the fence shall be determined by the required setbacks and separation requirements outlined in the previous section. All solar arrays and other equipment must be located inside the required fence. The fence must be a minimum of eight (8) feet in height and shall be constructed of wildlife permeable material. Barbed wire shall run along the top of the fence for the entire perimeter of the fence for security purposes. The gate for ingress and egress to the SEF must be locked for security purposes.

3) Vegetative Buffer

- a. A vegetative buffer shall be installed in front of the fence within the required setback of the SEF for the entire perimeter of the SEF. The vegetative buffer shall consist of a row of evergreen bushes, planted no more than eight (8) feet apart, which are at least six (6) feet tall at the time of planting, which will reach at maturity a minimum height of fifteen (15) feet within three (3) years of planting. The bushes may be trimmed, but to no lower than a height of fifteen (15) feet.
- b. The evergreen bushes must provide full screening from two (2) feet above ground level to the required fifteen (15) foot height. The evergreen bushes must grow to a minimum of eight (8) feet in width at the base, or the spacing between bushes must be reduced.

- c. The evergreen bushes should be installed according to established planting techniques, including establishing a well-prepared planting area. The vegetative buffer must be maintained, including keeping vegetation healthy, neat and orderly in appearance, and free of litter and debris. Species native to Western North Carolina are recommended. Where adequate vegetative screening exists on the parcel where the SEF is located, the existing vegetative buffer may be used to satisfy the requirements of this Section, with the approval of the Planning Board.

4) Ground cover

- a. Soil with adequate vegetative cover must be maintained under and around the panels in order to reduce runoff and erosion. Native grasses and wildflowers are encouraged to be used as ground cover for the SEF. Benefits of using native grasses and wildflowers include improved erosion control, pesticide avoidance, storm water infiltration, wildlife habitat, and reduced overall maintenance. In addition, native flowering plants provide a food source and habitat for wild native bees. Promoting habitat for native bees and other pollinators can have a positive ecological impact on disturbed sites, as well as, a positive economic impact on neighboring insect pollinated crops. Once established, these naturalized meadows are more drought tolerant and require little to no fertilization. See the NC Wildlife Resources Commission's publication titled, "Recommendations for Establishing Native Pollinator Habitat on Solar Farms in North Carolina" for more details.

5) Environmental Impacts

- a. SEFs must meet all requirements of the State of North Carolina and the Federal government, and provide copies of all required state and federal permits, including but not limited to:
 - i. Storm water Permit from the NC Dept. of Environmental Quality
 - ii. Erosion and Sedimentation Control Permit from the NC Dept. of Environmental Quality
 - iii. Certificate of Public Convenience and Necessity from the NC Utilities Commission

6) Roads

- a. The minimum right-of-way width of private roads and driveways serving the SEF shall be fifty (50) feet. Private roads and driveways shall be constructed to meet all of the North Carolina Department of Transportation's (NC DOT) design standards, except for applying crushed stone for paving. A Driveway Permit must be obtained from NC DOT, and a copy of said permits shall be provided to the County Planner. The SEF Owner shall be responsible for road maintenance, including keeping roads and driveways serving the SEF graded, free of potholes, and passable in all weather.

7) Lighting and Electrical Emissions

- a. The design and construction of SEFs shall not produce light emissions, either direct or indirect (reflective), that would interfere with pilot vision and/or traffic control

operations as stated in the most recent Air Installation Compatible Use Zone (AICUZ) report, as well as low level military training routes as then utilized by any branch of the US Department of Defense. The design and construction of SEFs shall not produce electrical emissions that would interfere with aircraft communication systems or navigation equipment as stated in the most recent AICUZ report, as well as low level military training routes as then utilized by any branch of the United States Department of Defense.

8) Power Lines

- a. On site power lines between solar panels and inverters shall be placed underground and must meet all requirements of the North Carolina Electrical Code.

9) Solar Panel Height

- a. The height of solar panels shall not exceed the height of the required vegetative buffer, as identified in Section V(3).

VI. Permit Fees

- 1) A non-refundable application fee, as determined in the Yadkin County Fee Schedule, shall be submitted with each application for a Solar Energy Facility Development Permit.

VII. Board of Adjustment Decision.

- 1) The input of local citizens shall be solicited by the Board of Adjustment in at least one (1) public hearing on the Permit Application.
- 2) In order for the Board of Adjustment to grant a Solar Energy Facility Development Permit, all the requirements of this Ordinance must be satisfied. The Board of Adjustment shall have the authority to decide, based on majority vote, whether to grant approval of a Solar Energy Facility Development Permit.
- 3) A Solar Energy Facility Development Permit shall expire if construction has not begun within 365 days of issuance of the permit. A Solar Energy Facility Development Permit shall automatically expire if there are any changes in ownership, cessation of the corporation, partnership or transfer to another person. In this case, the new SEF owner(s) shall have sixty (60) days to submit a new Permit Application meeting the requirements of this Ordinance.

VIII. Appeals

- 1) If the Board of Adjustment denies the Solar Energy Facility Development Permit, it shall enter the reason for its action in the minutes of the meeting at which the action is taken.
- 2) No appeal may be taken from the action of the Board of Adjustment in granting or denying a Solar Energy Facility Development Permit, except through the county superior court within 30 days of the decision, or forever be barred.

IX. Variances

A Variance from the provisions of this Ordinance may be authorized by the Board of Adjustment, provided that all of the following criteria are met:

- 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 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, such that public safety is secured, and substantial justice is achieved.

X. Enforcement and Penalties for Violations

- 1) The Enforcement Officer shall be the county zoning administrator or his/her designee. The Enforcement Officer shall review site plans and make appropriate recommendations to the Board of Adjustment.
- 2) The Enforcement Officer shall visit the SEFs regulated by this chapter as needed, and if the facility does not conform to this Ordinance shall discuss with the SEF Owner and/or SEF Operator the steps needed to bring the SEF into compliance. If these steps are not taken, the enforcement officer shall notify the SEF Owner in writing of the steps that must be taken to bring the facility into compliance.
- 3) If the SEF Owner or SEF Operator still fails to bring the facility into compliance with this Ordinance, the enforcement officer, after consultation with the County Manager and County Attorney, shall initiate the necessary steps to enforce the Ordinance in accordance with Section X(4) of this Ordinance. The Enforcement Officer shall also assist the SEF Owners and/or SEF Operators in making plans to comply with this Ordinance.
- 4) This Ordinance may be enforced by an appropriate equitable remedy issued from a court of competent jurisdiction. It may be enforced by injunction and order of abatement. The County may apply for a mandatory or prohibitory injunction and order of abatement commanding the violator to correct any unlawful condition upon or cease the unlawful use of the property. The County may request an order of abatement as part of a judgment in the case, and may request the court to close, demolish or remove buildings or other structures or take any other action that is necessary to bring the SEF into compliance with this Ordinance. The Ordinance may be enforced by any one or more of the remedies authorized herein.

- 5) Violation shall be a Class 1 Misdemeanor. Any person, firm, corporation, or other entity who constructs, maintains or operates, or who controls the maintenance of a SEF in violation of this Ordinance shall be guilty of a misdemeanor and subject to prosecution, and if convicted, shall be punished by a fine not to exceed \$200 per day, or by imprisonment not to exceed two years, or both, in the discretion of the court. Each day that said SEF is constructed, maintained or operated in violation of this Ordinance shall constitute a separate and distinct offense.

XI. Applicability

- 1) This Ordinance shall apply to all SEFs proposed or constructed after its effective date. Modifications to an existing SEF that increases the area shall be subject to this ordinance. At no time shall modifications, whether at once or cumulatively, increase the original footprint of the SEF by more than seven (7) percent. This Ordinance shall apply to all areas of Yadkin County except those lands lying within the jurisdiction of any municipality, unless such municipality formally requests the County to enforce these regulations within the municipality's area of jurisdiction.

XII. Severability

- 1) Should any provision of this Ordinance be declared by any court, administrative body, or board, or any other governmental body or board, to be unconstitutional, invalid, preempted, void, or otherwise inapplicable for any reason, such decision shall not affect the validity of this Ordinance as a whole or any part thereof other than the part so decided to be unconstitutional, invalid, preempted, void, or otherwise inapplicable.

ARTICLE XII. TABLE OF USES

Sec. 111-280. Permitted, special, and accessory uses.

Secs. 111-281—111-308. Reserved.

Sec. 111-280. Permitted, special, and accessory uses.

[illegible]

Use	RA	RR	RL	RG	RI	CP	MHP	CB	HB	MI-1	MI-2
Advertising agencies								P	P		
Airports, public and private	S									S	S
Ambulance services/rescue squads	P				P			P	P	P	P
Amusement parks								S	S		
Animal hospitals/veterinarian clinics	S							P	P		
Antique shops	S							P	P		
Apartments					P			S	S		
Apparel and footwear								P	P		
Appliances, retail and wholesale								P	P		
Aquariums								P	P		
Arcades								P	P		
Architects	S				P			P	P		
Armories								P	P		
Art galleries	S							P	P		
Art supplies	S							P	P		
Arts and graphics services	S							P	P		
Asphalt products manufacturing										S	S
Auction houses								S	S		
Auditors and bookkeepers	S							P	P		

Use	RA	RR	RL	RG	RI	CP	MHP	CB	HB	MI-1	MI-2
Auto, truck, and motorcycle sales								P	P		
Auto, truck, and motorcycle sales, small scale	S										
Automatic teller machines					P			P	P	P	P
Automobile detailing	S							P	P		
Automobile manufacturing										S	S
Automotive supplies								P	P		
Bait and tackle sales								P	P		
Bakeries	S							P	P		
Banks and finance companies								P	P		
Barber and beauty shops	S							P	P		
Baseball hitting ranges								P	P		
Bed and breakfasts	S				S			P	P		
Bedding and carpet manufacturing										P	P
Bicycle repair	S							P	P		
Bicycle sales and services								P	P		
Billboards	S							P	P	P	P
Billiard or pool halls								P	P		
Blacksmith operations								P	P	P	P
Blueprints and drafting supplies								P	P		

Use	RA	RR	RL	RG	RI	CP	MHP	CB	HB	MI-1	MI-2
Cemeteries, private	P	P	P	P	P	P					
Cemeteries, public	P				P			P	P		
Chemical manufacturing										S	S
Child care centers	S				S			P	P		
Children's homes								P	P		
Churches (including fellowship buildings)	P	P	P	P	P	P		P	P		
Circuses, carnivals, and fairs								S	S		
Clothing and textiles production										P	P
Coin-operated laundries								P	P		
Colleges/universities/technical colleges					P			P	P	P	P
Community centers	S				P			P	P		
Computer and data processing services	S							P	P		
Concrete products production										P	P
Condominiums					P						
Contractor's offices	S				P			P	P	P	P
Convenience sites	P	P	P	P	P	P	P	P	P	P	P
Convenience stores								P	P		
Correctional facilities										S	S
Country clubs	P	P	P	P	P			P	P		

Use	RA	RR	RL	RG	RI	CP	MHP	CB	HB	MI-1	MI-2
Crematoriums									P		
Dairy, meat, and seafood markets								P	P		
Dance schools								P	P		
Delicatessens								P	P		
Department stores									P		
Detective agencies	S							P	P		
Discotheques									P		
Discount stores									P		
Distilleries										P	P
Drag strips and racetracks								S	S		
Drinking establishments									S		
Drug stores								P	P		
Dry cleaners								P	P		
Dry cleaning plants									P	P	P
Dwellings, duplex	P				P			S	S		
Dwellings, single-family (modular)	P	P	P	P	S	P		S	S		
Dwellings, single-family (site-built)	P	P	P	P	S	P		S	S		
Electrical appliances and equipment manufacture										P	P
Electrical equipment sales								P	P	P	P

Use	RA	RR	RL	RG	RI	CP	MHP	CB	HB	MI-1	MI-2
Electronic and electrical repairs	S							P	P	P	P
Employment agencies								P	P		
Engineers	S				P			P	P		
Equipment rentals								P	P		
Explosives manufacturing and storage										S	S
Exterminators								P	P	P	P
Fabric stores								P	P		
Family care homes	P	P	P	P	P						
Farm machinery manufacturing										P	P
Farm supplies	S							S	S	P	P
Farm/heavy equipment sales and rentals									P	P	P
Fertilizer manufacturing and storage										S	S
Fiberglass manufacturing and storage										P	P
Firing ranges, indoor									P	P	P
Firing ranges, outdoor	S									S	S
Flea markets, indoor								P	P	P	P
Floor covering stores								P	P		
Florists	S							P	P		
Flour and feed mills								P	P	P	P

Use	RA	RR	RL	RG	RI	CP	MHP	CB	HB	MI-1	MI-2
Greenways	P	P	P	P	P	P	P	P	P	P	P
Gun and ammunition sales	S							P	P		
Gunsmiths	S							P	P	P	P
Hardware stores								P	P		
Hatcheries									P	P	
Health clubs								P	P		
Health practitioner's offices								P	P		
Heating and refrigeration shops								P	P	P	P
Heavy equipment manufacturing										P	P
Hobby, toy, and craft stores	S							P	P		
Home occupations	P	P	P	P							
Home occupations of a commercial nature	S										
Hosiery mills										P	P
Hospitals									P		
Hotels/motels									P		
Ice manufacturing										P	P
Industrial supplies and equipment								P	P	P	P
Insurance agencies	S				P			P	P		
Interior designers	S							P	P		

[illegible]

Use	RA	RR	RL	RG	RI	CP	MHP	CB	HB	MI-1	MI-2
Metal fabricating shops									P		
Microbreweries	S									P	P
Micro-distilleries	S									P	P
Miniature golf	S							P	P		
Mining and quarrying										S	S
Mini-warehouses								S	S	P	P
Mixed-use projects					P			P	P		
Mobile food vending								A	A	A	A
Monument sales									P		
Monument works and sales									S	P	P
Motor vehicle body and paint shops								P	P	P	P
Motor vehicle repairs								S	S	P	P
Motor cross tracks	S							S	S		
Movie theaters, drive-in									P		
Movie theaters, indoor									P		
Museums	S				P			P	P		
Music stores								P	P		
News syndicates									P		
Newsstands								P	P		

Use	RA	RR	RL	RG	RI	CP	MHP	CB	HB	MI-1	MI-2
Novelty and souvenir stores								P	P		
Nursing, convalescent facilities, assisted living	S				S			P	P		
Oil and gasoline bulk storage										S	S
Open storage								P	P		
Optician and optical supply stores								P	P		
Paint and wallpaper stores								P	P		
Paints, varnishes, and finishes manufacturing										S	S
Paving and grading operations										P	P
Paper goods manufacturing										P	P
Par 3 golf	S				S			P	P		
Parks and playgrounds	P	P	P	P	P	P		P	P	P	P
Pawn shops								P	P		
Personnel services									P		
Pet shops								P	P		
Pharmaceuticals manufacturing										P	P
Photocopying services								P	P		
Photofinishing laboratories								P	P		
Photography services and studios	S							P	P		

Use	RA	RR	RL	RG	RI	CP	MHP	CB	HB	MI-1	MI-2
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
Police and fire station operations	P				P			P	P	P	P
Post offices	S				P			P	P	P	P
Postal processing centers										P	P
Pottery								P	P		
Precision instruments manufacturing										P	P
Private recreation clubs	S				P			P	P		
Processing plants										S	S
Produce sales	S							P	P	P	P
Public relations services					P			P	P		
Public utility facilities (major)	S	S	S	S	S		S	S	S	S	S
Public utility facilities (minor)	P	P	P	P	P	P	P	P	P	P	P
Publishing and printing									P	P	P
Radio and television repairs	S							P	P		
Radio and television studios								P	P		

Use	RA	RR	RL	RG	RI	CP	MHP	CB	HB	MI-1	MI-2
Railroad station operations										P	P
Railroad yard operations										P	P
Real estate services	S				P			P	P		
Recreation, indoor					P			P	P		
Recreation, outdoor	S				P			P	P		
Recycling collection centers	S				S			P	P	P	P
Recycling plants										S	S
Refineries										S	S
Rehabilitation facilities									S		
Rental of vehicles								P	P		
Research activities									P	P	P
Residential development sales, office on-site	P	P	P	P	P	P					
Residential storage facilities	S	S	S	S							
Resource extractions (sand, soil, clay)										P	P
Restaurants								P	P		
Retail uses, not otherwise listed								P	P		
Re-upholstery	S							P	P	P	P
Roadside stands	P							P	P		
Rodeos	S							P	P	P	P

Use	RA	RR	RL	RG	RI	CP	MHP	CB	HB	MI-1	MI-2
Saddlery/tack shops	S							P	P		
Sanitariums and mental institutions									S		
Sawmills	S								S	P	P
Schools (elementary, middle, high)	P				P			P	P		
Seamstress shops	S							P	P		
Secondhand stores/swap shops								P	P		
Septic services								S	S	P	P
Sheet metal shops									P	P	P
Shoe repairs and shining								P	P		
Shoe stores								P	P		
Shopping malls									P	S	S
Shopping strips									P	S	S
Shopping centers									P	S	S
Sign painting								P	P	P	P
Skating rinks									P		
Slaughterhouses										P	P
Small motor repairs	S							P	P		
Solar farms	S										
Sporting goods								P	P		

Use	RA	RR	RL	RG	RI	CP	MHP	CB	HB	MI-1	MI-2
Springs manufacturing										P	P
Stained glass sales								P	P		
Stone products										P	P
Swine farms	S										
Subdivisions, 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	S				P			P	P		
Tailoring and dressmaking shops								P	P		
Tanning/nail salons	S							P	P		
Tattoo parlors								P	P		
Technical schools								P	P	P	P
Temporary uses	P			P	P	p	P	P	P	P	P
Tents, commercial								P	P	P	P
Tents, 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 shops								P	P		

[illegible]

* See section 111-150.

P - Permitted use

S - Special use

A - Accessory use

(refer to article XV)

(Ord. of 9-3-2024, art. 12)

Secs. 111-281—111-308. Reserved.

ARTICLE XIII. DIMENSIONAL REQUIREMENTS TABLE

Sec. 111-309. Lot size, yard setback, and building height by district.

Secs. 111-310—111-336. Reserved.

Sec. 111-309. Lot size, yard setback, and building height by district.

	Lot Size			Minimum Yard Setbacks			
District	Minimum Size	Minimum Width	Minimum Depth	Front	Side	Rear	Maximum Building Height
CP	5 acres	150 feet	300 feet	100 feet	50 feet	100 feet	50 feet
Corner lots abutting side streets					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 and sewer	20,000 sq. ft.	75 feet	110 feet				
Corner lots abutting side streets					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 and sewer	20,000 sq. ft.	75 feet	110 feet				
Corner lots abutting side streets					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 streets					50 feet		
Abutting property zoned residential					35 feet	50 feet	
Accessory structures					20 feet	20 feet	
RA	30,000 sq. ft.	75 feet	110 feet	40 feet	15 feet	25 feet	50 feet
Corner lots abutting side streets					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 and sewer	20,000 sq. ft.	75 feet	110 feet				
Corner lots abutting side streets					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 and sewer	20,000 sq. ft.	75 feet	110 feet				
Comer lots abutting side streets					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 and sewer	20,000 sq. ft.	75 feet	110 feet				
Corner lots abutting side streets					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 and sewer	20,000 sq. ft.	75 feet	110 feet				
Corner lots abutting side streets					25 feet		

- Accessory structures do not include walls or fences, and 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 is given to flag (panhandle) lots as provided in chapter 107, pertaining to subdivisions.
- Lot width shall be measured at the front setback line.

(Ord. of 5-18-2015, art. 12)

Secs. 111-310—111-336. Reserved.

ARTICLE XIV. ACCESSORY AND TEMPORARY USES

Sec. 111-337. Modular offices and classrooms.

Sec. 111-338. Manufactured homes.

Sec. 111-339. Temporary permits for commercial tents.

Sec. 111-340. Temporary uses.

Secs. 111-341—111-368. Reserved.

Sec. 111-337. Modular offices and classrooms.

- (a) Modular offices or classrooms may be used on a temporary basis in districts where they are not listed as a permitted or special use for such purposes as construction offices, bloodmobiles, bookmobiles, classrooms and traveling museums. However, such uses must obtain a temporary occupancy permit if the use is to last more than 48 hours at one site.
- (b) 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 months, and may be renewed no more than once.
- (c) 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 months, and may be renewed.

(Ord. of 5-18-2015, art. 13, § 1)

Sec. 111-338. 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 administrator 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 months, while reconstruction or construction takes place and may be renewed once for an additional six-month period by the zoning administrator. Applicable certifications from the planning office 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) *Cluster exemption.* In the RA (rural agriculture) district, a property owner may have three manufactured homes, 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.
 - (2) *Special 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. However, prior to issuance of a special use for hardship, the environmental health department must approve the additional septic system on the parcel in question. The board of adjustment must renew special uses for hardship annually. If, for any reason, the conditions of the hardship cease to exist, the special use shall become null and void. Special uses for hardship are for temporary situations only, and shall not be issued as a remedy for financial difficulty.

(Ord. of 5-18-2015, art. 13, § 2)

Sec. 111-339. 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.

(Ord. of 5-18-2015, art. 13, § 3)

Sec. 111-340. Temporary uses.

TEMPORARY USE/ SPECIAL EVENTS – A land use established for a limited and fixed period of time.

And are: (1) events that are intended to or likely to draw more than one hundred (100) people

(2) unlike the usual or customary activities allowed by the zoning classification of the property.

- (a) Allowable permitted uses and special events may be permitted based on criteria in this section. 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, farmers' markets, hot air balloon sites, helicopter landing sites, concerts, and dances.
- (b) Temporary use/special event permit process.
 - (1) The applicant must submit a statement with a description of the proposed use, hours of operation, proposed number of people expected to attend the temporary use/special event, location of parking and driveways, and any other pertinent information.
 - (2) The following standards must be met when issuing a temporary use/special event permit:
 - a. If not on the applicant's privately-owned property, the applicant must provide written approval of the temporary use from the property owner;
 - b. 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 11:00 p.m. and 7:00 a.m.;
 - c. 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;
 - d. 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;
 - e. Only one temporary use/special event can be permitted for a site at any given time;
 - f. Any applicable permits must be obtained from the NCDOT;

- g. Signage is permitted 14 days before the event, and must be removed at the close of the event;
 - h. Each event must not exceed 14 consecutive days in entirety, including set-up and clean up, with a maximum of 28 days or eight events, during any 12-month period; and
 - i. The temporary use must comply with the county division of environmental health regulations regarding sewage disposal.
- (3) If a particular use is not listed in the definition of temporary use/special event, the zoning administrator has the authority to grant a temporary use/special event permit for a similar and compatible use.

(Ord. of 5-18-2015, art. 13, § 4)

Secs. 111-341—111-368. Reserved.

ARTICLE XV. EXCEPTIONS AND MODIFICATIONS

Sec. 111-369. Changes in dimensional requirements.

Sec. 111-370. Front yard modifications in residential districts.

Sec. 111-371. Other yard modifications.

Sec. 111-372. Height limit exceptions.

Sec. 111-373. Zero lot lines.

Sec. 111-374. Measuring setbacks.

Sec. 111-375. Conservation subdivisions.

Secs. 111-376—111-393. Reserved.

Sec. 111-369. Changes in dimensional requirements.

The dimensional requirements of this article shall be met in all respects, except that under the specified conditions as outlined in this article, 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 V of this chapter.

Sec. 111-370. Front yard modifications in residential districts.

- (a) Where 50 percent 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 which have been developed with buildings whose front yards are less than the minimum required front yard as specified in article XIII of this chapter, 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 XIII of this chapter, dimensional requirements, whichever is less. Provided, further, that if any lot lies between two buildings less than 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 25 feet, whichever is more.
- (b) Where 50 percent 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 XIII of this chapter, 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 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.

(Ord. of 5-18-2015, art. 14, § 1)

Sec. 111-371. Other yard modifications.

- (a) Where through lots occur, the required front yard shall be provided on both streets.
- (b) 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 feet into any required yard setback.
- (c) Sills, cornices, eaves, gutters, buttresses, ornamental features, and similar items may not project into any required yard more than 30 inches.

(Ord. of 5-18-2015, art. 14, § 2)

Sec. 111-372. 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.

(Ord. of 5-18-2015, art. 14, § 3)

Sec. 111-373. Zero lot lines.

- (a) 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:
 - (1) The total area of the planned development meets the minimum lot size in its district.
 - (2) The planned development remains under single control through a property owners' association or similar means.
 - (3) Minimum yards and buffers, as required in its district, are preserved around the entire perimeter of the planned development.
- (b) 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 this chapter.

(Ord. of 5-18-2015, art. 14, § 4)

Sec. 111-374. 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 setbacks 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.

(Ord. of 5-18-2015, art. 14, § 5)

Sec. 111-375. Conservation subdivisions.

- (a) 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 XIII of this chapter may be waived when replaced by the requirements of this section, as provided below.
- (b) 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 legislative public meeting as provided in chapter 107, pertaining to subdivisions. This process may be conducted concurrently with any planned group development or conditional rezoning as provided in articles VIII and XVII of this chapter. In addition:
 - (1) Lot size and yard requirements may be reduced by no more than one-half, and maximum lot coverage may be increased by no more than twice the requirements of article XII of this chapter. 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.
 - (2) Additional infrastructural requirements:
 - a. Public water and sewer connections shall be planned and made available to each building lot.
 - b. Each building lot shall adjoin an internal street or existing public roadway on at least one side. Street frontage shall total at least 20 percent of the perimeter of the lot.
 - c. Sidewalks shall be installed along the entire length of internal streets on any side where building lots face the street.
 - (3) Dedicated open space shall be contiguous or divided into no more than two sections for each 50 acres to be developed, and shall include at least 30 percent of the total area of the land. The requirement of this section for open space is in addition to any provision in chapter 107, pertaining to subdivisions for land set aside for recreation, open space, or for land considered unsuitable for platting.
 - (4) 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.
 - (5) 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:
 - a. Define ownership as one of the following:
 - 1. 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.
 - 2. 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.
 - 3. The open space and common facilities may be held as common property, and a partial interest deeded with each of the building lots.
 - b. Establish appropriate regular and periodic operation and maintenance responsibilities.

- c. Estimate staffing needs, insurance requirements, and other associated costs and define the means for funding the same on an on-going basis.

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.

- (6) If allowed by the topography and shape of the land, each proposed building lot in the subdivision should have at least 25 percent 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.
- (7) The planning board should encourage close proximity to other similar developments.
- (8) 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.
- (9) When the planning board is satisfied that all above requirements are met, the subdivision review and approval process may continue as provided in chapter 107, pertaining to subdivisions, with approval of the preliminary plat and permission for the owner to begin site improvements.
- (10) 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.

(Ord. of 5-18-2015, art. 14, § 6)

Secs. 111-376—111-393. Reserved.

ARTICLE XVI. NONCONFORMING USES

Sec. 111-394. Definition and purpose.

Sec. 111-395. Continuation, maintenance, and repair of a nonconformity allowed without permit.

Sec. 111-396. Bringing a nonconformity into compliance.

Sec. 111-397. Reconstruction of a nonconformity.

Sec. 111-398. Special use permit required for any proposed alteration, expansion, change, or resumption of a nonconformity.

Sec. 111-399. Standards for granting a permit for any proposed alteration, expansion, change or resumption of a nonconformity.

Sec. 111-400. Reservation of authority to deal with nonconformities under other powers.

Sec. 111-401. Exceptions and modifications.

Secs. 111-402—111-430. Reserved.

Sec. 111-394. Definition and purpose.

- (a) A "nonconformity" is any use, building, structure, or lot which lawfully existed prior to the adoption of the ordinance from which this article is derived 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 article but which was subsequently rendered nonconforming due to circumstances that were not self-created.

- (b) 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.
- (c) 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.
- (d) Therefore, the basic policy of this article is to allow the continuation of any nonconformity, the normal maintenance and repair thereof, and reconstruction when nonconforming real property is destroyed by a natural event or casualty beyond the control of the owner; but to classify any expanding, altering, changing, or resuming of a nonconformity as a special use and to review it to determine whether it will have a 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 special use permit will be issued to allow it. However, conditions and safeguards may be attached to the permit to require that the nonconformity is brought into compliance with the regulations of this article or that any potential hazards or problems are mitigated. Procedures and standards are established to ensure that the rights and interests 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 article, but the board of commissioners reserves its authority to deal with unlawful development or hazardous or noxious conditions under its other powers.

(Ord. of 5-18-2015, art. 15, § 1)

Sec. 111-395. 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 special 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.

(Ord. of 5-18-2015, art. 15, § 2)

Sec. 111-396. 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 article 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 article 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 111-397 and 111-398 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.

(Ord. of 5-18-2015, art. 15, § 3)

Sec. 111-397. 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 months after the event that caused destruction of the property; and provided such reconstruction is begun within six 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 111-398. Reconstruction of a nonconforming building destroyed by neglect or by deliberate act of the property owner is not provided under this section.

(Ord. of 5-18-2015, art. 15, § 4)

Sec. 111-398. Special 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 special use permit issued by the board of adjustment under this article. The terms "altering, expanding and changing" shall be strictly construed. The term "resuming" means the reusing or reoccupying of a nonconforming building or structure which was unused or unoccupied for a continuous period of 365 days or more, or the resuming of a nonconforming use which was abandoned for a continuous period of 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 article, 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 special use permit shall be filed with the county planning office.
- (c) The board of adjustment shall schedule 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.

(Ord. of 5-18-2015, art. 15, § 5)

Sec. 111-399. 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 in subsections (a)(1) through (7) of this section. If it finds that a petition will not have a substantial adverse impact, the board of adjustment shall grant a special 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 (a)(1) of this section 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 locations, 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 special use with, adjoining properties and properties in the general neighborhood;
 - (5) Signs, and 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 special 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 is 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 is 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 is 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.
- (d) The board of adjustment shall not approve a petition which fails to comply with the criteria in subsections (a) (1) through (7) of this section, 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 special 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.
- (e) In acting upon a petition for a special 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 article without a general or special 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 article.

(Ord. of 5-18-2015, art. 15, § 6)

Sec. 111-400. Reservation of authority to deal with nonconformities under other powers.

Notwithstanding the policies and provisions of this article with respect to nonconformities, the board of commissioners 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 the ordinance from which this article is derived, 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 article.

(Ord. of 5-18-2015, art. 15, § 7)

Sec. 111-401. Exceptions and modifications.

The following exceptions and modifications shall be allowed without the issuance of a special use permit by the board of adjustment:

- (1) *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 the ordinance from which this article is derived, which has dimensions which are less than required by these regulations, may be used as a building site for a single-family dwelling.
- (2) *Yard requirement 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 30 percent. Additional or other forms of yard modification may be permitted with a variance granted by the board of adjustment.

(Ord. of 5-18-2015, art. 15, § 8)

Secs. 111-402—111-430. Reserved.

ARTICLE XVII. PARALLEL CONDITIONAL DISTRICTS AND THE CONDITIONAL REZONING PROCESS

Sec. 111-431. Purpose.

Sec. 111-432. Reclassification required.

Sec. 111-433. Application materials.

Sec. 111-434. Fees.

Sec. 111-435. Submittal to the zoning administrator.

Sec. 111-436. Planning board review.

Sec. 111-437. Board of commissioners action.

Sec. 111-438. Board of commissioners decision.

Sec. 111-439. Fair and reasonable conditions.

Sec. 111-440. Effect of approval.

Sec. 111-441. Alterations to approval.

Sec. 111-442. Review of approval of a parallel conditional district.

Secs. 111-443—111-467. Reserved.

Sec. 111-431. Purpose.

- (a) 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 are permitted by right or special uses), and uses may be established only in accordance with specific standards and conditions relating to each specific development project.
- (b) 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.
- (c) 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 owners 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 as set annually by the board of commissioners, 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 special 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 special use or other compliance permit, or to meet conditions prescribed by other provisions of this article.

(Ord. of 5-18-2015, art. 16, § 1)

Sec. 111-432. Reclassification required.

- (a) 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:
 - (1) Be a use allowed (either on a use permitted by right or special basis) in the CB district; and
 - (2) Meet all density, screening, and related requirements of the CB district.
- (b) 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.

(Ord. of 5-18-2015, art. 16, § 2)

Sec. 111-433. Application materials.

No parallel conditional district shall be established until the owner of the land in question (or his 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.

(1) *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:

- a. A boundary survey and vicinity map showing the property's total acreage, zoning classification, general location in relation to major streets, railroads and/or waterways, the date, and north arrow.
- b. All existing easements, reservations, and rights-of-way.
- c. Proposed number and general location of all building sites, their approximate area, and their approximate dimensions.
- d. 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 nonresidential development.
- e. 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.
- f. All existing and proposed points of access to public streets.
- g. 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 section 103-80 of the Yadkin County Flood Damage Prevention Ordinance.
- h. The owners' names and addresses, property identification numbers and existing land use of all adjoining properties as listed in the county tax mapping department.
- i. Proposed phasing, if any, and approximate completion time for each phase of the project.
- j. Traffic, parking, and circulation plans, showing the proposed location and arrangement of parking spaces and ingress and egress to adjacent streets.
- k. Location and maintenance arrangements for all open space, recreation, and/or common areas within the development.
- l. 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 in subsection (1) of this section unnecessary or impractical.

(2) *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:

- a. Stormwater management and drainage plan;
- b. Existing and proposed topography at five-foot contour intervals or less;

- c. The existing and proposed locations of all water and sewer lines and fire hydrants intended to serve the proposed development;
- d. Proposed number, type, and location of signs;
- e. 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:
 - 1. Existing traffic conditions within the study area boundary, as determined by the state department of transportation;
 - 2. 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;
 - 3. The distribution of existing and proposed trips through the street network;
 - 4. Analysis of capacities of intersections located within the study area boundary;
 - 5. 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;
 - 6. Other pertinent information, including, but not limited to, accidents, noise, and impacts on air quality and other natural resources;
- f. Description and copies of proposed deed restrictions to be placed on the property;
- g. Exterior features of proposed development including height and design standards; and
- h. 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.

(Ord. of 5-18-2015, art. 16, § 3)

Sec. 111-434. Fees.

No application shall be considered unless it contains or is accompanied by all items listed in section 111-433(1) (and as may be required in section 111-433(2)) and a fee, in accordance with a fee schedule approved by the board of commissioners for the submittal of a parallel conditional district application.

(Ord. of 5-18-2015, art. 16, § 4)

Sec. 111-435. 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 legislative 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 more than 60 days after the completed application has been submitted by the applicant to the zoning administrator.

(Ord. of 5-18-2015, art. 16, § 5)

Sec. 111-436. Planning board review.

The planning board shall have a minimum of 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 60-day period, the application shall be forwarded to the board of commissioners without a recommendation from the planning board.

(Ord. of 5-18-2015, art. 16, § 6)

Sec. 111-437. Board of Commissioners action.

Once a recommendation has been received from the planning board, or the 60-day planning board review period has expired, the board of commissioners shall schedule a legislative public hearing concerning the application. Notice of said hearing shall be as prescribed in 160D-601.

(Ord. of 5-18-2015, art. 16, § 7)

Sec. 111-438. Board of Commissioners decision.

- (a) At the conclusion of the legislative 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 chapter 107, pertaining to subdivisions.
- (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, stormwater drainage systems, water supplies and wastewater treatment systems and garbage services; and
 - (4) Whether the proposed reclassification will adversely affect a known archeological, environmental, historical, or cultural resource.

(Ord. of 5-18-2015, art. 16, § 8)

Sec. 111-439. 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, stormwater 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.

(Ord. of 5-18-2015, art. 16, § 9)

Sec. 111-440. 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.

- (1) *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.
- (2) *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").
- (3) *Vested rights.* An approved parallel conditional district shall have, at a minimum, a two-year vested right as allowed under section 111-36 and G.S.160D-108(d), except as such vested right may be altered as allowed by G.S. 160D-108(h); provided, however, that an applicant may request a vesting period in excess of two years as provided in section 111-36(c). 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.

(Ord. of 5-18-2015, art. 16, § 10)

Sec. 111-441. Alterations to approval.

- (a) *Manner of treatment.* Except as provided in subsection (b) of this section, 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 will not alter the basic relationship of the proposed development to adjacent property, will not alter the uses permitted or increase the density or intensity of development, and 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 legislative 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 legislative public hearing and board of commissioners' decision.

(Ord. of 5-18-2015, art. 16, § 11)

Sec. 111-442. 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 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 legislative public hearing and vote to rezone the property to a general zoning district.

(Ord. of 5-18-2015, art. 16, § 12)

Secs. 111-443—111-467. Reserved.

ARTICLE XVIII. SPECIAL USES

Sec. 111-468. Objectives and purpose.

Sec. 111-469. Procedures.

Sec. 111-470. Board of adjustment action.

Sec. 111-471. Denial and appeal.

Sec. 111-472. Compliance with district regulations.

Sec. 111-473. Failure to comply with plans/notifications of adjacent property owners.

Sec. 111-474. Modification of plans.

Sec. 111-475. Supplemental requirements for specific special uses.

Secs. 111-476—111-503. Reserved.

Sec. 111-468. 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 article, 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 article, certain uses are allowed by means of controls exercised through the special use permit process.

(Ord. of 5-18-2015, art. 17, § 1)

Sec. 111-469. Procedures.

- (a) Special use permits shall be granted by the county board of adjustment as permitted by G.S. 160D-406 for all special uses identified in the table of uses. These uses may be established only after approval by the board of adjustment.
- (b) The owners of all property included in the petition for a special use permit shall submit required application information to the county planning office by at least 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 article.

- (c) Applications shall include a site plan as outlined in section 111-475, and be accompanied by a fee according to the central permitting department fee schedule.
- (d) All requests for special use permits shall be reviewed by the board of adjustment within 90 days from the submission to the planning office. However, this requirement is not intended to prevent the board of adjustment from delaying action after review.

(Ord. of 5-18-2015, art. 17, § 2)

Sec. 111-470. Board of adjustment action.

- (a) The zoning administrator shall schedule and advertise a date and time for an evidentiary 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 days nor more than 25 days before the date set for the hearing. At the 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 first 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 special use is proposed shall be posted at least ten days but not more than 25 days before the hearing.
- (b) The board of adjustment shall consider the application and comments at the public hearing and may grant or deny the special use permit. For the special use permit to be granted, a majority vote in favor of the applicant is required. If the special 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:
 - (1) That the use will not materially endanger the public health or safety, if located according to the plan submitted and approved;
 - (2) That the use meets all required conditions and specifications;
 - (3) That the use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity; and
 - (4) 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 county land use plan.
- (c) In granting the special use permit, the board of adjustment may designate only those conditions, in addition to those stated herein, which, in its opinion, ensure that the use and its proposed location will be harmonious with the area and with the spirit of this article and clearly in keeping with the public welfare. All such additional conditions shall be entered in the minutes of the meeting at which the special use permit is granted, on the special 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 applicant for the special use permit, and his heirs, successors, and assigns.

(Ord. of 5-18-2015, art. 17, § 3)

Sec. 111-471. Denial and appeal.

- (a) If the board of adjustment denies the special use permit, it shall enter the reason for its action in the minutes of the meeting at which the action is taken.
- (b) No appeal may be taken from the action of the board of adjustment in granting or denying a special use permit, except through the county superior court within 30 days of the decision, or forever be barred.

(Ord. of 5-18-2015, art. 17, § 4)

Sec. 111-472. 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. Special uses shall comply with all other regulations for the zoning district in which they are located unless the provisions for the special use provide to the contrary.

(Ord. of 5-18-2015, art. 17, § 5)

Sec. 111-473. 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 special 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 special use permit shall be issued, and all completed structures shall be regarded as nonconforming uses subject to the provisions of this article. In such cases, owners of adjoining property shall be notified that the special use permit is no longer in effect.

(Ord. of 5-18-2015, art. 17, § 6)

Sec. 111-474. Modification of plans.

- (a) *Manner of treatment.* Except as provided in subsection (b) of this section, modifications to the approved application for a special use permit or to the conditions attached to its approval may be authorized by the board of adjustment.
- (b) *Minor changes.* Minor changes in the detail of the approved plan which will not alter the basic relationship of the proposed development to adjacent property, will not alter the uses permitted or increase the density or intensity of development, and 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 revised application for a quasi-judicial evidentiary hearing and board of adjustments' 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 quasi-judicial evidentiary hearing and board of adjustments' decision.

(Ord. of 5-18-2015, art. 17, § 7)

Sec. 111-475. Supplemental requirements for specific special uses.

- (a) A site plan (with nine copies) must always be submitted with the application at least 30 days before the next scheduled board of adjustment meeting and shall show at least the following:
 - (1) Recordable boundary survey showing the shape and dimensions of the lot on which the proposed building is to be erected along with a north reference and graphic scale, name and seal of the 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;

- (2) Dimensions and names of all internal roads;
 - (3) Dimensions and descriptions of all easements;
 - (4) Vicinity map and township;
 - (5) Tax parcel identification number and total acreage;
 - (6) Owner's name, address and telephone number, adjoining properties, and owners with deed references, as well as the location of structures on adjoining properties;
 - (7) The location of said lot with respect to adjacent rights-of-way;
 - (8) The shapes, dimensions, and locations 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;
 - (9) Topography of the site (contour lines no greater than five feet), natural features (streams, lakes, ponds, rocky outcrops, wooded areas, marshes, floodplains, and any other site of interest), historic sites, and cemeteries;
 - (10) All proposed stormwater drainage structures and systems;
 - (11) The nature of the proposed use of the building or land, including the extent and location of the use;
 - (12) The location and dimensions of off-street parking and loading space and the means of ingress and egress;
 - (13) Phases or stages of development, if applicable;
 - (14) The square feet and percentage of lot as-built upon area, if the lot is located in a watershed;
 - (15) The location and type of all required buffers and landscaping;
 - (16) Required driveway permits from NCDOT;
 - (17) A sedimentation and erosion control plan (if applicable) as submitted to NCDENR;
 - (18) Certificates or letters of approval, if the applicant proposes a community water and/or sewerage system;
 - (19) A copy of the recorded deed verifying ownership of the property; and
 - (20) Any other information which the planning staff may deem necessary for consideration in enforcing all provisions of this article.
- (b) In addition, the special 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 floodplains, 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 article. Approval from the environmental health department and fire marshal's office shall be required before any special use permit is issued. Individual special uses may require more information, as given in this section or elsewhere in this article. 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.
- (c) The board of adjustment may impose reasonable conditions in addition to those given in this section and elsewhere in this article. 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 article. Below are specific requirements for special uses by name. They are as follows:

(1) Adult uses; zoning districts MI-1 and MI-2.

a. *Site considerations.*

1. No adult entertainment establishment shall be located within 1,000 feet of another adult entertainment establishment, which distance shall be measured from the exterior walls of the building 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 lines of residential units, churches, synagogues, temples, nursery schools, day care centers (child/adult) and public or private schools, in all zoning districts, which distance will be measured from the property lines 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 (MHP) district.

b. *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 years. This screening shall be located in a 15-foot-wide buffer.

c. *Required plan (in addition to those listed at the top of this section).*

1. Location of existing structures on the property within 1,000 feet of the exterior wall 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 article.

d. *Operational considerations.*

1. If applicable, all viewing booths shall be open and be visible to the manager of the establishment.
2. If applicable, there shall be a minimum separation of six 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 premises. The sign shall not be internally lighted. The maximum sign size shall be 20 square feet.

(2) Airports (public); zoning districts RA, MI-1, and MI-2.

a. *Site standards.*

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

b. *Screening and fencing.* When located within 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 structures shall be screened in accordance with article XIX (buffers and screening) of this chapter.

c. *Required plan (in addition to those listed at the top of this section).*

1. Scaled drawings of locations and sizes of landing strips and the locations of landing lights.

2. Map of all property within 500 feet of proposed airfield property line and within 1,500 feet of each end of the runway, including names and addresses of property owners and types 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 200 feet in height and within a five-mile radius.
 4. A copy of the current FAA design, approach, and airspace obstruction standards.
 5. Documentation showing FAA permits and design approval.
- (3) Amusement parks, circuses, and carnivals or fairs; zoning districts CB and HB.
- a. *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 at a minimum of 100 feet.
 3. In addition to requirements of article XIX of this chapter (parking and loading), parking lots must be set back at least 20 feet from any property line or street right-of-way.
 - b. *Screening and fencing.* A fence at least eight 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.
 - c. *Lighting.* Outdoor lighting shall be shielded to prevent light from directly hitting adjacent property or any public right-of-way.
- (4) Animal hospitals/veterinarian clinics; zoning district RA.
- a. *Site standards.* All buildings or other structures pertaining to the operation, including outdoor runs and pens, shall maintain required setbacks from all property lines in the same manner as is required for the principal structure on the property.
 - b. *Lighting.* Outdoor lighting shall be designed to prevent light from directly hitting adjacent property or any public right-of-way.
 - c. *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 article XX (buffers and screening) of this chapter.
- (5) Auction houses, car washes, farm supplies, machine and welding shops, mini-warehouses, monument sales, motor vehicle repairs, septic services, and tree services; zoning districts HB and CB.
- a. *Site standards.*
 1. Minimum setbacks of twice what is required by this article.
 2. Site shall not create a greater nuisance than the existing or previous commercial use.
 3. Noise created by the 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 subsections (c)(5)a.2 through 4 of this section.
 - b. *Lighting.* Outdoor lighting shall be designed to prevent light from directly hitting adjacent property or any public right-of-way.

- c. Screening *and fencing*. Buffers shall be installed which meet the requirements of article XIX (buffers and screening) of this chapter.
- (6) Automobile manufacturing, asphalt products manufacturing, chemical manufacturing, explosives manufacturing and storage, fertilizers manufacturing and storage, governmental maintenance facilities, oil and gasoline bulk storage, paints, varnishes, and finishes manufacturing, processing plants, recycling plants, and refineries; zoning districts MI-1 and MI-2.
 - a. Site *standards*.
 - 1. All manufacturing and storage buildings and yards shall be a minimum of 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 100 feet from all property lines or street rights-of-way.
 - 3. Buildings must meet all requirements for hazardous occupancy under the state building code.
 - b. Lighting. Outdoor lighting shall be designed to prevent light from directly hitting adjacent property or any public right-of-way.
 - c. Screening *and fencing*. The use shall be totally enclosed by a security fence or wall at least eight 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 400 feet of property used or zoned for residential purposes.
 - d. 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 state building codes.
 - 4. The county fire marshal and local fire department shall be kept notified of the types of materials used, manufactured, or stored on-site.
- (7) Auto sales (small scale); zoning district RA.
 - a. Site *standards*.
 - 1. Buildings or structures used in connection with small scale auto sales require a minimum setback of twice what is required by this article.
 - 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 vehicles for sale can be on display at any time.
 - b. 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 XX (buffers and screening) of this chapter.
 - c. Operational *requirements*. The business use shall not create any noxious fumes, odors, traffic congestion, noise, or other nuisance factors.
- (8) Automobile salvage yards and junkyards; zoning districts MI-1 and MI-2.

a. *Site standards.*

1. It is required to have a minimum setback of twice what is required by this article, and this requirement 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 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 state fire prevention code.
4. Yards shall not be permitted to locate or expand within the 100-year floodplain as shown on the latest Federal Emergency Management Agency maps of the county.
5. Yards shall not locate or expand within 500 feet of any watercourse, such as a stream, river, reservoir, pond, or lake.
6. Yards shall not locate or expand within 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 junked vehicles is incidental to the business shall not apply in regards to these requirements.

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

c. *Screening and fencing.* Areas of open storage shall be totally enclosed by a completely opaque fence at least six 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 setback and shall meet the requirements of article XX (buffers and screening) of this chapter.

(9) Bed and breakfasts; zoning districts RA and RI.

a. *Site standards.*

1. Guestrooms or guesthouses shall not be equipped with kitchen or cooking facilities.
2. If the operation utilizes guesthouses, then maximum density requirements shall be two units per acre; however, the 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 bathroom consisting of a bath or shower, water closet, and lavatory for every two guestrooms.
4. One unlighted sign shall be permitted, which shall have a maximum dimension of 24 square feet, and not more than five feet high at its highest point above ground level.
5. Parking shall not be allowed in any front yard, unless the facility utilizes guest houses.

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

c. *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 XX (buffers and screening) of this chapter.

(10) Billboards; zoning district RA.

a. *Site standards.* All billboards must meet the requirements of article XXI of this chapter.

b. Required *plan* (in addition to those listed at the top of this section).

1. The required site plan must show the locations of any other billboards along both sides of the street within 2,000 feet of the proposed site.
2. The plan must show the locations 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 500 feet in both directions from the sign.

c. Operational *considerations*. The sign shall be kept in good repair and clear of overgrown vegetation.

(11) Campgrounds and recreational vehicle parks; zoning districts RA and CP.

a. Site *standards*.

1. Minimum campground or RV park size is ten acres.
2. For lots or spaces which provide full hook up services (water/sewer), there shall be a minimum lot, space, or site size of 1,200 square feet. For lots or spaces that are not provided with full hook up services, there shall be a minimum lot size of 350 square feet. The county health department may revise minimum lot size or site requirements through site evaluations on a case-by-case basis.
3. Maximum development density is not to exceed 45 percent of total gross land area (excluding roads).
4. There shall be no more than one recreational vehicle per lot site.
5. There shall be a minimum of ten percent total gross land area dedicated for recreational uses, excluding maximum density development.
6. The property owner may dedicate a minimum of five percent total gross land area for the use of tent camping, excluding the use of recreational vehicles.
7. No more than two vehicles per site are allowed for parking.
8. No site or lot shall have direct access to a public road.
9. Minimum interior street widths shall be 20 feet of gravel, with a six-inch gravel base, within the park or campground.
10. The park and/or campground shall be set back 50 feet from all public or private rights-of-way, and side and rear property lines.
11. Minimum interior side setbacks shall be 20 feet, and rear setbacks shall be ten feet between sites.
12. Minimum 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, telephone, 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. The 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 400 feet of each campsite.
17. Existing recreational vehicle parks and campgrounds shall have one year from the effective date of the ordinance from which this article is derived 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.
- b. Lighting. Outdoor lighting shall be designed to prevent light from directly hitting adjacent property or any public right-of-way.
 - c. 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 article XIX (buffers and screening) of this chapter.
 - d. Required *plan*. Proposed layout of the campground, including individual sites, cabins, recreation areas, drinking water outlets, sanitary disposal facilities, and other service buildings shall be required.
 - e. 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. The 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.
 - 5. There shall be no 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.
- (12) Child care centers; zoning districts RA and RI.
- a. Site *standards*.
 - 1. Indoor activity areas shall be provided equivalent to at least 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.
 - b. Screening *or fencing*. Play areas shall be enclosed by a chain link or solid fence or wall at least four feet high. Side and rear property lines must be screened from adjoining properties in accordance with article XIX (buffers and screening) of this chapter.
 - c. 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.
- (13) Community centers, libraries, museums, outdoor recreation, post offices, private recreation clubs; zoning districts RA and RI.
- a. Site *standards*. All commercial buildings, greenhouses, storage sheds, and similar structures shall meet twice the required setbacks for the applicable zoning district in which the proposed use is located.

- b. Lighting. Outdoor lighting shall be designed to prevent light from directly hitting adjacent property or any public right-of-way.
- c. 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 XX (buffers and screening) of this chapter. The board of adjustment may require an attractive solid fence or wall up to eight feet in height in addition to the required screening, if the conditions on the site and adjacent properties warrant it.

(14) Correctional facilities; zoning districts MI-1 and MI-2.

a. Site *standards*.

- 1. No correctional facility shall be permitted to locate or expand within a one-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 times the applicable setbacks of the corresponding zoning district.

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

- c. Screening *and fencing*. As a part of the required setbacks, a buffer twice what is required in accordance with article XX of this chapter (buffers and screening) shall be installed.

(15) Drag strips and racetracks; zoning districts CB and HB.

a. Site *standards*.

- 1. Minimum lot size shall be 40 acres.
- 2. Setbacks shall be twice the standard district setbacks. Parking and tracks 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 500 feet from all property lines and public roads.

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

- c. 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 XX (buffers and screening) of this chapter. The board of adjustment may require an attractive solid fence or wall up to eight feet in height, in addition to the required screening, if the conditions on the site and adjacent properties warrant it.

(16) Driving ranges; zoning districts RA and RI.

a. Site *standards*.

- 1. No maintenance building or clubhouse shall be closer than 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 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.
 - b. 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 XX (buffers and screening) of this chapter.
 - c. Lighting. Outdoor lighting shall be designed to prevent light from directly hitting adjacent property or any public right-of-way.
 - d. Operational *requirements*. The volume of any outdoor speakers or public address system must be kept low enough to not be heard off the premises.
- (17) Farm supplies, grading operations, landscapers, lawn and garden care, lawn and garden supplies, tree services; zoning district RA.
- a. 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 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.
 - b. 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 XX (buffers and screening) of this chapter.
- (18) Firing ranges; zoning districts RA, MI-1, and MI-2.
- a. Site *standards*.
 1. No portion of the firing line shall be closer than 300 feet to any exterior property line or 500 feet from an existing dwelling.
 2. A projectile-proof backstop, consisting of concrete, steel, earth, or a combination thereof, at least 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. The entire property shall be posted every 100 feet at the property line with signage indicating that there is a shooting range.
 5. Adequate off-street parking shall be provided.
 - b. 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 article XX (buffers and screening) of this chapter. The board of adjustment may require an attractive solid fence or wall up to eight feet in height, in addition to the required screening, if the conditions on the site and adjacent properties are warranted.
 - c. Operational *requirements*.

1. 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 times a year for an official shooting tournament involving 30 or more participants.
 2. Noise produced on the firing range shall be mitigated to a sound level of 90 decibels 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 90 decibels 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 or compliance.
 - d. Additional *site plan information*. A complete layout of each range, including shooting stations or firing lines, target areas, shotfall zones or safety fans shall be located on-site, showing backstops, berms and baffles, projected noise contours, existing and proposed structures, occupied dwellings within one-fourth of a mile, roads, streets, or other access areas, buffer areas, and parking areas for the range facility.
- (19) Funeral homes; zoning district RA.
- a. *Site standards*.
 1. Minimum lot size shall be two acres.
 2. Minimum building setback from any street right-of-way shall be at least 25 feet greater than is required for the district in which said use is located.
 3. Parking areas shall also be subject to setback requirements.
 4. Minimum side and rear setbacks shall be 50 feet.
 - b. *Lighting*. Outdoor lighting shall be designed to prevent light from directly hitting adjacent property or any public right-of-way.
 - c. *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 XX (buffers and screening) of this chapter.
- (20) Go-cart tracks; zoning districts CB and HB.
- a. *Site standards*.
 1. Minimum lot size shall be two acres.
 2. Setbacks shall be twice the standard district setbacks. Parking and tracks 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.
 - b. *Lighting*. Outdoor lighting shall be designed to prevent light from directly hitting adjacent property or any public right-of-way.
 - c. *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 XX (buffers and screening) of this chapter. The board of adjustment may require an attractive solid fence or wall up to eight feet in height, in addition to the required screening, if conditions on the site and adjacent properties warrant.
- (21) Golf courses, par 3 golf courses, and miniature golf; zoning districts RA, RR, RL, RG, and RI.
- a. *Site standards*.

1. No maintenance building, out building, storage building, or clubhouse shall be closer than 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.
 - b. *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.
 - c. *Lighting.* Outdoor lighting shall be designed to prevent light from directly hitting adjacent property or any public right-of-way.
 - d. *Operational requirements.* The volume of any outdoor speakers or public address system must be kept low enough to not be heard off the premises.
- (22) Home occupations of a commercial nature; zoning district RA.
- a. *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 what is required by this article.
 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 the term "home occupation of a commercial nature."
 - b. *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 XX (buffers and screening) of this chapter.
 - c. *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.
- (23) Horse show/riding facilities, rodeos; zoning district RA.
- a. *Site standards.*
 1. Livestock waste shall be managed to prevent it from spreading to adjacent properties.
 2. Minimum lot size is 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.
 - b. *Lighting.* Outdoor lighting shall be designed to prevent light from directly hitting adjacent property or any public right-of-way.
 - c. *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 XX (buffers and screening) of this chapter. The

board of adjustment may require an attractive solid fence or wall up to eight feet in height, in addition to the required screening, if conditions on the site and adjacent properties warrant.

- d. *Additional requirements.* Associated small-scale facilities (e.g., tack shops, restaurants) 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 an evidentiary public hearing, and upon approval, issue a special use permit for each use. Associated uses are subject to the above requirements as well.

(24) Kennels, animal shelters; zoning districts RA, CB, and HB.

- a. *Site standards.* All buildings or other structures pertaining to the operation, including outdoor runs and pens, shall maintain required setbacks from all property lines which shall be the same as required for the principal structure on the property.
- b. *Lighting.* Outdoor lighting shall be designed to prevent light from directly hitting adjacent property or any public right-of-way.
- c. *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 article XX (buffers and screening) of this chapter.

(25) Landfills, sanitary; zoning districts MI-1 and MI-2.

- a. *Site standards.* No sanitary landfill shall be permitted to locate or expand within 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 500 feet of any residential dwelling or well.
- b. *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 feet high and screened, meeting the requirements of article XX (buffers and screening) of this chapter.
- c. *Additional requirements.* All landfill uses are subject to the requirements of the state and the county.

(26) Landfills, construction and demolition, land clearing and inert debris; zoning districts RA, MI-1, and MI-2.

- a. *Site standards.* No construction/demolition or land clearing/inert debris landfill shall be permitted to locate or expand within 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 500 feet of any residential dwelling or well.
- b. *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 feet high and screened, meeting the requirements of article XX (buffers and screening) of this chapter.
- c. *Additional requirements.* All landfill uses are subject to the requirements of the state and the county.

(27) Livestock (non-farm); zoning districts RA and CP.

- a. *Site standards.*
 - 1. Livestock waste shall be managed so as to prevent it from spreading to adjacent properties.
 - 2. In the area where animals are kept, 80 percent of the existing vegetation must be maintained.

- b. *Screening and fencing.* The portion of the property being used to keep the livestock shall be fenced with a security fence at least four feet high, as to keep livestock confined and off of adjoining properties.

(28) Manufactured home parks; zoning district MHP.

a. *Site standards.*

1. Manufactured homes shall be located at least 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 acres in area. Manufactured home spaces shall be at least 30,000 square feet in area, excluding internal access roads; the 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. The district dimensional requirements of article XII of this chapter 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 inches of compacted crushed stone on a well-compacted sub-base to a continuous width of 20 feet minimum. Expanding parks shall have 180 days from the commencement of the expansion activities to meet the requirements of this section. All access streets shall have a continuous right-of-way width of 45 feet minimum with base and surface equal to the interior streets. All streets shall have a minimum vertical clearance of 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 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 subsection (c)(28)a.3 of this section.
5. Cul-de-sacs. Dead end streets of at least 200 feet or more shall be provided with cul-de-sacs with a minimum of 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 the county and must be approved by the planning department.
8. Fire lanes. Fire lanes shall be at least 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:
 - (i) Skirting of masonry or other suitably durable and attractive material shall be installed and maintained around all home foundations.
 - (ii) The park grounds shall be kept free of trash, junk and junked vehicles.
 - (iii) Access to the park water system shall be provided suitable for firefighting equipment.
 - (iv) A copy of proposed park regulations shall be submitted with the application.

- (v) 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.
 - b. *Screening and fencing.* Article XIX of this chapter (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 districts.
 - c. *Lighting.* Outdoor lighting shall be designed to 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.
- (29) Microbreweries/micro-distilleries; zoning district RA.
- a. *Site standards.*
 - 1. The 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 the setback for the applicable zoning district from all property lines or street rights-of-way.
 - b. *Lighting.* Outdoor lighting shall be designed to prevent light from directly hitting adjacent property or any public right-of-way.
 - c. *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 article XIX of this chapter (buffers and screening).
 - d. *Additional requirements.* Associated small-scale processing or catering facilities (e.g., cheese making, restaurants) 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 an evidentiary public hearing, and upon approval, issue a special use permit for each use. Associated uses are subject to the above requirements as well.
- (30) Mining and quarrying; zoning districts MI-1 and MI-2.
- a. *Site standards.*
 - 1. Submit a copy of a completed application as required by the state 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 20 feet. All interior access roads on the said property must also have a cleared drivable area of not less than 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 500 feet from any residential dwelling, hospital, nursing or convalescent home, retirement home, life care community, school, or church.
 - b. *Screening and fencing.* An area of land, which shall not be less than 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, and plants that create a visual screen. Trees and plants must be native to the area, and trees shall not be less than six feet in height in three years.

(31) Motor cross tracks; zoning districts RA, CB, and HB.

a. *Site standards.*

1. Minimum lot size shall be 40 acres.
2. Setbacks shall be twice the standard district setbacks. Parking and tracks 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 500 feet from all property lines and roads.

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

c. *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 XX of this chapter (buffers and screening). The board of adjustment may require an attractive solid fence or wall up to eight feet in height, in addition to the required screening, if conditions on the site and adjacent properties warrant.

(32) Nursing, convalescent, assisted living facilities, adult care, foster homes; zoning districts RA and RI.

a. *Site standards.*

1. Minimum lot size shall be two acres.
2. Minimum setback from any street right-of-way shall be at least 25 feet greater than is required for the district in which said use is located.
3. Minimum side and rear setbacks shall be 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.

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

c. *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 XIX of this chapter (buffers and screening).

(33) Public utility facilities; zoning districts RA, RR, RL, RG, MHP, RI, CB, HB, MI-1, and MI-2.

a. *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 the standard setbacks from any other property line.
2. Any equipment producing noise or sound shall be set back 100 feet from any property line.
3. All storage must be located indoors. No outdoor storage shall be allowed.

b. *Screening and fencing.* Utility facilities and all associated structures and equipment shall be enclosed with a security fence with a minimum height of eight feet and screened with either a minimum three-foot-wide strip planted with dense evergreen vegetation or a 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.

(34) Recycling collection centers; zoning districts RA and RI.

a. *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 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 100 feet from any property line.
3. All storage must be located indoors. No outdoor storage shall be allowed, other than waste containers.

b. *Screening and fencing.* Collection centers and all associated structures and equipment shall be enclosed and screened in accordance with article XX of this chapter (buffers and screening). The buffer shall be located adjacent to the property line and between the property line and fence.

(35) Rehabilitation facilities; sanitariums and mental institutions; zoning district HB.

a. *Site standards.*

1. No facility or institution shall be permitted to locate or expand within a one-half-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 shall be five acres.
3. Minimum setbacks shall be two times the applicable setbacks of the corresponding zoning district.

b. *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 XX of this chapter (buffers and screening).

(36) Residential storage facilities; zoning districts RA, RR, RL, and RG.

Site standards shall be as follows:

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 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.

(37) Residential uses: accessory apartments; dwellings, single-family (modular); and dwellings, single-family (site-built); zoning districts RI, CB, and HB.

- a. *Site standards.* New structures shall meet a minimum setback of twice the district requirements (see article XIII of this chapter). A single accessory apartment may be attached to an existing building if the finished structure would meet the standard district setback requirements.
 - b. *Screening and fencing.* All homes shall be buffered from adjoining properties that are zoned for business use; buffering shall meet the requirements of article XX of this chapter (buffers and screening).
- (38) Residential uses: apartments; dwellings and duplexes; zoning districts CB and HB.
 - a. *Site standards.* New structures shall meet a minimum setback of twice the district requirements (see article XIII of this chapter).
 - b. *Screening and fencing.* All homes shall be buffered from adjoining properties that are zoned for business use; buffering shall meet the requirements of article XX of this chapter (buffers and screening).
- (39) Sawmills; zoning districts RA and HB.
 - a. *Site standards.*
 - 1. The sawmill shall be a minimum of 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 100 feet from all property lines or street rights-of-way.
 - 3. Buildings must meet all requirements under the state building code.
 - b. *Lighting.* Outdoor lighting shall be designed to prevent light from directly hitting adjacent property or any public right-of-way.
 - c. *Screening and fencing.* The use shall be totally enclosed by a security fence or wall at least eight feet high or enclosed within a locked fireproof building. A vegetative screen, either a planted or natural wooded area, shall be provided along any street right-of-way and any property line within 400 feet of property used or zoned for residential purposes.
 - d. *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 the state 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.
- (40) Shopping malls; shopping strips; shopping centers; zoning districts MI-1 and MI-2.
 - a. *Site standards.*
 - 1. Minimum lot size is two acres.
 - 2. Buildings and accessory structures shall be located a minimum of 50 feet from any street right-of-way and 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 30 percent of the total site.
 - b. *Screening and fencing.*
 1. Buffers shall be installed meeting the requirements of article XX of this chapter (buffers and screening).
 2. Ten percent of all parking areas shall be comprised of landscaped medians.
- (41) 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, contractors' offices, detective agencies, electronic and electrical repair, engineers, florists, food catering, furniture refinishing and repair, gun and ammunition sales, gunsmiths, hobby, toy and craft stores, insurance agencies, interior designers, lawnmower repair, locksmiths, management consultants, photography services and studios, produce sales, radio and television repair, real estate services, saddlery/tack shops, seamstress shops, small motor repairs, surveyors, tanning/nail salons, and watch, clock, and jewelry repair; zoning district RA.
- a. *Site standards.*
 1. Principal business uses of this nature may be allowed as special uses in an RA district, if specifically shown in article XII of this chapter (table of uses), with a minimum setback of twice what is required by this article.
 2. Parking areas shall meet the standard district setback requirement.
 3. Structures shall be limited in floor area to 1,500 square feet. In cases where existing buildings are desired to be used, the board of adjustment can approve a 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.
 - b. *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 XX of this chapter (buffers and screening).
 - c. *Operational requirements.* The use shall not create any noxious fumes, odors, traffic congestion, noise, or other nuisance factors.
- (42) Solar farms; zoning district RA. Site standards: refer to article XI of this chapter (solar energy facilities).
- a.
- (43) Swine farms (see article XXII of this chapter, definitions, for definition of the term "swine farm"); zoning district RA.
- a. *Site standards.* The 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. The 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 G.S. ch. 110, article 7 (G.S. 110-85 et seq.). This setback shall be increased in direct proportion to increases above 600,000 SSLW, not to exceed 7,500 feet.

2. The 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. The 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. The 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.
 - (i) 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 stream or river, other than an irrigation ditch or canal. This setback shall be increased in direct proportion to increases above 600,000 SSLW.
 - (ii) No component of a liquid animal waste management system for which a permit is required under G.S. ch. 143, article 21, part 1 or 1A shall be constructed on land that is located within the 100-year floodplain.
 - (iii) 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 setback distance 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 article.
- b. *Screening and fencing.* The portion of the property being used to keep the livestock shall be fenced with a security fence at least five feet high, as to keep livestock confined and off of adjoining properties.
 - c. *Control of emissions.* The applicant shall submit plans for odor control for swine operations, including relevant information pertaining to prevailing winds over the site.
 - d. *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: the owner, operator, other agent of the owner/operator, the division of water quality emergency number, and the county health department. The posting shall be made and maintained in a manner such that remains readable and protected from the elements on a continual basis.
 - e. *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 water and groundwater resources of the state shall prevail within the jurisdiction of the county and shall prevail over standards of the 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.
- (44) Wineries; zoning districts RA, CB, and HB.
- a. *Site standards.*
 1. The 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 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 the 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 section 111-4.
- b. *Lighting.* Outdoor lighting shall be designed to prevent light from directly hitting adjacent property or any public right-of-way.
 - c. *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 article XX of this chapter (buffers and screening).
 - d. *Additional requirements.* Associated small-scale processing or catering facilities (e.g., cheese making, restaurants) 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 an evidentiary public hearing, and upon approval, issue a special use permit for each use. Associated uses are subject to the above requirements as well.
- (45) Wine tasting rooms; zoning districts RA and CB.
- a. *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 section 111-4.
 2. The facility must be located in such a manner that visual impact to adjoining properties used or zoned for residential or agricultural purposes is minimal.
 - b. *Lighting.* Outdoor lighting shall be designed to prevent light directly hitting adjacent property or any public right-of-way.
 - c. *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 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 article XX of this chapter (buffers and screening).
 - d. *Additional requirements.*
 1. Associated small-scale catering facilities (e.g., gift shops, cheese making, restaurants) 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 an evidentiary public hearing, and upon approval, issue a special 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.
- (46) Wireless communication towers; zoning districts RA, CB, HB, MI-1, and MI-2. Site standards: refer to article X of this chapter (wireless communication towers).

(Ord. of 5-18-2015, art. 17, § 8)

Secs. 111-476—111-503. Reserved.

ARTICLE XIV. PARKING AND LOADING

Sec. 111-504. Off-street parking required.

Sec. 111-505. Certification of minimum parking requirements.

Sec. 111-506. Combination of required parking space.

Sec. 111-507. Remote parking space.

Sec. 111-508. Requirements for parking lots.

Sec. 111-509. Vehicle storage.

Sec. 111-510. Minimum parking requirements.

Sec. 111-511. Design standards for off-street parking.

Sec. 111-512. Off-street loading purpose and general requirements.

Sec. 111-513. Design standards for off-street loading space.

Sec. 111-514. Minimum off-street loading requirements.

Secs. 111-515—111-536. Reserved.

Sec. 111-504. 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.

(Ord. of 5-18-2015, art. 18, § 1)

Sec. 111-505. 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.

(Ord. of 5-18-2015, art. 18, § 2)

Sec. 111-506. Combination of required parking space.

The required parking space for any number of separate uses may be combined in one lot, but the required space assigned to the one use may not be assigned to another use, with one exception. One-half 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.

(Ord. of 5-18-2015, art. 18, § 3)

Sec. 111-507. Remote parking space.

If the off-street parking space required by this article 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 article 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 or compliance 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 or compliance 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 article is provided for the principal use, the certificate of occupancy or compliance or zoning permit for such principal use shall become void.

(Ord. of 5-18-2015, art. 18, § 4)

Sec. 111-508. Requirements for parking lots.

Where parking lots for more than five cars are permitted or required, the following provisions shall be complied with in addition to the requirements of section 111-512:

- (1) 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 the parking of rental vehicles.
- (2) All entrances, exits, barricades at sidewalks, and drainage plans shall be approved and constructed before occupancy.
- (3) A strip of land five-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.
- (4) Any parking lot of more than five 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 XX of this chapter (buffers and screening).
- (5) Any lighting of parking areas shall be shielded so as to cast no light upon adjacent properties and streets.

(Ord. of 5-18-2015, art. 18, § 5)

Sec. 111-509. 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 article. 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 junkyard or wrecking yard in an industrial district.

(Ord. of 5-18-2015, art. 18, § 6)

Sec. 111-510. 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 111-507, 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 article. For purposes of this article, an off-street parking space shall be no less than 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 state building codes.

Land Uses	Required Parking
Air, motor and rail freight terminals	Two parking spaces for each three employees, plus one space for each vehicle in the operation.
Airports, railroad passenger stations and bus terminals	One parking space for each four seats for waiting passengers, plus two spaces for each three employees, plus one space for each vehicle used in the operation.
Auditoriums	One parking space for each four seats in the largest assembly room.
Banks	One parking space for each 200 square feet of gross floor space, plus one space for each two employees.
Beauty shops and barbershops	One parking space for each service chair, plus one additional parking space for each employee.
Bed and breakfast operations	One parking space for each room to be rented, plus residential requirements.
Bowling alleys	Two parking spaces for each alley, plus one space for each 200 square feet of gross floor space for affiliated uses such as restaurants, bars and the like.
Camps or care centers	One parking space for each employee, and one parking space for each five beds.
Cemeteries	One parking space for each employee.
Churches	One parking space for each four seats.

Land Uses	Required Parking
Civic clubs, fraternal lodges, or community centers	One parking space for each 200 square feet of gross floor space.
Clinics	Five parking spaces for each doctor, plus one parking space for each employee.
Day care facilities and preschools	One parking space for each employee, plus one parking space for every five students.
Dwellings, duplex	Two parking spaces per dwelling unit.
Dwellings, multifamily	Two parking spaces per dwelling unit.
Dwellings, single-family	Two parking spaces per dwelling unit.
Fire stations	1½ parking spaces per employee or firefighter on duty at one time.
Funeral homes	One parking space for each four seats in the chapel or parlor.
Golf courses	Four spaces for each hole, and one space for each employee.
Greenhouse and nursery operations (without retail sales on premises)	One parking space for each employee.
Home occupations	One parking space per home occupation in addition to residence requirements.
Hospitals and sanitariums	One parking space for each employee on the longest shift, plus one parking space for each two beds.
Hotels	One parking space for each two rooms to be rented, plus one additional parking space for each two 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 parking space per two employees.

Land Uses	Required Parking
Libraries	One parking space for each four seats provided for patron use.
Motels, tourist homes and guest houses	One parking space for each room to be rented, plus one space for each employee.
Nursing, retirement and convalescent homes	One parking space for each five beds intended for patient use.
Offices	One parking space for each employee.
Private clubs and lounges	One parking space for each two seats at bars, and one parking space for each four seats at tables.
Public buildings	One parking space for each employee, plus one space for every 200 square feet.
Public utility buildings	One parking space for each employee.
Recreational facilities, not otherwise listed (without facilities for spectators)	One parking space for each employee, plus one parking space for every two participants at full capacity.
Recreational facilities, not otherwise listed (with facilities for spectators)	Same as recreational facilities without spectators, plus one parking space for every four spectator seats.
Restaurants and cafeterias	One parking space for each four seats at tables, and one parking space for each two seats at counters or bars, plus one parking space for each two employees.
Retail uses not otherwise listed	One parking space for each 400 square feet of gross floor area.
Riding stables and academies	One parking space for each employee, plus one parking space for every three stalls or horses (whichever is more). Horse trailers are not to be stored in required parking spaces.
Rooming houses or boardinghouses	One parking space for each room to be rented, plus one parking space for each employee.

Land Uses	Required Parking
Schools, elementary and junior high	One parking space for each classroom and/or middle school administrative office, plus one parking space for each employee, and one large space for each bus.
Schools, senior high	One parking space for each 15 students for which the building was designed, plus one parking space for each classroom and administrative office, plus one parking space for each employee, plus one large space for each bus.
Schools and colleges, technical and trade	One parking space for every six students, based upon the maximum number of students attending classes at any one time, plus one space for each administrative office, plus one space for each professor or teacher.
Service stations	Five parking spaces for each service bay.
Services not otherwise listed	One space for every 200 square feet of floor space.
Shopping centers	Six parking spaces for each 1,000 square feet of gross floor space in the center, plus one space per business, provided collectively.
Stadiums and arenas	One parking space for each four seats in the stadium or arena.
Stores, department	One parking space for each 150 square feet of gross floor area.
Stores, retail food	One parking space for each 150 square feet of gross floor area.
Theaters, indoor	One parking space for each four seats up to 400 seats, plus one space for each six seats above 400.
Wholesale uses	One parking space for each employee on the longest shift.

(Ord. of 5-18-2015, art. 18, § 7)

Sec. 111-511. Design standards for off-street parking.

All off-street areas required by this article shall conform with the following design standards:

- (1) All parking spaces shall have minimum dimensions of nine feet in width and 18 feet in length. All access or back-up 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

- (2) 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.
- (3) 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.
- (4) Where parking or loading areas are provided adjacent to the public street, ingress and egress thereto shall be made only through driveways not exceeding 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.
- (5) 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.
- (6) No driveway shall be located closer than 25 feet to any street intersection.
- (7) Any lighting of parking areas shall be shielded so as to cast no light upon adjacent properties and streets.

(Ord. of 5-18-2015, art. 18, § 8)

Sec. 111-512. Off-street loading purpose and general requirements.

- (a) 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.
- (b) 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:

- (1) The locations and dimensions of driveway entrances, access aisles and loading spaces.
 - (2) The provisions for vehicular and pedestrian circulation.
 - (3) The locations of sidewalks and curbs.
- (c) 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 or compliance which has been issued for the use of the property shall immediately become void and of no effect.

(Ord. of 5-18-2015, art. 18, § 9)

Sec. 111-513. 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:

- (1) For uses containing a gross floor area of less than 20,000 square feet, each off-street loading space shall have minimum dimensions of 15 feet in width and 30 feet in length.
- (2) For uses containing a gross floor area of 20,000 square feet or more, each off-street loading space shall be 15 feet in width and 45 feet in length, as a minimum.
- (3) All off-street loading spaces shall have a minimum vertical clearance of 15 feet.
- (4) Access aisles or apron spaces shall be of sufficient width to allow for proper backing and/or turning movements.
- (5) Required off-street loading areas including drives and access aisles shall be constructed with a hard surface material.
- (6) 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.
- (7) 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.
- (8) Any lighting of loading areas shall be shielded so as to cast no light upon adjacent properties and streets.
- (9) 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 XX of this chapter (buffers and screening).

(Ord. of 5-18-2015, art. 18, § 10)

Sec. 111-514. Minimum off-street loading requirements.

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

- (1) 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

(2) 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

(Ord. of 5-18-2015, art. 18, § 11)

Secs. 111-515—111-536. Reserved.

ARTICLE XX. BUFFERS AND SCREENING

Sec. 111-537. Purpose of buffers.

Sec. 111-538. Buffers required.

Sec. 111-539. Buffer specifications.

Sec. 111-540. Location of buffer.

Sec. 111-541. Construction and maintenance.

Sec. 111-542. Deferring requirements.

Sec. 111-543. Enclosure requirements.

Secs. 111-544—111-564. Reserved.

Sec. 111-537. 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 principal 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 ensuring 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.

(Ord. of 5-18-2015, art. 19, § 1)

Sec. 111-538. 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 chapter 109, pertaining to watershed protection, as well as any regulations for buffers by the state.

(Ord. of 5-18-2015, art. 19, § 2)

Sec. 111-539. Buffer specifications.

(a) Unless specified elsewhere in this article, a buffer shall be one of the following:

- (1) An eight-foot-high attractive opaque barrier;
- (2) A buffer that is eight feet wide, which includes two rows, staggered, of eight-foot-high, dense evergreen planting; or
- (3) A 20-foot-wide natural wooded or planted strip.

Approval by the zoning administrator shall be required.

- (b) If a buffer is an eight-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-feet-wide) or the like which is planted facing adjoining property.
- (c) Where evergreens (trees and shrubs) are used, a native species and size shall be planted which will normally be expected to reach eight feet in three years' time.
- (d) A buffer may also be a minimum of 20-feet-wide natural vegetative or planted strip. The natural vegetative or planted strip shall be 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.

(Ord. of 5-18-2015, art. 19, § 3)

Sec. 111-540. 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.

(Ord. of 5-18-2015, art. 19, § 4)

Sec. 111-541. Construction and maintenance.

A buffer must be installed or constructed, as appropriate, prior to the issuance of a certificate of occupancy or compliance. 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 in section 111-542.

(Ord. of 5-18-2015, art. 19, § 5)

Sec. 111-542. Deferring requirements.

The required buffering may be deferred for up to five months after approval of the deferment by the zoning administrator, upon the receipt of a buffering guarantee security payable to the county and meeting the following requirements:

- (1) The developer may deposit cash, cashier's check, or an irrevocable letter of credit, either from the county or in escrow with a financial institution designated as an official depository of the county.
- (2) The developer or property owner shall obtain a landscaping plan and guaranteed cost estimate (official bid) from a landscaping firm.
- (3) The bond shall equal 1½ times the entire cost of installing all required landscaping, based on the average of three landscapers' bids.
- (4) 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 and valid for a minimum period of six months.
- (5) Any bond of \$10,000.00 or more may be a cashier's check, cash, or irrevocable letter of credit.
- (6) 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, 25 percent of its total cost, and return the balance to the property owner or developer.
- (7) 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:
 - a. That said escrow account shall be held in trust until released by the zoning administrator and may not be used or pledged by the developer in any other manner during the term of the escrow; and

- b. 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 zoning administrator and submission to the financial institution of an estimate of the amount needed to complete the improvements, immediately pay to the 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.

(Ord. of 5-18-2015, art. 19, § 6)

Sec. 111-543. Enclosure requirements.

- (a) 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 feet in height.
- (b) 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 feet in height.
- (c) These requirements may be increased for a special use as described in article XVIII of this chapter (special uses) or by the planning board as it deems appropriate, based on the situation at the site in question and nearby properties.

(Ord. of 5-18-2015, art. 19, § 7)

Secs. 111-544—111-564. Reserved.

ARTICLE XXI. SIGNS

Sec. 111-565. Statement of purpose.

Sec. 111-566. All signs must meet requirements of this chapter.

Sec. 111-567. More than one principal use per lot.

Sec. 111-568. Plan approval required.

Sec. 111-569. Exemptions.

Sec. 111-570. Prohibited signs.

Sec. 111-571. Temporary signs.

Sec. 111-572. Portable signs.

Sec. 111-573. Shopping center signs.

Sec. 111-574. Billboards.

Sec. 111-575. Location of signs.

Sec. 111-576. Nonconforming signs.

Sec. 111-577. Maintenance and removal of unsafe signs.

Sec. 111-578. Signs permitted in residential and rural agricultural districts.

Sec. 111-579. Signs permitted in the CB district.

Sec. 111-580. Signs permitted in the HB district.

Sec. 111-581. Signs permitted in the MI-1 and MI-2 districts.

Sec. 111-582. Computation of sign area.

Secs. 111-583—111-614. Reserved.

Sec. 111-565. 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.

(Ord. of 5-18-2015, art. 20, § 1)

Sec. 111-566. All signs must meet requirements of this chapter.

- (a) *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 chapter. The zoning administrator shall order the removal of any signs that are not constructed or maintained in accordance with the provisions of this article.
- (b) *Permit required.* In order to ensure compliance with this article, 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 planning office.

(Ord. of 5-18-2015, art. 20, § 2)

Sec. 111-567. 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 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.

(Ord. of 5-18-2015, art. 20, § 3)

Sec. 111-568. 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 section 111-567, is required to be submitted and approved by the planning staff before a zoning permit can be issued.

(Ord. of 5-18-2015, art. 20, § 4)

Sec. 111-569. Exemptions.

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

- (1) Unlighted signs, bearing only property identification numbers and names, mailbox numbers, or other identification of premises;
- (2) Signs on private property, such as private parking signs, signs on newspaper tubes, "No Trespassing" signs, and signs warning of animals;
- (3) Governmental flags and insignia;
- (4) Holiday decorations;
- (5) Local notices and warnings, or regulatory, informational, or directional signs;
- (6) Integral decorative or architectural features of buildings, including signs which denote only the building name, date of erection or street number;
- (7) Signs directing and guiding traffic and parking on private property;
- (8) The act of changing advertising copy of messages on any sign designed for the use of replaceable copy;
- (9) Price signs at automobile service stations or other establishments engaged in the retail sale of gasoline;
- (10) Signs announcing the location of self-service or full-service gasoline pumps at any establishment engaged in the retail sale of gasoline;
- (11) Signs painted on or permanently attached to a currently licensed motor vehicle;
- (12) Private "For Sale" signs temporarily attached to items or vehicles for sale;
- (13) Signs that identify bona fide farming operations (up to 48 square feet);
- (14) Signs that identify public buildings, schools, governmental offices, and similar institutions (up to 48 square feet). Illumination shall be restricted to indirect white lighting.

(Ord. of 5-18-2015, art. 20, § 5; altered during 2017 recodification)

Sec. 111-570. Prohibited signs.

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

- (1) Banners, posters, pennants, ribbons, streamers, strings of light bulbs, spinners, or other similar devices;
- (2) Roof signs;
- (3) Projecting signs and freestanding signs located within a public right-of-way, except when erected by the county, state, or federal government.

(Ord. of 5-18-2015, art. 20, § 6)

Sec. 111-571. Temporary signs.

Temporary signs no greater than 24 square feet and five feet in height are permitted for a maximum of 60 days in a calendar year.

(Ord. of 5-18-2015, art. 20, § 7)

Sec. 111-572. Portable signs.

- (a) 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.
- (b) No more than one lighted portable sign, with or without changeable copy, shall be allowed on a single premises in any institutional, commercial or industrial zoning district, and the sign must be placed no closer than ten feet to any property line or street right-of-way.

(Ord. of 5-18-2015, art. 20, § 8)

Sec. 111-573. Shopping center signs.

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

- (1) *Height and location.*
 - a. The freestanding sign shall not project higher than 20 feet above ground level if it is located less than 50 feet from the street right-of-way, not higher than 25 feet if it is between 50 and 100 feet from the street right-of-way, and not higher than 30 feet above ground level if the sign is located more than 100 feet from the street right-of-way.
 - b. No freestanding sign shall be closer than 20 feet to any street right-of-way or closer than 30 feet to any other property line.
- (2) *Multiple entrances.* If a shopping center has additional entrances, one freestanding sign, meeting the same minimum setbacks, is allowed per additional street entrance. The sign shall not exceed 32 square feet in display surface and six feet in height.
- (3) *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.

(Ord. of 5-18-2015, art. 20, § 9)

Sec. 111-574. 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 in HB and MI districts. Side-by-side or stacked signs are prohibited in all districts.

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

(Ord. of 5-18-2015, art. 20, § 10)

Sec. 111-575. Location of signs.

All signs, including the supports, frames, and embellishments thereto, shall be located on-premises, on private property, and not located within 30 feet from the center of the road or ten 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 15 feet to any property line.

(Ord. of 5-18-2015, art. 20, § 11)

Sec. 111-576. Nonconforming signs.

- (a) All nonconforming signs existing on the effective date of the ordinance from which this article is derived may remain in place, subject to the following requirements:
 - (1) 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 of message. However, this article shall not prohibit the normal maintenance of signs to keep them neat.
 - (2) 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.
- (b) Upon failure to comply with any of the requirements in subsection (a) of this section, the zoning administrator shall cause the removal of any nonconforming signs as hereafter provided.
- (c) 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.
- (d) Failure to correct such violation within 30 days shall constitute a violation of this article and is punishable under the provisions of article III of this chapter.

(Ord. of 5-18-2015, art. 20, § 12)

Sec. 111-577. Maintenance and removal of unsafe 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 designee shall cause such sign to be removed or brought into compliance in accordance with the method prescribed for nonconforming signs in section 111-576.

(Ord. of 5-18-2015, art. 20, § 13)

Sec. 111-578. Signs permitted in residential and rural agricultural districts.

- (a) Permanent freestanding monument signs shall be limited to two signs not exceeding 32 square feet in display surface area, located on private property no closer than 15 feet to any property line or street right-of-way, not exceeding six feet in height above ground level, and illumination shall be restricted to indirect white lighting.
- (b) Signs on property used for commercial or institutional uses shall be limited to one freestanding sign for each property line facing a public road, not exceeding 80 square feet in display surface area, and 30 feet in height, and shall not be closer than 15 feet to any property line or street right-of-way (with the exception of billboards, see section 111-574).
- (c) For all residential and agricultural zoning districts, one identification sign for each home occupation shall be permitted, but shall not be closer than 15 feet to any property line or street right-of-way, shall not project higher than five feet above ground level, and shall not exceed four square feet in area.
- (d) Billboards are allowed as a conditional use in a rural agricultural (RA) district (see section 111-574).

(Ord. of 5-18-2015, art. 20, § 14)

Sec. 111-579. Signs permitted in the CB district.

- (a) One freestanding sign and either one wall, projecting, or canopy sign is allowed per lot in the community business district. The wall, projecting, or canopy sign may be placed on all walls with road frontage. On corner lots, properties fronting on more than one public street shall be permitted one freestanding sign for each frontage.
- (b) Freestanding signs shall not exceed 30 feet in height, the display surface shall not exceed 80 square feet (with the exception of billboards, see section 111-574) and shall not be closer than 15 feet from any property line or street right-of-way.
- (c) Projecting and canopy signs shall be permitted. The display surface shall not exceed ten square feet, and shall maintain a clear distance of eight feet from ground level.
- (d) Wall signs shall not protrude more than 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 or more stories, the top of the sign shall not extend more than 20 feet above ground level.
- (e) Illumination of signs is permitted. Illumination shall be designed as to prevent light from directly hitting public rights-of-way and adjacent properties used or zoned for residential and rural agricultural purposes.
- (f) Billboards (see section 111-574) are permitted in the community business district.

(Ord. of 5-18-2015, art. 20, § 15)

Sec. 111-580. Signs permitted in the HB district.

- (a) One freestanding sign and either one wall, projecting, or canopy sign is allowed per lot in the highway business district. The wall, projecting, or canopy sign may be placed on all walls with road frontage. On corner lots, properties fronting on more than one public street shall be permitted one freestanding identification sign for each frontage.
- (b) Freestanding signs shall not exceed 30 feet in height, and the display surface shall not exceed 80 square feet. A property in this district within 500 feet of an interstate highway shall be allowed an additional on-premises freestanding sign which shall not exceed 60 feet in height. The display surface shall not exceed 120 square feet (with the exception of billboards; see section 111-574).

- (c) Wall signs shall not protrude more than 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 or more stories, the top of the sign shall not extend more than 20 feet above ground level.
- (d) Projecting and canopy signs shall be permitted. The display surface shall not exceed ten square feet, and shall maintain a clear distance of eight feet from ground level.
- (e) Illumination of signs is permitted. Illumination shall be designed as to prevent light from directly hitting public rights-of-way and adjacent properties used or zoned for residential and rural agricultural purposes.
- (f) Requirements for billboards are set forth in section 111-574.

(Ord. of 5-18-2015, art. 20, § 16)

Sec. 111-581. Signs permitted in the MI-1 and MI-2 districts.

- (a) One freestanding sign and either one wall, projecting, or canopy sign is allowed per lot in the MI-1 and MI-2 districts. The wall, projecting, or canopy sign may be placed on all walls with road frontage. On corner lots, business properties fronting on more than one public street shall be permitted one freestanding sign for each frontage.
- (b) Freestanding signs shall not exceed 30 feet in height. The display surface shall not exceed 80 square feet, with the exception of billboards (see section 111-574).
- (c) Projecting and canopy signs shall be permitted. The display surface shall not exceed ten square feet, and shall maintain a clear distance of eight feet from ground level.
- (d) Illumination of signs is permitted. Illumination shall be designed as to prevent light from directly hitting public rights-of-way and adjacent properties used or zoned for residential and rural agricultural purposes.
- (e) Requirements for billboards are set forth in section 111-574.

(Ord. of 5-18-2015, art. 20, § 17)

Sec. 111-582. Computation of sign area.

- (a) In measuring the area of signs permitted under this article, the entire face of the sign (one 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.

(Ord. of 5-18-2015, art. 20, § 18)

Secs. 111-583—111-614. Reserved.

ARTICLE XXII. DEFINITIONS

Sec. 111-615. General and specific terms defined.

Sec. 111-615. General and specific terms defined.

(a) For the purpose of this chapter, certain terms and words are defined as follows:

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

(b) The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Accessory apartment means 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 means any structure or use of land which meets the definition of the term "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 means 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, means 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, means 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, means a landing field for the private use of the property owner or lessee, including hangar areas for aircraft used by the owner or lessee at the private airport.

Airport, public, means 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 means a vehicular way used for providing service access along rear or side property lines of lots. Residential alleys will generally remain private.

Amortization means the process of providing for a timed extinction of a use that is not in compliance with this chapter.

Animal hospital/veterinary clinic means 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.

Antenna array means 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.

Apartment means a room or suite of rooms in a 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 means an action requesting reversal or modification of an interpretation or decision made by the zoning administrator in the application of these regulations.

Aquarium means an establishment where aquatic collections of living organisms are kept and exhibited.

Asphalt products means a facility preparing asphalt and/or concrete mixtures for street and driveway paving.

Attached wireless communication facility means 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 means a structure or enclosure where goods are sold by auction.

Automatic teller machine means a bank that provides banking or financial services.

Automobile salvage yard means 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 means 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. The establishment 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 means facilities engaged in deposit banking or extending credit in the form of loans.

Base flood means a flood having a one percent chance of being equaled or exceeded in any given year.

Base flood elevation means the elevation of the reach of the 100-year floodwaters.

Bed and breakfast means an owner-occupied or manager-occupied residential facility providing rooms for overnight lodging, or lodging and meals.

Board of adjustment means the county board of adjustment, appointed by the board of commissioners to conduct quasi-judicial evidentiary hearings on appeals, variances and special use permits, and to rule on these proposals as provided herein.

Board of commissioners means the county board of commissioners, the elected governing body of the county.

Bona fide farm means 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. (This definition relates to zoning and should not be associated with tax or other definitions.)

Brewery means any brewery producing more than six million barrels per year.

Buffer means 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 means the strip of land adjacent to a lake or natural watercourse.

Buildable area means the area of a zoning lot remaining after the minimum setback requirements of this article have been satisfied.

Building means 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. See *Structure*.

Building height means 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 means an establishment engaged in selling lumber and a general line of building materials and hardware to the public.

Building, principal, means the building in which the principal use of the zoning lot is conducted.

Bus terminal means a facility for the storage, maintenance, and dispatch of buses or taxis, and associated customer ticketing and waiting areas.

Business office means 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.

Campground and recreational vehicle park means 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.

Car wash means a facility where motor vehicles are washed, cleaned, and/or waxed by hand or with manually operated equipment or automatic machinery.

Carport means a roofed structure enclosed on not more than two sides and used for the parking of motor vehicles.

Cemetery, private, means 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.

Cemetery, public, means 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.

Certificate of zoning compliance means 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 means a day care facility in which day care is provided for 13 or more children when any child is preschool-age, or 16 or more children when all children are school age.

Child day care (small home) means 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 means a facility engaged in the care of children who have been abandoned or given up for adoption. Homes may include living quarters, dining areas, recreation areas, education facilities, etc.

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

Club or lodge means 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 means an institution of higher education offering associate, undergraduate and/or graduate degrees.

Collocation/site sharing means 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 means 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 means 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.

Condominium means a dwelling unit owned as a single-family home within a multiple-unit 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 means a subdivision characterized by dedicated common open space and clustered compact lots, as provided in section 111-375.

Construction, start of, means, 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. The term "start of construction" 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 placement of a manufactured home on a foundation.

Contiguous area means 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 means 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 sites means facilities owned, leased, rented or otherwise operated by the county at which solid waste and recyclables are collected, transported and disposed of. These sites are fenced and are attended by county employees under set operational schedules for the disposal of solid waste and acceptable recyclables from authorized households within the county.

Convenience store means 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 means 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 means a facility providing housing and care for individuals confined by law, operated under the authority of local, state, or federal government.

Crematorium means a location containing properly installed, certified apparatus intended for use in the act of cremation.

Cul-de-sac means a local street having only one end open to traffic with the other end permanently terminated by a vehicular turn-around.

Density means the ratio of dwelling units permitted on a zoning lot to the area of the zoning lot. Density is expressed in this chapter as the number of units per one acre.

Distillery means a facility in which alcoholic beverages are distilled; and which possesses the appropriate license from the state.

Dwelling, duplex, means 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, means a dwelling unit constructed in accordance with the standards set forth in the 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, multifamily, means a detached building constructed on-site in compliance with the state building code and designed for three or more dwelling units.

Dwelling, single-family (site-built), means a detached building constructed completely on-site.

Easement means 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 means the county emergency services department.

Engineer means a person licensed to practice engineering in the state.

Environmental health means the county environmental health department.

Equipment facility means 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 means the wearing away of land surface by the action of wind, water, gravity, or any combination thereof.

Erosion Control Act means the North Carolina Sedimentation Pollution Control Act of 1973 and all rules and orders adopted pursuant to it and amendments (regulated by NCDEQ).

Erosion, natural, means the wearing away of the earth's surface by water, wind, or other natural agents under natural environmental conditions undisturbed by man.

FAA means the Federal Aviation Administration.

FCC means the Federal Communications Commission.

FTA means the Federal Telecommunications Act of 1996.

Family means 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 18 years or older, not exceeding four, and their children or stepchildren under 18 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. 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:

- (1) 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;
- (2) 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 subsection (1) of this definition; and
- (3) A dependent, as defined in state law, of any person described in subsection (1) or (2) of this definition.

Family care home means a transitional housing facility with support and supervisory personnel licensed by the state or operated by a nonprofit corporation chartered pursuant to § 55A-1-01 et seq., 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 G.S. 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 G.S. 122C-3(11)b, and shall not include persons living together as a fraternal, sororal, social, honorary, or professional organization.

Family members, direct, means direct lineal descendants (children, grandchildren, and great grandchildren) and direct lineal ascendants (father, mother, grandfather and grandmother); and brothers, sisters, nieces and nephews.

Farm tenant housing means a dwelling unit occupied by the family of a person employed in agriculture-related activities on the premises.

Fire marshal means the county fire marshal's office.

Firing range, indoor, means an enclosed facility designed as a business or commercial enterprise for public use and used for the discharge of firearms at targets.

Firing range, outdoor, means 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 means an official map on which the Federal Emergency Management Agency has delineated both the floodway and floodway fringe areas. Said map also contains 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, means 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 means 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 means the property abutting on one side of a street measured along the street right-of-way line.

Funeral home means an establishment engaged in undertaking services, such as preparing the human dead for burial and in arranging and managing funerals. The term "funeral home" includes crematories and mortuaries.

Furniture and home furnishings store means 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 means 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 means an open-air golf practice facility.

Grading business means 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, means a small facility where plants are grown for personal use, not for retail or commercial sale.

Greenhouses and nurseries, commercial, means 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 means 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 means the total area of any buildings in the project, including the basements, mezzanines and upper floors, exclusive of stairways and elevator shafts. The term "gross floor area" excludes separate service facilities outside the buildings such as boiler rooms and maintenance shops.

Ground cover means any natural vegetative growth or other material which renders the soil surface stable against accelerated erosion (erosion control).

Group development means a development where two or more structures are to be constructed on a single parcel, which is not intended to be subdivided. The term "group development" includes, but is not limited to, manufactured home parks, multifamily developments, and shopping centers.

G.S. means the North Carolina General Statutes.

Hardship means a condition either medical in nature or constituting an emergency deemed by the zoning administrator as worthy of special consideration in administering this article; 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 chapter.

Hardware store means 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 means establishments where the eggs or fry of fish or chickens are incubated and raised for commercial purposes.

Hazardous material means 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 (CERCLA) hazardous substances; or section 311 of the Clean Water Act (CWA) (oil and hazardous substances).

Hazardous substance means 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 means the county health department.

Height, when referring to a wireless communication facility, means the distance measured from ground level to the highest point on the wireless communication facility, excluding the antenna array.

Home occupation means 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 25 percent of the total actual floor area of any structure is used for a home occupation (work within the home) or professional purposes, and that all parking generated by the conduct of such home occupation is 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 means 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 means 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 means a building or group of buildings used principally to provide shelter, with or without meals, for not fewer than four paying guests.

HUD means the United States Department of Housing and Urban Development.

Improvement means any structure or constructed feature not included under the definition of the term "structure."

Inspections department means the county inspections department.

Junk means 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 means a motor vehicle that does not display a current license plate and that:

- (1) Is partially dismantled or wrecked;
- (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 means any open area of 500 square feet or more which is maintained, operated, or used for storing, keeping, dismantling, disassembling, salvaging, abandoning, buying or selling junk, regardless of the length of time that junk is stored or kept, or for maintenance or operation of an automobile graveyard; or the open storage of three or more junked motor vehicles. An existing junkyard shall be one which was in existence on the effective date of the ordinance from which this chapter is derived as evidenced by registration of the junkyard with the county.

Kennel means 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, the term "kennel" means any establishment wherein any person engages in business or practice, for a 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. The term "domesticated animals," for the purpose of this chapter, shall be defined as dogs, cats, and other generally accepted household pets. The term "litter," for the purpose of this chapter, 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:

- (1) The ownership of domesticated animals as household pets;
- (2) The ownership of domesticated animals for hunting or tracking purposes;
- (3) The ownership of domesticated animals for the purpose of exhibiting at shows, obedience or field trials; and
- (4) The ownership of domesticated animals for the purpose of protection or guarding of residences or commercial establishments.

Lake or natural watercourse means 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 means any use of the land by any person in residential, industrial, educational, institutional, or commercial development, or 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, means 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.

Landfill, sanitary, means a facility for the disposal of all types of solid wastes, excluding hazardous wastes or toxic substances.

Landowner means any owner of a legal or equitable interest in real property, including the heirs, devisees, successors, assigns and personal representatives 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 chapter.

Landscape architect means a person licensed to use the title of landscape architect in the state.

Library, public, means a publicly operated facility housing a collection of books, magazines, audio and videotapes, or other material for use by the general public.

Liquor store means an establishment regulated by the alcoholic beverage control board selling alcoholic beverages.

Livestock means domesticated animals intentionally reared in an agricultural setting to produce food, fiber or other materials, or for their labor. The term "livestock" does not include dogs kept in kennels, or other domestic or exotic household pets.

Livestock, non-farm, means possession of livestock on a residential lot for non-agricultural purposes, rather, for recreation and/or pleasure (e.g., horses, swine, goats, etc.).

Livestock sales means a commercial establishment wherein livestock is collected for sale or auctioning.

Local ordinance officer means a designee or such other person in the planning office, as the adopting jurisdiction may designate, as the officer principally responsible for the enforcement of this chapter.

Log home manufacturing means a facility where all components of log homes are produced and shipped to work sites.

Lot means a parcel of land, the boundaries of which are established by some legal instrument, such as a deed or a recorded plat (but not a 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 chapter. For purposes of this chapter, the term "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, means any lot or parcel, which has a common boundary, right-of-way, or easement with the subject lot.

Lot, corner, means 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 135 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 means that portion of the lot area, expressed as a percent that is covered by impervious surface cover.

Lot, double frontage, means 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, means a lot other than a corner lot.

Lot front means 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 means a line or series of connected line segments bounding a lot.

Lot line, front, means the line which separates the lot from a street right-of-way. Corner lots shall have only one front lot line.

Lot line, interior, means a side lot line, which separates the lot from another lot.

Lot line, rear, means 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, means a lot line other than a front or rear lot line.

Lot, nonconforming, means 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 ordinance from which this chapter is derived or subsequent amendments, and which continues to exist.

Lot of record means 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 the ordinance from which this chapter is derived.

Lot width means 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.

Mall. See Shopping center.

Manufactured and modular homes, and recreational vehicle sales means 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, or 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 means 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 40 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 state building code for one- and two-family dwellings.

(1) *Class A* means a manufactured home 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 (e.g., double-wide, triple-wide).

- b. The pitch of the manufactured home's roof has a minimum vertical rise of 2 2/10 feet for each 12 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 state 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* means a manufactured home 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 2 2/10 feet for each 12 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, means 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 means any parcel, area, or tract of land maintained for the purpose of renting, leasing, or lease purchasing a manufactured home space where a total of three or more manufactured homes are installed and permitted, excluding any exemption or exception provided herein.

Manufactured home space means 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. The term "manufacturing" means:

- (1) *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.
- (2) *Manufacturing 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.

- (3) *Manufacturing 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 plant means 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 and dental clinics means an establishment primarily engaged in furnishing medical and surgical services to individuals and licensed for such practice by the state.

Medical or dental laboratories means 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.

Metal fabrication plant means a large-scale (greater than 3,001 square feet) facility, which is engaged in the shaping of metal and similar materials.

Metal fabrication shop means a small-scale (3,000 square feet or less) facility which is engaged in the shaping of metal and similar materials.

Microbrewery means an independent brewery producing six million barrels of beer or less each year using traditional brewing practices with the intent to sell.

Micro-distillery means 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.

Mining, quarrying, or resource extraction.

- (1) The term "mining, quarrying, or resource extraction" means any mining activity, as defined in state law, including:
- The breaking of the surface soil in order to facilitate or accomplish the extraction or removal of minerals, ores, or other solid matter;
 - 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
 - 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.
- (2) The term "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. The term "mining" shall not include mining operations where the affected land does not exceed one acre in area. The term "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 means moving and/or storage services for household and business goods, including self-service storage facilities.

Mixed-use project means a planned development of property involving integrated multifamily 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 means a food truck or 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, or vehicle-mounted, or vehicle-towed piece of equipment designed to be readily moved.

Modular structure means 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 state building code and must have attached a state validating stamp.

Monument sales means an establishment where concrete or rock-based monuments, such as yard décor, tombstones, etc., are sold.

Motor cross track means 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.

Motor vehicle (car, truck, motorcycle) means 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 means an establishment primarily engaged in bodywork, painting, or customizing of automobiles or other motor vehicles.

Motor vehicle repair means an establishment maintained and operated for the primary purpose of making mechanical and/or body repairs to automobiles, trucks, tractors, and/or farm equipment.

Movie theater, drive-in, means an establishment for the outdoor viewing of motion pictures by patrons while in motor vehicles.

Movie theater, indoor, means an establishment for the indoor viewing of motion pictures by patrons.

Multifamily includes the definitions of apartments, condominiums, and townhouses.

Museum or art gallery means a structure used for the display and preservation of paintings, sculpture, and other constructed or natural objects illustrating human or natural history.

NCDEQ means the state department of environmental quality.

NCDOT means the state department of transportation.

Nursing, convalescent, assisted living facility means a home for persons aged, ill or handicapped in which two or more persons not of the immediate family of the owner or manager of said home are provided with food, shelter, and nursing care.

Oil and gasoline bulk storage means the storage on a zoning lot of 2,500 gallons or more of flammable liquid, or 2,000 gallons water capacity or more of flammable gas, excluding storage tanks, above ground as defined herein below.

Opaque barrier means a vertical structure constructed of masonry, concrete, metal, or wooden material, which does not allow light to pass through.

Open space means 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, means an 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 means 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 means a freestanding lot developed separately but linked functionally to a shopping center.

Overlay district means a zoning district which overlays and combines with one of the principal zoning districts established by this chapter. In such case, the property involved is subject to the requirements of both districts.

Parking, commercial, means 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 means 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 means 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 means the planning board of the county.

Planning office means the county office with lead responsibility for administration of the zoning ordinance..

Planning staff means the zoning administrator and appointed authorized officials or employees in the county planning office.

Planting area means 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 means a surveyed map or plan of a parcel of land which is to be, or has been, subdivided.

Plat, final, means 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, means 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 means a facility established for public law enforcement purposes or public fire protection and prevention purposes.

Postal processing center means 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.

Post office means 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.

Premises means 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 club means 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 means under the control or responsibility of the elected body on behalf of the general population, rather than individual or private control.

Public sewer system means 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 state division of health services.

Public utility facility (major) means a facility 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 utility facility (minor) means a facility less than 1,200 square feet for such utilities as transformer stations, pumping stations, water towers, and telephone exchanges. The facility must meet district setbacks unless an engineer-certified report requiring less is submitted. The facility must be screened from adjoining properties.

Public water supply system means an approved water supply system, including municipal and sanitary district water systems approved by the environmental health department in consultation with the state division of health services.

Quarry. See *Mining, quarrying, or resource extraction.*

Radio and television studios means 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 means 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, means an area of open space which is required in certain types of developments for active or passive recreational uses.

Recreation services, indoor, means establishments engaged in providing indoor amusement or entertainment services.

Recreation services, outdoor, means establishments engaged in providing outdoor amusement or entertainment services.

Recreational vehicle means 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 means 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 plant means 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 means a facility which produces petroleum-based products.

Register of deeds means the county register of deeds.

Rehabilitation center means a facility engaged in the treatment of substance abuse patients.

Rental of motor vehicles means an establishment primarily engaged in furnishing motor vehicle rental, leasing, and parking services to the public.

Research activities means 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 means of or pertaining to permanent dwellings or to land used for dwellings as defined herein.

Residential storage facilities means an off-premises building classified as the principal 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) means 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) means an establishment which serves food and beverages primarily to customers seated at tables or counters located within the building or designated outdoor seating areas. The term "restaurant" includes cafes, tea rooms, and outdoor cafes.

Retail uses, not otherwise listed, means 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 or mental institution means a health station, retreat, or an institution for the recuperation and treatment of persons suffering from physical or mental disorders.

School, elementary, middle, high, means 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 state department of public instruction as meeting the requirements of state law.

Screening means 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 means 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 means a 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 NCDEQ).

Septic services means a service provider who collects and disposes of solid and liquid wastes from private sewage disposal systems.

Services, business. The term "services, business" means:

- (1) An establishment primarily engaged in providing a service to businesses and, to a lesser extent, individuals. All merchandise and rental equipment is stored inside enclosed buildings.
- (2) 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, means kidney dialysis centers, blood banks, birth control clinics, drug treatment centers, and similar uses.

Services, personal, means 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) means 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 means 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 means a building or group, 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 means any words, letters, figures, numerals, phrases, sentences, emblems, devices, designs, trade names, or trademarks used to promote an individual, firm, association, 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, means a 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, means 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, marquee, means any canopy substantially framed in steel which is durably constructed and of sufficient strength and design to carry superimposed sign structures.

Sign, projecting, means an on-premises sign supported by a pole or other supporting structure, hanging from a building.

Sign, real estate, means a sign which is designed for the sale, lease, promotion, and identification of real estate.

Sign, roof, means a sign located above the eaves and below the peak of the roof where the sign is located.

Sign, wall, means a 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 12 inches, except in accordance with these regulations.

Site plan means 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 of property.

Site-specific development plan (for vested right) means 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 of property. The contents of a site-specific development plan that is submitted in the interest of obtaining a vested right under section 111-36 shall meet the requirements found in section 111-438.

Special use permit means a permit that allows a use of land upon approval by the board of adjustment as part of a quasi-judicial evidentiary public hearing process.

Stadium, coliseum, or exhibition building means 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, and motor vehicle racing.

Stream buffer means 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, means 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 means 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, means a 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 means any public right-of-way set aside for public travel which has been accepted for maintenance by the state 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 the county, or has otherwise been established as a public street prior to the adoption of the ordinance from which this chapter is derived.

Structure means anything constructed or erected which is above grade, including a manufactured home and a storage trailer. For purposes of this chapter, the term "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, means a structure detached from a principal building on the same zoning lot, the use of which is customarily incidental to the principal building. The term "accessory structure" includes freestanding satellite dishes, and any other devices which access satellites and amateur radio antennae. Items excluded include doghouses, fences, and other minor personal property.

Subdivision. Refer to chapter 107, pertaining to subdivisions, as amended, for a definition of the term "subdivision."

Supermarket means a food market or combination food market and department store with more than 3,000 square feet of floor area.

Support structure (for wireless communication facilities) means a support 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 means a person licensed to practice surveying in the state.

Swimming pool, private, means a swimming pool intended for the private, noncommercial use of a property owner, homeowners' association, residential development, or club.

Swine farm means any tract or contiguous tract of land in the 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 means a wireless communication facility to be placed in use for 90 or fewer days.

Thoroughfare means 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.

Townhouse means 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 totally exposed front and rear walls to be used for access, light, and ventilation.

Tract means 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 means a service provider who engages in the destruction of trees by cutting, girdling, or interfering the water supply by applying chemicals, or re-grading around the trunk of the tree.

Truck/freight terminal means any facility for handling freight, with or without storage and maintenance facilities.

Use means 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 chapter.

Use, accessory, means 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 uses provided for by this chapter.

Use, nonconforming, means 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 ordinance from which this chapter is derived or subsequent amendments, and which has not been discontinued under the provisions of the zoning ordinance.

Use, principal, means those uses of land listed in table of uses (article XII) of this chapter.

Use, temporary, means 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 means the United States Geological Survey.

Variance means an action requesting consideration for relief from the strict enforcement of the standards of this chapter where special circumstances or unusual considerations may exist on the parcel of land.

Vested right means a right pursuant to G.S. 160D-108 to undertake and complete the development and use of property under the terms and conditions of an approved site-specific development plan.

Warehousing means establishments primarily engaged in the warehousing and storage of general merchandise, refrigerated goods, and farm products.

Waste means surplus materials resulting from on-site construction and disposed of at other locations.

Water supply watershed means 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.

Watershed protection ordinance means the Yadkin County Watershed Protection Ordinance.

Wetlands means areas inundated or saturated by surface or groundwater 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. The term "wetlands" generally includes swamps, marshes, bogs, and similar areas.

Winery means a manufacturing facility engaged in the production and sale of wine or wine-like beverages.

Wireless communication facility means 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 means personal wireless services as defined in the Telecommunications Act of 1996, which includes FCC-licensed commercial wireless telecommunications services including cellular, personal communication services (PCS), specialized mobile radio (SMR), enhanced specialized mobile radio (LSMR), paging, and similar services that currently exist.

Woodworking fabrication shop means a small-scale (3,000 square feet or less) facility, which is engaged in the shaping of wood and similar materials.

Woodworking plant means a large-scale (greater than 3,001 square feet) facility, which is engaged in the shaping of wood and similar materials.

Yard means 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, means 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 chapter.

Yard, interior side, means 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 chapter, provided that the side lot line is not adjacent to a public street right-of-way.

Yard, rear, means 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 chapter.

Yard, side, means 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, means 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 chapter.

Zero lot line means a common lot line on which an interior or exterior wall of a structure may be constructed which distinguishes the property line.

Zoning administrator means an individual charged with the administration of this chapter to the general public.

Zoning lot means a lot, or portion thereof, within a single zoning district which shall be considered and treated as one zoning lot.

Zoning permit means a permit issued by the zoning administrator 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 chapter.

(Ord. of 2-6-1989, art. 12; Ord. of 5-18-2015, art. 21, § 1)