

4

USE STANDARDS

Chapter 4. Use Standards

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CHAPTER 4. USE STANDARDS

4.1. USE TABLE

4.1.1. Explanation of Use Table Structure

A. General

- (1) Table 4.1.1, Summary Use Table, lists use types and indicates whether they are allowed by right, allowed with a use permit, allowed in a conditional zoning district, allowed in a planned development zoning district, or prohibited in a zoning district. The use table also includes references to any additional requirements or regulations applicable to the specific use type.
- (2) The status of a use in a conditional zoning district shall be the same as in the parallel base zoning district unless such status is modified by conditions imposed as part of the conditional rezoning designating the conditional zoning district.

B. Organization of Uses

The use table organizes allowable uses by use classifications, use categories, and use types. The use table and Section 10.4, Use Classifications, Categories, and Use Types, together provide a systematic basis for identifying and consolidating or distinguishing unidentified land uses to determine whether a particular land use is allowable in a particular zoning district and in addressing future land uses.

(1) Use Classifications

The use classifications identify broad general classifications of uses and include residential uses, institutional uses, agricultural uses, commercial uses, and industrial uses. Use classifications are further broken down into a series of general “use categories” and specific “use types.”

(2) Use Categories

The use categories describe the major sub-groups of the respective use classifications and are based on common functional, product, or physical characteristics, such as the type and amount of activity, the type of customers or residents, how goods or services are sold or delivered, and site conditions. For example, the Residential Use Classification is divided into the Household Living and Group Living use categories. Use categories are further broken down into a series of individual use types.

(3) Use Types

The specific use types are included in the respective use category. They identify the specific principal uses that are considered to fall within characteristics identified in the use category. For example, duplex dwellings, live/work dwellings, manufactured homes, single-family detached dwellings, and townhouse dwellings are use types in the Household Living Use Category.

C. Uses Requiring a Zoning Compliance Permit

A “Z” in a cell of the use table indicates that the corresponding use category or use type is permitted in the corresponding base zoning district or parallel conditional

SECTION 4.1: USE TABLE**Subsection 4.1.1: Explanation of Use Table Structure**

zoning district, subject to compliance with the use-specific standards referenced in the final column of the use table (conditions imposed as part of a conditional rezoning, if applicable) and issuance of a zoning compliance permit by the county. Uses requiring a zoning compliance permit are subject to all other applicable regulations of this Ordinance, including those set forth in Chapter 5: Development Standards, Chapter 6: Subdivision and Infrastructure Standards, and Chapter 7: Environmental Protection.

D. Uses Requiring a Use Permit

A “U” in a cell of the use table indicates that the corresponding use category or use type is allowed in the corresponding base zoning district or parallel conditional zoning district, only upon approval of a use permit in accordance with Section 2.4.6, Use Permit, any use-specific standards referenced in the final column of the use table, and any conditions imposed as part of a conditional rezoning (if applicable). Uses subject to a use permit are subject to all other applicable regulations of this Ordinance, including those set forth in Chapter 5: Development Standards, Chapter 6: Subdivision and Infrastructure Standards, and Chapter 7: Environmental Protection.

E. Uses Allowed Subject to a Conditional Zoning District Classification

A “CZ” in a cell of the use table indicates that the corresponding use category or use type is only allowed within a parallel conditional zoning district of the corresponding base zoning district, subject to compliance with use-specific regulations set forth in the final column of the table, and any conditions imposed as part of the conditional rezoning. Uses subject to a conditional zoning district are subject to all other applicable regulations of this Ordinance, including those set forth in Chapter 3: Zoning Districts, Chapter 5: Development Standards, Chapter 6: Subdivision and Infrastructure Standards, and Chapter 7: Environmental Protection.

F. Uses Allowed Subject to a Planned Development District Classification

An “MP” in a cell of the use table indicates that the corresponding use category or use type is allowed in the corresponding planned development district, subject to compliance with the use-specific regulations set forth in the final column of the table and provided the use is included in the required list of possible use types in the planned development master plan. Allowed uses are subject to other applicable regulations in this Ordinance, including those set forth in Section 3.7, Planned Development Base Zoning Districts.

G. Prohibited Uses

- (1)** A blank cell in the use table indicates that the corresponding use category or use type is prohibited in the corresponding zoning district. Use types with a blank cell are not allowable in a corresponding planned development district, and shall not be included in the planned development master plan.
- (2)** The following activities or use types are not identified in Table 4.1.1, but are prohibited in all zoning districts in the county.
 - (a)** Use of a parked motor vehicle to buy, sell, or store goods or services, except as allowed in Section 4.3 Accessory Use Standards or Section 4.4, Temporary Use Standards:
 - (b)** Use of a boat, houseboat, or other floating structure as a temporary or permanent residence (this shall not prevent the overnight occupancy of a vessel temporarily docked while in transit on navigable waters);

SECTION 4.1: USE TABLE

Subsection 4.1.1: Explanation of Use Table Structure

- (c) Use of a travel trailer as a permanent residence or use of a travel trailer as a temporary residence;
- (d) Operation of a principal (non-accessory) commercial use located solely on the beach strand (uses simply transporting customers to the beach from an approved off-beach location are exempted); and
- (e) Manufactured home parks or private campgrounds as a principal use.

H. Use-Specific Standards

When a particular use category or use type is permitted in a zoning district, there may be additional regulations that are applicable to the use category or use type. The existence of these use-specific standards is noted through a section reference in the last column of the use table titled Additional Requirements (“Additional Req.”). References refer to provisions found in Section 4.2, Use-Specific Standards. These standards apply to the corresponding use regardless of the base zoning district where it is proposed, unless otherwise specified.

I. Use Restricted or Prohibited by Overlay Zoning District

Regardless of whether the use table identifies a particular use type as requiring a zoning compliance permit, use permit, or allowed subject to a conditional zoning district classification or planned development district classification, the use type may be restricted or prohibited, or subject to more restrictive additional requirements, in accordance with applicable sub-district or overlay district provisions in Chapter 3: Zoning Districts.

J. Unlisted Uses

- (1) The Planning Director shall determine whether or not an unlisted use is part of an existing use category or use type defined in Section 10.4, Use Classifications, Use Categories, and Use Types, or is substantially similar to an already defined use type, using the standards in Section 10.4.1.D, Interpretation of Unlisted Uses.
- (2) Uses which are found to be unlisted and dissimilar to an already defined use type are prohibited.

SECTION 4.1: USE TABLE

Subsection 4.1.2: Use Table

4.1.2. Use Table

TABLE 4.1.1: SUMMARY USE TABLE

Z = Zoning Compliance Permit; U = Use Permit; MP = Allowed with Master Plan;
 CZ= Allowed in a Conditional Zoning District blank cell = Prohibited

USE CATEGORY	USE TYPE	ZONING DISTRICT (CURRENT DISTRICT IN PARENTHESIS) [NOTE: OVERLAY OR SUB-DISTRICT REQUIREMENTS MAY FURTHER LIMIT USES]															ADDITIONAL REQ. (4.2.____)		
		RC	AG	SFM	SFO	SFR	SFI	MXR	GB	LB	CC	VC	LI	HI	PD-R	PD-M		PD-O	
AGRICULTURAL USE CLASSIFICATION																			
Agriculture / Horticulture	All	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	MP	MP	MP	
Animal Husbandry	All		Z				Z						Z	Z		MP			1.A
Agriculture Support and Services (Directly Related)	Agri-education	Z	Z				Z		Z	Z	Z					MP			1.B.2
	Agri-entertainment	Z	Z				Z		Z	Z	Z					MP			1.B.2
	Agricultural processing		Z					U					Z	Z		MP			1.B
	Agribusiness		Z				Z		Z	Z	Z			Z		MP			1.B
	Equestrian facility		Z	Z			Z		Z		Z	Z	Z		MP	MP	MP		1.B.3
	Farmers market		Z				Z		Z	Z	Z	Z	Z		MP	MP	MP		1.B
	Nursery, production		Z				Z		Z	Z			Z	Z	MP	MP			1.B.4
	Roadside market		Z						Z										1.B.5
Agriculture Support and Services (Not Directly Related)	Agricultural research facility		Z						Z	Z	Z		Z	Z		MP			1.C
	Distribution hub for agricultural products		Z						Z	Z			Z	Z		MP			1.C
	Farm machinery sales, rental, and service		Z						Z	Z	Z		Z	Z		MP			1.C
	Stockyard / Slaughterhouse		U											U					1.C
Silviculture	All	Z	Z	Z			Z	Z	Z	Z			Z	Z	MP	MP		1.C	
RESIDENTIAL USE CLASSIFICATION																			
Household Living	Dwelling, duplex			Z/U				Z			Z	Z			MP	MP	MP		2.A.1
	Dwelling, live/work							Z	Z	Z	Z	Z			MP	MP	MP		2.A.2
	Dwelling, mansion apartment							CZ			Z	Z			MP	MP	MP		2.A.3
	Dwelling, manufactured home (class A)		Z	Z			Z	Z	Z										2.A.4
	Dwelling, manufactured home (class B)		Z	Z			Z	Z	Z										2.A.4
	Dwelling, multi-family							CZ			Z	Z			MP	MP	MP		2.A.5
	Dwelling, single-family detached		Z	Z	Z	Z	Z	Z	Z	Z	Z	Z			MP	MP	MP		
	Dwelling, townhouse							CZ			Z	Z			MP	MP	MP		2.A.5
	Dwelling, upper story							Z	Z	Z	Z	Z			MP	MP	MP		2.A.6
Group Living	Dormitory							Z	Z	U	Z	Z				MP			2.B.1
	Family care home			Z	Z	Z	Z	Z	Z	Z	Z	Z			MP	MP	MP		2.B.2
	Rooming or boarding house							Z	Z		Z	Z			MP	MP	MP		2.B.3

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		RC	AG	SFM	SFO	SFR	SFI	MXR	GB	LB	CC	VC	LI	HI	PD-R	PD-M		PD-O
INSTITUTIONAL USE CLASSIFICATION																		
Community Services	Community center			Z	Z	U	Z	Z	Z	Z	Z	Z			MP	MP	MP	
	Cultural facility	U		Z	Z			Z	Z	Z	Z	Z			MP	MP	MP	
	Library			Z	Z		Z	Z	Z	Z	Z	Z			MP	MP	MP	
	Museum			Z				Z	Z	Z	Z	Z			MP	MP	MP	
	Senior center							Z	Z	Z	Z	Z			MP	MP	MP	
	Youth club facility							Z	Z	Z	Z	Z			MP	MP	MP	
Day Care	Adult day care center							Z	Z	Z	Z	Z			MP	MP	MP	
	Child care center			Z	Z		Z	Z	Z	Z	Z	Z			MP	MP	MP	3.A
Educational Facilities	College or university								Z	Z	Z	Z			MP	MP	MP	
	School, elementary		U	Z	Z		U	Z	Z	Z	Z	Z			MP	MP	MP	
	School, middle		U	Z	Z		U	Z	Z	Z	Z	Z			MP	MP	MP	
	School, high							Z	Z	Z	Z	Z			MP	MP	MP	
Government Facilities	Vocational or trade school								Z	Z	Z	Z	Z	Z		MP	MP	3.B
	Government maintenance, storage, or distribution facility								Z	Z	Z	Z	Z	Z	MP	MP	MP	
Government Facilities	Government office		Z	Z	Z		Z	Z	Z	Z	Z	Z	Z		MP	MP	MP	
	Blood/tissue collection facility								Z		U	U	Z					
Health Care Facilities	Drug or alcohol treatment facility								Z	U	U	U	Z					3.C.1
	Hospital								Z	Z	Z	Z	Z			MP	MP	3.C.2
	Medical treatment facility								Z	Z	Z	Z			MP	MP	MP	
	Assisted living facility							Z	Z	Z	Z	Z			MP	MP	MP	
Institutions	Auditorium, conference, and convention center								Z	Z	Z	Z				MP	MP	3.D.1
	Club or lodge			U				U	Z	Z	Z	Z	Z		MP	MP	MP	
	Halfway house							U	U				U					3.D.2
	Nursing home							Z	Z	Z	Z	Z			MP	MP	MP	
	Psychiatric treatment facility							U					U					
	Religious institution		Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z		MP	MP	MP	3.D.3
Parks and Open Areas	Arboretum or botanical garden	Z	Z	Z	Z		Z	Z	Z	Z	Z	Z			MP	MP	MP	
	Cemetery, columbaria, mausoleum							Z					Z	Z		MP		3.E
	Community garden	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z			MP	MP	MP	
	Park, public or private	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z			MP	MP	MP	
Public Safety	Correctional facility												U	U				
	Police, fire, or EMS facility		Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z		MP	MP	MP	
	Security training facility		U															3.F

SECTION 4.1: USE TABLE

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		RC	AG	SFM	SFO	SFR	SFI	MXR	GB	LB	CC	VC	LI	HI	PD-R	PD-M		PD-O
Transportation	Airport		U						U		U		U	U		MP	MP	
	Helicopter landing facility								U		U		U	U		MP		3.G
	Passenger terminal, surface transportation			U	U				Z		Z	Z			MP	MP	MP	
Utilities	Solar array		CZ															3.H.1
	Telecommunications antenna collocation on tower or building		Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	MP	MP	MP	3.H.2
	Telecommunications tower, freestanding		U						U	U			U	U				3.H.2
	Utility, major	U	U	U	U	U	U	U	U	U	U	U	U	U	MP	MP	MP	3.I
	Utility, minor	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	MP	MP	MP	3.J
	Wind energy facility, large		U				U			U	U			U	U		MP	MP
COMMERCIAL USE CLASSIFICATION																		
Adult Entertainment	All													U				4.A
Animal Care	Animal grooming								Z	Z	Z	Z	Z		MP	MP	MP	4.B
	Animal shelter								Z				Z		MP			4.B
	Kennel		U						Z	Z		Z	Z	Z		MP	MP	4.B
	Veterinary clinic		U						Z	Z	Z	Z	Z		MP	MP	MP	4.B
Eating Establishments	Dinner theater								Z	Z	Z	Z			MP	MP	MP	
	Restaurant, with indoor or outdoor seating							U	Z	Z	Z	Z	Z		MP	MP	MP	4.C
	Specialty eating establishment							Z	Z	Z	Z	Z	Z		MP	MP	MP	
Offices	Business and sales							Z	Z	Z	Z	Z	Z		MP	MP	MP	4.D
	Professional services							Z	Z	Z	Z	Z			MP	MP	MP	4.D
Parking, Commercial	Parking lot								Z	Z	Z	Z	Z	Z	MP	MP	MP	4.E.1
	Parking structure										Z	Z			MP	MP	MP	4.E.2
Recreation/ Entertainment, Indoor	Fitness center							Z	Z	Z	Z	Z	Z		MP	MP	MP	
	Recreation, indoor							Z	Z	Z	Z	Z	Z		MP	MP	MP	
	Theater							Z	Z	Z	Z	Z			MP	MP	MP	
Recreation / Entertainment, Outdoor	Automotive Racing													U				
	Arena, amphitheater, or stadium								U		U	U			MP	MP	MP	4.F.1
	Athletic facility			Z	Z		Z	Z	Z	Z	Z	Z			MP	MP	MP	4.F.2
	Golf course			U	U			U							MP	MP	MP	
	Golf driving range							Z	Z	Z					MP	MP		
	Marinas							U	Z		Z	Z	Z		MP	MP	MP	4.F.3
	Outdoor shooting range		U										U					4.F.5
	Outdoor tour operator								U	U	Z	Z				MP	MP	4.F.6

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USE CATEGORY	USE TYPE	ZONING DISTRICT (CURRENT DISTRICT IN PARENTHESIS) [NOTE: OVERLAY OR SUB-DISTRICT REQUIREMENTS MAY FURTHER LIMIT USES]															ADDITIONAL REQ. (4.2.____)	
		RC	AG	SFM	SFO	SFR	SFI	MXR	GB	LB	CC	VC	LI	HI	PD-R	PD-M		PD-O
Retail Sales & Services	Recreation, outdoor							U	Z	Z	Z	Z			MP	MP	MP	4.F.4
	Auction House												Z			MP		
	Bar, nightclub, or cocktail lounge								Z		Z	Z			MP	MP	MP	4.G.1
	Convenience store							Z	Z	Z	Z	Z	Z		MP	MP	MP	
	Crematory													U				
	Drug store or pharmacy							Z	Z	Z	Z	Z			MP	MP	MP	
	Entertainment establishment							Z	Z	Z	Z	Z			MP	MP	MP	
	Financial institution							Z	Z	Z	Z	Z			MP	MP	MP	
	Flea market												Z	Z	MP	MP		4.G.2
	Funeral home								Z	Z	Z	Z				MP	MP	
	Grocery store								Z		Z	Z			MP	MP	MP	
	Laundromat							Z	Z	Z	Z	Z	Z		MP	MP	MP	
	Pawn shop								U				U					
	Personal services establishment							Z	Z	Z	Z	Z	Z		MP	MP	MP	
	Repair establishment								Z	Z	Z	Z	Z	Z		MP	MP	4.G.3
	Retail sales establishments								Z	Z	Z	Z			MP	MP	MP	
	Shopping center								U		Z	Z				MP	MP	4.G.4
Tattoo parlor/body piercing establishment												Z	Z				4.G.5	
Vehicle Sales and Services, Heavy	Aircraft parts, sales, and maintenance											Z	Z					
	Automotive painting/body shop											Z	Z					4.H.1
	Automotive wrecker service											Z	Z			MP		4.H.2
	Boat and marine rental, sales, and service								Z			Z	Z					4.H.3
Vehicle Sales and Services, Light	Automotive parts and installation								Z		Z	Z	Z			MP	MP	4.I.1
	Automobile repair and servicing (without painting/bodywork)								Z		Z	Z	Z			MP	MP	4.I.2
	Automobile sales or rentals								U		Z	Z	Z			MP	MP	4.I.3
	Car wash or auto detailing								Z		Z	Z	Z		MP	MP	MP	4.I.4
	Taxicab service								Z	Z	Z	Z			MP	MP	MP	4.I.5
Visitor Accommodations	Bed and breakfast inn			Z	Z		Z	Z	Z	Z	Z	Z			MP	MP	MP	4.J.1
	Hotel or motel								Z		Z	Z			MP	MP	MP	4.J.2
	Hunting lodge		U					Z	Z	Z					MP	MP	MP	
INDUSTRIAL USE CLASSIFICATION																		
Extractive Industry	All uses		U										U	U				5.A
	Industrial Services	Contractor service								Z		Z	Z	Z	Z		MP	MP
Crabshedding			Z					Z					Z	Z	MP	MP		5.B.1

SECTION 4.2: USE-SPECIFIC STANDARDS

Subsection 4.2.1: Agricultural Uses

TABLE 4.1.1: SUMMARY USE TABLE

Z = Zoning Compliance Permit; U = Use Permit; MP = Allowed with Master Plan;
 CZ= Allowed in a Conditional Zoning District blank cell = Prohibited

USE CATEGORY	USE TYPE	ZONING DISTRICT (CURRENT DISTRICT IN PARENTHESIS) [NOTE: OVERLAY OR SUB-DISTRICT REQUIREMENTS MAY FURTHER LIMIT USES]															ADDITIONAL REQ. (4.2.1)	
		RC	AG	SFM	SFO	SFR	SFI	MXR	GB	LB	CC	VC	LI	HI	PD-R	PD-M		PD-O
	Fuel oil/bottled gas distributor												Z	Z		MP		
	General industrial service and repair												Z	Z		MP		5.B.2
	Heavy equipment sales, rental, and service												Z	Z		MP		5.B.3
	Laundry, dry cleaning, and carpet cleaning plants												Z	Z		MP		5.B.4
	Manufactured home and prefabricated building sales												Z	Z				5.B.5
	Research and development								Z	Z	Z	Z	Z	Z	MP	MP	MP	
Manu- facturing and Produc- tion	Manufacturing, heavy												Z					5.C.1
	Manufacturing, light											Z	Z		MP			5.C.2
Warehouse and Freight Movement	Cold storage plant											Z	Z					
	Outdoor storage (as a principal use)											Z	Z					5.D.1
	Self-service storage											Z	Z		MP			5.D.2
	Truck or freight terminal											Z	Z		MP			5.D.3
	Warehouse (distribution)											Z	Z		MP			5.D.3
	Warehouse (storage)											Z	Z	MP	MP	MP		5.D.3
Waste-Related Services	Incinerator													U				5.E.1
	Landfill, land clearing and inert debris or construction debris												U	U				5.E.2
	Public convenience center/transfer station		U	U	U	U	U	U	U	U			U	U				5.E.3
	Recycling center, processing													U				5.E.4
	Recycling center, transfer												U	U				5.E.5
	Salvage and junkyard													U				5.E.6
	Waste composting		U										U	U				
Wholesale Sales	All uses											Z	Z		MP	MP		

4.2. USE-SPECIFIC STANDARDS

Use-specific standards are the requirements applied to individual use types regardless of the zoning district in which they are located or the review procedure by which they are approved. This section is intended to identify the use-specific standards for all principal uses identified in Table 4.1.1, Summary Use Table, as subject to “Additional Req.” These standards may be modified by other applicable requirements in this Ordinance.

4.2.1. Agricultural Uses

A. Animal Husbandry

Animal husbandry uses shall comply with the following standards:

SECTION 4.2: USE-SPECIFIC STANDARDS**Subsection 4.2.1: Agricultural Uses**

- (1) Minimum Site Size**
 - (a)** Any use engaged in animal husbandry shall have a minimum lot area of at least 20,000 square feet in size.
 - (b)** Uses maintaining non-hoofed animals shall maintain 1,500 square feet per animal kept on site.
 - (c)** Uses maintaining hoofed animals shall maintain 9,000 square feet per animal kept on site.
- (2) Minimum Setbacks**

All barns, pens, and enclosures shall be located at least 100 linear feet from lot lines and drinking water sources (except those intended for livestock).
- (3) Fencing or Pens Required**

Animals (excluding waterfowl) shall be maintained within pens, fenced areas, or other suitable enclosures.
- (4) Maintenance Required**
 - (a)** Pens, stalls, and grazing areas shall be maintained in a sanitary manner free from noxious odors.
 - (b)** Manure stockpiles shall not exceed six feet in height and shall not be permitted during the period from May 1 until August 31.
- (5) Temporary Keeping of Livestock**

Temporary keeping of livestock shall be exempted from these standards, but shall comply with the standards in Section 4.4.6.F, Temporary Keeping of Livestock.

B. Agricultural Support and Services (Directly Related)

- (1) General**

All directly-related agricultural support services shall comply with the following standards:

 - (a)** Be allowed only in direct association with an on-going agriculture, horticulture, animal husbandry, or silvicultural use;
 - (b)** Be on a lot of at least one acre in size; and
 - (c)** Be operated or maintained by the owner or occupant of the land upon which the primary agricultural activity is being conducted.
- (2) Agri-education and Agri-entertainment**

Agri-education and agri-entertainment uses shall comply with the following standards:

 - (a) Minimum Size**

Be at least two acres in area;
 - (b) Obtain Building Permits**

Obtain building permits and comply with the State Building Code for all structures intended for occupancy by members of the public;
 - (c) Special Event Permit**

Obtain a special event permit for all activities drawing more than 100 people to the site per day;

SECTION 4.2: USE-SPECIFIC STANDARDS**Subsection 4.2.1: Agricultural Uses**

- (d) Provide Adequate Facilities**
Provide public restrooms, adequate parking, and pedestrian circulation features; and
- (e) Comply with Minimum Requirements**
Ensure permanent buildings within 500 feet of a public right-of-way comply with the landscaping standards in this Ordinance.
- (3) Equestrian Facilities**
Equestrian facilities shall comply with the following standards:
 - (a)** The land on which the facility is located shall be at least two acres in size.
 - (b)** No stalls or stables shall be within 200 feet of any existing adjoining residential dwelling and 100 feet from any adjoining well being used for human consumption.
 - (c)** Stables must be operated and maintained in a healthy and safe manner. Healthy and safe is defined as, but not limited to: fences kept in good repair; potable water available on demand; protection from wind or rain; a sign posted indicating the name and phone number of the person to be contacted in case of emergency.
- (4) Nursery, Production**
 - (a)** No heated greenhouse shall be operated within 20 feet of any lot line.
 - (b)** Any outside storage of equipment, vehicles, or supplies shall be fully screened from off-site views by buildings, fencing, or landscaping.
- (5) Roadside Market**
 - (a)** Retail sales within a roadside market shall be limited to the agricultural and aquaculture products produced by the owners or vendors in the establishment.
 - (b)** At least 75 percent of the floor area shall be devoted to the direct retail sales of agricultural, seafood, or related agricultural products to the general public.
 - (c)** Temporary signage associated with a roadside market shall not be erected more than 30 days prior to the seasonal opening of the market, and shall be removed within 30 days of the closing of the season.

C. Agricultural Support and Services (Not Directly Related)

- (1) General**
All agricultural support and services (not directly related) uses shall have direct access onto a major arterial or collector street.
- (2) Stockyard/Slaughterhouse**
 - (a)** Slaughter of animals shall take place inside a closed building in a confined area to prevent the transmission of sound to the outside.
 - (b)** Vehicular access to the facility shall not be obtained through residential areas.
 - (c)** Animals shall be enclosed in gated enclosures with a minimum height of six feet.

- (d) Waste shall be stored in airtight containers and shall be confined in fully enclosed structures.
- (e) All loading and unloading areas shall be screened from view from adjacent lands and public streets.

4.2.2. Residential Uses

A. Household Living

(1) Dwellings, Duplex

Duplex dwellings shall comply with the following standards:

- (a) Duplex dwellings in the SFM district on lots less than 20,000 square feet are subject to an approved use permit (see Section 2.4.6).
- (b) Except for circular driveways, no duplex dwelling shall be served by more than one driveway on the same block face.
- (c) Duplex dwellings in the SFM and MXR districts shall be served by a single entrance on any individual building façade.
- (d) Ground based, roof-based, and wall-mounted electrical equipment, HVAC equipment, and other utility connection devices shall be ganged and screened, or located outside the view from any adjacent public street.

(2) Dwellings, Live/Work

Live/work dwellings shall comply with the following standards:

- (a) The residential portion of the building shall occupy over 50 percent of the gross floor area.
- (b) The nonresidential portion of the building shall comply with all applicable nonresidential building code requirements.
- (c) Employees shall be limited to occupants of the residential portion of the building plus up to three persons not residing in the residential portion.
- (d) Drive-through facilities are prohibited.
- (e) Any nonresidential off-street parking shall be located as far as practicable from existing adjacent single-family dwellings.

(3) Dwelling, Mansion Apartment

Mansion apartments shall comply with the following requirements.

- (a) Individual mansion apartment buildings shall not exceed six individual dwelling units.
- (b) The maximum length of any structure using the mansion apartment building form, regardless of the quantity of dwellings, shall be 200 feet.
- (c) All sides of a mansion apartment building visible from lands occupied by or designated for single-family detached residential uses or an existing public street right-of-way shall display a similar level of quality and architectural detailing.
- (d) Ground based, roof-based, and wall-mounted electrical equipment, HVAC equipment, and other utility connection devices shall be ganged and screened, or located outside the view from any adjacent public street.

- (e) Except on corner lots, mansion apartments shall be served by a single driveway and off-street parking area. Buildings on corner lots may have up to two individual driveways provided each driveway is accessed by a different street.
- (4) Dwelling, Manufactured Home**
- (a) General**
 - (i) Manufactured homes may not be used as storage or accessory structures.
 - (ii) Two or more manufactured homes shall not be joined or connected together as one dwelling, nor may any accessory building be attached to a dwelling.
 - (iii) In no instance shall a Class “C” manufactured home be located within the county.
 - (iv) Replacement of a nonconforming Class “B” or “C” manufactured home on an individual lot with another manufactured home shall be limited to Class “A” manufactured homes.
 - (v) Replacement of a nonconforming manufactured home within a manufactured home park or manufactured home subdivision with another manufactured home shall be limited to Class “A” or Class “B” manufactured homes.
 - (b) Class “A” Manufactured Homes**

In addition to the general standards in (a) above, all Class “A” manufactured homes shall comply with the following standards:

 - (i) The home’s length may not exceed three times its width;
 - (ii) The pitch of the home's roof shall maintain a minimum vertical rise of one foot for each five feet of horizontal run, and be finished with a type of shingle commonly used in standard residential construction;
 - (iii) The exterior siding shall consist of wood, hardboard, or vinyl;
 - (iv) A continuous, permanent masonry curtain wall, unpierced except for required ventilation and access, shall be installed under the home prior to occupancy; and
 - (v) The tongue, axles, transporting lights, and removable towing apparatus shall be removed prior to occupancy.
 - (c) Class “B” Manufactured Homes**

In addition to the general standards in (a) above, Class “B” manufactured homes shall be located in approved manufactured home parks or manufactured home subdivisions and comply with the following standards:

 - (i) The roofing material shall be compatible with residential construction within the area where it will be located;
 - (ii) The exterior materials shall be of a color, material, reflectivity, and scale comparable with those of nearby residential construction; and
 - (iii) The siding, trim and features shall be compatible with residential construction within the area where it is located.

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(5) Dwellings, Multi-Family and Townhouse

Multi-family and townhouse dwellings shall comply with the multi-family design standards in Section 5.7, the community compatibility standards in Section 5.10 (as appropriate), and the following standards:

- (a)** No accessory structure shall be less than ten feet from another structure.
- (b)** No improved recreation area shall be located within required exterior setbacks or within 20 feet of any dwelling unit.
- (c)** No individual building shall exceed a length of 250 feet.
- (d)** A townhouse building shall contain at least three but no more than six side-by-side dwelling units.

(6) Dwelling, Upper Story Residential

Upper story residential dwelling units shall occupy the second or higher floor of a building with a nonresidential use on the ground floor.

B. Group Living**(1) Dormitories**

All dormitories shall be accessory to an educational facility located on the same site or campus, and house only persons who are students at the educational facility.

(2) Family Care Homes

Family care homes are residential uses and shall comply with the following standards:

- (a)** No more than six residents other than the homeowner and the homeowner's immediate family may occupy a family care home.
- (b)** A family care home shall be licensed with the NC Department of Health and Human Services Division of Facility Services before operating.
- (c)** No family care home may be located within a one-half mile radius of any other family care home.
- (d)** Only incidental and occasional medical care may be provided in a family care home.

(3) Rooming or Boarding House

A rooming or boarding house shall comply with the following standards:

- (a)** Rooms may be rented to a maximum of five unrelated persons at any one time;
- (b)** The owner shall maintain the house as a primary residence;
- (c)** Sleeping rooms in a rooming house shall:
 - (i)** Not include individual kitchen facilities; and
 - (ii)** Be accessed by a common room or hallway, and shall not have individual access to the outside (except for emergency exits).

4.2.3. Institutional Uses

A. Day Care

(I) Child Care Centers (non-residential)

Child care centers, including pre-schools, shall be licensed as a child care center by the State, and shall comply with all State regulations for child care centers and the following standards:

(a) Minimum Lot Size

A child care center shall be located upon a lot of 20,000 square feet in area or more.

(b) Location

(i) If not located in a stand-alone building, a child care center shall be segregated (including the restrooms) from the remaining portion of the building in which it is located.

(ii) New child care centers shall be located on a major arterial or collector street.

(c) Separation

(i) Child care centers shall be at least 1,000 feet from any other child care center (excluding child care centers operated by community centers, religious institutions, or educational facilities).

(d) Outdoor Play Areas

(i) Outdoor play areas shall be provided, and shall:

(A) Be located to the side or rear of buildings;

(B) Be completely enclosed by a fence that is at least four feet in height;

(C) Be safely segregated from parking, loading, or service areas; and

(D) Not be operated for outdoor play activities after 8:00 P.M.

(ii) Outdoor play areas adjacent to a residential zone shall be screened by a six-foot solid fence or wall along with a ten-foot-wide landscaping buffer with evergreen shrubs capable of reaching six feet in height at maturity, planted six feet on-center.

(e) Parking Area, Vehicular Circulation, and Drop-Off and Pick-Up

The parking areas and vehicular circulation for the child care center shall be designed to:

(i) Enhance the safety of children as they arrive at and leave the facility; and

(ii) Provide a designated pickup and delivery area that includes at least one parking space per 20 children and is located adjacent

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to the child care center in such a way that children do not have to cross vehicular travel ways to enter or exit the center.

(f) Accessory Uses

When proposed as an accessory use to a Retail Sales and Service or Office use, the heated floor area of a child care center shall not exceed 20 percent of the heated floor area of the principal use.

(g) Capacity Information

Applications for a child care center shall indicate the maximum number of children, proposed hours of operation, and size of the outdoor play area.

B. Educational Facilities**(1) Vocational or Trade Schools**

All facilities within a vocational or trade school which typically generate significant noise or fumes, such as auto body or engine repair, industrial/auto body painting, manufacturing processes, or campus-wide energy/utility systems, and that are adjacent to a residential or mixed-use district shall comply with the following standards:

- (a)** Be at least 100 feet from any building line in an adjacent residential district;
- (b)** Provide a Type D buffer at least 25 feet in depth; and
- (c)** Include information on site plans indicating any other mitigation steps appropriate to the impacts of the use(s) (such as additional sound-containment features.)

C. Health Care Facilities**(1) Drug or Alcohol Treatment Facility**

A drug or alcohol treatment facility shall comply with the following standards:

- (a)** Be at least 500 feet from any other such facility; and
- (b)** Be at least 500 feet from any single-family residential district, school, child care center, and religious institution that has a child care center or school.

(2) Hospitals

A hospital shall comply with the following standards:

- (a)** Be located on a site or parcel with an area of at least five acres;
- (b)** Be located on a parcel that fronts or has direct access to a major arterial or collector street;
- (c)** Locate the emergency vehicle entrance on a major arterial or collector street;
- (d)** Not locate an emergency vehicle entrance in an area across the street from a residential zoning district;
- (e)** Be served by a public water and wastewater system; and
- (f)** Ensure that principal structures are located at least 100 feet from any lot line.

D. Institutions**(1) Auditoriums, Conference, and Convention Centers**

Auditoriums, conference, and convention centers shall comply with the following standards:

- (a)** The parcel or site shall have an area of at least five acres.
- (b)** The building shall be located at least 500 feet from any single-family residential zoning district.
- (c)** Dining and banquet facilities may be provided for employees, trainees, and conferees, provided the gross floor area devoted to such facilities does not exceed 50 percent of the total floor area of the principal building.
- (d)** On-site recreational facilities may be provided for use by employees, trainees, or conferees.
- (e)** No products shall be sold on-site except those that are clearly incidental and integral to training programs and seminars conducted in the center (e.g., food items, shirts, glasses and mugs, pens and pencils, and similar items bearing the logo of conference or seminar sponsors or participants).

(2) Halfway House

Halfway houses shall be separated from any family care home or other halfway house by a minimum of one-half mile.

(3) Religious Institutions

Religious institutions shall comply with the following standards:

- (a)** Religious institutions in the SFM, SFO, and SFI districts that include a school or sanctuary with a capacity of 800 persons or more shall obtain a use permit in accordance with Section 2.4.6, Use Permit.
- (b)** The Planning Director may grant modifications of the above standards on finding the modification is necessary to eliminate a substantial burden on religious exercise, as guaranteed by the federal Religious Land Use and Institutionalized Persons Act (RLUIPA) of 2000 (42 U.S.C. Sec. 2000), as amended. In doing so, the Planning Director may impose conditions consistent with RLUIPA that will substantially secure the objectives of the modified standard and substantially mitigate any potential adverse impact on the environment or adjacent properties.

E. Parks and Open Areas**(1) Cemeteries (as a Principal Use)**

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

- (a)** New cemeteries shall be located on a site or parcel with an area of at least 2.5 acres. (This standard shall not apply to existing cemeteries or the expansion of existing cemeteries.)

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- (b)** New cemeteries shall be located on a site or parcel that fronts a major arterial or collector street. (This standard shall not apply to existing cemeteries or the expansion of existing cemeteries.)
- (c)** Cemeteries shall include adequate space for the parking and maneuvering of funeral processions.
- (d)** Interments shall take place at least 50 feet from any lot line and comply with all requirements of the North Carolina General Statutes.

F. Public Safety**(I) Security Training Facilities**

A minimum lot size for a security training facility shall be 3,500 contiguous acres. All areas within the proposed Security Training Facility, including but not limited to firing area(s), backstops, downrange safety zones, parking and accessory areas, parachute landing zone(s), driver training area(s), etc. shall be under uniform control or ownership. The security training facility shall also comply with the following standards:

(a) Firearms and Explosive Training

Firearms and explosive training facilities shall comply with the following standards:

- (i)** The design criteria for all firearms ranges cited in the Military Handbook – Range Facilities and Miscellaneous Training Facilities other Than Buildings (MIL-HDBK-1027/3B), as amended.
- (ii)** No firing or explosive training activities shall occur prior to 7 a.m. or after 10 p.m. EST, daily, Monday through Saturday, and on Sundays prior to 9 a.m. or after 10 p.m. EST. No firing or explosive training activities shall occur on Christmas Day.
- (iii)** The immediately adjacent areas to the proposed training areas and ranges shall be predominately undeveloped and shall be at least 5,280 feet (one mile) from any property line located in Currituck County regardless of the direction of fire.
- (iv)** The maximum downrange safety area for each range and shooting area shall meet the requirements MIL-HDBK-1027/3B. The safety area shall not encompass any public right-of-way or other property not owned by range operator or owner.
- (v)** Weapon types are restricted to pistol, rifle, shotgun, or similar firearms. No automatic assault type weapon shall be used by the general public but is allowed by any law enforcement, military or federal agency group duly authorized to use these style weapons. Limits on caliber size shall be in accordance with the MIL-HDBK-1027/3B, subject to the physical constraints of the property.
- (vi)** Concussion type explosives will be permitted for use by law enforcement, military or federal agency group duly authorized to use these types of explosives.

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- (vii)** Military, para-military or militia type activities or maneuvers, including but not limited to hand-to-hand combat training, maritime training, swamp, or guerilla warfare techniques, incendiary type firings, infiltration course type training, etc. is permitted for use by law enforcement, military or federal agency groups only.
 - (viii)** All actual firing activities shall be directed toward either moving or stationary targets only.
 - (ix)** Any overnight or temporary storage of weapons, ammunition, and explosives shall meet the Department of Defense storage and stand-off safety standards.
 - (x)** In no case shall any explosive material be stored, either inside or outside a “magazine,” closer than 1,250 feet to a property line or dwelling unit and 300 feet to any roadway.
 - (xi)** The maximum amount of explosives on-site at any one time shall not exceed 100 pounds stored and 10 pounds utilized during any one evolution.
 - (xii)** A listing of the type, amount, and physical location of all explosive material shall be provided by the applicant to the county upon request.
 - (xiii)** The facility and all individuals working with explosives within the facility shall be certified and permitted by Alcohol, Tobacco and Firearms (AT and F) to conduct such operations in compliance with its permits.
- (b) Driver Training and Vehicle Maintenance**
- (i)** The immediately adjacent areas to the driver training area shall be predominately undeveloped and shall be at least 5,280 feet (one mile) from any property line located in Currituck County.
 - (ii)** Burning of non-vegetative matter and disposal of toxic/hazardous matter is prohibited.
 - (iii)** Stockpiling of tires and vehicles is prohibited.
 - (iv)** No driver training is permitted on any public road and all driver training shall only be conducted in clearly marked designated driving areas.
- (c) Rotary and Fixed-Wing Aircraft Operations and Parachute Operations**
- (i)** Any training or operations involving rotary or fixed wing aircraft shall comply with FAA Part 91 and any and all other applicable FAA regulations.
 - (ii)** Any and all parachute operations shall comply with FAA Part 105 and any and all other applicable FAA regulations.
- (d) Dining Facility and Lodging**
- (i)** Construction of dormitory type structures to house not more than 120 persons at any one time shall be permitted to provide overnight accommodations to those people training at

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the security training facility; provided that all state, county and relevant agency permits, approvals and licenses are obtained in connection with the construction and operation of such structure.

- (ii) Sleeping and dining accommodations to persons not utilizing or otherwise associated with the security training facility shall not be permitted.

(e) Miscellaneous Standards

- (i) The site or area used as a security training facility shall be enclosed by a six foot fence or otherwise restricted by natural physical features (i.e. swamps, bodies of water, canals, and large expanses of densely vegetated areas, etc.) so that access to the site is controlled to insure the safety of patrons, spectators and the public at large. Warning signs shall be posted along access points.
- (ii) The operators of a security training facility shall provide proof of coverage by adequate accident and liability insurance companies. A minimum coverage of \$2,000,000 shall be established.
- (iii) Any activity not specifically mentioned within the foregoing shall be prohibited.

G. Transportation Facilities**(I) Helicopter Landing Facilities**

A helicopter landing facility shall comply with the following standards:

- (a) The helicopter landing facility shall provide adequate land area for safe take-offs and landings in accordance with standards of the Federal Aviation Administration (FAA).
- (b) Where located within 500 feet of a single-family residential zoning district, or existing single-family residential use, a helicopter landing facility shall provide a Type D buffer along the property line to ensure the facility does not adversely impact surrounding uses.

H. Utilities**(I) Solar Array**

- (a) Solar arrays shall be configured to avoid glare and heat transference to adjacent lands.
- (b) Appropriate ground cover/grass is required and shall be maintained as not to create a fire hazard.
- (c) The solar panels, equipment, and associated security fencing shall be located at least 300 feet from any perimeter property line abutting a residential dwelling, residential zoning district, religious institution, public school, state licensed day care center, public playground, public swimming pool, or public park. The solar panels, equipment, and associated security fence shall be screened from those uses or zoning districts by a Type D buffer. The buffer may be reduced to a Type C

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when abutting a right-of-way, use, or zoning district not listed above and the setback may be reduced to 100 feet in these instances.

- (d)** The total height of the solar energy system, including any mounts, shall not exceed 15 feet above the ground when orientated at maximum tilt.
- (e)** The solar energy system owner shall have 12 months to complete decommissioning of the facility if no electricity is generated for a continuous 12 month period.
- (f)** Operations, maintenance, and decommissioning plans are required.
- (g)** Ground water monitoring wells shall be installed prior to construction of the solar energy system and testing data shall be submitted annually to the Planning and Community Development Department until decommissioning occurs. Monitoring wells shall be located near the center of the site and along each exterior property line at approximately the lowest ground elevation point of each property line. Testing data shall be provided to the county indicating compliance with EPA National Primary Drinking Water Standards prior to construction and annually until decommissioning occurs.
 - (i)** Should the initial ground water testing indicate that the site is not in compliance with the EPA National Primary Drinking Water Standards subsequent annual reports shall indicate no increase in noncompliance with those standards.
- (h)** Prior to the issuance of a building permit, the developer shall post a performance guarantee in the form of cash deposit with the county to ensure decommissioning funds are available in the amount equal to 115 percent of the estimated decommissioning costs minus salvageable value. Estimates for decommissioning the site and salvageable value shall be prepared and certified by a registered engineer or North Carolina licensed general contractor and submitted prior to building permit approval and verified by a registered engineer or North Carolina licensed general contractor and resubmitted every two years thereafter until decommissioning occurs.

(2) Telecommunication Towers**(a) Purpose**

This section is intended to establish general standards for the siting of telecommunications towers and antennas that will:

- (i)** Protect residential areas and land uses from potential adverse impacts of towers and antennas;
- (ii)** Encourage the location of towers in nonresidential areas;
- (iii)** Minimize the total number of new towers throughout the county;
- (iv)** Strongly encourage the joint use of new and existing tower sites as a primary option rather than construction of additional single-use towers;

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- (v)** Encourage the location of towers and antennas in areas where the adverse impact on the community is minimal;
 - (vi)** Encourage towers and antennas to be carefully sited, designed, and screened to minimize their adverse visual impact;
 - (vii)** Enhance the ability of the providers of telecommunications services to provide such services to the community quickly, effectively, and efficiently;
 - (viii)** Consider the public health and safety concerns of communication towers and antennas; and
 - (ix)** Encourage the use of engineering and careful siting of tower structures to avoid potential damage to adjacent properties from tower failure.
- (b) Applicability**
All new telecommunications facilities, whether a principal or accessory use, shall comply with these standards unless specifically exempted in Section 4.2.3.H.2.c, Exemptions.
- (c) Exemptions**
The following shall be exempt from the standards of this section (but shall be required to comply with other relevant standards in this Ordinance, such as accessory use or design standards):
- (i)** Satellite dish antennas.
 - (ii)** Receive-only television or radio antennas for noncommercial use.
 - (iii)** Antennas legally operated by FCC-licensed amateur radio operators.
 - (iv)** Emergency communication towers owned by the county or other public agency that are used wholly or in part for public safety or emergency communication purposes.
 - (v)** Emergency communication towers owned by a volunteer fire department that are used wholly or in part for public safety or emergency communication purposes.
- (d) Freestanding Towers**
Freestanding telecommunications towers, whether as a principal or accessory use, shall comply with the following standards:
- (i) Safety**
 - (A)** Before obtaining a building permit, the applicant shall submit to the County Engineer engineering drawings for the tower, sealed by a registered engineer, that include a statement that the tower will meet all applicable local, State, and Federal building codes and structural standards.
 - (B)** Every two years after construction of a tower, the owner shall submit to the Planning Director a statement on the tower's structural soundness that is signed and sealed by an engineer. Every sixth year,

the statement shall be signed and sealed by an independent, registered, and licensed engineer.

(ii) Height

The height of a telecommunications tower, including any building or structure atop which the tower is located, shall not exceed 450 feet.

(iii) Aesthetics

(A) Towers shall either maintain a galvanized steel finish or be painted.

(B) Towers shall be camouflaged with the surrounding area, through paint, incorporation into architectural design/structure, or other means, to the maximum extent practicable.

(C) The exterior appearance of ground-based accessory structures located within a residential zoning district shall be designed to look like a residential structure typical of the district (e.g., with a pitched roof and frame or brick siding).

(iv) Lighting

If lighting is required by the Federal Aviation Administration (FAA), it shall comply with FAA standards. Unless required by the FAA, strobe lights shall not be used for nighttime lighting and lighting shall be oriented so as not to project directly onto any surrounding residentially-zoned property. Documentation from the FAA that the lighting is the minimum lighting it requires shall be submitted to the Planning Director before issuance of any building permit for the tower.

(v) Setbacks

(A) Towers and antennas shall be required to maintain a one foot setback from front, side, and rear property lines for every one foot of tower height. Guy wires, when applicable, shall conform to district setback provisions.

(B) There shall be no setback requirements between the tower and other structures located on the subject property.

(C) Buildings associated with a telecommunications facility shall meet the minimum setback requirements for the zoning district where located.

(vi) Separation from Other Towers

New telecommunication towers shall not be located within one-half-mile of an existing telecommunications tower (unless the towers are placed on the same lot). This standard shall not apply to a telecommunications tower placed out of view in a building or other structure.

(vii) Collocation

- (A)** No freestanding telecommunications tower shall be allowed unless it is demonstrated that no suitable existing tower, building, or other structure within the coverage area is available for the collocation of antennas.
- (B)** New freestanding telecommunications towers shall be designed to accommodate the present and future needs of the owner and at least two comparable users. Unused space on an existing telecommunications tower shall be made available to other users at a fair market rental value unless mechanical, structural, or regulatory factors prevent collocation. In determining fair market rental value, the rent paid by a current collocator under a swapping agreement need not be considered.

(viii) Buffer and Screening

A Type D buffer (see Section 5.2.6, Perimeter Landscape Buffers) shall be provided around the perimeter of a freestanding telecommunications tower facility (including equipment structures and guy anchor supports).

(ix) Security Fencing

Towers, guy anchor supports, and ground-based equipment buildings shall be enclosed by security fencing not less than ten feet in height.

(x) Interference

No telecommunications tower, antenna, or supporting equipment shall disturb or diminish radio or television or similar reception on adjoining residentially-zoned land.

(xi) Compliance with State or Federal Laws and Regulations

Towers and antennas shall meet or exceed current standards and regulations of the Federal Aviation Administration (FAA), the Federal Communications Commission (FCC), and any other agency of the State or Federal government that regulates telecommunications towers and antennas.

(xii) Replacement of Existing Towers

Existing freestanding towers may be replaced with a new tower that increases the number of collocation opportunities, subject to the following standards:

- (A)** The height of the replacement tower shall not exceed 110 percent of the height of the replaced tower.
- (B)** The replacement tower shall be located within 100 feet of the replaced tower, unless the Planning Director determines that a farther distance furthers the purpose and intent of this Ordinance.

- (c) The replacement tower shall comply with all the standards of this section (including setbacks).
 - (xiii) **Nonconforming Telecommunications Towers**
Nonconforming telecommunications towers shall be allowed to remain and be maintained in accordance with the standards in Chapter 8: Nonconformities. Additional equipment may be added to the tower provided that such additions do not increase the degree of nonconformity.
 - (xiv) **Discontinued Use**
If a telecommunications tower is not used for a period of six consecutive months, the Planning Director may send the tower owner notice indicating that the tower must be removed within 90 days from the date of notice.
- (e) **Collocation of Antennas on Existing Towers**
Antennas may be collocated on existing towers if they comply with the following standards:
 - (i) It is demonstrated the tower can accept the additional structural loading created by the collocation.
 - (ii) Any modification of an existing tower to accommodate the collocation of additional antenna shall comply with the height limit established for freestanding telecommunications towers in Section 4.2.3.H.2.d.ii, Height.
 - (iii) Antennas and associated equipment shall comply with the safety, lighting, interference, and regulatory compliance standards for telecommunications towers included within this subsection.
- (f) **Placement of Antennas on an Existing Buildings**
An antenna may be attached to any business or multi-family residential building in accordance with the following standards:
 - (i) **Height**
The antenna shall not extend above a height 20 percent higher than the highest point of the building or structure.
 - (ii) **Other Standards**
Antennas and associated equipment shall comply with the safety, lighting, interference, and regulatory compliance standards for telecommunications towers included within this sub-section.
 - (iii) **Screening**
 - (A) Antennas visible from the street shall be omnidirectional, be screened, or be camouflaged, to the maximum extent practicable, to minimize their appearance.
 - (B) All other equipment shall be located within the building or screened in some other fashion to prevent off-site views.

I. Utility, Major

An electrical power facility, substation, or transmission station shall be set back at least 100 feet from all lot lines.

J. Utility, Minor

- (1)** Minor utility facilities owned by a public utility as defined in Chapter 62 of the North Carolina General Statutes are permissible in all zoning districts with a zoning compliance permit.
- (2)** The utility facility, storage of vehicles or equipment shall be fully screened on all sides by an opaque wall, fence, retained vegetation, or planted vegetation to a height of eight feet. If planted vegetation is used, it must satisfy the standard within three years after planting.
- (3)** Continued maintenance of the screening (including replanting, if necessary) shall be a continuing condition of the permit.
- (4)** Utility facilities of 16 square feet or less may be setback five feet from all side and rear lot lines. Utility facilities of between 16 and 100 square feet may be located as close as ten feet from all side and rear lot lines. All others utility buildings shall meet the minimum setback requirements for the district where they are located.
- (5)** Driveways and parking areas shall be provided as required in this Ordinance, including the installation of concrete aprons where driveways abut public streets.

K. Wind Energy Facility, Large

A large wind energy facility shall comply with the following standards:

(1) Location

- (a)** No turbine tower associated with a large wind energy facility shall be located within 1,000 feet of land in the RC district or a public park.
- (b)** All ground-based equipment buildings shall be located under the blade sweep area, to the maximum extent practicable.

(2) Setbacks

- (a)** All towers associated with a large wind energy facility shall be set back a distance equal to .25 miles from any residential dwelling unit and 1.1 times the overall height of the tower and associated wind turbine blade from a public right-of-way and the property line of any non-participating landowner.
- (b)** All associated facilities other than towers and associated wind turbines shall be subject to the setback standards for the district where located.

(3) Tower Structure

Large wind energy facilities shall utilize monopole or self-supporting towers

(4) Common Configuration

All towers and turbines within a single large wind energy facility shall maintain uniform design in terms of the following features:

- (a) Tower type;
 - (b) Tower, turbine, and blade colors;
 - (c) The number of blades per turbine; and
 - (d) The direction of blade rotation.
- (5) Height**
The maximum height of a large wind energy system (including the tower and extended blades) shall be 500 feet.
- (6) Blade Clearance**
The blade tip or vane of any large wind energy facility shall have a minimum ground clearance of 75 feet above grade, as measured at the lowest point of the arc of the blades. No blades shall extend over public rights-of-way.
- (7) Unauthorized Access**
All large wind energy facilities shall incorporate anti-climbing features to prevent unauthorized climbing.
- (8) Utilities**
Except for transmission lines, all utilities associated with a large wind energy facility shall be located underground to the maximum extent practicable.
- (9) Appearance**
The wind turbine and tower shall be painted or finished in the color originally applied by the manufacturer, or a matte neutral color (e.g., gray, white, or galvanized steel).
- (10) Lighting**
No illumination of the turbine or tower shall be allowed, unless required by the (FAA). In the event obstruction lighting is required by the FAA, it shall be of the lowest intensity allowed, and strobes or blinking lights shall be avoided, to the maximum extent practicable.
- (11) Signage Prohibited**
Signage visible from any public street or off-site area shall be limited to the manufacturer's or installer's identification, appropriate warning signs, or owner identification.
- (12) Sound**
The noise produced by the large wind energy facility during operation shall not exceed 55 dBA as measured at any occupied building on the property of a non-participating landowner. This standard shall not apply during power outages, windstorms, or other conditions beyond the owner's control.
- (13) Shadow Flicker**
Shadows cast by the rotating blade of a large wind energy facility shall not exceed 30 hours per year on any occupied building on the property of a non-participating landowner.
- (14) Interference**
The owner shall take all reasonable steps to prevent or eliminate interference with transmission of communications signals (e.g., radio, television, telephone, etc.) resulting from a large wind energy facility.

(15) Environmental Review Required

An application for a large wind energy facility shall require review by NCDENR, USACOE, the US Fish and Wildlife Service, and the NC Wildlife Resources Commission. All comments from these agencies shall be included with the application.

(16) Abandonment

- (a)** On determining that a large wind energy facility has been inoperable for 365 days or more, the Planning Director may issue a Notice of Abandonment to the facility owner.
- (b)** The facility owner shall restore operation of the large wind energy facility within 30 days of receipt of the Notice of Abandonment, or file a Notice of Termination with the Planning Director.
- (c)** The large wind energy facility shall be removed from the site within 12 months of the filing of a Notice of Termination.
- (d)** Removal of a large wind energy facility shall include removal of all of the following features:
 - (i)** Towers;
 - (ii)** Turbines;
 - (iii)** Above-ground equipment;
 - (iv)** Outdoor storage;
 - (v)** Foundations to a depth of three feet below grade; and
 - (vi)** Any hazardous material associated with the facility.

4.2.4. Commercial Uses

Unless exempted, all commercial uses shall comply with the nonresidential design standards in Section 5.8, Nonresidential Design Standards, and the community compatibility standards in Section 5.10, as applicable.

A. Adult Entertainment

- (1)** The provisions of these regulations are adopted by the Currituck County Board of Commissioners under authority granted by the General Assembly of the State of North Carolina, in Chapter 153A, (45-50) and further Article VI of Chapter 153A, Section 135 of the General Statutes. From and after the effective date of September 19, 1994, these regulations shall apply to every building, lot, tract, or parcel of land within Currituck County. For the purpose of promoting the health, safety, morals and general welfare of the citizenry of Currituck County, these regulations are adopted by the Board of Commissioners to regulate adult establishments and sexually oriented businesses, as hereby defined, located in Currituck County. Further, these regulations have been made with reasonable consideration among other things, as to the character of the county and its areas and their peculiar suitability for these businesses.
- (2)** These regulations shall not repeal, impair, abrogate, or interfere with any existing easements, covenants, deed restrictions, setback requirements, rules,

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definitions, regulations previously adopted pursuant to law in any established zoning district in Currituck County. However, where these regulations impose greater restrictions, the provisions of these regulations shall govern.

- (3)** For the purpose of these regulations Adult Establishments and Sexually Oriented Businesses as defined in Chapter 10: Definitions and Measurement, shall apply.
- (4)** Adult establishments and sexually oriented businesses shall be subject to the following restrictions:
 - (a)** Adult establishments may be located only in a Heavy Industrial (HI) zoning district, provided a use permit is obtained.
 - (b)** No adult establishment shall be permitted in any building:
 - (i)** Located within 1,500 feet in any direction from a building used as a residential dwelling and any residential zoning district.
 - (ii)** Located within 1,500 feet in any direction from a building in which an adult establishment or a sexually oriented business is located.
 - (iii)** Located within 1,500 feet in any direction from a building used as a religious institution.
 - (iv)** Located within 1,500 feet in any direction from a building used as a public school or as a state licensed day care center.
 - (v)** Located within 1,500 feet in any direction from any lot or parcel on which a public playground, public swimming pool, or public park is located.
 - (c)** Except for signs as permitted in Section 5.12, promotional displays and presentations shall not be visible to the public from sidewalks, walkways or streets.
- (5)** Any adult establishment or sexually oriented business lawfully operating on September 19, 1994, which is in violation of this Ordinance shall be deemed a nonconforming use. Any use which is determined to be nonconforming by application of the provisions of this section shall be permitted to continue for a period not to exceed two years. Such nonconforming uses shall not be increased, enlarged, extended, or altered except that the use may be changed to a conforming use. If a nonconforming use is discontinued for a period of 180 days or more it shall not be reestablished.
- (6)** If two or more adult establishments or sexually oriented businesses are within 1,500 feet of one another and otherwise in a permissible location, the business which was first established and continually operating at its present location shall be considered the conforming use and the later-established business(es) shall be considered nonconforming.
- (7)** An adult establishment or sexually oriented business lawfully operating as a conforming use shall not be rendered nonconforming by the subsequent location of a church, religious institution, day care center, school, playground, public swimming pool, or public park within 1,500 feet of the adult business and sexually oriented business.

B. Animal Care Uses

Animal shelters, grooming, kennels (indoor and outdoor), and veterinary clinics shall comply with the following standards:

- (1) The minimum lot area shall be at least two acres.
- (2) All fenced runs or training areas shall maintain a 25-foot setback from lot lines and be at least 50 feet from any adjacent single-family dwellings.
- (3) Runs and training areas shall be enclosed with fencing at least six feet in height.
- (4) All gates and entrances to the runs, kennels, and training areas shall remain locked when not in use.

C. Eating Establishments**(1) Restaurants with Outdoor Seating**

Restaurants having outdoor seating (including, but not limited to, seating for dining or listening to live or recorded acoustic or amplified entertainment outside of the building) shall comply with the following standards:

- (a) The outdoor seating area shall be located no closer than 100 feet from any single-family residential zoning district.
- (b) The outdoor seating area shall not obstruct the movement of pedestrians along sidewalks or through areas intended for public use.

D. Offices

Offices in a MXR district shall comply with the following standards:

- (1) The proposed use shall front on a paved public street.
- (2) Professional services office uses shall not exceed 2,500 square feet per use.

E. Parking, Commercial**(1) Parking Lots**

A commercial parking lot shall comply with the following standards:

- (a) Parking shall be the principal use of the parking lot. Parking spaces may be rented for parking, or otherwise used in accordance with an approved temporary use permit or other permit, but no other business of any kind shall be conducted on the lot, including repair service, washing, display, or storage of vehicles or other goods.
- (b) Commercial parking lots shall not be located contiguous to a single-family residential zoning district.
- (c) In the business and mixed-use zoning districts, commercial parking lots that are the principal use of the lot shall have no more than 100 feet of street frontage. Screening devices may be placed between the parking lot and street to assist in compliance with this requirement.

(2) Parking Structures

A commercial parking structure shall comply with the following standards:

- (a) Parking shall be the principal use of the parking structure. Parking spaces may be rented for parking, and retail sales and service and office establishments may be located on the ground floor of the

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structure. No other business of any kind shall be conducted in the structure, including repair service, washing, display, or storage of vehicles or other goods.

- (b) A commercial parking structure shall not be located contiguous to a single-family residential zoning district.

F. Recreation/Entertainment, Outdoor**(1) Arenas, Amphitheaters, and Stadiums**

Arenas, amphitheaters, and stadiums shall comply with the following standards:

- (a) Be located at least 500 feet from existing child care centers and residential zoning districts;
- (b) Be located on a site or parcel with an area of at least five acres;
- (c) Be located on a site or parcel that, at the primary point of access, has at least 200 feet of frontage on a collector or major collector street
- (d) Locate access points to minimize traffic to and through local streets in residential neighborhoods;
- (e) Provide safety fences, up to eight feet high, as necessary to protect the general health, safety, and welfare.

(2) Athletic Facilities**(a) Swimming Pools**

Swimming pools that are a principal use of a lot shall comply with the following standards:

(i) Location

- (A) Swimming pools shall be located on a site or parcel with an area of at least one acre and a width of at least 200 feet.
- (B) A swimming pool shall be set back from any lot line at least three feet plus one foot for each foot of pool depth.
- (C) Any pump and filtering equipment and any appurtenant structures shall be located at least 10 feet from any lot line.

(ii) Additional Standards

Lighting of the pool area shall comply with the exterior lighting standards in Section 5.4, Exterior Lighting.

(iii) Commercial Sales Prohibited

There shall be no commercial sales that are not an integral part of the pool use, nor shall any commercial displays be visible from the street or other property.

(b) Tennis Courts

Tennis courts shall comply with the following standards:

(i) Location

All lighted tennis courts shall be located at least 50 feet from any adjacent residential use on a different lot.

(ii) Screening

Lighted tennis courts open to the public shall be screened from any existing or proposed residential land with a Type C buffer in accordance with Section 5.2.6, Perimeter Landscape Buffers.

(3) Marinas

Marinas shall be certified as a “clean marina” as part of the North Carolina Clean Marina Program, and shall comply with the following standards:

(a) Location

- (i)** Marinas shall be located in areas where there is a high rate of water "turnover" (the time required for tidal action or water flow to replace water of a boat basin with new water from another source).
- (ii)** Marinas in upland areas shall be encouraged.
- (iii)** Marina access channels shall be designed to maximize circulation and avoid dead-end spots.
- (iv)** Proposals for marina development shall be accompanied by a modeling study indicating expected flushing, where applicable.

(b) Design

- (i)** Marinas shall be planned in such a manner as to minimize the risk of water pollution.
- (ii)** Marina designs must incorporate facilities for the proper handling of sewage, waste, and refuse.
- (iii)** Marinas shall minimize alteration of existing shoreline configurations and disturbance of vital habitat areas.

(c) Dredging

- (i)** Dredging operations shall not occur during critical periods of fish migration and breeding.
- (ii)** The method of dredging shall be chosen that will have the least environmental impact, and all dredged materials shall be placed in a manner so as not to pollute surrounding areas.

(4) Recreation, Outdoor

Outdoor recreation uses shall comply with the following standards:

- (a)** Outdoor recreation uses shall be screened from abutting major arterial streets with a Type D buffer.
- (b)** Grading shall be limited to a maximum of five feet above or below the grade existing prior to development.
- (c)** No associated outdoor features shall be located between the front façade of the building and the street fronting the lot.
- (d)** Structures associated with outdoor recreation uses may be increased to a maximum height of 60 feet. Structures associated with waterparks may be increased to a maximum height of 110 feet.

Structures that exceed 35 feet in height shall be required to maintain a one foot setback from front, side, and rear property lines for every one foot of structure height. Guy wires, when applicable, shall conform to district setback provisions.

(5) Outdoor Shooting Range

Outdoor shooting ranges shall comply with all applicable standards in the county Code of Ordinances and the following standards:

- (a)** Required mailed notice of any public hearing shall be provided to the owners of land within one-half mile of the property lines of land subject to the use permit application and shall comply with subsection 2.3.6.B Public Notification.
- (b)** Outdoor shooting ranges shall be located on a site or parcel with an area of at least ten acres.
- (c)** No part of a shooting range shall be located within 200 feet of any property line and less than one-half mile from an existing residential dwelling, school, waterfowl impoundment (flooded area), or Currituck Game Commission sanctioned waterfowl rest area.
- (d)** Shooting range facilities shall be designed, constructed and maintained as specified by the most current edition of the National Rifle Association of America (NRA) Range Source Book, including but not limited to the following protective barriers:
 - (i)** Backstops with a minimum height of 20 feet;
 - (ii)** Side berms or walls with a minimum height of eight feet; and
 - (iii)** Firing line covers or overhead safety baffles.
- (e)** Shooting range facilities shall be designed to contain all bullets, shot, or other debris on the range facility and must implement best management practices for lead management as specified by the Environmental Protection Agency's (EPA's) most current edition of Best Management Practices for Lead at Outdoor Shooting Ranges.
- (f)** Weapon types are restricted to pistol, rifle, or shotgun. The use of explosives or any target that detonates is prohibited.
- (g)** Hours of operation shall be from no earlier than 9:00 a.m. to no later than one-half hour prior to sunset, Monday through Saturday. The discharge of weapons or shooting activities shall not occur on Sunday.
- (h)** The operators of an outdoor shooting range shall provide proof of accident and liability insurance coverage. A minimum coverage of \$500,000 shall be established and maintained.
- (i)** A registered engineer shall certify that the design, specifications, and plans for range construction are in compliance with the standards in this subsection.
- (j)** An approved use permit for an outdoor shooting range shall be evaluated annually. If the county receives an excessive number of valid complaints in the judgment of the Planning Director, the range shall

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integrate sound abatement strategies or discontinue operation, as determined by the Board of Commissioners.

(6) Outdoor Tour Operators

The base operation and extended business operations of outdoor tour operators shall comply with all applicable standards in the county Code of Ordinances and the following standards:

- (a)** When not in use, tour vehicles shall be parked in a properly marked space toward the rear of the principle structure to improve traffic flow and preserve roadside aesthetics.
- (b)** Tour vehicles shall be labeled with decals or paint markings that clearly display the company name.

G. Retail Sales and Services**(1) Bars, Nightclubs, and Similar Establishments**

Bars, nightclubs, and similar establishments shall be located at least 500 feet from any child care center, religious institution, or educational facility.

(2) Flea Market

Flea markets shall comply with the following standards:

(a) Hours of Operation

- (i)** Flea markets shall be open at least three days within any 90-day period.
- (ii)** Hours of operation shall be limited to 7:00 AM to 7:00 PM.

(b) Building Features

- (i)** Sanitary facilities shall be provided for both men and women.
- (ii)** Provisions shall be made for garbage or trash removal for each day the flea market is open to the public.

(c) Location

All rental spaces and buildings shall maintain a 50-foot setback from all residential development or residentially-zoned land.

(3) Repair Establishments

Repair establishments shall conduct all repair and storage activities within an enclosed building.

(4) Shopping Center

Shopping centers shall comply with the shopping center design standards in Section 5.9, Shopping Center Design Standards.

(5) Tattoo Parlor/Body Piercing Establishments

Tattoo and body piercing studios shall comply with the following standards:

(a) Separation

No tattoo or body piercing studio shall be permitted within 500 feet of any of the following uses:

- (i)** An adult entertainment use;
- (ii)** A religious institution;

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- (iii) A public school;
- (iv) A state licensed day care center;
- (v) A residential use;
- (vi) Another tattoo or body piercing studio; or
- (vii) A lot or parcel containing a public playground, public swimming pool, or public park is located.

(b) Signage

Except for signs as permitted in Section 5.12.4, Signs Exempted from Sign Permit Requirements, promotional displays and presentations shall not be visible to the public from sidewalks, walkways, or streets.

H. Vehicle Sales and Services, Heavy**(1) Automotive Painting/Body Shop**

Automobile painting/body shop uses shall comply with the following standards:

- (a) The use shall be located at least 250 feet from any residential district, school (except vocational schools), or child care center.
- (b) Vehicles shall not be parked or stored as a source of parts or for the purpose of sale or lease/rent.
- (c) Repair and storage of all vehicles shall occur within an enclosed building. Temporary outdoor vehicle storage may be allowed in an outdoor storage area that is no larger than 25 percent of the buildable area of the lot, located behind or to the side of the principal structure, and screened in accordance with Section 4.3.3.P, Outdoor Storage.
- (d) Vehicles that are repaired and are awaiting removal shall not be stored or parked for more than 30 consecutive days. In cases where a vehicle is abandoned by its lawful owner before or during the repair process, the vehicle may remain on site as long as is necessary after the 30 day period, provided the owner or operator of the establishment demonstrates steps have been taken to remove the vehicle from the premises using the appropriate legal means.

(2) Automotive Wrecker Service

Automotive wrecker service uses shall comply with the following standards:

- (a) The use shall be located at least 250 feet from any residential district, school, or child care center.
- (b) Vehicles shall not be stored on-site for more than 90 days.
- (c) Vehicles shall be stored to the rear of the principal structure and screened in accordance with Section 4.3.3.P, Outdoor Storage.

(3) Boat and Marine Rental, Sales, and Service

Boat and marine rental, sales, and service establishments shall comply with the following standards:

- (a) Temporary outdoor storage may be allowed in an outdoor storage area that is no larger than 40 percent of the buildable area of the lot, located behind or to the side of the principal structure, and screened in accordance with Section 4.3.3.P, Outdoor Storage.

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- (b)** Display areas shall be located outside all setbacks and shall be screened from adjacent streets with a Type A perimeter landscaping buffer.
- (c)** Display areas shall be surfaced with concrete, asphalt, or other permanent surfacing material other than crushed stone.

I. Vehicle Sales and Services, Light**(1) Automotive Parts Sales and Installation**

Repair of all vehicles shall occur within an enclosed building. Temporary outdoor vehicle storage may be allowed in an outdoor storage area that is no larger than 25 percent of the buildable area of the lot, located behind or to the side of the principal structure, and screened with an opaque wooden fence or masonry wall in accordance with Section 5.3, Fences and Walls.

(2) Automotive Repair and Service (Without Painting/Bodywork)

Automotive repair and service uses not involving painting or bodywork service shall comply with the following standards:

- (a)** The repair facility shall be located at least 125 feet from any residential district, school (except vocational school), or child care center.
- (b)** Repair of all vehicles shall occur within an enclosed building. Temporary outdoor vehicle storage may be allowed in an outdoor storage area that is no larger than 25 percent of the buildable area of the lot, located behind or to the side of the principal structure, and screened in accordance with Section 4.3.3.P, Outdoor Storage.
- (c)** If gasoline is sold on-site, the use shall also comply with the standards for a gasoline sales use in Section 4.3.3.I.
- (d)** Vehicles shall not be parked or stored as a source of parts or the purpose of sale or lease/rent.
- (e)** Vehicles that are repaired and are awaiting removal shall not be stored or parked for more than 30 consecutive days. In cases where a vehicle is abandoned by its lawful owner before or during the repair process, the vehicle may remain on site as long as is necessary after the 30 day period, provided the owner or operator of the establishment demonstrates steps have been taken to remove the vehicle from the premises using the appropriate legal means.

(3) Automotive Sales or Rentals

Uses primarily involving the sales or rental of automobiles, trucks, recreational vehicles, or travel trailers, shall comply with the following standards:

- (a)** The use shall be located on a lot of at least 40,000 square feet in area and a minimum lot width of 125 feet;
- (b)** The use shall not have more than one vehicle display pad for every 100 feet of street frontage. The vehicle display pad may be elevated up to two feet above adjacent displays or grade level;
- (c)** Vehicle displays may not take place within required setbacks and shall include a Type A perimeter landscaping buffer between the display area and the street;

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- (d)** Vehicle display areas shall be surfaced with concrete, asphalt, or other permanent surfacing material other than crushed stone;
 - (e)** No vehicles or other similar items shall be displayed on the top of a building;
 - (f)** All lights and lighting shall be designed and arranged so no source of light is directly visible from any adjacent property; and
 - (g)** Light repair and service functions are permitted as an accessory use provided all repair-related activities take place within an enclosed building.
- (4) Car Wash or Auto Detailing**
Car wash and auto detailing uses shall be designed to ensure proper functioning of the site as related to vehicle stacking, circulation, and turning movements. If an automatic car wash is an accessory use to a gasoline sales use, it shall be governed by the use and dimensional standards applicable to the gasoline sales use.
- (5) Taxicab Service**
Taxicab service uses shall comply with the following standards:
- (a) Compound Configuration**
 - (i)** When not in service, vehicles shall be stored in a secure compound, fully enclosed with a fence and gate.
 - (ii)** The compound surface area shall be paved or graveled to not less than three inches deep and compacted and graded for proper drainage.
 - (iii)** The taxi service compound shall be fully screened from land in a residential zoning district using a combination of opaque fencing and/or evergreen plant materials.
 - (b) Advertising**
The taxi shall display no form of advertising other than that of the taxi company itself.

J. Visitor Accommodations

- (1) Bed and Breakfast Inns**
Bed and breakfast inn uses shall comply with the following standards:
- (a)** A bed and breakfast inn shall take place within a building that was designed and used as a single-family detached dwelling.
 - (b)** A bed and breakfast inn shall be operated primarily by persons who reside within the dwelling unit, with the assistance of not more than the equivalent of one, full-time employee.
 - (c)** The building that houses the dwelling unit may not be expanded by more than ten percent of its original floor area, nor may rooms for rent be added onto or created within accessory buildings.
 - (d)** There shall be at least one parking space per sleeping room.
 - (e)** There shall only be one kitchen and all meals served on the premises shall be for overnight guests.

- (f) Not more than one sign may be erected on the lot where such a use is located. The sign may not exceed six square feet in surface area nor be internally illuminated.

(2) Hotels and Motels

Hotel and motel uses shall comply with the following standards:

(a) Maximum Density

In no case may the number of lodging units exceed 40 lodging units per acre.

(b) Ownership

All hotel units associated with a single development shall be under common ownership, and in no instance shall individual units be held under individual ownership.

(c) Area Devoted to Non-living Quarters

Up to 20 percent of the gross floor area of a hotel or motel may be for non-living-quarter incidental uses (accessory uses), including management/employee offices, conference space, meeting rooms, banquet halls, retail services, such as newsstands and gift shops, and similar uses, provided any incidental business is conducted primarily to service guests.

(d) Eating Establishments

In addition to the accessory uses allowed in Section 4.3, Accessory Use Standards, up to an additional 20 percent of the gross floor area of a hotel or motel may be devoted to eating establishments as an accessory use. The eating establishments(s) may have an entrance from outside the principal building.

4.2.5. Industrial Uses

A. Extractive Industry

Extractive industry uses shall receive and maintain a State of North Carolina mining permit and comply with the following standards:

(1) General

- (a) Any mine activity affecting more than one acre (including excavation, area where overburden is placed, area used processing or treatment and settling ponds, access roads, etc.) shall be subject to these regulations and require a use permit.
- (b) All State permits and applications for State permits associated with the mining activity, including permit modifications, shall be filed with the Planning and Community Development Department by the applicant.

(2) Size

No more than 30 percent of the total site shall be excavated at any given time during the mining operation and after completion except as otherwise provided in this section.

(3) Setbacks

(a) No activities associated with the mine, including but not limited to excavation activities, vehicular access (except for driveways providing access to the site) and detention ponds shall be located within 100 feet of any property line and 300 feet of any residence, school, religious institution, hospital, commercial or industrial building, vehicular right-of-way or easement, or cemetery.

(b) Setbacks may be reduced by 50 percent when there is a complete visual screen at least six feet in height and an intermittent visual screen to a height of at least 20 feet between the mining activity and the adjoining use. Further, the Board of Commissioners may reduce non-modified setbacks by 50 percent when the mining activity adjoins a vacant parcel or farmland.

(4) Height

Mined materials shall not be stored in excess of 25 feet in height.

(5) Access

(a) For operations that generate more than five trips per peak hour, at least 200 feet of continuous pavement shall be required onsite starting at the point the access road intersects with a public street or highway unless such public street is not paved. Acceleration and deceleration lanes shall be required by the county when it determines, subject to input from the North Carolina Department of Transportation, that such lanes will enhance public safety. All access roads should intersect with public streets at right angles, but in no case be less than 60 degrees. All streets and roads utilized to access the mining site shall be maintained free of dust and sediment and shall be properly graded and drained.

(b) Where two or more accesses to the mining operation exist, traffic shall be routed to the access having the least negative impact on adjoining properties.

(6) Vehicles

All trucks hauling mined materials (i.e. sand, clay, topsoil) shall be covered with a tarpaulin.

(7) Hours of Operation

In no case shall the hours of operation be beyond sunrise to sunset. Mining activities shall not occur on Saturdays from Memorial Day through Labor Day or Sundays.

(8) Refuse

No bulk waste, hazardous waste, commercial waste, garbage, construction or demolition waste shall be placed on site.

(9) Mine Discharge Water

(a) Discharging of water from the mine site shall be permitted subject to obtaining a state permit. The county may require periodic testing of the mine discharge water for settleable solids, total suspended solids, chlorides, turbidity, and pH at the operators' expense. Such testing shall not exceed six tests per year. Discharging without proper state permits will result in initiating procedures to revoke the use permit.

(b) Mine discharge water, including but not limited to discharge stormwater, mine dewatering, and process wastewater, shall not adversely affect downstream properties. Drainage patterns shall not be altered so as to cause flooding off-site while the permit is valid and after reclamation. The county may require decreased discharge rates until the downstream impacts are resolved.

(10) Signage

'No trespassing' signs indicating that a mining operation is being conducted on the site shall be spaced a minimum of 250 feet apart.

(11) Reclamation

Reclamation shall be conducted simultaneously with mining operations. Annual reclamation reports shall be submitted to the Planning and Community Development Department within ten days of being filed with the State.

(12) Overburden

Overburden to be used for future reclamation shall be placed where it will not be disturbed by normal mining activities and shall be stabilized to reduce wind and water erosion. Use of overburden for earth berms is encouraged to reduce the impact of the mining operation on adjoining properties.

(13) Groundwater Level Impacts

No mining activities shall adversely affect surrounding in use wells, ponds or increase chlorides in downstream water bodies. If a mine that requires off-site dewatering is located within a 1,500 foot radius of an in use well, pond, or a source of salt water intrusion, hydrogeological reports or performance guarantees with monitoring wells shall be required and the Board of Commissioners may consider adjusting setbacks or imposing other conditions on the applicant. Any person owning or operating a mining site in a manner that adversely affects an in use well through contamination or diminution of groundwater shall provide the well owner with a replacement water supply of equal quantity and quality. Any person owning or operating a mining site in a manner which creates lowering of pond levels below moderate drought levels or increases chloride levels downstream of dewatering operations shall decrease pumping rates until normal levels are reached. A rebuttal is permitted that contamination or diminution of water has been caused by the mining activity. Proposals for mining activities shall be accompanied by a

hydrogeological report or performance guarantees with monitoring wells as provided in this section.

(a) Hydrogeological Report

A hydrogeological report may be required for mining activities with dewatering operations when an existing in use well is located within a 1,500 foot radius of the excavation area. The requirement to provide a hydrogeological report shall be determined by the County Engineer and shall be based on proximity, number and depth of existing in use wells. The report shall be prepared by a registered engineer, geologist, or other professional approved by the County Engineer. The report shall include the following:

- (i)** Location and description of all in use wells located within a 1,500 foot radius of the excavation area.
- (ii)** Description of existing and proposed drainage patterns located within a 1,500 foot radius of the excavation area.
- (iii)** Proposed mine construction and operation plan.
- (iv)** Description of dewatering activities.
- (v)** Field analysis to include aquifer tests using test well pumping to monitor water levels for a 24 hour period and appropriately located piezometers in a pattern to reflect the water table aquifer and drainage influences. Water level measurements shall be made in each piezometer to build and calibrate a model to analyze the hydrologic relationship between proposed mine operations and the surrounding environment.
- (vi)** Hydrogeological model simulation demonstrating the effects of mine dewatering on the groundwater drawdown in a 1,500 foot radius of the excavation area.
- (vii)** Description of the impacts on the quality and quantity of in use wells, lowering of ponds, and any potential salt water contamination sources and recommended mitigation action of any adverse impacts.

(b) Performance Guarantees and Monitoring Wells

The mine operator may offer a performance guarantee and monitoring wells, in lieu of hydrogeological reports, to replace any in use wells located within a 1,500 foot radius of the excavation area that have diminished in quantity or quality from the mines dewatering operation.

(i) Performance Guarantees

- (A)** The mine operator shall guarantee replacement of water supply to that of equal quantity and quality of owners in use well.
- (B)** A performance guarantee, in the form of a cash deposit, shall be established in the amount of \$3,000 per in use well to assure the operator has funds available should the need arise to replace any of the in use wells.

(ii) Monitoring Wells

Monitoring wells may be required for mining activities with dewatering operations when an existing in use well, pond, or a source of salt water intrusion is within a 1,500 foot radius of the excavation area. A plan shall be provided outlining groundwater monitoring strategies which demonstrates the effects of pumping. Monitoring well requirements shall include the following:

- (A)** Monitoring wells to assess hydrogeological conditions shall be constructed to comply with the provisions of NCDENR rule 15A NCAC 02C – Well Construction Standards.
- (B)** Install to a depth equal to the maximum depth of the mine dewatering operation.
- (C)** Monitoring wells shall be located between the excavation area and the in use wells or pond and located as close as possible to the mine property line. In no instance shall the monitoring well be located closer than one-third the distance from the in use well to the mine. In some instances, it may be necessary to install the well on adjacent properties, in which case a well construction permit will be required through NCDENR.
- (D)** Monitoring wells shall be installed prior to dewatering operations and maintained throughout the duration of the mine permit period.
- (E)** Water levels shall be collected monthly and submitted quarterly to the Planning and Community Development Department.
- (F)** In the event an in use well or pond within a 1,500 foot radius of the excavation area has an issue with quality or quantity of water levels, the monitoring well(s) water level data will be used to assess changes in the water table levels over the period of time the mine was dewatering. Decreased water table levels below in use well depths or pond depths shall constitute the requirement to replace an in use well so as not to be affected by the mine dewatering operations or to modify dewatering rates so as to not lower water levels in adjacent ponds below their moderate drought levels.

(14) Plan Requirements

In addition to the site plan requirements in the Administrative Manual, plans for mining operations shall include the following items:

- (a)** Name of mine;
- (b)** Name and address of property owner and mine operator;
- (c)** Existing and proposed mine boundaries, including acreages;
- (d)** Location of existing and proposed vehicular access and haul road(s);

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- (e)** Location and dimension of existing and proposed buffer(s) and berms;
- (f)** Location, acreage, and height of stockpile and overburden disposal areas;
- (g)** Location of 100-year floodplain and wetland boundaries;
- (h)** Phasing of mining operations including reclamation;
- (i)** Estimated noise levels at exterior property lines;
- (j)** Location of existing and proposed drainage features within a 1,500 foot radius of the excavation area;
- (k)** Location of existing in use wells and ponds within a 1,500 foot radius of the excavation area if the mine will use dewatering operations; and
- (l)** Hydrogeological report, monitoring well plan, or performance guarantee as determined by the County Engineer addressing potential impacts to in use wells, ponds, or salt water intrusion sources within a 1,500 foot radius of the excavation area.

(15) Expansion

An expansion of an existing mining operation shall comply with the following procedures and additional standards:

(a) Procedure

- (i)** With the approval of the Planning Director, additional area within the site can be mined provided previously mined areas are reclaimed with non-contaminated soils to the original ground elevation in accordance with state standards. All reclaimed land shall be identified on a map recorded in the register of deeds.
- (ii)** With the approval of the Planning Director, an expansion of an existing mine operation not to exceed 40 percent of the total site area can be mined.
- (iii)** In accordance with Section 2.3.14, the Board of Commissioners can approve an expansion of an existing mine operation not to exceed 50 percent of the total site area.

(b) Additional Standards

- (i)** The existing mine has an active use permit and State permit.
- (ii)** The existing mine has been in operation for a period of no less than five years.
- (iii)** The existing mine has maintained compliance with all applicable state and local permit regulations for the past five years of operation.
- (iv)** The cumulative total of the mine's excavation area, including the requested expansion, shall not exceed 50 percent of the total site area. All on-site CAMA and US Army Corps of Engineers designated wetlands and surface waters shall not be included in the total site area calculation.

- (v) All state mining permit modifications shall be obtained prior to any expansion activities being performed.

(16) Expiration

The use permit shall be valid for the same permit period as the State of North Carolina mining permit not to exceed ten years from the date of issuance or for a shorter duration as deemed appropriate by the Board of Commissioners. In the event the property owner desires to continue the mining operation thereafter, he shall again petition the Board of Commissioners for a new permit.

(17) Extension of Expiration Time Period

The Planning Director may, upon receiving a written request for extension, grant an extension not to exceed ten years provided the existing mine has maintained compliance with all applicable state and local regulations.

B. Industrial Services

(1) Crabshedding

Crabshedding uses located within a residential zoning district shall comply with the following standards:

(a) General Standards

- (i) All phases of the operation must be conducted not less than 10 feet from the property line and not less than 50 feet from any adjacent dwelling;
- (ii) No odor, fumes, excessive noise, or traffic shall be allowed;
- (iii) On-premise freezing, packing and preparation for shipping is allowed;
- (iv) No more than one truck, van, car, or other vehicle, or part of a vehicle, which is visible from adjacent public streets may be kept on the site; and
- (v) No vehicle or trailer which is larger than 8 feet by 32 feet shall be maintained on-site.

(b) Additional Standards in the AG and MXR Districts

- (i) A sign not exceeding six square feet is allowed;
- (ii) On-premise sale of soft crabs or peeler crabs is allowed; and
- (iii) Open storage must be fenced with opaque fencing a minimum of six feet in height.

(2) General Industrial Services and Repair

Repair of all machines shall occur within an enclosed building. Temporary outdoor storage may be allowed in an outdoor storage area that is no larger than 25 percent of the buildable area of the lot, located behind or to the side of the principal structure, and screened in accordance with Section 4.3.3.P, Outdoor Storage.

(3) Heavy Equipment, Sales, Rental, and Service

Uses primarily involving the sales, rental, service, or storage of heavy equipment shall comply with the following standards:

SECTION 4.2: USE-SPECIFIC STANDARDS**Subsection 4.2.5: Industrial Uses**

- (a) The use shall be located at least 250 feet from any residential district, school, or child care center.
 - (b) No heavy equipment or building displays shall be located within a required setback or perimeter buffer.
 - (c) The use shall not have more than one heavy equipment display pad, located between the principal building and the street for every 100 feet of street frontage.
 - (d) No heavy equipment shall be displayed on the top of a building.
 - (e) All lights and lighting shall be designed and arranged so no source of light is directly visible from any residential district or existing residential use.
- (4) Laundry, Dry Cleaning, and Carpet Cleaning Facilities**
Laundry, dry cleaning, and carpet cleaning facilities shall be within an enclosed building and shall use nonflammable liquids in the cleaning processes that emit no odor, fumes, or steam detectable to normal senses from off the premises.
- (5) Manufactured Home and Prefabricated Building Sales**
Manufactured home and prefabricated building sales establishments shall comply with the following requirements:
- (a) Any lot engaged in the sale of manufactured homes or prefabricated buildings shall be at least 40,000 square feet in area and maintain a minimum lot width of at least 125 feet.
 - (b) In no instance shall the number of homes or buildings result in an impervious coverage beyond the applicable maximum lot coverage.
 - (c) Model manufactured homes and prefabricated buildings shall be positioned in a uniform, organized fashion, and haphazard placement of buildings at varying angles shall be prohibited.
 - (d) No display areas shall be located within required setbacks or required landscaping buffers.
 - (e) Storage of materials related to the construction, transport, or installation of homes or prefabricated buildings shall only take place within areas enclosed by an opaque fence or wall with a minimum height of six feet.
 - (f) No signage, flags, or other attention-getting devices shall be mounted to a manufactured home or prefabricated building.

C. Manufacturing and Production**(1) Manufacturing, Heavy**

Heavy manufacturing uses shall comply with the following standards:

- (a) Heavy manufacturing uses shall be located at least 1,000 feet from any residential district.
- (b) A Type D perimeter buffer of at least 25 feet in depth shall be provided along any boundary with another property not zoned for heavy industry.

(2) Manufacturing, Light

All light manufacturing uses shall comply with the following standards:

SECTION 4.2: USE-SPECIFIC STANDARDS**Subsection 4.2.5: Industrial Uses**

- (a) Buffer and setback areas in the side and rear may not be used for parking.
- (b) Finished products for display and sale shall not occupy more than 40 percent of the land area between the principal building and all adjacent streets.
- (c) The use shall not generate more noise, smoke, odor, fumes, vibrations or other disturbance than is characteristic of permitted business uses located within 1,000 feet in any direction when observed, measured, or monitored from the closest lot line. In cases where such monitoring, measuring or observation is required, it shall be the responsibility of the applicant to provide adequate information to the Planning Director.

D. Warehouse and Freight Movement**(1) Outdoor Storage (as a Principal Use)**

Outdoor storage uses shall comply with the following requirements:

- (a) No storage shall take place within required setbacks;
- (b) Outdoor storage shall be screened from all public streets and residential zoning districts by an opaque fence or wall with a minimum height of six feet, and a maximum height of ten feet;
- (c) Stacked or stockpiled material located within 50 feet of a screening fence or wall shall not exceed the height of the screening fence or wall;
- (d) Outdoor storage is not required to be screened from views on adjacent lots located within industrial districts; and
- (e) Outdoor storage areas shall be configured to allow vehicular circulation through and around the storage area.

(2) Self-Service Storage

Self-service storage uses shall comply with the following standards:

(a) Site Layout

- (i) The minimum lot area shall be three acres.
- (ii) If separate buildings are constructed, there shall be a minimum separation of ten feet between buildings.

(b) Operation

- (i) The only commercial uses permitted on-site shall be the rental of storage bays and the pickup and deposit of goods or property in dead storage. Storage bays shall not be used to manufacture, fabricate, or process goods, to service or repair vehicles, small engines or electrical equipment, or conduct similar repair activities, to conduct garage sales or retail sales of any kind, or to conduct any other commercial or industrial activity on the site.
- (ii) Individual storage bays or private postal boxes within a self-service storage facility use shall not be considered premises for the purpose of assigning a legal address.

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- (i) The storage shall occur only within a designated area, which shall be clearly delineated;
 - (ii) The size of the storage area shall not exceed 25 percent of the buildable area of the site;
 - (iii) Outdoor storage areas shall be located to the rear of the principal structure;
 - (iv) Storage shall not occur within the areas set aside for minimum building setbacks; and
 - (v) No dry stacking of boats shall be permitted on-site.
- (3) Truck or Freight Terminal, Warehouse (Distribution or Storage)**
Truck or freight terminals or warehouses (distribution or storage) shall comply with the following standards:
- (a) The use shall be located at least 500 feet from any residential district, school, or child care center.
 - (b) The use shall not locate storage areas within a required setback or perimeter buffer.
 - (c) The use shall have direct access onto an major arterial or collector street.

E. Waste-Related Services**(1) Incinerator**

Incinerators shall comply with the following standards:

- (a) The use shall be located at least 1,000 feet from any existing residential use, school, or child care use.
- (b) The use shall be surrounded by a solid fence that is at least eight feet high, located no less than 100 feet from any public right-of-way, and located no less than 50 feet from any adjacent property.

(2) Landfills (LCID and CD)

Land clearing and inert debris (LCID) landfills and construction debris (CD) landfills shall comply with the following standards:

- (a) LCID and CD landfills shall be set back at least 300 feet from any existing residential use, school, or child care use, and shall provide a Type D landscape buffer around its perimeter (see Section 5.2.6, Perimeter Landscape Buffers).
- (b) Access to a landfill shall be controlled through the use of a fence, wall, gate, or other suitable device to prevent unregulated dumping.
- (c) All unpaved areas shall be maintained in a manner which prevents dust from adversely impacting adjacent properties.
- (d) No filling associated with a landfill shall take place within in any flood hazard area, drainage ways, or utility easements.

(3) Public Convenience Center/Transfer Station

Public convenience center/transfer stations shall be owned and operated by the county or an agent of the county.

(4) Recycling Center, Processing

A recycling center, processing shall comply with the following standards:

- (a)** The center shall be on a parcel with an area of at least five acres.
- (b)** The center shall be located at least 250 feet from any residential district, lot with a school, lot with a child care center, or major arterial street right-of-way.
- (c)** Except for a freestanding office, no part of the center shall be located within 50 feet of any property line.
- (d)** All processing of recyclable materials shall occur within a fully enclosed building.
- (e)** Recyclable materials stored outside shall be contained within a leak-proof bin or trailer, and not stored on the ground.
- (f)** There shall be no collection or storage of hazardous or biodegradable wastes on the site.

(5) Recycling Center, Transfer

A recycling center, transfer shall comply with the following standards:

- (a)** The center shall be on a parcel with an area of at least five acres.
- (b)** The center shall be located at least 250 feet from any residential district, lot with a school, lot with a child care center, or major arterial street right-of-way.
- (c)** Except for a freestanding office, no part of the center shall be located within 50 feet of any property line.
- (d)** All recyclable and recoverable materials shall be collected, sorted, and prepared for transfer within, at minimum, a 3-sided building. Processing of the materials by briquetting, compacting, flattening, grinding, crushing, shredding, cleaning, or altering the materials is prohibited.
- (e)** The open side of the 3-sided building shall not face any residential district, lot with a school, lot with a child care center, or major arterial street right-of-way, when located within 1,000 feet of said districts, lots, or rights-of-ways. The open side of the building, regardless of orientation, shall be screened with a Type D buffer.
- (f)** Recyclable or recoverable materials stored outside shall be contained within a leak-proof bin or trailer, and not stored on the ground.
- (g)** There shall be no collection or storage of hazardous or biodegradable wastes on the site.

(6) Salvage and Junk yard

A salvage or junk yard shall:

- (a)** Not be placed within 1,000 feet of a residential zoning district, lot with a school, lot with a day care center, or a major arterial street right-of-way.
- (b)** Be screened in accordance with Section 4.3.3.P, Outdoor Storage (other than boats or vehicles).
- (c)** Not burn non-vegetative matter.

SECTION 4.3: ACCESSORY USE STANDARDS

Subsection 4.3.1: Purpose

- (d) Not engage in open dumping, disposal of toxic or hazardous matter, or stock piling of tires or batteries.
- (e) Ensure that disposal of garbage unrelated to motor vehicles is in an approved container that is regularly maintained.
- (f) Ensure drainage is adequate in order to prevent standing water.
- (g) Not allow weeds or other vegetation to exceed a height of 12 inches.
- (h) Ensure junk vehicles are arranged to permit easy access firefighting purpose.
- (i) Any lot with vehicles stored without current registration plates or having an amount of trash, either burnable or non-burnable, considered as excessive in the judgment of the administrator, shall be classified as a salvage and junk yard and will require the appropriate zoning and permits.

4.3. ACCESSORY USE STANDARDS

4.3.1. Purpose

This section authorizes the establishment of accessory uses that are incidental and customarily subordinate to principal uses. The purpose of this section is to allow a broad range of accessory uses, so long as such uses are located on the same site as the principal use, and so long as they comply with the standards set forth in this section in order to reduce potentially adverse impacts on surrounding lands.

4.3.2. General Standards and Limitations

A. Compliance with Ordinance Requirements

All accessory uses and accessory structures shall conform to the applicable requirements of this Ordinance, including the district standards in Chapter 3: Zoning Districts, the use regulations in Chapter 4: Use Standards, the development standards in Chapter 5: Development Standards, and the environmental protection standards in Chapter 7: Environmental Protection. The provisions of this section establish additional standards and restrictions for particular accessory uses and structures.

B. General Standards

All accessory uses and accessory structures shall meet the following standards:

- (1) Directly serve the principal use or structure;
- (2) Be customarily accessory and clearly incidental and subordinate to the principal use and structure;
- (3) Be subordinate in area, extent, and purpose to the principal use or structure;
- (4) Not exceed 25 percent of the heated floor or buildable area of the principal use, except structures typically associated with single family dwellings (garages, storage buildings), or where otherwise allowed by this Ordinance;
- (5) Be owned or operated by the same person as the principal use or structure (except that vending machines, automated teller machines, and similar features are exempted from this requirement);

SECTION 4.3: ACCESSORY USE STANDARDS**Subsection 4.3.2: General Standards and Limitations**

- (6)** Be located on the same lot as the principal use or structure;
- (7)** Together with the principal use or structure, not violate the bulk, density, parking, landscaping, or open space standards of this Ordinance; and
- (8)** Not constitute a combination use, which is the combination of two principal uses (combination uses will not meet the above standards in terms of being subordinate or providing service to the principal use).

C. Approval of Accessory Uses and Structures

- (1)** Except for piers, docks, boat houses, boat lifts, dune decks or beach access ways, a single storage shed (for the upkeep of a lot), ponds or borrow pits, and community agriculture, no accessory use shall be located on a lot prior to development of an associated principal use.
- (2)** An accessory use or structure may be approved in conjunction with or subsequent to approval of the principal use or structure.
- (3)** Incidental accessory uses, such as mailboxes, newspaper boxes, birdhouses, dog houses, flagpoles less than 35 feet high, pump or well covers, and similar non-habitable structures may be established without a zoning compliance permit.

D. Table of Common Accessory Uses**(1) Table as Guide**

Table 4.3.2.E, Table of Common Accessory Uses, is established as a guide to identify the appropriateness of the more common accessory uses in each zoning district.

(2) Listed Accessory Uses

Table 4.3.2.E, Table of Common Accessory Uses, lists what types of accessory uses, structures, and activities are allowed in each of the zoning districts.

- (a)** If a specific accessory use is allowed by-right without a zoning compliance permit, the cell underneath the zoning district is marked with a "P".
- (b)** If a specific accessory use is allowed as a permitted use subject to a zoning compliance permit, the cell underneath the zoning district is marked with a "Z".
- (c)** If a specific accessory use is allowed subject to a use permit, the cell underneath the zoning district is marked with a "U".
- (d)** If the accessory use or structure is not allowed in a zoning district, the cell is blank.
- (e)** In the case of planned development districts, if an accessory use is allowable, it is marked with an "MP", and the accessory use must be set out in the approved master plan.

If there is a reference contained in the column entitled "Additional Requirements," refer to the cited section(s) for additional standards that apply to the specific accessory use.

(3) Interpretation of Unidentified Accessory Uses

The Planning Director shall evaluate potential accessory uses that are not identified in Table 4.3.2.E, Table of Common Accessory Uses, on a case-by-

SECTION 4.3: ACCESSORY USE STANDARDS

Subsection 4.3.2: General Standards and Limitations

case basis, as an Interpretation (Section 2.4.16). In making the interpretation, the Planning Director shall apply the following standards.

- (a) The definition of “accessory use” (see Chapter 10: Definitions.), and the general accessory use standards established in Section 4.3.2, General Standards and Limitations.
- (b) The additional regulations for specific accessory uses established in Section 4.3.3, Specific Standards for Certain Accessory Uses.
- (c) The purpose and intent of the zoning district in which the accessory use is located (see Chapter 3: Zoning Districts).
- (d) Any potential adverse impacts the accessory use may have on other lands in the area, compared with other accessory uses permitted in the zoning district.
- (e) The compatibility of the accessory use, including the structure in which it is housed, with other principal and accessory uses permitted in the zoning district.

E. Table of Common Accessory Uses

Table 4.3.2.E, Table of Common Accessory Uses, specifies common types of accessory use and the zoning district where each type may be permitted.

TABLE 4.3.2.E: TABLE OF COMMON ACCESSORY USES																	
P = Permitted by-right Z= Zoning Compliance Permit U = Use Permit MP = Allowed with master plan blank cell = Prohibited																	
ACCESSORY USE TYPE	ZONING DISTRICT															ADDITIONAL REQ. (4.3.)	
	RC	AG	SFM	SFO	SFR	SFI	MXR	GB	LB	CC	VC	LI	HI	PD-R	PD-M		PD-O
Accessory Dwelling Unit		Z	Z	Z	Z	Z	Z	Z	Z	P	P			MP	MP	MP	3.A
Amateur Ham Radio		P	P			P	P			P	P			MP	MP		3.B
Automated Teller Machine							Z	Z	Z	Z	Z	Z		MP	MP	MP	
Campground, Public	U	Z					Z	Z						MP			3.C
Cemetery (family or religious institution)		Z	Z			Z	Z	Z	Z					MP	MP		3.D
Child Care, Incidental		Z	Z	Z	Z	Z	Z	Z	Z	Z	Z			MP	MP	MP	3.E
Community Agriculture	P	P	P			P	P							MP			3.F
Dock, Pier, Boat House, or Boatlift	P	P	P	P	P	P	P	P	P	P	P	P	P	MP	MP	MP	
Drive-Through								Z	Z	Z	Z	Z		MP	MP	MP	3.G
Electronic Gaming Operation								Z									3.H
Excavation		Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	MP	MP	MP	3.I
Gasoline Sales								Z		Z	Z	Z		MP	MP	MP	3.J
Home Occupation		P	P	P	P	P	P	P	P	P	P			MP	MP	MP	3.K
Housing for Poultry		P	P			P	P							MP	MP		3.L

SECTION 4.3: ACCESSORY USE STANDARDS

Subsection 4.3.2: General Standards and Limitations

TABLE 4.3.2.E: TABLE OF COMMON ACCESSORY USES
 P = Permitted by-right Z= Zoning Compliance Permit U = Use Permit MP = Allowed with master plan blank cell = Prohibited

ACCESSORY USE TYPE	ZONING DISTRICT															ADDITIONAL REQ. (4.3.____)	
	RC	AG	SFM	SFO	SFR	SFI	MXR	GB	LB	CC	VC	LI	HI	PD-R	PD-M		PD-O
Ice House								Z	Z	Z	Z	Z			MP	MP	3.M
Inoperable Vehicle		P	P	P	P	P	P	P									3.N
Land Application of Sludge or Septage		U				U							U				3.O
Outdoor Display/Sales								Z	Z	Z	Z	Z			MP	MP	3.P
Outdoor Storage		Z						Z	Z	Z	Z	Z	Z		MP	MP	3.Q
Parking of Boats or Watercraft		P	P	P	P	P	P	P	P					MP	MP	MP	3.R
Parking of Heavy Trucks, or Trailers		P						P				P	P		MP		3.S
Parking of Major Recreational Equipment		P	P	P		P	P	P						MP	MP	MP	3.S
Produce Stand		P						P	P	P	P			MP	MP	MP	3.T
Retail Sales from a Vehicle		P					P	P	P	P	P	P		MP	MP	MP	3.U
Solar Energy Equipment	P	P	P	P	P	P	P	P	P	P	P	P	P	MP	MP	MP	3.V
Stable (horses)		P	P			P		P						MP			3.W
Underground Storage Tank		P						P	P	P	P	P	P		MP		3.X
Wind Energy Facility, Small		Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	MP	MP	MP	3.Y

F. Location of Accessory Uses or Structures

- (1) The following accessory uses shall not be located between the principal use and adjacent street rights-of-way:
 - (a) Amateur ham radio equipment;
 - (b) Drive-through;
 - (c) Housing for poultry;
 - (d) Outdoor storage;
 - (e) Small wind energy facilities; or
 - (f) Stable.
- (2) Except for fences, walls, and functionally-dependent facilities, all accessory structures shall comply with the minimum setback and spacing standards applicable to accessory structures in the zoning district where the structure is located (see Chapter 3: Zoning Districts).
- (3) No accessory structure shall be located within any platted or recorded easement or over any known utility unless written authorization is provided from the easement holder or the county, as appropriate.

SECTION 4.3: ACCESSORY USE STANDARDS**Subsection 4.3.3: Specific Standards for Certain Accessory Uses****G. Maximum Height**

All accessory structures shall comply with the maximum height standards in the zoning district where the structure is located (see Chapter 3: Zoning Districts).

H. Lot Coverage

Accessory structures shall be counted towards applicable maximum lot coverage standards in the zoning district where the structure(s) is located (see Chapter 3: Zoning Districts).

4.3.3. Specific Standards for Certain Accessory Uses**A. Accessory Dwelling Units**

Accessory dwelling units shall comply with the following standards:

(1) Where Permitted

- (a)** Accessory dwelling units may be located within a principal structure (e.g., a downstairs apartment) or as a freestanding building or above a detached outbuilding.
- (b)** The use of manufactured homes, travel trailers, campers, tractor trailers, or similar vehicles as an accessory dwelling unit is prohibited.

(2) Additional Standards

- (a)** Not more than one accessory dwelling unit per lot is permitted.
- (b)** An accessory dwelling unit shall have a floor area of at least 300 square feet, but shall not exceed 1,000 square feet in size.
- (c)** At least one, but no more than two, off-street parking spaces shall be provided for an accessory dwelling unit (in addition to the required off-street parking serving the principal use).
- (d)** Accessory dwelling units shall not be sold apart from the principal structure.
- (e)** Accessory dwelling units may be used for home occupation uses but in no instance shall more than one home occupation use be conducted on a single lot.

B. Amateur Ham Radio

- (1)** Towers associated with a ham radio operator or private television antenna shall not exceed 100 feet above grade.
- (2)** Towers or antennas attached to a principal structure shall be located on a side or rear elevation.
- (3)** Freestanding towers or antennas shall be located behind the principal structure.

C. Campground, Public

Public Campgrounds permitted as an accessory use shall comply with the following standards:

- (1)** Campgrounds shall be publically-owned and operated;
- (2)** Campgrounds shall not include permanent residences, except as necessary for caretakers;

SECTION 4.3: ACCESSORY USE STANDARDS

Subsection 4.3.3: Specific Standards for Certain Accessory Uses

- (3) Individual campsites shall maintain a minimum size of 1,200 square feet in area and at least 25 feet in width;
- (4) Campgrounds shall provide a common recreational area consisting of 100 square feet per campsite;
- (5) Campgrounds shall provide sufficient groundcover to prevent erosion; and
- (6) Individual campsites shall be set back at least 100 feet from the front lot line and at least 50 feet from the side and rear lot lines.

D. Cemetery, Family or Religious Institution

Cemeteries that are not subject to the North Carolina Cemetery Act, including family cemeteries and church cemeteries, are permitted in accordance with the following standards:

- (1) Lots including a cemetery shall be a minimum of two acres in size, but the cemetery site itself has no minimum area requirement.
- (2) Table 4.3.3.D, Cemetery Dimensional Requirements, sets out the dimensional requirements for cemeteries.

TABLE 4.3.3.D: CEMETERY DIMENSIONAL REQUIREMENTS	
REQUIREMENT	STANDARD (FEET)
Min. Street Frontage	125 feet
Burial Plot Setback from Local Streets	20 feet
Burial Plot Setback from Major Arterial Streets	50 feet
Burial Plot Setback from Side Lot Line	15 feet
Burial Plot Setback from Rear Lot Line	25 feet
Burial Plot Setback from Potable Water Supply	50 feet
Burial Plot Setback from CAMA Wetland/Water Body	75 feet

- (3) The property owner shall provide a road or path for the purpose of access to and from the cemetery.
- (4) The cemetery shall not be owned or operated as a business for profit.
- (5) The applicant requesting to establish or enlarge a cemetery shall submit the following minimum information on the site plan:
 - (a) Lot dimensions;
 - (b) All property line setback requirements;
 - (c) All existing physical features (structures, buildings, streets, roads, grave sites, etc.);
 - (d) Location and dimension of cemetery boundaries; including number of grave sites or burial plots;
 - (e) Location and dimension of the road or path used to access the family cemetery;
 - (f) Location of all potable water supplies within 50 feet of the family cemetery; and,

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- (g) Location of all water bodies and major drainage ways (sounds, creeks, river, canals, etc.) within 75 feet of the family cemetery.
- (6) The site plan as approved by the Planning and Community Development Department showing the location of and access to the cemetery shall be recorded with the Register of Deeds as an addendum to the deed for the subject property.

E. Child Care, Incidental

Child care is permitted as an accessory use to a single-family dwelling in accordance with the following standards:

- (1) Such uses shall be licensed by the State as a Family Child Care Home and shall comply with all minimum State requirements;
- (2) The child care portion shall be limited to areas required and/or approved by the State; and
- (3) The use shall be operated by a person residing within the principal use and shall be limited to a maximum of one additional employee not residing in the principal use;

F. Community Agriculture

Community agriculture uses shall comply with the following standards:

(1) Minimum Lot Size

- (a) Community agriculture uses may only be located on lots of two acres or larger within residential districts, and one acre or larger within business or mixed-use districts.
- (b) Community agriculture uses may be conducted on a lot that does not contain a principal use.

(2) Buildings and Storage

- (a) Community agriculture uses may include up to 1,500 total square feet of floor area within greenhouses, storage buildings, or other related structures.
- (b) Equipment or materials shall be stored within an enclosed structure or within a fully-screened enclosure.

(3) Retail Sales

- (a) Retail sales of produce grown on-site may take place provided the sales/display area is not located within a habitable structure, and provided the sales/display area is located at least 300 feet from any residential use.
- (b) Nothing shall prohibit the erection of a temporary shade structure, provided the shade structure does not remain in place overnight.

(4) Additional Standards

- (a) Exterior lighting is prohibited;
- (b) Signage shall be limited to a single, non-illuminated, flat sign of four square feet;
- (c) No more than four off-street parking spaces shall be provided in addition to those required for the principal use; and

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- (d) Plantings shall not obstruct roadway visibility or impede the flow of traffic.

G. Drive-Through

- (1) Drive-through facilities shall be located at least 100 feet from any detached single-family dwelling or single-family residential zoning district.
- (2) Outdoor speakers associated with a drive-through shall be at least 50 feet from any lot line.
- (3) Drive-through facilities shall not be located on the front façade of the building they serve.
- (4) Drive-through facilities shall be designed so as not to obstruct the movement of pedestrians along sidewalks, through areas intended for public use, or between the building entrance and customer parking spaces.
- (5) Canopies or other features installed over a drive through window shall maintain common roof lines and materials with the principal structure

H. Electronic Gaming Operation

Electronic gaming operations are permitted only as an accessory use and shall comply with the following standards:

(1) General Requirements

- (a) Each electronic gaming operation shall be limited to a maximum of 5 gaming terminals per location, regardless of size.
- (b) No electronic gaming operation shall be located within 500 feet of a school, child care center, religious institution, or other electronic gaming operation. The measurement of distance shall be a straight line from the closest point of the buildings at which the uses are located, not the closest point of the unit or space within the buildings at which the electronic gaming operation is located.
- (c) Electronic gaming operations are prohibited in the Outer Banks.
- (d) On premise signs advertising the electronic gaming operation are prohibited.

(2) Operation Requirements

- (a) Operating hours shall be the same as the principal retail sales establishment.
- (b) There shall be no alcohol sold, provided, or consumed in the gaming area.
- (c) The establishment shall be restricted to patrons and employees at least 18 years of age.
- (d) No firearms are allowed inside any gaming area, except by sworn law enforcement officials or security employees.

(3) Amortization

Any electronic gaming operation that lawfully existed prior to May 6, 2013 will be granted 6 months from May 6, 2013 in which to bring the electronic gaming operation into compliance with the standards of this Ordinance.

SECTION 4.3: ACCESSORY USE STANDARDS**Subsection 4.3.3: Specific Standards for Certain Accessory Uses****I. Excavation**

Minor excavations for the purpose of establishing a pond or acquiring fill may be permitted as an accessory use, provided:

- (1) One acre or less is affected (including haul roads);
- (2) Excavation is setback at least 100 feet from all lot lines;
- (3) Slopes are maintained at no greater than 3:1 above the water, 2:1 below the water, and an average depth of four feet is maintained; and
- (4) A performance guarantee of at least \$1,000 is posted with the Planning and Community Development Department to ensure adequate reclamation following excavation.

J. Gasoline Sales

Gasoline sales may be permitted as an accessory use in accordance with the following standards:

(1) Location

- (a) Gasoline pumps, canopies, and associated service areas are prohibited in any established front yard in the CC and VC districts.
- (b) If the gasoline sales use is located on a corner lot, the lot shall have an area of at least 30,000 square feet and a frontage of at least 200 feet on each street side. In all other cases, the lot shall have an area of at least 15,000 square feet and a lot width of at least 150 feet.

(2) Circulation

The gasoline sales use shall have no more than two vehicular access points. Access points shall be located at least 150 feet from each other and from any intersecting street right-of-ways, and at least 15 feet from any other lot line.

K. Home Occupations

A home occupation shall be permitted as accessory to any principal dwelling unit, provided that the accessory use will not change the character of the residential neighborhood in terms of appearance, noise, odors, traffic, or other impacts. Home occupations shall be subject to the following standards:

- (1) The business or service is located within the dwelling or an associated accessory building, and does not exceed 25 percent of the heated floor area of the principal structure or 1,000 square feet, whichever is less.
- (2) The principal person or persons providing the business or service resides in the dwelling on the premises.
- (3) The home occupation employs no more than one person on the premises who do not reside on the premises.
- (4) The home occupation causes no change in the external appearance of the existing dwelling and structures on the property.
- (5) Retail sales of products produced on site shall be limited to lots with street frontage on a major arterial street.
- (6) All vehicles used in connection with the home occupation are of a size, and located on the premises in such a manner, so as to not disrupt the quiet

SECTION 4.3: ACCESSORY USE STANDARDS**Subsection 4.3.3: Specific Standards for Certain Accessory Uses**

nature and visual quality of the neighborhood, and there are no more than one vehicle per home occupation. In no instance shall any vehicle larger than eight feet by 32 feet be parked, stored, or otherwise maintained at the site of a home occupation.

- (7)** Home occupations shall not result in regular and on-going vehicular traffic to the home where located.
- (8)** There is sufficient off-street parking for patrons of the home occupation, with the number of off-street parking spaces required for the home occupation to be provided and maintained in addition to the space or spaces required for the dwelling itself.
- (9)** Up to one advertising sign shall be allowed, provided the sign does not exceed six square feet in area per side, or more than four feet in height. No signage shall be illuminated or moving.
- (10)** The property contains no outdoor display or storage of goods, equipment, or services that are associated with the home occupation.
- (11)** The home occupation does not create traffic or parking congestion, noise, vibration, odor, glare, fumes, or electrical or communications interference which can be detected by the normal senses off the premises, including visual or audible interference with radio or television reception.

L. Housing for Poultry

Except within the AG district, the housing of poultry shall comply with the following standards:

- (1)** No more than eight birds may be housed per lot;
- (2)** Roosters are prohibited;
- (3)** On-site slaughter of birds is prohibited;
- (4)** All birds shall be housed within a covered enclosure or coup;
- (5)** No enclosure shall be located closer than 25 feet to any residential structure or lot line; and
- (6)** Birds shall be kept within a fenced enclosure at all times.

M. Ice House

Ice houses of 50 square feet in size or larger shall comply with the following requirements:

- (1)** Ice houses shall be located at least 100 feet from any public street right-of-way.
- (2)** The ice house shall be surrounded with plantings (excluding any areas necessary for dispensing or servicing) on any side facing a public street or residentially-zoned land. Plantings shall be at least 36 inches in height at the time of planting.
- (3)** Ice houses shall be served by a semi-circular parking and vehicular access area that removes the need for backing. In cases where the ice house is located within an established surface parking area, accessways shall be painted or otherwise designated.

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- (4) Any signage shall have a maximum copy area of 16 square feet.
- (5) All roof-top mechanical equipment shall be screened.
- (6) A litter receptacle shall be provided, and shall be maintained in a sanitary condition.
- (7) Ice houses shall not be allowed as a primary use and shall be designed with an exterior closure that is similar to the primary structure on the site.

N. Inoperable Vehicles

Up to one inoperable or junked vehicle is allowed per residential dwelling unit.

O. Land Application of Sludge or Septage

Land application of commercial sludge or septage shall comply with the following requirements:

(1) Setbacks

Table 4.3.3.N, Land Application Setbacks, establishes the setback requirements for land application of commercial sludge and septage.

TABLE 4.3.3.N: LAND APPLICATION SETBACKS		
USE OR FEATURE	MIN. SETBACK FOR COMMERCIAL SLUDGE APPLICATION (FEET)	MIN. SETBACK FOR SEPTAGE APPLICATION (FEET)
Existing residential or commercial structure	1,000 [1]	500 [2]
Private or public potable water well	1,000	500
Wells, other than monitoring	N/A	200
Abandoned wells	N/A	50
Ground water lowering ditches or devices	N/A	100
All lot lines	100	100

NOTES:

[1] Vegetated buffers shall also be required for applications within 2,000 feet of an existing residential or commercial structure

[2] Setback may be increased to 1,000 feet, or lime stabilization may be required upon receipt of complaints from adjacent land owners

(2) General Requirements

- (a) A permit must be obtained by the applicant from the appropriate county, regional, or State agency which has authority to issue required permits prior to land application of sludge or septage. All conditions stated in the appropriate county, regional, or State permit shall be strictly adhered to.
- (b) "No Trespassing" signs shall be posted at access roads or paths crossing or leading to the disposal area and a legible sign of at least four square feet in area stating, "Septage" or "Sludge Disposal Area" shall be posted at the entrance to the disposal area.

SECTION 4.3: ACCESSORY USE STANDARDS**Subsection 4.3.3: Specific Standards for Certain Accessory Uses**

- (c) Land application of sludge shall occur only during daylight hours. Septage shall be applied so as to have no standing surface collection of liquid within 24 hours after application.
 - (i) Upon issuance of the use permit, the property owner shall record the use permit in the Currituck County Register of Deeds and have it indexed under the record owner's name as grantor.

P. Outdoor Display and Sales

Outdoor display or sales may be allowed as an accessory use for all retail sales and service uses and wholesale sales uses. It is the intent of this Ordinance to allow the display of merchandise for sale, but not where the display of such items is unsightly, impedes the flow of pedestrian or vehicular traffic, or creates an unsafe condition. The outdoor display/sales of goods shall comply with the following standards:

- (1) Outdoor display/sales areas shall be depicted upon a site plan (see Section 2.4.7, Site Plan).
- (2) All outdoor display of goods shall be located immediately adjacent to the storefront, or building sides, and not in drive aisles, loading zones, fire lanes, or parking lots.
- (3) Containers or racks used for display shall be anchored in manner capable of withstanding 120 mph winds, or shall be capable of being moved indoors.
- (4) Outdoor display areas shall be limited to no more than one-half of the length of the store front or building side.
- (5) In the case of a shopping center, the “storefront” shall include the entire frontage of the shopping center facade, meaning that the total amount of display for all the in-line tenants combined shall not exceed 50 percent of the aggregate store front length of the shopping center.
- (6) The area of outdoor display or sales shall not encompass the width of the entrance doors to the establishment as projected straight out from the facility. (For example, if the width of the entrance doors is ten feet, there shall be at least a ten-foot clearance from the doors as projected straight out and away from the facility.)
- (7) No goods shall be attached to a building’s wall surface.
- (8) The height of the outdoor display shall not exceed nine feet, except in the case of live or recently cut trees or similar vegetation.
- (9) The outdoor display area shall take place on an improved surface such as the sidewalk or pavement.
- (10) At least three feet along the parking lot side of the display shall be maintained free of obstruction to allow for pedestrian and handicap movement, such that handicapped pedestrians and others do not have to enter the parking lot or drive aisle to walk around the display.
- (11) Outdoor sales shall not include hazardous and flammable materials, such as gasoline, oil, antifreeze, kerosene, poisons, pesticides, and similar items.

SECTION 4.3: ACCESSORY USE STANDARDS

Subsection 4.3.3: Specific Standards for Certain Accessory Uses

- (12)** No additional signage shall be permitted in association with outdoor display areas.
- (13)** Outdoor display of large items (e.g., heavy equipment, vehicles, manufactured homes, prefabricated structures, etc.) shall comply with the standards applied to these activities when they occur as principal uses (see Section 4.2, Use-Specific Standards).

Q. Outdoor Storage (Other than Boats or Vehicles)

Outdoor storage may be allowed as an accessory use in accordance with the following standards:

- (1)** Each outdoor storage area shall be incorporated into the overall design of the principal structure on the site and shall be shown on a site plan, if one is required.
- (2)** Outdoor storage areas shall be located to the side or rear of the principal structure.
- (3)** Outdoor storage areas shall not be located within fire lanes, parking lot drive aisles, loading zones, required setbacks, required off-street parking spaces, or sight triangles.
- (4)** Goods stored in an outdoor storage area intended for sale or resale shall be limited to those sold on the premises as part of an associated, additional principal use.
- (5)** Each outdoor storage area shall be screened from off-site views in accordance with Table 4.3.3.P, Outdoor Storage Screening:

TABLE 4.3.3.P: OUTDOOR STORAGE SCREENING

ADJACENT FEATURE OR ZONING DISTRICT TO BE SCREENED	MINIMUM OPAQUE SCREENING FENCE OR WALL HEIGHT (FEET)	STORED OBJECT/MATERIAL MAXIMUM HEIGHT WITHIN 50 FEET OF FENCE OR WALL (FEET) [2]
Public street right-of-way	6	5
Park, recreation, or civic area	8	7
Single-family residential zone [1]	8	8
Multi-family residential zone [1]	6	6
Commercial or mixed-use zone [1]	6	6
Industrial zone	None	N/A

NOTES:

[1] Or use type if in a planned development district

[2] Stored object/material heights located more than 50 feet from a screening fence or wall shall not exceed 35 feet in height.

- (6)** If the outdoor storage area is covered, then the covering shall include at least one of the predominant exposed roofing colors on the primary structure.

SECTION 4.3: ACCESSORY USE STANDARDS

Subsection 4.3.3: Specific Standards for Certain Accessory Uses

- (7)** No materials may be stored in areas intended for vehicular or pedestrian circulation.

R. Parking of Boats or Watercraft

- (1)** Up to four boats licensed by the NC Division of Marine Fisheries, and associated trailers, may be stored for personal use outside of required setbacks and sight triangles. Storage of five or more boats requires an additional acre of lot area for each boat beyond four.
- (2)** Lots with more than four boats shall screen all boats from adjacent residential structures on different lots.

S. Parking of Heavy Trucks, Trailers, or Major Recreational Equipment in Residential Districts

(1) Intent

It is the intent of this subsection to prohibit the customary or continual parking of commercial or other vehicles engaged in activity exceeding personal transport on streets and within yards adjacent to streets in residential neighborhoods since the presence of such vehicles runs contrary to the intended residential character of such neighborhoods. It is not the intent of these standards to prevent the occasional or temporary parking of such vehicles or equipment as necessary for the purposes of loading, unloading, or cleaning; however, the continual or customary overnight parking of such vehicles or equipment for a portion of the day followed by removal the following day is prohibited.

(2) Applicability

The standards in this subsection apply to trucks with more than two axles or that exceed 13,000 pounds or two-and-one-half tons of gross vehicle weight rating, trailers with more than one axle, or major recreational equipment, including, but not limited to, boats, campers, recreational vehicles, motor homes, and travel trailers.

(3) Standards

- (a)** Heavy trucks and trailers with a rated capacity exceeding two-and-one-half tons, or major recreational equipment, shall not be parked or stored on public right-of-way in a residential zoning district except for the purposes of active loading or unloading.
- (b)** No heavy truck, trailer, or other major recreational equipment shall be parked or stored in any front yard, corner side yard, or in any location where it is closer to a street right-of-way than the principal structure within a residential or mixed-use zoning district.
- (c)** Major recreational equipment may be stored in the rear yard within a residential district, provided the equipment is at least ten feet from all lot lines.
- (d)** Major recreational equipment may be exempted from the standards in this subsection following approval of a temporary use permit for a maximum period of ten days during a calendar year.

SECTION 4.3: ACCESSORY USE STANDARDS

Subsection 4.3.3: Specific Standards for Certain Accessory Uses

T. Produce Stands

The sale of fresh vegetables and produce, as defined in the North Carolina General Statutes, from curbside stands or in a similar fashion shall:

- (1) Be located on the same lot as a principal use;
- (2) Be limited to retail sale of agricultural or horticultural products;
- (3) Be located outside sight triangles or other areas that may result in visual obstructions to drivers;
- (4) Not exceed 1,000 square feet in area; and
- (5) Provide adequate ingress/egress and off-street parking.

U. Retail Sales from a Vehicle

Retail sales of food or other products from a vehicle is permitted as an accessory use, provided:

- (1) The vehicle is located outside of the right-of-way;
- (2) The vehicle and any other appurtenances are removed each day after the completion of sales;
- (3) No permanent features are included as part of the use;
- (4) No signage or exterior lighting is used;
- (5) The location has sufficient space to accommodate vehicular parking and safe pedestrian movement; and
- (6) Any retail sales of food is subject to Albemarle Regional Health Services certification.

V. Solar Energy Equipment

Solar energy equipment shall comply with the following standards:

- (1) The system may be located on the roof of a principal or accessory structure, on the side of such structures, on a pole, or on the ground, subject to the dimensional standards in the district where located (see Chapter 3: Zoning Districts).
- (2) The system shall comply with the maximum height standards for the zoning district in which it is located, provided that a roof-mounted system shall not extend more than 15 feet above the roofline of the structure on which it is mounted.
- (3) Where an existing structure exceeds the applicable height limit, a solar energy collection system may be located on its roof irrespective of applicable height standards, provided the system extends no more than five feet above the roof surface.
- (4) The area of the system shall not exceed one-half the footprint of the principal structure or 600 square feet, whichever is greater.
- (5) The property owner shall be responsible for negotiating with other property owners in the vicinity to establish any solar easement designed to protect solar access for the solar energy collection system.

SECTION 4.3: ACCESSORY USE STANDARDS**Subsection 4.3.3: Specific Standards for Certain Accessory Uses****W. Stable**

Stables shall comply with the standards for equestrian facilities in Section 4.2.1.B.3 of this Ordinance.

X. Underground Storage Tanks

- (1) Except for water and L.P. gas tanks, use or placement of a metallic underground storage tank is prohibited.
- (2) State- or Federal-approved fiberglass tanks may be installed underground.
- (3) Upon the installation of any underground tank, a building permit shall be acquired, the Fire Marshal shall be notified, and a survey prepared by a North Carolina registered land surveyor showing the exact location of the tank.
- (4) Prior to final inspection, the survey shall be recorded in the office of the Currituck County Register of Deeds.

Y. Wind Energy Facility, Small

A small wind energy facility shall comply with the following standards:

(1) Amount

Towers and turbines associated with a small wind energy facility shall be limited to a maximum of one per principal use.

(2) Location and Setback

- (a) Small wind energy facilities shall not be located between a principal building and any streets fronting the lot.
- (b) A small wind energy facility shall be set back a distance equal to its total extended height (e.g., if on a roof, roof height plus the height of any tower extending from the roof) plus ten feet from all lot lines and overhead utilities. Guy wires and other support devices shall be set back at least ten feet from all lot lines.

(3) Height

The maximum height of a small wind energy system (including the tower and extended blades) shall be 120 feet.

(4) Sound

Sound produced by the wind turbine under normal operating conditions, as measured at a lot line, shall not exceed 55 dBA. The 55 dBA sound level, however, may be exceeded during short-term events that occur beyond the property owner's control, such as utility outages and/or severe wind storms.

(5) Appearance

The wind turbine and tower shall be painted or finished in the color originally applied by the manufacturer, or a matte neutral color (e.g., gray, white, or galvanized steel).

(6) Blade Clearance

The blade tip or vane of any small wind energy facility shall have a minimum ground clearance of 15 feet above grade, as measured at the lowest point of the arc of the blades. No blades shall extend over public right of ways, parking, or driveway areas.

SECTION 4.3: ACCESSORY USE STANDARDS

Subsection 4.3.3: Specific Standards for Certain Accessory Uses

- (7) Lighting**
No illumination of the turbine or tower shall be allowed, unless required by the (FAA).
- (8) Access to Tower**
Any climbing rungs shall be removed to a height of 12 feet above grade.
- (9) Signage Prohibited**
Signage visible from any public street shall be limited to the manufacturer’s or installer’s identification, appropriate warning signs, or owner identification.
- (10) Abandonment**
On determining that a small wind energy facility has been inoperable for 180 days or more, the Planning Director shall send the property owner notice requiring restoration of the system to operating order within 180 days after receiving the notice. If the owner fails to restore the system to operating condition within the authorized time frame, the owner shall be required, at the owner’s expense, to remove the wind turbine from the tower for safety reasons. If the owner fails to remove the wind turbine from the tower, the county may pursue legal action to have the wind turbine removed at the owner’s expense.

4.4. TEMPORARY USE STANDARDS

4.4.1. Purpose

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

4.4.2. Table of Permitted Temporary Uses and Structures

Table 4.4.2, Permitted Temporary Uses and Structures, summarizes the temporary uses and structures that are allowed within the county and any general or specific standards that apply. Temporary uses or structures not listed in Table 4.4.2, Permitted Temporary Uses and Structures, are not allowed by this Ordinance.

TABLE 4.4.2: PERMITTED TEMPORARY USES AND STRUCTURES

TEMPORARY USE OR STRUCTURE	MAXIMUM ALLOWABLE TIME FRAME [1]	SPECIFIC REGULATIONS
Construction-Related Activities for New Construction	(A)	4.4.6.A
Expansion or Replacement of Existing Facilities (including temporary offices or temporary residences)	(B)	4.4.6.B
Garage and/or Yard Sales	(C)	
Outdoor Seasonal Sales	(D)	4.4.6.C
Real Estate Sales Office/Model Sales Home	(B)	4.4.6.D
Temporary Campground	(E)	4.4.6.E
Temporary Keeping of Livestock	(F)	4.4.6.F
Temporary Storage in a Portable Shipping Container	(G)	4.4.6.G
Temporary Tent	(G)	4.4.6.H
Special Events	(H)	4.4.6.I

TIME FRAMES:

- (A) Such structures may be in place for no more than 30 days following issuance of a certificate of occupancy
- (B) Such structures may remain in place for one year
- (C) Such sales are limited to a maximum of three occurrences per parcel per year
- (D) Such sales are limited to a maximum of 30 days per calendar year and no more than three occurrences per parcel, per year
- (E) Such events are permitted once a year for a maximum duration of two weeks
- (F) Such activities shall be limited to the period from December 1 until April 30 of the following year
- (G) Such structures may be in place for no more than 30 days per calendar year, and no more than three occurrences per parcel, per year
- (H) Such events are limited to a maximum of four occurrences per parcel, per year. Events held on county or State owned property are exempted from maximum allowable time frames.

NOTES:

[1] Regardless of the maximum allowable timeframe, temporary uses or structures located within a special flood hazard area shall not remain on site for more than three months.

4.4.3. Prohibited Temporary Uses

Without limiting the standards of this Ordinance, the following activities are prohibited in all districts:

- A.** Retail sales or display of goods, products, or services within the public right-of-way, except as part of an authorized not-for-profit, special, or county-recognized event.
- B.** Retail sales or display of goods from vehicles, except as part of a permitted seasonal sale or accessory use.

4.4.4. Temporary Use Permits

Unless exempted in these provisions, all temporary uses and structures are required to obtain a temporary use permit (see Section 2.4.11). A temporary use permit shall be reviewed, approved, or revoked only in accordance with the standards of this section.

4.4.5. General Standards for Temporary Uses and Structures

All temporary uses, structures, or special events shall comply with the following general standards, unless otherwise specified in this Ordinance:

- A.** Obtain the appropriate permit from the county (if required);
- B.** Not be detrimental to land or improvements in the surrounding area or to the public health, safety, or general welfare;
- C.** Be compatible with the principal uses taking place on the site;
- D.** Not have substantial adverse effects or noise impacts on any adjoining permanent uses or nearby residential neighborhoods;
- E.** Not include permanent alterations to the site;
- F.** Meet all the setbacks of the underlying base and overlay zoning districts;
- G.** Comply with the signage requirements in Section 5.12, Signage;
- H.** Remove temporary signs associated with the use or structure after the activity ends;
- I.** Not violate the applicable conditions of approval that apply to a site or use on the site;
- J.** Not interfere with the normal operations of any permanent use located on the property; and
- K.** Contain sufficient land area to allow the temporary use, structure, or special event to occur, as well as adequate land to accommodate the parking and traffic movement associated with the temporary use, without disturbing environmentally sensitive lands.

4.4.6. Specific Regulations for Certain Temporary Uses and Structures

A. Construction-Related Activities for New Construction

(I) General

Temporary construction-related activities for new construction, including construction offices, storage buildings, outdoor storage, and employee parking areas, may occur on the same site as the construction activity without obtaining a temporary use permit. Such uses shall be removed within 30 days after issuance of a Certificate of Occupancy.

SECTION 4.4: TEMPORARY USE STANDARDS**Subsection 4.4.6: Specific Regulations for Certain Temporary Uses and Structures****(2) Adjacent Site**

Because of site constraints, construction-related activities may need to occur on a site that is adjacent to or nearby the construction site. In such cases, a temporary use permit is required (see Section 2.4.11). Such uses shall be removed within 30 days after occupancy, and the site restored to its previous condition.

B. Expansion or Replacement of Existing Facilities**(1) Purpose and Scope**

Factory-fabricated, transportable buildings that are designed to arrive at the site ready for occupancy (except for minor unpacking and connection to utilities), and designed for relocation to other sites, may be placed on land to serve as the following:

(a) Temporary Expansion Space for Religious Institutions, Health Care Facilities, and Government Offices

Expansion space for existing religious institutions, health care facilities, and government offices, provided plans for the permanent expansion of the existing facilities have been submitted to and been approved by the county. These facilities are exempted from temporary time limits.

(b) Temporary Classroom Space

Temporary classroom space to augment an existing public educational facility. These facilities are exempted from temporary time limits.

(c) Temporary Residence

Temporary residences during the construction or reconstruction of a dwelling unit for which the county has issued a building permit.

(d) Temporary Office

One temporary office per site to include but not be limited to, the following uses: hiring, membership solicitation, multi-family development office/leasing, and other general office uses. The number of modular buildings housing such uses shall be limited to one, in addition to those already allowed by this section. Such modular buildings shall not be placed on the property prior to the issuance of a building permit.

(2) Standards

In addition to meeting the general standards of Section 4.4.5, General Standards for Temporary Uses and Structures, all temporary structures approved in accordance with this section shall meet the following standards:

(a) The structure may be located anywhere on the site except within the following areas:

- (i)** Existing required landscaping or perimeter buffer areas;
- (ii)** Areas designated as future required landscaping areas, whether or not vegetation currently exists; and
- (iii)** Other areas designated on the site for open space, vehicular use, or ingress/egress.

SECTION 4.4: TEMPORARY USE STANDARDS

Subsection 4.4.6: Specific Regulations for Certain Temporary Uses and Structures

- (b)** The temporary structure shall be factory-fabricated and transportable. Allowable structures include campers, travel trailers, recreational vehicles, FEMA trailers, or similar structures, but shall not consist of a class “B” or class “C” manufactured home;
- (c)** The temporary residence may only be occupied by persons intending to reside in the permanent dwelling as a primary residence.
- (d)** In addition to any other off-street parking required on the site in accordance with Section 5.1, Off-Street Parking and Loading, adequate off-street parking shall be provided for the temporary use;
- (e)** All permits required by applicable building, electrical, plumbing, and mechanical codes shall be obtained prior to installation of the temporary structure; and
- (f)** The temporary structure shall be compatible with the existing buildings on the site in terms of exterior color, design, and placement, to the maximum extent practicable.

C. Outdoor Seasonal Sales

(1) Applicability

- (a)** The outdoor display and/or sale of goods consistent with the provisions of Section 4.3.3.O, Outdoor Display/Sales, is considered an accessory use and does not require a temporary use permit.
- (b)** All other sales/displays of goods (other than agricultural products) require a temporary use permit in accordance with Section 2.4.11, Temporary Use Permit, and this subsection.

(2) Standards

A temporary use for the temporary display and/or sale of products shall comply with the following standards:

- (a)** The land contains an area not actively used that will support the proposed temporary sale of products without encroaching into or creating a negative impact on existing vegetated areas, open space, landscaping, traffic movements, or parking-space availability.
- (b)** The display or sale of goods, products, and/or services shall not occur in the public right-of-way or within 200 feet of an existing residential use.
- (c)** The display or sale of products, goods and/or services shall be limited in scope to similar or complementary products, goods, and/or services to those offered by the existing principal use located on the same site. The temporary sale of non-agricultural products, goods, and/or services that differ from the normal range of those offered by an existing principal use shall be prohibited.
- (d)** No more than two tents or other temporary structures shall be erected.
- (e)** Tents and other temporary structures shall be located so as not to interfere with the normal operations of any permanent use located on the property.

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- (f) Tents and other temporary structures shall be located on an improved surface such as asphalt, gravel, or other improved surface, and shall not exceed a combined area of 1,000 square feet.
- (g) Off-street parking shall be adequate to accommodate the proposed sale of products.
- (h) The temporary display or sale of products shall not cause interference with the movement of emergency vehicles to such an extent that adequate police, fire, or other emergency services cannot be provided.
- (i) The hours of operation of the temporary sale of products shall be from no earlier than 7:00 A.M. to no later than 11:00 P.M., or the same as the hours of operation of the principal use.

D. Real Estate Sales Office and Model Sales Home

(1) General Standards

One temporary real estate sales office or model sales home may be allowed as incidental to a new residential or nonresidential development, provided that:

- (a) The use is located on a lot approved by the county as part of a development.
- (b) Signage complies with the standards of Section 5.12, Signage.
- (c) The temporary use is aesthetically compatible with the character of surrounding development in terms of exterior color, predominant exterior building materials, and landscaping.
- (d) The temporary use complies with the minimum yard and setback standards of the zoning district in which it is located.
- (e) Off-street parking provided for the temporary use complies with the standards of Section 5.1, Off-Street Parking and Loading.
- (f) Upon termination of the temporary real estate sales office or model sales home, the structure shall be converted into, or removed and replaced with, a permanent use.
- (g) In approving or renewing approval of a real estate sales office, the Planning Director may impose other conditions as is deemed necessary to avoid adverse impacts that the use as a sales office may have on adjacent lands or the community as a whole.
- (h) All temporary sales offices shall be removed from the site prior to the issuance of the last Certificate of Occupancy for the site.

E. Temporary Campground

Temporary campgrounds may be established on lots or tracts under private ownership in accordance with the following standards:

- (1) The temporary campground shall be limited to a maximum of 100 campsites;
- (2) The temporary campground may be established on a lot or tract in the AG, GB, or LB zoning districts; and
- (3) Temporary campgrounds shall comply with the standards in Section 4.3.3.C, Campgrounds, Public.

SECTION 4.4: TEMPORARY USE STANDARDS**Subsection 4.4.6: Specific Regulations for Certain Temporary Uses and Structures****F. Temporary Keeping of Livestock**

Temporary keeping of livestock as an educational project, and sponsored by a youth organization in a residential district, shall comply with the following standards:

(1) Prior Notification to Planning Director Required

- (a)** The market livestock project shall be approved by a bona fide educational or agricultural association for youths, such as the 4-H Livestock Club and similar organizations.
- (b)** Prior written notice of intent to participate in a livestock project shall be provided to the Planning Director no less than 14 prior to the commencement of the project. The notice shall specify the address at which the project will be conducted, the name of the association sponsoring the project, the type of animal to be kept on the premises, and the lot acreage.
- (c)** The Planning Director may require verification that a livestock keeping project has been approved and is sponsored by a bona fide educational or agricultural association for youths.

(2) Configuration

- (a)** A temporary livestock keeping project shall only be conducted as an accessory use to a principal residential use.
- (b)** All pens, shelters, and animal quarters shall be located behind the principal residential structure.
- (c)** Pens, shelters, and animal quarters shall be located 75 feet from any occupied dwelling, 100 feet from any well, and 25 feet from all abutting lot lines.
- (d)** All pens, stalls, and grazing areas shall be maintained in a sanitary manner that does not result in noxious odors.

(3) Livestock Types

- (a)** The temporary keeping of cattle and hogs shall be permitted only in the AG and MXR zoning districts on lots with a minimum area of one acre or more. The temporary keeping of sheep and goats may be kept on any residential lot with a lot area of 20,000 square feet or more.

G. Temporary Storage in Portable Shipping Containers

Temporary storage in a portable shipping container shall be permitted for the purposes of temporary storage subject to the following standards:

(1) Size

Storage containers may not exceed 160 square feet in size or be taller than eight feet.

(2) Location

- (a)** Containers shall be located within a driveway, parking, or loading area. In cases where the driveway, parking, or loading area extends behind the front façade of a building, the container shall be placed behind the front façade.

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- (b) In cases where improved driveways, parking, or loading areas are not present, containers shall be located so as to minimize their visibility from streets or adjacent residential areas.
- (c) Nothing in these standards shall limit the placement of more than one container on a lot or site, however, the maximum allowable duration period shall be measured from the placement of the first container, and shall apply to all subsequently placed containers regardless of when they were placed on the site.
- (3) Additional Requirements**

 - (a) Storage containers shall not be replaced on a nonresidential site for a minimum period of six months following removal.
 - (b) A storage container placed on a construction site shall be removed upon expiration of the building permit.
 - (c) Each container shall bear a copy of the temporary use permit issued for its placement in a prominent visible location on the outside of the container, and the county shall maintain the right to inspect the permit during regular business hours for the purposes of determining compliance with these standards.

H. Temporary Tents

Temporary tents shall comply with the following standards.

- (1) Applicability**

Except for the tents listed in 4.4.6.H.2, Exemptions, the standards in this section shall apply to all tents.
- (2) Exemptions**

The following temporary tents shall be exempt from the provisions of this subsection:

 - (a) Temporary funeral tents at grave sites;
 - (b) Temporary private event tents as an accessory activity to a residential dwelling;
 - (c) Temporary recreational camp tents as an accessory activity to a residential dwelling or within an approved campground;
 - (d) Temporary tents for religious institution/non-profit related functions; and
 - (e) Tents erected in conjunction with a special event approved by the Board of Commissioners.
- (3) Standards**

 - (a) Temporary tents shall only be utilized for temporary purposes and shall not be used as a permanent principal structure or permanent accessory structure.
 - (b) Temporary tents shall be constructed of fire retardant materials. All tents shall display a fire retardant certificate and be inspected by the fire marshal, building inspector, or a designee, prior to occupancy.

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- (c) Temporary tents may only be placed on lot that contains a permanent principle structure and a minimum lot area of at least 10,000 square feet.
- (d) The tent shall not exceed the total square footage of the existing principle structure.
- (e) The maximum building coverage, including principle structures, accessory structures, and the temporary tent shall not exceed the maximum lot coverage allowed in the zoning district by more than 10 percent.
- (f) Temporary tents shall be setback not less than ten feet from any lot line and 20 feet from any adjacent street right-of-way.
- (g) Tents shall not be located in any easement, existing or future right-of-way, vehicular access area, required vehicular parking space, required landscaping area, sight triangle, septic area, or other similar area.
- (h) Temporary tents shall be maintained in good condition, and adequately braced and anchored to prevent weather related collapse.

I. Special Events

(I) Applicability

(a) General

The procedures and standards of this subsection shall apply to all special events (including but not limited to sporting events, cultural events, musical events, charitable events, celebrations, festivals, fairs, carnivals, circuses, and communal camping) held on private property within the county, unless exempted in accordance with Section 4.4.6.I.I.C, Exemptions.

(b) Temporary Use Permit for Special Event Required

(i) All special events subject to this subsection shall have a temporary use permit for a special event reviewed and approved or approved with conditions by the Planning Director in accordance with Section 2.4.11, Temporary Use Permit, before conducting the special event.

(ii) The Planning Director may require review and approval from other county officials, such as the sheriff or fire marshal, as appropriate.

(c) Exemptions

The following events or activities are exempt from the standards of this subsection (i.e., may occur without a temporary use permit for a special event). Such activities are subject to all other applicable procedures and standards of this Ordinance.

(i) On Grounds of Private Residence

Special events or activities occurring within, or on the grounds of, a private residence or on the common areas of a townhouse or multi-family residential development.

SECTION 4.4: TEMPORARY USE STANDARDS**Subsection 4.4.6: Specific Regulations for Certain Temporary Uses and Structures****(ii) Event Sponsored by County or State**

Any event sponsored in whole or in part by the county or State.

(iii) Event or Activity at Site Intended for Such Event or Activity

Any organized activities conducted at sites or facilities typically intended and used for such activities. Examples of such exempt activities include, but are not limited to, sporting events such as golf, soccer, softball, and baseball tournaments conducted on courses or fields intended and used for such activities; fairs and carnivals at fairgrounds; wedding services conducted at reception halls, or similar facilities; funeral services conducted at funeral homes or cemeteries; religious services, wedding services, and funeral services conducted at religious institutions.

(2) Standards

In addition to the standards in Section 4.4.6, General Standards for Temporary Uses and Structures, an application for a temporary use permit for a special event shall comply with the following standards:

(a) False or Material Misleading Information

The application shall not contain intentionally false or materially misleading information.

(b) Unreasonable Risk

There is a finding that the special event would not create an unreasonable risk of significant:

- (i)** Damage to public or private property, beyond normal wear and tear;
- (ii)** Injury to persons;
- (iii)** Public or private disturbances or nuisances;
- (iv)** Unsafe impediments or distractions to, or congestion of, vehicular or pedestrian travel;
- (v)** Additional and impracticable or unduly burdensome police, fire, trash removal, maintenance, or other public services demands; and
- (vi)** Other adverse effects upon the public health, safety, or welfare.

(c) Location Cannot be Accommodated

The special event shall not be of such a nature, size, or duration that the particular location requested cannot reasonably accommodate the event.

(d) Time Permitted or Reserved for Other Activities

The special event shall not be at a time and location that has already been permitted or reserved for other activities.

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(e) No Permanent Structures

The special event shall not include the construction of any permanent structures.

(3) Conditions

In approving the temporary use permit for the special event, the Planning Director is authorized to impose such conditions upon the premises benefited by the permit as may be necessary to reduce or minimize any potential adverse impacts upon other land in the area, as long as the condition relates to a situation created or aggravated by the proposed special event. The Planning Director is authorized, where appropriate, to require:

- (a)** Provision of temporary parking facilities, including vehicular access and egress.
- (b)** Control of nuisance factors, such as but not limited to, the prevention of glare or direct illumination of adjacent properties, noise, vibrations, smoke, dust, dirt, odors, gases, and heat.
- (c)** Regulation of temporary buildings, structures and facilities, including placement, height and size, location of equipment and open spaces, including buffer areas and other yards.
- (d)** Provision of sanitary and medical facilities.
- (e)** Provision of solid waste collection and disposal.
- (f)** Provision of security and safety measures.
- (g)** Use of an alternative location or date for the proposed special event.
- (h)** Modification or elimination of certain proposed activities.
- (i)** Regulation of operating hours and days, including limitation of the duration of the special event to a shorter time period than that requested or specified in this subsection.
- (j)** Submission of a performance guarantee to ensure that any temporary facilities or structures used for such proposed special event will be removed from the site within a reasonable time following the event and that the property will be restored to its former condition.

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