

Article 15 DISTRICT USE REQUIREMENTS

15.01 Types of Uses

- 15.01.01 Permitted (P):** A “P” in the Table of Principal Uses, Table of Accessory Uses, and Table of Temporary Uses indicates that a use is allowed by right in the respective district unless the use is subject to a transitional zone (see 12.01.02). Such uses are subject to all applicable requirements of this Ordinance but do not have additional requirements which are specific to the use in accordance with this Article. A cross-reference in the “Reference” column of the Table for a permitted use is intended to direct the reader to a Section(s) which has special importance to the use, but it does not limit the applicability of other Sections.
- 15.01.02 Permitted Subject to Limitations (L):** An “L” in the Table of Principal Uses, Table of Accessory Uses, and Table of Temporary Uses indicates that a use is allowed by right in the respective district unless the uses is subject to a transitional zone (see 9.01.02), provided that the use meets the normal requirements of the Ordinance plus additional requirements designed to address the specific impacts of the use. A cross-reference in the “Reference” column of the Table for a permitted use with an “L” is intended to direct the reader to a Section(s) which has special importance to the use, but it does not limit the applicability of other Sections.
- 15.01.03 Special Use Permit Required (S):** An “S” in the Table of Principal Uses, Table of Accessory Uses, and Table of Temporary Uses indicates that a use is allowed only with a Special Use Permit in the respective district. A cross-reference in the “Reference” column of the Table for a permitted use with an “S” is intended to direct the reader to a Section which has special importance to the use, but it does not limit the applicability of other Sections.
- 15.01.04 Conditional District (CD):** A “CD” in the Table of Principal Uses, Table of Accessory Uses, and Table of Temporary Uses indicates that a use is allowed only with a Conditional District zoning approval in the respective district. A cross-reference in the “Reference” column of the Table for a permitted use with a “CD” is intended to direct the reader to a Section which has special importance to the use, but it does not limit the applicability of other Sections.
- 15.01.05 Not Permitted (Blank Cell):** A blank cell in the Table of Principal Uses, Table of Accessory Uses, and Table of Temporary Uses indicates that a uses in not allowed in the respective district.
- 15.01.06 Transitional Zones:** Transitional zones attach to each R1, R1A, RR, R2, and RA district and are designed to address the predictable negative impacts of certain uses and therefore have additional standards which must be met. A proposed use subject to a transitional zone must be approved by a Special Use Permit or with Conditional District re-zoning. A superscript “*Tn*” in the Table of Principal Uses, Table of Accessory Uses or the Table of Temporary Uses denotes the specified use in the specified district is subject to a

transitional zone, where “*n*” represents the size, in feet, of the transitional zone, measured from the boundary of the protected district. However, in the any of the protected districts, the distance is measured from the protected lot rather than the protected zone. See Subsection 6.02.02 for full transitional zone requirements.

15.01.07 Use Nomenclature: Each use listed in the Table of Principal Uses, Table of Accessory Uses, and Table of Temporary Uses below is more fully defined in Article 34 Definitions. The nomenclature of each use within the Tables is for identification purposes only.

15.02 Permissible Uses and Specific Exclusions

15.02.01 All uses that are not listed in Section 15.07 are prohibited. A use which is not permitted as a principal use in a zoning district cannot be allowed even as an accessory use in that district unless it is accessory to a principal use that would be allowable in that district.

15.03 Accessory Uses

15.03.01 An accessory use must be:

- A. Clearly incidental to and customarily found in connection with a principal structure or use; and
- B. Subordinate to and serve a principal structure or use ; and
- C. Subordinate in area, extent, or purpose to the principal structure or use served; and
- D. Located within the same site specific development plan as the principal structure or use.

15.03.02 Subsection 15.07.01, the Table of Accessory Uses, lists generally authorized accessory uses within the associated zoning districts so long as the use otherwise qualifies as an accessory use.

15.03.03 A use which is not permitted as a principal use in a zoning district cannot be allowed as an accessory use in that district unless it is specifically listed in the Table of Accessory Uses.

15.03.04 When a development is proposed on land with more than one zoning classification, any accessory use must be located on those portions of the development with zoning designations which allows the use as principal use or is authorized by the Table of Accessory Uses.

15.04 Permissible Uses Not Requiring Permits

15.04.01 Notwithstanding any other provisions of this ordinance, no zoning or special use permit is necessary for the following uses:

- A. Public streets or sidewalks.
- B. Electric power, telephone, telegraph, cable television, gas, water and sewer lines, wires or pipes, together with supporting poles or structures, located within a public right-of-way with the permission of the owner.

C. Utility facilities located within a public right-of-way with the permission of the owner.

15.05 Combination Uses

15.05.01 A combination use may only be authorized if all proposed principal uses are permissible in the zoning district for which it is proposed.

15.05.02 A combination use must be authorized by a special use permit if any of the permissible uses requires a special use permit.

15.05.03 A combination use has special rules regarding landscaping (See Article 31).

15.06 More Specific Use Controls

15.06.01 When two use classifications in the Table of Principal Uses describe a particular activity, the more specific description shall control.

15.07 Table of Principal Uses

Use #	Specific Use	Zoning Districts																Reference
		Low Density Residential				Medium to High Density Residential				Commercial/Industrial					Education			
		RA	R1	R1A	RR	R2	R4	MH	R3	OI	B1	B2	B3	M1	U1	E1	E2	
1.0 Household Living																		
1.01	Single-Family Dwelling	P	P	P	P	P	P								P			
1.02	Manufactured Home "Class A"	L			L	L	L	L							P		15.08	
1.03	Manufactured Home "Class B"	L						L									15.08	
1.04	Manufactured Home "Class C"																	
1.05	Manufactured Home Park							L									15.09	
1.06	Duplex (one duplex building per lot)	P				P	P		P						P			
1.07	Duplex (more than one duplex building per lot)								L						L		15.10	
1.08	Townhouse (up to 30 bedrooms)						L ^{T50}		L ^{T50}						L ^{T50}		15.10	
1.09	Townhouse (31-100 bedrooms)						L ^{T50}		L ^{T75}						L ^{T75}		15.10	
1.10	Townhouse (> 100 bedrooms)						L ^{T75}		L ^{T125}						L ^{T125}		15.10	
1.11	Multi-Family Dwelling (up to 30 bedrooms)								L ^{T125}						L ^{T125}		15.10	
1.12	Multi-Family Dwelling (31-100 bedrooms)								L ^{T200}						L ^{T200}		15.10	
1.13	Multi-Family Dwelling (> 100 bedrooms)								L ^{T300}						L ^{T300}		15.10	
1.14	Multi-Family Dwelling in Mixed Use (up to 30 bedrooms)									L	L ^{T75}	L			L ^{T75}		15.11	
1.15	Multi-Family Dwelling in Mixed Use (31-100 bedrooms)									L ^{T125}		L ^{T125}			L ^{T75}		15.11	
1.16	Multi-Family Dwelling in Mixed Use (> 100 bedrooms)									L ^{T125}		L ^{T200}			L ^{T75}		15.11	
1.17	Planned Residential Development					S	L ^{T200}		S								15.12	
2.0 Group Living																		
2.01	Family Care Home	L	L	L	L	L	L		L						L		15.13	
2.02	Family Care Institutions									L ^{T125}					L ^{T125}		15.14	
2.03	Halfway House, Category 1									L					L		15.14	
2.04	Halfway House, Category 2									L ^{T125}							15.14	
2.05	Nursing Care Home	L	L	L		L	L		L	L		L		L			15.14	
2.06	Nursing Care Institution									L ^{T125}		L ^{T125}					15.14	
2.07	Skilled Nursing Facility									L ^{T300}		L ^{T300}					15.14	
2.08	Retirement Community, Category 1	L				L	L		L	L					L		15.15	
2.09	Retirement Community, Category 2								L ^{T200}	L ^{T125}					L ^{T125}		15.15	

Use #	Specific Use	Zoning Districts																Reference
		Low Density Residential				Medium to High Density Residential				Commercial/Industrial				Education				
		RA	R1	R1A	RR	R2	R4	MH	R3	OI	B1	B2	B3	M1	U1	E1	E2	
2.10	Residence Hall, Category 1	L							L	L	L		L		L			15.15
2.11	Residence Hall, Category 2								L ^{T200}	L ^{T200}			L ^{T200}		L ^{T200}			15.15
2.12	Residence Hall, Category 3									L ^{T300}			L ^{T300}					15.15
2.13	Fraternity or Sorority Dwelling								S ^{T300}						P ^{T300}			15.16
2.14	Boarding House								L				L		P			15.17
3.0 Transient Living																		
3.01	Home for Survivors of Domestic Violence	L	L	L		L	L			L		L			L			15.18
3.02	Shelter for Homeless, Category 1								L ^{T50}	L ^{T50}	L ^{T50}		L ^{T50}		L ^{T50}			15.19
3.03	Shelter for Homeless, Category 2								L ^{T300}	L ^{T300}			L ^{T300}		L ^{T300}			15.19
3.04	Bed and Breakfast, Category 1	L	S ^{T50}	S ^{T50}		L ^{T50}	L ^{T50}				L	L			L			15.20
3.05	Bed and Breakfast, Category 2					L	L ^{T125}				L ^{T125}		L ^{T125}		L ^{T125}			15.20
3.06	Vacation Rental	L ^{T75}							L ^{T75}		L ^{T75}	L ^{T75}	L ^{T75}		L ^{T75}			15.21
3.07	Motel													P ^{T300}		P ^{T300}		
3.08	Hotel										P ^{T200}		P ^{T200}		P ^{T200}			
4.0 Institutional Uses																		
4.01	Airport/Landing Strip	S ^{T300}																15.22
4.02	Heliport	S ^{T300}													S ^{T300}			15.22
4.03	Funeral Home Establishment									P	P	P	P		P			
4.04	Cemetery	P	P	P	P	P	P	P	P	P	P	P	P	P	P			
4.05	Post Office									P	P	P	P	P	P			
4.06	Post Office, Distribution													P				
4.07	Animal Sanctuary	S ^{T300}													S ^{T300}			
5.0 Government Uses																		
5.01	Government Cultural Facility									P	P		P		P			
5.02	Government Neighborhood Cultural Facility, Indoor Activity Only	S	S	S	S	S	S		P	P	P	P	P		P			
5.03	Government Neighborhood Cultural Facility, Includes Outdoor Activity									P	P		P		P			
5.04	Recreation Facility, Category 1	P							P	P	P	P	P		P			

Use #	Specific Use	Zoning Districts																Reference
		Low Density Residential				Medium to High Density Residential				Commercial/Industrial				Education				
		RA	R1	R1A	RR	R2	R4	MH	R3	OI	B1	B2	B3	M1	U1	E1	E2	
5.05	Recreation Facility, Category 2	P	P	P	P	P	P	P	P	P	P	P	P		P			
5.06	Recreation Facility, Category 3	P ^{T50}	S	S	S	S	S	S	S	P ^{T50}	P ^{T50}	P ^{T50}	P ^{T50}		P ^{T50}			
5.07	Event Venue, Category 1									P	P	P	P		P			
5.08	Event Venue, Category 2									P	P	P	P		P			
5.09	Event Venue, Category 3									P ^{T50}	P ^{T50}	P ^{T50}	P ^{T50}		P ^{T50}			
5.10	Landfill													S				
5.11	Solid Waste Processing													S				
5.12	Police Substation	P	P	P	P	P	P	P	P	P	P	P	P	P	P			
5.13	Utility Facility, Town	L	L	L	L	L	L	L	L	L	L	L	L	L	L			15.23
5.14	Utility Facility, Government, Neighborhood	L	L	L	L	L	L	L	L	L	L	L	L	L	L			15.23
5.15	Utility Facility, Government, Regional	L ^{T300}								L ^{T300}			L ^{T300}	L ^{T300}	L ^{T300}			15.23
5.16	Government Facility	P							P	P	P	P	P	P	P			
6.0 Non-Government Utility Facility																		
6.01	Utility Facility, Neighborhood	L	L	L	L	L	L	L	L	L	L	L	L	L	L			15.23
6.02	Utility Facility, Regional	L ^{T300}								L ^{T300}			L ^{T300}	L ^{T300}	L ^{T300}			15.23
7.0 Telecommunications																		
7.01	Antenna Collocation on Existing Wireless Support Structure not requiring additional accessory equipment	P	P	P	P	P	P	P	P	P	P	P	P	P	P			
7.02	Antenna Collocation on Existing Wireless Support Structure requiring additional accessory equipment	L	L	L	L	L	L	L	L	L	L	L	L	L	L			15.24
7.03	Building Mounted Antenna not requiring additional accessory equipment	L	L	L	L	L	L	L	L	L	L	L	L	L	L			15.24
7.04	Building Mounted Antenna requiring additional accessory equipment	L								L	L	L	L	L	L			15.24
7.05	Antenna Collocation on Electrical Transmission Towers								L									15.24
7.06	Other Antenna	L								L	L	L	L	L	L			15.24
7.07	Wireless Support Structure which meets district height requirements	S	S	S		S	S		L	L	L	L	L	L	L			15.24
7.08	Stealth Wireless Facility which exceeds district height	L	S	S		S	S		S	L	L	L	L	L	L			15.24

Use #	Specific Use	Zoning Districts																Reference
		Low Density Residential				Medium to High Density Residential				Commercial/Industrial				Education				
		RA	R1	R1A	RR	R2	R4	MH	R3	OI	B1	B2	B3	M1	U1	E1	E2	
	requirements																	
7.09	Wireless Support Structure which does not meet district height requirements up to and including 120'	S								S				S	L			15.24
7.10	Other Tower that exceeds 120' in height																	15.24
7.11	Emergency Response Communication Antenna	P	P	P	P	P	P	P	P	P	P	P	P	P	P			
8.0 Assembly																		
8.01	Religious Assembly, Category 1	P	P	P	P	P	P	P	P	P	P	P	P		P			
8.02	Religious Assembly, Category 2	P ^{T125}	P ^{T125}	P ^{T125}	P ^{T125}	P ^{T125}	P ^{T125}	P ^{T125}	P ^{T125}	P ^{T75}	P		P		P			
8.03	Religious Assembly, Category 3	P ^{T200}									P ^{T200}		P ^{T200}		P ^{T200}			
8.04	Club/Lodge, Category 1										P ^{T75}		P ^{T75}		P			
8.05	Club/Lodge Which Does Not Serve Alcohol	P									P		P		P			
9.0 Education																		
9.01	Appalachian State University														P			
9.02	Caldwell Community College and Technical Institute									P ^{T75}					P			
9.03	Other Public Colleges and Universities									P ^{T75}								
9.04	Private Colleges and Universities									P ^{T300}	P ^{T200}		P ^{T300}					
9.05	Trade School									P ^{T200}	P ^{T200}		P ^{T200}		P			
9.06	High School									P ^{T300}					P			
9.07	Elementary School									P ^{T125}								
9.08	Boarding School									P ^{T300}	P ^{T300}		P ^{T300}		P			
9.09	All other Educational Facilities									CD								
10.0 Daycare																		
10.01	Child Daycare, Large	L					L		L			L	L		P			15.25
10.02	Child Daycare Center									L			L		P			15.25
10.03	Adult Daycare, Large	L					L		L			L	L		P			15.25
10.04	Adult Daycare Center									L			L		P			15.25
10.05	All Other Daycare									CD								
11.0 General Sales and Service																		

Use #	Specific Use	Zoning Districts																Reference
		Low Density Residential				Medium to High Density Residential				Commercial/Industrial				Education				
		RA	R1	R1A	RR	R2	R4	MH	R3	OI	B1	B2	B3	M1	U1	E1	E2	
11.01	Kennel	L ^{T125}											L ^{T125}					15.26
11.02	Veterinary Office/Hospital with Outdoor Kennels	L ^{T125}								L ^{T125}			L ^{T125}		L ^{T125}			15.26
11.03	Veterinary Office/Hospital without Outdoor Kennels	P								P	P	P	P		P			
11.04	Financial Institution ≤ 5,000 ft ²									P	P	P	P		P			
11.05	Financial Institution > 5,000 ft ²									P	P		P		P			
11.06	Restaurant ≤ 2,500 ft ² open to the public during 10 pm – 6 am									p ^{T75}	p ^{T75}	p ^{T75}	p ^{T75}		P			
11.07	Other Restaurants ≤ 2,500 ft ²									P	P	P	P		P			
11.08	Restaurant > 2,500 ft ² open to the public during 10 pm – 6 am									p ^{T200}	p ^{T125}		p ^{T200}		P			
11.09	Other Restaurants > 2,500 ft ²									p ^{T125}	p ^{T75}		p ^{T125}		P			
11.10	Bar																	
11.11	ABC Store										P		P					
11.12	Personal Service Establishment open to the public during 10 pm – 6 am									p ^{T75}	p ^{T50}		p ^{T75}		P			
11.13	Other Personal Service Establishments									P	P	P	P		P			
11.14	Retail Store up to 5,000 ft ²									P	P	P	P		P			
11.15	Retail Store more than 5,000 but less than 25,000 ft ²										p ^{T125}	p ^{T200}	p ^{T200}		P			
11.16	Retail Store 25,000 ft ² and greater												L ^{T300}					15.27
11.17	Shopping Center/Mall									S ^{T300}	S	S ^{T125}	S ^{T300}		S ^{T125}			15.28
11.18	Business or Professional Office open to the public during 10 pm–6 am									p ^{T75}	p ^{T50}		p ^{T75}		P			
11.19	Other Business or Professional Office									P	P	P	P		P			
11.20	Medical Office, Category 1									p ^{T300}	p ^{T300}		p ^{T300}		P			
11.21	Medical Office, Category 2									p ^{T125}	p ^{T125}		p ^{T125}		P			
11.22	Medical Office, Category 3									p ^{T125}			p ^{T125}		P			
11.23	Medical Office, Category 4									P	P	P	P		P			
11.24	Hospital									p ^{T300}					p ^{T300}			
11.25	Medical Emergency Response									p ^{T300}	p ^{T300}		p ^{T300}					
11.26	Open Air Market, Recurring	L ^{T75}								L ^{T50}			L ^{T75}		L ^{T75}			15.29
11.27	Vehicle Sales and Service											L ^{T125}	L ^{T75}					15.30

Use #	Specific Use	Zoning Districts																Reference
		Low Density Residential				Medium to High Density Residential				Commercial/Industrial				Education				
		RA	R1	R1A	RR	R2	R4	MH	R3	OI	B1	B2	B3	M1	U1	E1	E2	
11.28	Equipment Sales and Service												L ^{T125}	L ^{T125}				15.31
11.29	Moped Sales and Service										P	P	P					
11.30	Boat or Marine Craft Sales and Service												L ^{T75}	L ^{T75}				15.32
11.31	Impound Lot/Towing Service												L ^{T125}	L ^{T125}	P			15.33
11.32	Gas Station	p ^{T125}											p ^{T125}	p ^{T125}	p ^{T125}	P		
11.33	Car Wash												p ^{T125}	p ^{T125}	p ^{T125}	P		
11.34	Seasonal Retail Activities and Amusements	P								P	P	P	P		P			
12.0 Recreation																		
12.01	Indoor Shooting Range	L ^{T75}											L ^{T75}		P			15.34
12.02	Outdoor Shooting Range																	
12.03	Indoor Theater										P		P		P			
12.04	Outdoor Theater	p ^{T200}									p ^{T125}		p ^{T125}		P			
12.05	Event Venue, Category 1										P	p ^{T75}	P		P			
12.06	Event Venue, Category 2										p ^{T50}	p ^{T125}	p ^{T125}		P			
12.07	Event Venue, Category 3										p ^{T200}		p ^{T200}		P			
12.08	Campground and Recreational Vehicle Park	L ^{T200}											L ^{T200}		L			15.35
12.09	Coliseum												S ^{T300}		p ^{T300}			
12.10	Recreation Facility, Category 1	p ^{T125}								P	P	P	P		P			
12.11	Recreation Facility, Category 2	p ^{T125}								p ^{T50}			p ^{T50}		P			
12.12	Recreation Facility, Category 3	p ^{T200}											p ^{T200}					
13.0 Agriculture																		
13.01	Garden, Community	L	L	L	L	L	L	L	L	L	L	L	L		P			15.36
13.02	Garden, Residential	L	L	L	L	L	L	L	L	L	L	L	L		L			15.37
13.03	Agricultural Operation Excluding Livestock	P																
13.04	Agricultural Operation Including Livestock	P																
13.05	Swine Farm																	
13.06	Confined Animal Feeding Operation (CAFO)																	
13.07	Custom Slaughterhouse	P																
13.08	Other Slaughterhouse																	

Use #	Specific Use	Zoning Districts																Reference
		Low Density Residential				Medium to High Density Residential				Commercial/Industrial				Education				
		RA	R1	R1A	RR	R2	R4	MH	R3	OI	B1	B2	B3	M1	U1	E1	E2	
13.09	Forestry	L	L	L	L	L	L	L	L	L	L	L	L	L	L			15.38
14.0 Manufacturing																		
14.01	Microbrewery										L ^{T75}		L ^{T125}		L			15.39
14.02	Brewpub										L ^{T75}		L ^{T125}	L ^{T125}	L			15.39
14.03	Brewery/Distillery												L ^{T125}	L ^{T125}	L			15.40
14.04	Brewery/Distillery, Other																	15.41
14.05	Winery Associated with a Vineyard	L ^{T125}												L ^{T125}	L			15.42
14.06	Winery												L ^{T125}	L ^{T125}	L			15.42
14.07	Winery, Other																	
14.08	Extraction of Earth Materials																	
14.09	Machine/Welding Shop												L ^{T200}	L ^{T200}	L ^{T200}			15.44
14.10	Manufacturing, Other													L ^{T300}				15.45
15.0 Parking																		
15.01	Parking Lot									L	L		L		P			15.46
15.02	Parking Structure									L	L		L		P			15.47
15.03	Park and Ride Lots	L								L			L		P			15.46
16.0 Storage																		
16.01	Mini-Storage	L ^{T125}											L ^{T75}	L ^{T75}	P			15.48
16.02	Outdoor Storage													L ^{T75}	P			15.49
16.03	Warehouse													P ^{T75}	P			
16.04	Fuel Storage Facility												P ^{T300}	P ^{T300}				
16.05	Chemical Storage Facility																	
17.0 Transportation																		
17.01	Passenger Terminals												P ^{T200}		P ^{T200}			
17.02	Trucking or freight terminal ≤ 10,000 ft ²												P ^{T125}	P ^{T125}				
17.03	Trucking or freight terminal > 10,000 ft ²													P ^{T300}				
18.0 Waste Related Uses																		
18.01	Recycling Drop-off Station	L ^{T300}												L ^{T200}	P			15.49
18.02	Recycling and Salvage													L ^{T300}				15.49

Use #	Specific Use	Zoning Districts																Reference
		Low Density Residential				Medium to High Density Residential				Commercial/Industrial				Education				
		RA	R1	R1A	RR	R2	R4	MH	R3	OI	B1	B2	B3	M1	U1	E1	E2	
18.03	Junkyard																	
18.04	Private Landfill																	
19.0 Particular Activities which pose Particular Concerns about Public Health																		
19.01	Electronic and Internet Gaming												S					15.50
19.02	Adult Establishments												S					15.51

15.07.01 Table of Accessory Uses

Use #	Accessory Use	Zoning Districts																Reference
		Low Density Residential				Medium to High Density Residential				Commercial/Industrial					Education			
		RA	R1	R1A	RR	R2	R4	MH	R3	OI	B1	B2	B3	M1	U1	E1	E2	
A-1	Secondary Suite	L	L	L	L	L	L	L	L	L	L	L	L		L			15.52
A-2	Home Occupation	L	L	L	L	L	L	L	L	L	L	L	L		L			15.53
A-3	Accessory Dwelling Unit			L	L	L	L		L	L	L	L		L			15.54	
A-4	Drive-Through									L			L	L	L			15.55
A-5	Outdoor Display									L	L	L	L	L	L			15.56
A-6	Outdoor Storage												L	L	L			15.57
A-7	Outdoor Dining									L	L	L	L		L			15.58
A-8	Automated Teller Machine (ATM)									P	P	P	P	P	P			
A-9	Automated Teller Machine (ATM), Freestanding								L	L	L	L	L	L	L			15.59
A-10	Produce Stand	L													L			15.60
A-11	Poultry	L	L	L	L	L	L	L	L	L		L	L		P			15.61
A-12	Livestock, Small	L	L	L	L	L	L	L	L	L			L		P			15.62
A-13	Livestock, Large	L																15.63
A-14	Bees	L	L	L	L	L	L	L	L	L	L	L	L		P			15.64
A-15	Garden, Residential	L	L	L	L	L	L	L	L	L	L	L	L	L	P			15.65
A-16	Satellite receiving antennas less than 1 meter in diameter	P	P	P	P	P	P	P	P	P	P	P	P	P	P			
A-17	Satellite receiving antennas less than 2 meters in diameter	P								P	P	P	P	P	P			
A-18	Satellite receiving antennas 2 meters and greater in diameter									S			S	P	P			
A-19	Helistop	S ^{T300}								S ^{T300}			S ^{T300}	S ^{T300}	S ^{T300}			
A-20	Swimming pools, spas, and hot tubs	L	L	L	L	L	L	L	L	L	L	L	L	L	L			15.66
A-21	Caretaker's residence									L			L	L	L			15.67
A-22	Vehicular Gate	L	L	L	L	L	L	L	L	L	L	L	L	L	L			15.68
A-23	Vehicle Washing Station	P							P	P		P	P	P	P			
A-24	Chemical Storage Facility												P ^{T125}	P ^{T125}	P			
A-25	Open Air Market, Accessory	L	L	L	L	L	L	L	L	L	L	L	L	L	L			15.29
A-26	Daycare, Small	P	P	P	P	P	P	P	P	P	P	P	P	P	P			

15.07.03 Table of Temporary Uses

Use #	Temporary Use	Zoning Districts																Reference
		Low Density Residential				Medium to High Density Residential				Commercial/Industrial					Education			
		RA	R1	R1A	RR	R2	R4	MH	R3	OI	B1	B2	B3	M1	U1	E1	E2	
T-1	Temporary Care Provider Dwelling	L			L	L	L	L	L	L	L	L	L		L			15.69
T-2	Temporary Construction or Repair Dwelling	L	L	L	L	L	L	L	L	L	L	L	L	L	L			15.69
T-3	Temporary Construction Trailer	L	L	L	L	L	L	L	L	L	L	L	L	L	L			15.69
T-4	Temporary Mobile Medical Unit										L		L		L			15.69
T-5	Temporary Classroom									L			L		L			15.69
T-6	Temporary Portable Storage Containers									L				L				15.69
T-7	Temporary Staging									L			L	L	P			15.69
T-8	Temporary Non-Fixed Site Event Venue	L								L			L		P			15.69
T-9	Carrier on Wheels (COW)	L	L	L	L	L	L	L	L	L	L	L	L	L	L			15.69
T-10	Yard Sales	L	L	L	L	L	L	L	L	L	L	L	L	L				15.69
T-11	Itinerant Merchant/Peddler	L	L	L	L	L	L	L	L	L	L	L	L	L				15.69
T-12	Open Air Market, Temporary	L								L	L	L	L	L	L			15.29

15.08 **Manufactured Home (Class A and Class B)**

15.08.01 Manufactured Home “Class A” is a structure, constructed after June 15, 1976, that meets or exceeds the construction standards promulgated by the U.S. Department of Housing and Urban Development that were in effect at the time of construction, transportable in one or more sections, which in the traveling mode is eight feet (8’) or more in width, or forty feet (40’) or more in length, or, when erected on site, is 320 or more square feet; and which is built on a permanent chassis and designed to be used as a dwelling, with a continuous permanent masonry foundation (not pierced except for required ventilation and access) and connected to the required utilities for systems contained therein and satisfies the following criteria:

- A. The pitch of the home's roof is a minimum vertical rise of one foot (1’) for each five feet (5’) of horizontal run, and the roof is finished with a type of shingle that is commonly used in standard residential construction;
- B. The exterior siding consists of wood, hardboard, aluminum, or vinyl covering, with reflectivity in no case exceeding the reflectivity of gloss white paint, comparable in composition, appearance, and durability to the exterior siding compatible with standard residential construction; and
- C. The tongue, axles, transporting lights, and removable towing apparatus are removed after placement on the lot and before occupancy.

15.08.02 Manufactured Home “Class B” is a structure, constructed after June 15, 1976, that meets or exceeds the construction standards promulgated by the U.S. Department of Housing and Urban Development that were in effect at the time of construction, transportable in one or more sections, which in the traveling mode is eight feet (8’) or more in width, or forty feet or more (40’±) in length, or, when erected on site, is 320 or more square feet; and which is built on a permanent chassis and designed to be used as a dwelling, with or without a continuous permanent masonry foundation (not pierced except for required ventilation and access) and connected to the required utilities for systems contained therein, but that does not satisfy the criteria necessary to qualify as “Class A” (10.01.02-A). Skirting is required for “Class B” manufactured homes.

15.09 **Manufactured Home Park**

15.09.01 Plan Requirements: In addition to the other plan requirements of the Ordinance, an applicant for a Zoning Permit to establish a manufactured home park must submit a detailed plan which specifies the following:

- A. Name of the manufactured home park (approval required by Fire Marshall)
- B. Location and dimensions of every manufactured home space, including total number of spaces ; and
- C. Location and dimensions of every street (street names required for approval by the Fire Marshall) and vehicle accommodation area; and

- D. Recreation Space; and
- E. Landscape buffers; and
- F. Office location; and
- G. Storage building(s) utilized by the park.

15.09.02 General Requirements for the Manufactured Home Park

- A. There shall be at least one (1) entrance sign identifying the park which meets the requirements of Article 26.
- B. There shall be a designated office which may be a manufactured home.
- C. There shall be a designated space on the grounds for mail service for the residents of manufactured home park.
- D. Storage buildings utilized by the park for materials and equipment must be located a minimum of twenty-five feet (25') from any residential unit within the park and a minimum of twenty-five (25') feet from any property line.
- E. Streets:
 - 1. No individual manufactured home space may have direct vehicular access to a public street.
 - 2. Access to each manufactured home space must be provided by a private street constructed to the standards as set forth in Article 23.
 - 3. All streets in the manufactured home park intersecting another street shall have a stop sign that conforms to the NC Department of Transportation specifications.
 - 4. Each street shall have a permanent street sign installed with an approved (Fire Marshall approval required) designated name identifying each street.
- F. Parking:
 - 1. Two (2) off-street parking spaces must be provided within each manufactured home space.
 - 2. Parking spaces shall be constructed to the standards as set forth in Article 24 Parking.
 - 3. Off-street parking areas shall be at least four feet (4') away from any unit.
 - 4. An applicant may utilize on-street parking if the private street within the manufactured home park is designed and constructed to accommodate on-street parking.
 - 5. A combination of off-street and on-street parking is allowed.
- G. All manufactured home spaces must be set back at least twenty-five feet (25') from all public right-of-ways and property lines.

- H. Landscaping for the manufactured home park shall be provided in accordance with Article 31 Landscape Standards.
- I. Recreation:
 - 1. A recreation area constructed in accordance with Section 16.05 is required in all manufactured home parks.
 - 2. Recreation areas shall be maintained in a safe and sanitary manner.
- J. Utilities:
 - 1. All utilities must be installed underground in accordance with Article 22.
 - 2. The source of the water supply system shall be the public water system.
 - 3. The source of the sewer system shall be the public sewer system.
 - 4. Solid waste and recycling enclosures shall be provided in accordance with Section 22.13.
- K. The park operator must maintain a register containing a record of all occupants. The register must contain the following information:
 - 1. Name, address, and space number of each occupant; and
 - 2. The date the manufactured home entered the park.
- L. Recreational vehicles shall not be used for residential purposes.
- M. Maintenance:
 - 1. Grounds and buildings of the manufactured home park shall be kept free of debris, trash, and litter to prevent the infestation of rodents, flies, mosquitos, and other pests.
 - 2. Grounds within the manufactured home park, including manufactured home spaces, shall be maintained to prevent the growth of ragweed, poison ivy, poison oak and other weeds.
 - 3. Grounds within the manufactured home park shall have proper drainage to prevent the accumulation of water.

15.09.03 General Requirements for the Manufactured Home Space

- A. Each manufactured home must be placed and maintained in accordance with the plan filed in accordance with Subsection 15.09.01.
- B. No more than one manufactured home may be parked or set up in a manufactured home space.
- C. Each space must be graded and grassed to prevent erosion and provide adequate storm drainage away from the manufactured home.

- D. Each space shall have a solid surface where the home will be placed.
- E. Each manufactured home space shall be clearly established on the ground by permanent monuments or markers.
- F. Each manufactured home dwelling must be set up in accordance with the standards established by NC Department of Insurance and a Certificate of Occupancy shall be obtained.
- G. Setbacks:
 - 1. The manufactured home (and any additions) must be set back at least ten feet (10') from the edge of the private street pavement.
 - 2. The manufactured home (and any additions) shall be set back from any other manufactured home within the manufactured home park by twenty feet (20').
 - 3. The manufactured home (and any additions) must be set back at least ten feet (10') from the rear of the manufactured home space.
- H. No manufactured home may extend beyond its own manufactured home space.
- I. Manufactured home additions: Prefabricated structures specifically designed by the manufacturer as extensions and any other additions meeting NC Building Code may be added to any manufactured dwelling, provided that the minimum setback between the homes of twenty feet (20') can be met and the proper Zoning and Building Permits are obtained.
- J. All entrances/exits of the manufactured home shall have steps.
- K. Accessory storage buildings are permissible on a manufactured home space provided:
 - 1. Accessory storage buildings must be fully contained on the manufactured home space for which the storage building is intended.
 - 2. Accessory storage buildings shall be located to the rear of the manufactured home space and in no case shall the accessory building extend past the manufactured home toward the street.
 - 3. Accessory buildings shall be setback a minimum of five feet (5') from the manufactured home and a minimum of seven feet (7') from any manufactured home space boundary.

15.09.04 Existing Manufactured Home Parks: Compliance of the existing manufactured home parks with the requirements of this Ordinance shall be triggered by the costs of any site improvements within the manufactured home park.

- A. For purposes of complying with Article 6, the simple act of replacing one manufactured home with another does not trigger the required site improvements except in cases of manufactured homes located in Special Flood Hazard Areas.

15.10 1.07 Duplex; 1.08-1.10 Townhouse; 1.11-1.13 Multi-Family Dwelling; 1.14-1.16 Multi-Family Dwelling In Mixed Use (unless specifically excluded)

15.10.01 Applicable standards described in this Section are required for Uses 1.07-1.16 and apply to all of the following:

- A.** New construction, whether such construction constitutes a new development or an expansion of an existing development;
- B.** Multi-family dwelling units created by a change in use of a portion or all of an existing development to multi-family use; and
- C.** Renovation or replacement of a portion or all of an existing multi-family development when the costs of renovation or replacement trigger the requirements of Article 7 for compliance with this Ordinance.

15.10.02 This Section shall not apply to:

- A.** Multi-family dwelling units in mixed-use building(s) constructed pursuant to and in accordance with the requirements of Section 15.11,
- B.** Multi-family dwelling units in single use buildings within a mixed use project constructed pursuant to and in accordance with the requirements of Section 15.11, if:
 - 1. The development is approved through a conditional district B3 General Business rezoning process; and
 - 2. No phasing of construction is proposed or approved unless:
 - a. The commercial portions of the development will be constructed as part of the initial phase; or
 - b. All phases approved prior to the construction of the phase in which the commercial portions of the development are completed, together allow the construction of no more than one-third (1/3) the number of multi-family dwelling units which are approved for the development as a whole; or
 - c. The applicant provides adequate assurances in the form of financial commitments which will guarantee that all commercial portions of the development will be completed within the approved vesting period. For purposes of this alternative, by example only and not by way of exclusion, an irrevocable letter of credit from an appropriate financial institution in favor of the Town in a sufficient amount to cover 125% of the projected costs of construction, said projection sealed by a North Carolina licensed engineer, is considered such a guarantee.

15.10.03 Each new multi-family development shall meet the following standards:

- A. A townhouse style design and a mixture of unit configuration and sizes per development shall be encouraged. No one type of dwelling units, as defined by the number of bedrooms, shall comprise more than 50% of the total units.
- B. Parking shall be limited to a maximum of two (2) spaces per unit and a clearly designated parking area for visitors.
 - 1. The square footage of the parking designated for visitors may not exceed ten percent (10%) of the total parking area. A minimum of twenty-five percent (25%) of units shall have a garage or carport.
 - 2. If freestanding, garages and carports shall be architecturally integrated with the development and be approved by the Community Appearance Commission. To the greatest extent practicable, parking shall be located behind or underneath proposed building(s).
- C. The fee-in-lieu provisions contained in Section 23.08.05 shall not apply. All required sidewalks shall be installed.
- D. A livability space ratio of .50 must be met for the development. Fifty percent (50%) of the required livability space shall be designated to a defined area exclusively for the use of ground floor units. This space must consist of a common yard with accompanying private outdoor space for each ground level unit, or individual yards contiguous with the unit served. Either configuration must provide direct access from all ground floor units. The remaining livability space shall be designated for the use of the development as a whole as recreation space and shall be located so as to provide for direct auditory, visual, and physical access from the dwelling units served.
- E. On-site property management or an owners association shall be required.

15.10.04 Each residential building shall meet the following standards:

- A. The maximum building height shall be three (3) stories of occupied space, and in no case shall the building exceed fifty feet (50') in total height including the roof or the maximum in the particular zoning district, whichever is less.
- B. **Roof Requirements:**
 - 1. If a pitched roof is proposed, the pitched roof area may be used as attic or storage space.
 - 2. If a flat roof is proposed, fifty percent (50%) of the roof area must be used as livability space.
- C. The front entrance of each unit on the first floor must be at ground level to the greatest extent practicable.

15.10.05 Each dwelling unit shall meet the following standards:

- A. The bedroom to bathroom ratio of each unit within the development shall be limited as follows:
 - 1. Efficiency unit and one (1) bedroom unit: one (1) bathroom.
 - 2. Two (2) bedroom unit: one (1) or two (2) bathrooms, with no less than one bathroom with common access.
 - 3. Three (3) bedroom unit: Two (2) bathrooms with no less than one (1) bathroom with common access.
 - 4. Four (4) or more bedroom unit: Three (3) bathrooms with no less than two (2) bathrooms with common access from a hall.
- B. In every unit with two (2) or more bedrooms, a designated master suite must be included and shall be at least twenty-five percent (25%) larger than every other bedroom and not less than 144 square feet excluding closet space.
- C. Dedicated storage space of at least fifty square feet (50 ft²) per unit must be provided for units without garages. Any storage space which is not within or attached to the building containing the units served by the space must be architecturally integrated with the development and approved by the Community Appearance Commission.
- D. Occupancy of each unit shall be limited to (2) two unrelated persons.

15.11 Multi-Family in Mixed Uses

15.11.01 Multi-family residential uses (Use 1.114, 1.115 and 1.116) are allowed in the B1, B2 and B3 zoning districts when the criteria in this Section are met.

- A. For purposes of this Section, “commercial” shall include the following issues from Section 15.07 Table of Principal Uses: 3.07 Motel, 3.08 Hotel, 4.03 Funeral Home Establishment, 4.05 Post Office, 5.01 Government Cultural Facility, 5.02-5.03 Government Neighborhood Cultural Facility, 5.04-5.06 Recreation Facility, 5.07-5.09 Event Venue, 5.12 Police Substation, 5.16 Government Facility, 8.0 Assembly, 9.0 Education, 10.02 Child Daycare Center, 10.04 Adult Daycare Center, 10.5 All Other Daycare, 11.0 General Sales and Service, 12.0 Recreation, 14.0 Manufacturing, 16.01 Mini-Storage, 17.0 Transportation, and 19.0 Particular Activities which pose Particular Concerns about Public Health.
- B. To the extent this Section conflicts with other Articles of this Ordinance, this Section shall control.

15.11.02 Multi-family residential uses, either as the result of new construction or conversion, are allowed in the Central Business District (B1) only if the projects in which they are included meet all the following criteria:

- A. Each project shall provide primary street level commercial land uses (i.e. retail, office, restaurant) of at least fifty percent (50%) of the square footage of the footprint of each building on the primary street level. For developments located on lots which

abut more than one public street in the Central Business District, each additional street level floor shall provide commercial uses of at least 30% of that level's square footage. For purposes of this Subsection, the "primary street" shall be determined according to the following order: King Street, Howard Street, Depot Street, all other streets. For example, if a project is located on a lot that abuts both King Street and Howard Street, King Street shall be considered the "primary street" while for a project which abuts Howard Street and Depot Street, Howard Street shall be considered the "primary street" and so on.

- B.** The entire frontage of the primary street level of the building abutting the street shall provide commercial uses. Required entrances for ingress and egress to secondary uses are permitted along said frontage so long as they are no larger than necessary to meet building code and safety requirements for ingress and egress. Commercial uses on the non-primary street level(s) shall front on the non-primary street.
- C.** The entire primary street level floor of the building shall be constructed to commercial standards in accordance with North Carolina Building Code Group A, B, E or M.
- D.** New projects shall be at least two floors above the primary street level.
- E.** Buildings facades shall be oriented to each public street and shall have a primary entrance door facing each abutting public sidewalk.
- F.** A minimum of 60% of primary public street level facing building facade shall be comprised of transparent, non-reflective windows and 30% of non-primary street level facing building facades shall be comprised of transparent, non-reflective windows.
- G.** Surface parking shall be located away from each public street to the extent possible, and if practical, to the rear of the principal building.
- H.** Structured parking is permitted to the rear of the building or below the street level floor.
- I.** Building facades may be no further than 0'-0" from the established street setback line, except where necessary to provide landscaped courtyards, plazas, pocket parks, other pedestrian oriented amenities, or when there would be interference with public utilities.
- J.** The minimum building footprint shall be 50% of the total gross square feet of the lot.
- K.** Pedestrian weather protection such as awnings or canopies are encouraged along the public street but may be placed only in accordance with an encroachment agreement authorized by the Town Council.

- 15.11.03** Multi-family residential uses, either as the result of new construction or conversion, are allowed in the Neighborhood Business District (B2) only if the projects in which they are included meet all the following criteria:
- A. Each project shall provide street level commercial land uses (i.e. retail, office, restaurant) of at least 100% of the street-level floor square footage.
 - B. Buildings facades shall be oriented to the public street and shall have a primary entrance door facing the public sidewalk.
 - C. A minimum of 60% of the street facing street level building facade shall be comprised of transparent, non-reflective windows.
 - D. Surface parking shall be located to the side or most preferably to the rear, and in no case shall parking extend beyond the front building line.
 - E. Structured parking is permitted but shall be located to the rear or below street level commercial uses.
 - F. Building facades may be no further than 0'-0" from the street right-of-way line, except where necessary to preserve existing significant or historic trees, which shall be preserved, if practical, or to provide landscaped courtyards, landscaped greenspace, plazas, pocket parks, other pedestrian oriented amenities, in which case the maximum setback shall not exceed 20' or when there would be interference with public utilities.
 - G. Interior setbacks for all mixed use buildings shall be 10'-0" except where abutting a residential zoning district in which case the interior setback shall equal the required interior setback in the abutting residential district.
 - H. Pedestrian weather protection such as awnings or canopies are encouraged along the public street provided they do not encroach into the roadway, but if they invade the space above a Town sidewalk, may be placed only in accordance with an encroachment agreement authorized by the Town Council. Such awnings or canopies count toward the recreation space requirements found in Section 16.05 of this Ordinance.
 - I. All development shall comply with the landscape standards set forth in Article 31 except that Type "A" interior landscape buffers may be provided regardless of adjacent land use classifications.
- 15.11.04** Multi-family residential uses, either as the result of new construction or conversion, are allowed in the General Business District (B3) only if the projects in which they are included meet the following:
- A. Multi-family uses wholly or partially on property zoned B3 General Business within the Corridor Districts.
 - 1. Mixed Use Building(s):

- a. Each building shall fully consist of street level commercial uses (i.e. retail, office, and restaurant).
 - b. A minimum of 60% of the street level building façade facing the Corridor shall be comprised of transparent, non-reflective windows.
 - c. Surface parking shall be located to the side or most preferably to the rear, and in no case shall parking extend beyond the front building line. Structured parking is permitted but shall be located to the rear or under street level commercial uses.
 - d. Building facades may be no further than 10' from the street right-of-way line, except where necessary to preserve existing significant or historic trees which shall be preserved, if practical, or to provide landscaped courtyards, landscaped greenspace, plazas, pocket parks, other pedestrian oriented amenities, in which case the maximum setback shall not exceed 20' or there would be interference with public utilities, or the placement of stormwater facilities and no reasonable alternative to that placement exists.
 - e. Interior setbacks for all mixed use buildings shall be a minimum of 10' except where abutting a residential zoning district, in which case the interior setback shall at a minimum equal the required interior setback in the abutting residential district.
 - f. Pedestrian weather protection such as awnings or canopies are encouraged along the public street provided they do not encroach into the roadway, but if they invade the space above a Town sidewalk, may be placed only in accordance with an encroachment agreement authorized by the Town Council.
2. Single Use Building(s)
- a. Single use multi-family building(s) are only allowed as part of a mixed use project if approved through the Conditional District B3 General Business rezoning.
 - b. A mixed use project shall meet the following criteria:
 - i. Each project shall fully consist of street level commercial uses (i.e. retail, office, and restaurant) of 100% of the street level gross floor area on every building which fronts a corridor protected by the Corridor District. In addition, at least 50% of the total gross floor area of all buildings located within the Corridor District shall fully consist of commercial uses. This requirement may be satisfied if the commercial floor area is distributed among buildings or within one building.

- ii. The street level floor of all buildings within the Corridor District shall be built to commercial standards in accordance with North Carolina Building Code Group A, B, E, or M.
 - iii. A minimum of 60% of the street facing street level building façade of a building which fronts a protected corridor shall be comprised of transparent, non-reflective windows.
 - iv. Surface parking shall be located to the side or most preferably to the rear, and in no case shall parking extend beyond the front building line.
 - v. Structured parking is permitted but shall be located to the rear or below the commercial uses.
 - vi. Building facades may be no further than 10' from the street right-of-way line, except where necessary to preserve existing significant or historic trees, which shall be preserved, if practical, or to provide landscaped courtyards, landscaped greenspace, plazas, pocket parks, other pedestrian oriented amenities, in which case the maximum setback shall not exceed 20' or there would be interference with public utilities, or the placement of stormwater facilities and no reasonable alternative to that placement exists.
 - vii. Interior setbacks for all mixed use buildings shall be 10' except where abutting a residential zoning district in which case the interior setback shall equal the required interior setback in the abutting residential district.
 - viii. Pedestrian weather protection such as awnings or canopies are encouraged along the public street provided they do not encroach into the roadway, but if they invade the space above a Town sidewalk, may be placed only in accordance with an encroachment agreement authorized by the Town Council.
- B. Multi-Family Uses wholly or partially on Property Zoned B3 General Business Outside the Corridor District but Proximate to Major Streets.**
- 1. For the purposes of this Section “major street” refers to collector and arterial streets.
 - 2. “Proximate” shall mean any building wholly or partially within 200 feet of the centerline of a major street.
 - 3. Mixed Use Building(s)
 - a. Mixed use building(s) shall meet the same requirements as described in Subsection 15.11.04(A)(1).
 - 4. Single Use Building(s)

- a. Single use multi-family building(s) are only allowed as part of a mixed use project.
- b. A mixed use project shall meet the following criteria:
 - i. Each project shall consist of street level commercial uses (i.e. retail, office, and restaurant) of 100% of the street level gross floor area on every building which fronts a major street. In addition, at least 25% of the total gross floor area of all buildings wholly or partially located within 200 feet of the centerline of a major street shall consist of commercial uses. This requirement may be satisfied if the commercial floor area is distributed among buildings or within one building.
 - ii. For any floor containing a commercial use the entire floor shall be built to commercial standards in accordance with North Carolina Building Code Group A, B, E, or M.
 - iii. A minimum of 60% of the major street facing street level façade of a building containing commercial use(s) shall be comprised of transparent, non-reflective windows.
 - iv. Surface parking shall be located to the side or most preferably to the rear, and in no case shall parking extend beyond the front building line.
 - v. Structured parking is permitted but shall be located to the rear or below the commercial uses.
 - vi. Building facades fronting the major street may be no further than 10' from the street right-of-way line, except where necessary to preserve existing significant or historic trees, which shall be preserved, if practical, or to provide landscaped courtyards, landscaped greenspace, plazas, pocket parks, other pedestrian oriented amenities, in which case the maximum setback shall not exceed 20' or there would be interference with public utilities, or the placement of stormwater facilities and no reasonable alternative to that placement exists.
 - vii. Interior setbacks shall be 10' except where abutting a residential zoning district in which case the interior setback shall equal the required interior setback in the abutting residential district.
 - viii. Pedestrian weather protection such as awnings or canopies are encouraged along the public street provided they do not encroach into the roadway, but if they invade the space above a Town sidewalk, may be placed only in accordance with an encroachment agreement authorized by the Town Council.
- c. Multi-Family Uses wholly or partially on property zoned B3 General Business in all other areas.

1. Multi-family uses not part of a mixed use development may be allowed if an applicant demonstrates that within ¼ mile (1,320 feet) of the borders of the lot that is to be developed there exists commercial uses with gross floor area square footage equal to the gross floor area square footage of the proposed multi-family project. If this standard cannot be met then the proposed project must meet the requirements in Subsection 15.11.04(B) above.

15.12 Planned Residential Development

15.12.01 Planned residential developments (PRD's) are permissible only on tracts of land of at least five acres located within an R2, R3, or R4 zoning district.

15.12.02 The overall density of a tract developed by a PRD shall be determined as provided in Section 16.01.

15.12.03 Permissible types of residential uses within a PRD include single family dwellings (Use 1.01) duplex (Use 1.06-1.07), townhouse (Use 1.08-1.10) and multi-family dwelling (Use 1.11-1.13). At least fifty percent (50%) of the total number of dwelling units must be single family dwellings (Use 1.01) on lots of at least 6,000 square feet.

15.12.04 A PRD shall be an architecturally integrated subdivision.

15.12.05 To the extent practicable, the duplex, townhouse and multi-family portions of a PRD shall be developed more toward the interior rather than the periphery of the tract so that the single family detached residences border adjacent properties.

15.12.06 In a PRD, the screening requirements that would normally apply where duplex, townhouse or multi-family development adjoins a single family development, shall not apply within the tract developed as a PRD, but all screening requirements shall apply between the tract so developed and adjacent lots.

15.13 Family Care Home

15.13.01 A Family Care Home shall not be located within one-half mile of another Family Care Home.

15.13.02 A Family Care Home shall provide adequate supervision in light of the number and needs of the residents and security concerns for the use.

15.14 Family Care Institution, Nursing Care Home, Nursing Care Institution, Skilled Nursing Facility, Halfway House Category 1, Halfway House Category 2

15.14.01 A Family Care Institution or a Nursing Care Home shall not locate within one-half (.5) mile of any Family Care Home, Family Care Institution, or Nursing Care Home.

15.14.02 A Family Care Institution, Nursing Care Home, Nursing Care Institution, Skilled Nursing Facility, Halfway House Category 1 and Halfway House Category 2 shall provide adequate supervision in light of the number and needs of the residents and security concerns for the use.

15.14.03 Without limiting the applicability of other Ordinance requirements, a Family Care Institution, Nursing Care Home, Nursing Care Institution, Skilled Nursing Facility, Halfway House Category 1, Halfway House Category 2 are subject to Article 25 Community Appearance Standards as well as Article 31 Landscape Standards.

15.15 Retirement Community Category 1, Retirement Community Category 2, Residence Hall Category 1, Residence Hall Category 2, Residence Hall Category 3

15.15.01 Retirement Community Category 1, Retirement Community Category 2, Residence Hall Category 1, Residence Hall Category 2, and Residence Hall Category 3 shall provide adequate supervision in light of the number and needs of the residents and security concerns for the use.

15.16 Fraternity and Sorority Dwelling

15.16.01 A Fraternity and Sorority Dwelling shall provide adequate supervision in light of the number and needs of the residents and security concerns for the use.

15.16.02 Without limiting the applicability of other Ordinance requirements, a Fraternity and Sorority Dwelling is subject to Article 25 Community Appearance Standards as well as Article 31 Landscape Standards.

15.16.03 A Fraternity and Sorority Dwelling shall contain a minimum of 250 square feet for each resident.

15.16.04 A Fraternity and Sorority Dwelling shall be located within one-half (.5) mile of the school of which it is affiliated.

15.16.05 The maximum floor area shall be no greater than one-half (.5) of the maximum floor area ratio for the zoning district in which the use is located. For example, a one (1) acre (43,560 ft²) lot in the R3 Multiple-Family zoning district (.480 Maximum Floor Area) would be able to support a 10,454.4 square foot building with 42 residents.

Calculation: Maximum Floor Area: 43,560 x .480 = 20,908.8 square feet
Allowable Floor Area: 20,908.8 x .5 = 10,454.4 square feet
Total Number of Residents: 10,454.4 ÷ 250 = 41.8

15.17 Boarding House

15.17.01 A Boarding House shall provide adequate supervision in light of the number and needs of the residents and security concerns for the use.

15.17.02 Without limiting the applicability of other Ordinance requirements, a Boarding House is subject to Article 25 Community Appearance Standards as well as Article 31 Landscape Standards.

15.18 Home for Survivors of Domestic Violence

- 15.18.01** A Home for Survivors of Domestic Violence shall not be located within one-half (.5) mile of any other Home for Survivors of Domestic Violence.
- 15.18.02** A Home for Survivors of Domestic Violence shall provide adequate supervision in light of the number and needs of the residents and security concerns for the use.
- 15.18.03** A Home for Survivors of Domestic Violence shall meet the buffer and street-yard requirements as outlined in Article 31 except that the Administrator is allowed flexibility in either increasing or decreasing the buffer and street-yard requirements in order to protect the residents of the home.
- 15.18.04** A Home for Survivors of Domestic Violence shall be operated by a non-profit organization recognized by the Internal Revenue Service and that is registered by the State of North Carolina.
- 15.18.05** Staff shall be present at all times. In addition, Staff shall be trained in emergency procedures (including CPR and first aid), safety plans and procedures used by the home.
- 15.18.06** The organization operating the home must receive domestic violence funding from the North Carolina Department of Administration's Council for Women/Domestic Violence Commission.
- 15.18.07** The home shall have a security plan which outlines all security measures taken by the home to assure the safety of the residents of the home and the neighborhood.
- 15.18.08** Before a Zoning Permit is issued this security plan shall be submitted to the Administrator and approved by the Town of Boone Police Department.
- 15.18.09** Before a Zoning Permit is issued the home's security measures shall be physically inspected by the Town of Boone Police Department to determine accuracy with the submitted security plan. After the initial inspection, each home shall be inspected annually by the Town of Boone Police Department.
- 15.18.10** Thirty (30) days prior to amending the approved security plan, the organization shall submit to the Administrator the proposed modifications which are subject to approval from the Boone Police Department.
- 15.18.11** The home shall be equipped with a monitored alarm system or an alternative measure that will ensure the immediate response of emergency services in the event of an emergency.
- 15.18.12** The overnight occupancy of the home shall be limited to no more than 13 persons.
- 15.19 Shelter for Homeless Category 1 and Shelter for Homeless Category 2**
- 15.19.01** A Shelter for Homeless Category 1 and Shelter for Homeless Category 2 shall not be located within one-half (.5) mile of any other Shelter for Homeless Category 1 and Shelter for Homeless Category 2.

15.19.02 A Shelter for Homeless Category 1 and Shelter for Homeless Category 2 shall provide adequate supervision and security for the number and needs of the residents. Staff shall be trained in emergency procedures (including CPR and first aid), safety plans and procedures used by the facility.

15.20 Bed and Breakfast Category 1 and Bed and Breakfast Category 2

15.20.01 Bed and Breakfast Category 1

- A.** A maximum of fifty percent (50%) of the gross floor area of the dwelling unit may be used for the Bed and Breakfast, Category 1 establishment. Only the floor areas of the bedroom and bathroom areas used by the Bed and Breakfast guests shall be considered in floor area calculations.
- B.** Without limiting the applicability of other Ordinance requirements, a Bed and Breakfast is subject to Article 25 Community Appearance Standards as well as Article 31 Landscape Standards.
- C.** The residence used for Bed and Breakfast, Category 1 establishments shall be occupied by the owner or managing agent during the time the Bed and Breakfast is open for business.
- D.** No display of goods, products, services, or other advertising shall be visible from outside the building.
- E.** Signage shall be limited to a single on premise sign, not to exceed four square feet (4 ft²).
- F.** No activities other than lodging, a morning meal, and an afternoon and/or evening refreshment shall be provided.
- G.** Activities shall be provided for overnight guests only.
- H.** A maximum of one (1) non-resident of the dwelling may be employed on a full-time basis.
- I.** Exterior lighting shall be residential in nature and shall not be directed towards adjacent properties.
- J.** Parking:
 - 1. Off street parking shall be provided as set forth in Article 24.
 - 2. Parking shall be on the same lot on which the Bed and Breakfast establishment is located.
 - 3. Parking shall be located at the rear of the lot and screened with a Type A buffer from adjacent properties and from the street.
- K.** The length of stay of guests shall not exceed twenty-one (21) days.

- L. Only existing single-family dwellings in the B1 and B2 zoning districts shall be allowed to be used as a Bed and Breakfast.

15.20.02 Bed and Breakfast Category 2

- A. Without limiting the applicability of other Ordinance requirements, a Bed and Breakfast Category 2 is subject to Article 25 Community Appearance Standards as well as Article 31 Landscape Standards.
- B. The Bed and Breakfast, Category 2 shall be occupied by the owner or managing agent during the time the Bed and Breakfast is open for business.
- C. No display of goods, products, services, or other advertising shall be visible from outside the building.
- D. Activities other than lodging, a morning meal, and an afternoon and/or evening refreshment may be provided.
- E. Exterior lighting shall be residential in nature and shall not be directed towards adjacent properties.
- F. Parking:
 - 1. Off street parking shall be provided at one (1) space per guest room plus one (1) additional space for every two guest rooms. Dining areas open to the public must provide an additional 12 spaces for every 1000 square feet of dining area or part thereof.
 - 2. Parking shall be on the same lot on which the Bed and Breakfast establishment is located.
 - 3. Parking shall be located at the rear of the lot.

15.21 Vacation Rental

- 15.21.01** A Vacation Rental is required to provide at least one (1) parking space per bedroom.
- 15.21.02** In the RA Residential Agriculture zoning district, parking should be to the side or rear of the vacation rental dwelling.
- 15.21.03** Without limiting the applicability of other Ordinance requirements, a Vacation Rental is subject to Article 31 Landscape Standards.
- 15.21.04** Only existing single-family and two-family dwellings in the R3 Multiple-Family, B1 Central Business, B2 Neighborhood Business, and B3 General Business zoning districts may be converted to a Vacation Rental.
- 15.21.05** The operator of a Vacation Rental must provide contact information if the operator lives more than fifty (50) miles from the Town of Boone corporate limits.

15.22 Airport/Landing Strip, Heliport, Helistop

15.22.01 Federal Aviation Administration (FAA) approval must be submitted with the Special Use Permit application.

15.23 Utility Facility

15.23.01 Utility facilities in or adjoining residential zoning districts must maintain district setback, be fenced (unless totally enclosed within a structure), and either be screened from view or designed to have a residential appearance.

15.23.02 Equipment producing noise or sound may not exceed 60 decibels at any adjoining property line.

15.24 Telecommunication

15.24.01 Unless superseded by Session Law 2013-185, the Cell Tower Deployment Act, which shall control, the following provisions shall apply to the erection or replacement or modification of a wireless facility.

15.24.02 It shall be unlawful for any person, corporation, partnership or other entity to erect any wireless facility without first obtaining a zoning permit from the Administrator. A permit shall also be required for the erection of a replacement wireless support structure or the modification of an existing wireless support structure.

- A.** Existing wireless support structures owned by government agencies and designed for non-commercial emergency communications may be replaced with a wireless support structure equal in height to the existing wireless support structure, however all other Ordinance provisions are applicable.
- B.** The placement or collocation of wireless facilities on existing structures, including electrical transmission towers, water towers, buildings, and other structures capable of structurally supporting the attachment of wireless facilities must obtain a zoning permit in compliance with requirements of this Ordinance.

15.24.03 A completed zoning permit application with all the supporting documentation identified in Appendix A shall be submitted to the Administrator.

15.24.04 The Administrator shall approve or disapprove the zoning permit based upon the receipt of a completed site plan as required above and the following provisions:

- A.** The wireless facility design plan prepared by a professional engineer registered in the state of North Carolina, including engineer's signature, seal and address.
- B.** The foundation and base of the wireless support structure, the foundation for all the guy line anchors and support structures, all proposed buildings, and any other proposed improvements including access roads and utility connections within and to the proposed site.

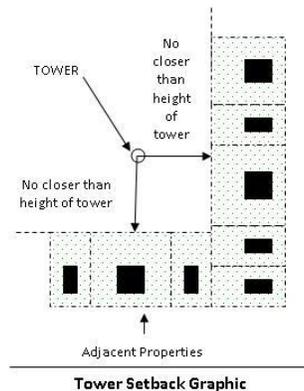
C. Location Requirements:

1. The applicant shall identify all possible alternatives considered within the service area for the proposed wireless facility location and explain why the proposed wireless facility is necessary and why existing wireless facility or other structures cannot accommodate the proposed antenna(s).
2. Locating a wireless facility on a major mountain ridge shall be considered as a last resort and justifying documentation shall be provided.

D. Wireless Support Structure Height Limitations:

1. A wireless support structure shall not exceed an overall height (OAH) of 120 feet including the height of all antennae and lightning rods.
 2. A wireless support structure located on any major mountain ridge shall be monopole and no taller than thirty feet (30') higher than the vegetative canopies immediately surrounding the base of the tower.
- E.** The proposed wireless support structure shall be designed and constructed for collocation of at least two other telecommunication antenna systems if location is not on a major mountain ridge. The wireless facility area shall be of sufficient size to accommodate the accessory equipment for at least three (3) telecommunication providers.
- F.** The applicant shall be required to provide documentation certifying compliance with all applicable federal and state regulations.
- G.** The applicant shall present to the Administrator proof of either fee simple ownership, an option to purchase or lease, a recorded leasehold interest, or an easement, from the record owner of all property involved and any necessary rights-of-way to the wireless facility site.
- H.** Signage shall be limited to a sign identifying the owner(s) and operator(s) of the tower, an emergency telephone number and any other signage as required by any government agency shall be placed in a clearly visible location on the premises of the tower.
- I. Setback Requirements:**
1. A wireless support structures shall be set back from any surrounding property lines by a distance equal to the height of the wireless support structure unless a professional engineer registered in the State of North Carolina certifies the fall zone of the wireless support structure will be within the setback area proposed.
 - a. Regardless of the fall zone, a wireless facility shall be setback twice the minimum requirement in the underlying zoning district.

- b. Wireless facilities located within transmission line easements are not required to meet (a) above and are required to provide a minimum Type A landscape buffer and a minimum 10' street yard.
- 2. There shall be no setback requirement from structures located on the same parcel as the proposed wireless facility as long as a professional engineer registered in the State of North Carolina certifies the fall zone of the wireless support structure is designed to avoid said structures.
- 3. In addition, wireless support structures must be set back a minimum of 100 feet from any residentially zoned property.



- J. The wireless support structure shall be designed to meet the ANSI/EIA/TIA-222-G (as minimum one half inch (1/2") of solid radial ice. In no case shall the design wind speed be less than specified in Section 1609 of the North Carolina Building Code.
- K. The wireless facility shall be surrounded by a commercial grade chain link secure fence at least eight feet (8') in height, which may include no more than two feet (2') of barbed or razor wire.
- L. Lighting on wireless support structure shall not be permitted except as required by federal and state regulations.
- M. Wireless support structures shall be light gray except when specific colors and color patterns are required by federal or state regulations.
- N. All wireless facilities shall be landscaped in accordance with Article 31 Landscape Standards.
- O. If a proposed wireless facility is within one mile of the Blue Ridge Parkway centerline and in the parkway viewshed, the applicant shall inform the National Park Service of the proposed tower siting. Park Service recommendations shall be given reasonable consideration and documentation of this consideration shall be provided to the Administrator. The Park Service shall be afforded thirty (30) days to respond to the applicant's written intention to erect a tower. No response to the notification within the thirty day response period shall be considered that the Park Service has no objection to the proposed site.

P. Stealth Wireless Facility

1. Antennas must be enclosed, camouflaged, screened, obscured or otherwise not readily apparent to a casual observer.
2. The structure utilized to support the antennas must be allowed within the underlying zoning district. Structures may include, but are not limited to: flagpoles, bell towers, clock towers, crosses, monuments, parapets, and steeples.

Q. Wireless facilities shall comply with all other applicable regulations of this Ordinance.

R. The applicant shall provide the Administrator with proof of general liability insurance in the minimum amount of one million dollars (\$1,000,000.)

15.24.05 The co-location of facilities and/or stealth technology shall be considered a mitigating factor to a variance request and may be justification for the request.

15.24.06 Any tower constructed under a permit pursuant to this Ordinance shall be removed within one hundred eighty (180) days of the date which it ceases to be in active use, or upon notice from the Ordinance Administrator, whichever is more favorable to the applicant.

15.25 Child Daycare (Large and Center) and Adult Daycare (Large and Center)

15.25.01 Without limiting the applicability of other Ordinance requirements, these uses are subject to Article 31 Landscape Standards.

15.25.02 Outdoor Playground Areas

- A.** Outdoor playground areas shall be fenced with a six (6) foot opaque fence.
- B.** To the extent practical, outdoor playground areas shall be located away from low-density residential zoning districts.

15.25.03 To the extent practical, parking areas for Child Daycare Centers and Adult Daycare Centers shall be located to away from low-density residential zoning districts. If a choice must be made between a playground area and a parking area being located near a low-density residential zoning district, the playground shall generally be preferred.

15.25.04 A Child Daycare (Large and Center) and an Adult Daycare (Large and Center) are not allowed to be located together in one structure.

15.25.05 An Adult Daycare (Large and Center) shall not be located within five hundred (500) feet of a Child Daycare (Large and Center).

15.26 Kennel and Veterinary Office/Hospital

15.26.01 All outdoor kennels must be located to the side or rear of the principal building and shall be fenced with an opaque fence no less than six feet (6') tall.

15.27 Retail Store 25,000 Square Feet or Greater (Use 11.16)

15.27.01 Applicability: The requirements in this Section apply to the following:

- A. Any newly created retail store with a gross floor area 25,000 square feet or greater, either by proposed expansion or new construction; and
- B. Any new retail tenant with a gross floor area 25,000 square feet or greater within existing development.

15.27.02 Use 11.16 shall not exceed a gross floor area of 150,000 square feet.

15.27.03 Use 11.16 having a gross floor area ranging between 25,000 and 150,000 square feet shall provide a Community Impact Analysis. This assessment shall be prepared by an independent consultant, qualified by education and experience, chosen by the applicant and approved by the Town, and shall include projected impacts on public services and infrastructure. The analysis shall be submitted for review by the permit issuing authority. The permit issuing authority shall review the projected impacts and recommended mitigation measures determined by the analysis and may require the applicant to mitigate any of the projected impacts.

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15.27.04 Outdoor display areas associated with Use 11.16 shall not exceed ten percent (10%) of the gross floor area of the structure. All areas utilized for outdoor display shall be clearly indicated on all permit applications. Outdoor display must be located in areas specifically designed for outdoor sales and is prohibited in or on designated exterior walkways, parking areas, driveways, and landscape areas.

15.28 Shopping Center/Mall

- A. All structures within a shopping center/mall shall be architecturally compatible.

15.29 Open Air Markets

15.29.01 Open air markets shall be classified as recurring open air markets, accessory open air markets or temporary open air markets.

15.29.02 Recurring Open Air Market:

- A. A recurring open air market is an open air market which does not qualify as an accessory or temporary open air market.
- B. A recurring open air market shall meet all Ordinance requirements, including, the principal building setback requirements for the district in which the open air market is located and landscape buffers.
- C. A recurring open air market must have the written permission of the owner or the entity in control of the property on which the itinerant merchant is located.
- D. A recurring open air market shall provide rest room facilities for merchants and customers.

- E. A recurring open air market must demonstrate approval by the Fire Marshal and must meet relevant requirements of the North Carolina Building Code and must obtain all necessary driveway permit approvals.

15.29.03 Accessory Open Air Market:

- A. An accessory open air market is an accessory use on a lot with another principal use and which occurs no more than twelve (12) times, each lasting no more than three (3) days, in any twelve (12) month period on the same lot and only operates during daylight hours.
- B. An accessory open air market must have the written permission of the owner or the entity in control of the property on which the itinerant merchant is located.
- C. An applicant for a temporary open air market must submit a site plan showing the locations of the merchants and may not be situated to encroach into any existing landscape buffer.
- D. A temporary open air market shall not encroach upon or disturb traffic movements and pedestrian circulation either within the site or on the adjacent streets and sidewalks.
- E. An accessory open air market shall meet setback requirements in which it is located.
- F. In residential zoning districts, an accessory open air market is only allowed on a lot with an approved, conforming non-residential use.
- G. An accessory open air market shall provide rest room facilities for merchants and customers.
- H. An accessory open air market must demonstrate approval by the Fire Marshal and must meet relevant requirements of the North Carolina Building Code.
- I. If the above standards are met, no additional Ordinance requirements are applicable.

15.29.04 Temporary Open Air Market:

- A. See Subsection 15.69 for additional requirements for temporary open air markets.

15.30 Vehicle Sales and Service

15.30.01 A permanent sales office must be located on site.

15.30.02 All vehicles shall be displayed in their normal traveling configuration.

15.30.03 A raised display is allowed subject to the following:

- A. Each display may not exceed ten feet (10') in height (as measured from natural grade to top of vehicle or display structure whichever is higher), and
- B. The number of raised displays may not exceed one (1) per every 100 feet of primary public way and may not be placed within any landscape buffer and cannot interfere within any required sight distance.

C. Raised displays may only be placed along the primary public way.

15.30.04 Outdoor public address systems (PA) are not allowed.

15.30.05 All nonoperational vehicles, other than those present for scheduled repair, and all non-licensed vehicles must be screened from all public streets with an opaque fence with a height no less than six feet (6').

15.30.06 An impound lot that may occasionally sell a vehicle does not qualify as a "vehicle sales and service" use.

15.31 Equipment Sales and Service

15.31.01 A permanent sales office must be located on site.

15.31.02 All vehicles shall be displayed in their normal traveling configuration.

15.31.03 Outdoor public address systems (PA) are not allowed.

15.31.04 All nonoperational vehicles, other than those present for scheduled repair, and all non-licensed vehicles must be screened from all public streets with an opaque fence with a height no less than six feet (6').

15.32 Boat or Marine Craft Sale and Service

15.32.01 A permanent sales office must be located on site.

15.32.02 All boats/equipment shall be displayed in their normal traveling configuration. No vehicles shall be parked or stored as a source of parts.

15.32.03 All nonoperational boats, other than those present for scheduled repair, and all non-licensed boats must be screened from all public streets with an opaque fence with a height no less than six feet (6').

15.33 Impound Lot/Towing Service

15.33.01 All impounded vehicles must be screened from all public streets with an opaque fence with a height no less than six feet (6').

15.33.02 Storage of impounded vehicles must be set back at least twenty feet (20') from all street right-of-ways.

15.33.03 Adequate security shall be provided to protect impounded vehicles.

15.34 Indoor Shooting Range

15.34.01 No indoor shooting range may be authorized or permitted under this Section unless it also meets all requirements imposed by Section 130.01 of the Town of Boone Municipal Code.

15.34.02 Noise. The sound level for all indoor shooting ranges must be controlled in such way that there is no sound emanating from any activities within the building in which the range is located that are audible to the human ear of a person of normal hearing at any border of the tax parcel upon which the range is located, as shown on the tax maps of the Watauga County Tax Administration.

A. If the administrator receives noise complaints from two or more individuals within a 30-day period alleging that activities within the indoor shooting range are producing noise levels in violation of this Section, the administrator will perform a minimum of two site inspections on separate occasions. If the administrator concurs with the complainants that the indoor use has caused or is causing continuous, frequent or repetitive noise, that the use will be found to be in violation of this ordinance.

15.34.03 Odors. No indoor shooting range may emit any continuous, frequent or repetitive odor or any odor-causing substance or compound which is detectable beyond the lot line of the property on which the use is located.

A. For the purposes of establishing initial compliance with this Section, the existence of an odor will be presumed when the lowest mean concentration of the odor-causing substance or compound in the air exceeds published odor threshold values. In order to demonstrate initial compliance with this Section, an odor assessment which accurately represents the concentrations of odor-causing substances or compounds present at the property boundary may be required by the permit issuing authority. The assessment must adequately reflect the emission rates of the proposed use, source heights, receptor distance from the source and the effects of buildings, terrain features and other relevant environmental considerations.

B. For the purposes of maintaining continuous compliance with this Section, odor assessments involving field sampling may be required by the administrator even after a special use permit has been granted.

C. If the administrator receives odor complaints from two or more individuals within a 30-day period alleging that a use is in violation of this Section, the administrator will perform a minimum of two site inspections on separate occasions. If the administrator concurs with the complainants that a use has caused continuous, frequent or repetitive odors, that use will be found to be in violation of this ordinance.

15.34.04 Construction Standards

- A. Any building in which an indoor shooting range is proposed or operated must meet accepted national standards for the design and construction of an indoor shooting range, and must be designed and constructed in such a way as to eliminate any significant risk of injury to a patron of the range, or a member of the public either inside or outside the range, during the normal operation and use of the range. Such design and construction in accordance with these standards must be certified by a professional architect and/or professional engineer, who must be licensed by the State of North Carolina and in good standing, and who must be experienced or specifically trained, and skilled, in the design and construction, respectively, of indoor shooting ranges.
- B. An indoor shooting range must be constructed and maintained in such way that the structure will contain within the portion(s) of the building in which firearms are discharged, a fired projectile with the greatest structure-penetrating characteristics which is proposed to be fired within the range. Such construction in accordance with this standard must be certified by a professional architect and/or professional engineer, licensed by the State of North Carolina and in good standing, who is experienced or specifically trained, and skilled, in the construction of indoor shooting ranges.

15.34.05 Emissions

- A. Any building in which an indoor shooting range is proposed or operated must be designed and constructed in such way that no lead or other toxic particulate will leave the structure itself or the portion(s) of the structure used for the discharge of firearms. Such design and construction in accordance with this standard must be certified by both a professional architect and professional engineer, each of whom must be licensed by the State of North Carolina and in good standing, and each of whom must be experienced or specifically trained, and skilled, in the design and construction, respectively, of toxin collection systems for indoor shooting ranges. In addition, the applicant for a special use permit must provide manufacturing information which affirmatively demonstrates that the toxin collection system(s) to be used will meet this standard.
- B. For the purposes of maintaining continuous compliance with this Section, emissions assessments involving field sampling at the owner's expense may be required by the administrator on repeated occasions and the owner of the property shall comply with any such requests. In addition, the administrator may, with or without advance notification and with such frequency as to insure that this standard is continuously met, obtain testing samples from inside and/or outside the indoor shooting range, to measure compliance. The owner and operator of an indoor shooting range must fully comply with requirements and recommendations of the manufacturer of the toxin collection system(s).

- 15.34.06** When a shooting range is proposed for a particular property, other uses proposed for the same property or application should be closely scrutinized for compatibility, the Town ordinarily disfavoring the combination of an indoor shooting range and other activities designed to attract persons to the property other than those attending the shooting range.
- 15.34.07** Violation of any of the provisions of this Section, once an indoor shooting range has been issued a special use permit and/or certificate of occupancy, if it involves regulations designed to protect the health or safety of the public, as determined by the Administrator, shall give rise to an immediate suspension of the special use permit and/or certificate of occupancy, and, following notice and an opportunity for a hearing in accordance with this ordinance, permanent revocation of the special use permit and/or certificate of occupancy.
- 15.35 Campground and Recreational Vehicle Park**
- 15.35.01** A proposed park or campground must be at least 5 acres in area.
- 15.35.02** All spaces must be set back at least fifty feet (50') from all public street rights of way and property lines.
- 15.35.03** Buildings, structures, and utility facilities must meet the district setback requirements.
- 15.35.04** Spaces must be at least 2,000 square feet.
- 15.35.05** Spaces must be designated on the ground by permanent markers or monuments.
- 15.35.06** All spaces must be located on ground above the base flood elevation and graded to prevent water from ponding.
- 15.35.07** Driveways meeting all applicable standards must be provided for each space. Additionally, each recreational vehicle space must have an all-weather surface that is at least ten feet (10') wide by thirty feet (30') long.
- 15.35.08** A public water supply is required.
- 15.35.09** The park may contain a retail sales counter or coin operated machines for the park residents' use only. Any retail sales must be conducted within an enclosed structure and no exterior advertising is allowed.
- 15.35.10** The sale of recreational vehicles within the park is prohibited.
- 15.35.11** Permanent sleeping quarters shall not be permitted within the park, however, one (1) permanent dwelling may be allowed for the park manager or operator. The dwelling site must be designated on the site plan application.
- 15.36 Community Garden**
- 15.36.01** A community garden must meet the parking requirements of Article 24 but must provide no fewer than two (2) off-street parking spaces.

- 15.36.02** A five foot (5') undisturbed buffer shall be provided along the perimeter of the cultivated area.
- 15.36.03** In low density residential districts, users are restricted to residents within a ¼ mile of the community garden.
- 15.36.04** A community garden shall be placed or designed to minimize impacts to adjacent properties, including run-off of water and chemicals.
- 15.37 Garden**
- 15.37.01** Gardens do not require a zoning permit.
- 15.37.02** A garden shall be placed or designed to minimize impacts to adjacent properties, including run-off of water and chemicals.
- 15.38 Forestry**
- 15.38.01** Forestry activity is only allowed on forestland that is taxed on the basis of its present-use value as forestland under Article 12 of Chapter 105 of the General Statutes or conducted in accordance with a forest management plan that is prepared or approved by a forester registered in accordance with Chapter 89B of the General Statutes.
- 15.38.02** Trees within a required landscape street yard may not be removed during any forestry activity.
- 15.38.03** Forestry activity may limit the availability of development permits. See Subsection 4.01.01.
- 15.39 Microbrewery and Brewpub**
- 15.39.01** Outdoor storage is not allowed.
- 15.39.02** Shipping for distribution of the malt or distilled beverage and receiving of stock and supplies for the production of the malt or distilled beverage is prohibited between the hours of 9 p.m. and 6 a.m.
- 15.39.03** All visible emission, odor (related to the production of the malt or distilled beverage), air pollution, noise and dust standards set forth for Manufacturing in Section 15.45 must be met.
- 15.40 Brewery/Distillery**
- 15.40.01** Outdoor storage is not allowed.
- 15.40.02** All visible emission, odor, air pollution, noise and dust standards set forth for Manufacturing in Section 15.45 must be met.
- 15.41 Brewery/Distillery, Other**
- 15.41.01** All outdoor storage must be screened in accordance with Section 16.57.

15.41.02 All visible emission, odor, air pollution, noise and dust standards set forth for Manufacturing in Section 15.45 must be met.

15.42 Wineries

15.42.01 All outdoor storage must be screened in accordance with Section 15.57.

15.42.02 All visible emission, odor, air pollution, noise and dust standards set forth for Manufacturing in Section 15.45 must be met.

15.43 Extraction of Earth Materials

15.43.01 The extraction of earth materials (mining or quarrying operations), including the onsite sale of products shall conform to the following requirements:

- A. Permanent roads, defined as those to be used in excess of one (1) year, within the excavation site shall be surfaced with a dust free material, such as soil cement, bituminous concrete.
- B. Roads other than permanent roads shall be treated with dust inhibitors which will reduce to a minimum the generation of dust from the road surfaces as a result of wind or vehicular action.
- C. A security fence at least six feet (6') high shall be installed where the proposed extraction takes place within 300 feet of a dwelling, school, church, hospital, commercial or industrial building, public building, or public land.
- D. Spoil piles and other accumulations of byproducts shall not be created to a height more than thirty-five feet (35') above the original contour and shall be so graded that the vertical slope shall not exceed a forty-five degree (45°) angle.

15.44 Machine/Welding Shop

15.44.01 All operations shall be conducted wholly within fully enclosed structures.

15.44.02 Deliveries and shipping shall be between 6 a.m. and 9 p.m.

15.44.03 Unless located in the M1 Zoning District, no outside storage is allowed. In the M1 Zoning District, Subsection 15.45.02 shall apply.

15.44.04 The standards of subsections 15.45.04 – 15.45.09 shall apply.

15.45 Manufacturing

15.45.01 Manufacturing operations shall be conducted wholly within fully enclosed structures.

15.45.02 Land area utilized for outdoor storage shall not exceed twenty-five percent (25%) of gross floor area of all buildings within the development.

- A. Outdoor storage shall be fully screened from view with an opaque screen from all streets and shall be located to the side or rear of the principal building.

- 15.45.03** The Administrator may require verification that the manufacturing operation will meet the performance standards set forth in this Section. Such verification may be made by the manufacturer or qualified expert.
- 15.45.04** **Visible Emissions.** No manufacturing operation is permitted that will produce visible emissions from a stationary source that exceeds an average plume opacity of ten (10) percent.
- A.** The plume opacity of visible emissions from all industrial uses shall be determined by the methods and procedures outlined in the Code of Federal Regulations, Title 40, Part 60 – “Standards of Performance for New Stationary Sources”.
 - B.** All measurements will be taken at the point of emission.
 - C.** Water vapor which is free of pollutants shall not be considered in measuring opacity.
- 15.45.05** **Odors.** No manufacturing operation shall emit any continuous, frequent or repetitive odor or odor causing substance or compound which is detectable beyond the lot line of the property on which the use is located.
- A.** For the purposes of establishing initial compliance with this Section, the existence of an odor will be presumed when the lowest mean concentration of the odor causing substance or compound in the air exceeds published odor threshold values. In order to demonstrate initial compliance with this Section, an odor assessment which accurately represents the concentrations of odor causing substances or compounds present at the property boundary may be required by the permit issuing authority. The assessment must adequately reflect the emission rates of the proposed use, source heights, receptor distance from the source and the effects of buildings, terrain features and other relevant environmental considerations.
 - B.** For the purposes of maintaining continuous compliance with this Section, odor assessments involving field sampling may be required by the administrator.
 - C.** If the administrator receives odor complaints from two or more individuals within a 30-day period alleging that a use is in violation of this Section, the administrator will perform a minimum of two site inspections on separate occasions. If the administrator concurs with the complainants that a use has caused continuous, frequent or repetitive odors, that use will be found to be in violation of this ordinance.
- 15.45.06** **Air Pollution.**
- A.** Any manufacturing operations that emits any “air contaminant” as defined in NC G.S. 143-213 (2) shall comply with applicable state standards concerning air pollution, as set forth in the North Carolina air pollution control law.
 - B.** No zoning or special use permit may be issued with respect to any development until the North Carolina Division of Air Quality has certified to the permit issuing authority

that the appropriate state permits have been received by the applicant, or that the applicant will be eligible to receive such permits and that the development is otherwise in compliance with applicable air pollution laws.

15.45.07 Electrical Disturbances or Interference

- A. No manufacturing operation shall create any electrical disturbance that adversely affects any operations or equipment other than those of the creator of such disturbance, or [2] Otherwise cause, create, or contribute to the interference with electronic signals (including television and radio broadcasting transmissions) to the extent that the operation of any equipment not owned by the creator of such disturbance is adversely affected.

15.45.08 Noise. The sound level for all manufacturing operations, measured beyond the lot line of the property on which the use is located, may not exceed 65 dbA between 6:00 a.m. and 10:00 p.m., or 45 dbA between 10:00 p.m. and 6:00 a.m. Measurements shall be a time-weighted average over any one-hour period. No one-hour time-weighted average may exceed the 65 or 45 dbA thresholds described in this paragraph.

- A. For the purpose of this Section, noise shall be defined as sound produced directly in connection with light industrial operations, including associated vehicular noise, and audible to the human ear.
- B. Noise shall be measured with a sound level meter (set to the Aweighted scale) which complies with the standards set forth in the "American Standard Specification of General Purpose Sound Level Meters," American National Standards Institute. (ANSI S1. 4-1961).

15.45.09 Dust. No industrial use shall create, or cause to be created, any dust which is detectable beyond the lot line of the property on which the use is located.

15.46 Parking Lot/Park and Ride

15.46.01 See Section 31.09 for regulations specific to parking lots.

15.47 Parking Structure

15.47.01 See Section 25.03 for regulations specific to parking structures.

15.48 Mini-Storage

15.48.01 Facilities can only be used for storage of materials and must not be used for assembly, fabrication, processing or repair.

15.48.02 Storage of hazardous, toxic, explosive substances, or any other substance requiring a 704 placard, is prohibited.

15.48.03 Mini-storage units must be constructed with the compartment doors facing internally.

- 15.48.04** All mini-warehouse compartment doors must open on an internal access driveway having a minimum paved width of twenty feet (20').
- 15.48.05** A 100 percent opaque fence with a minimum of height of six feet (6') and a maximum height of eight feet (8') shall be provided around the portion of the property used for the mini-storage development. Fences shall be constructed of wood, brick, stone or other similar materials, but also must be architecturally compatible with the proposed structure.
- 15.48.06** If the mini-warehouse facility has a locked and keyed entrance, two (2) staging spaces of at least thirty-five feet (35') must be located outside of the public right-of-way.
- 15.48.07** The following activities shall be prohibited on the premises:
- A.** Commercial, wholesale or retail sales, flea markets, peddling, garage sales or other similar types of activities. However, the management of the self-storage mini-warehouse complex may conduct an auction or sale of abandoned or stored materials to settle unpaid storage bills consistent with North Carolina law.
 - B.** Habitation of storage units by humans or animals.
- 15.48.08** Outdoor storage in a mini-storage development shall not exceed twenty-five percent of the total land area and must be secured and screened in accordance with Section 15.57.
- 15.49** **Outdoor Storage (Principal Use); Recycling Drop-off Station; Recycling and Salvage**
- 15.49.01** A 100 percent opaque fence between six and eight feet (6'-8') in height shall be provided around the perimeter of the area used for outdoor storage.
- 15.50** **Electronic and Internet Gaming**
- 15.50.01** An Electronic and Internet Gaming use shall not be located on a lot which is within 2,640 feet of another lot containing an Electronic and Internet Gaming Use as measured from the closest edge of each lot to the other lot.
- 15.50.02** An Electronic and Internet Gaming use shall not be located on a lot which is within 1,000 feet from a lot upon which a religious assembly, school, library, public park, playground, or daycare center is located as measured from the closest edge of each lot to the other lot.
- 15.50.03** No Electronic and Internet Gaming use shall be located on any lot which is within 1000 feet from any residential zoning district or residential uses within a mixed-use development as measured from the closest edge of each lot to the other lot.
- 15.50.04** No more than one (1) Electronic and Internet use may be located on the same lot.
- 15.50.05** No Electronic and Internet Gaming use may operate between the hours of 10:00 p.m. and 8:00 a.m.

- 15.50.06** No permits shall be issued for Electronic and Internet Gaming uses until all required privilege and other licenses are obtained and all required fees have been paid.
- 15.50.07** A Certificate of Occupancy shall not be issued until the Electronic and Internet Gaming use meets any applicable Federal, State or County requirements, including any requirements of the Appalachian Regional Health Department.
- 15.51 Adult Establishment**
- 15.51.01** The requirements of this Section shall apply to all adult establishments as outlined in N. Gen. Stat. Chapter 26A.
- 15.51.02** Separation Requirements:
- A.** No lot containing an adult establishment shall be within 1000 feet of another lot containing an adult establishment.
 - B.** No lot on which an adult hotel or adult motel is located shall be within 2000 feet of another lot containing an adult establishment.
 - C.** No adult establishment shall be located on any lot whose property line is within 1,000 feet of the property line of a religious assembly, school, library, public park or playground, daycare center (except a home daycare center), or residential zone.
 - D.** The required distance shall be measured from the closest edge of the property occupied by an adult establishment to the closest edge of the property occupied by a protected use or another adult establishment. Provided, however, that when an adult establishment is located in a multi-tenant facility, the distance shall be measured from the closest edge of the portion of the facility occupied by such establishment.
- 15.51.03** No more than one (1) adult establishment shall be located within the same structure or portion thereof.
- 15.51.04** Except for adult hotels and motels, no adult establishment may provide sleeping quarters.
- 15.51.05** No printed material, slide, video, photograph, written text, live show, or other visual presentation shall be visible, nor shall any live or recorded voices, music, or sounds be heard from outside the walls of the establishment.
- 15.51.06** All signage shall meet the standards of Article 26. In addition, the following restrictions shall apply:
- A.** No freestanding (detached) signs shall be permitted.
 - B.** Attached signage on all building faces shall not exceed eighty square feet (80 ft²) total. Provided, however, in no case shall signage cover more than ten percent (10%) of the area of any building face.

- C. A sign plan showing the location and number of attached sign(s) must be submitted to the Administrator prior to the issuance of any permits to verify compliance with this Section.
- D. Promotional materials for advertising shall not be visible to the public from pedestrian sidewalks or walkways.

15.51.07 The adult establishment must meet all other applicable provisions of this Ordinance.

15.51.08 The Board of Adjustment shall have no authority to modify or grant variances from the separation distance requirements imposed by this Section.

15.51.09 This Section in no way limits, restricts, modifies or changes Chapter 12, of the Town of Boone Public Display Ordinance. Any use permitted under this Section must comply in all respects with the Public Display Ordinance.

15.52 Secondary Suite (Accessory)

15.52.01 All property owners wishing to have an accessory secondary suite must submit a notarized statement, which has been recorded at the Watauga County Register of Deeds, acknowledging the following:

- A. The principal use of the structure is for a single-family dwelling.
- B. The only occupants who will utilize the structure will be “family”.
- C. The secondary suite will not be used as an “accessory dwelling”.
- D. That the property owner acknowledges that to have an accessory dwelling unit, he or she must obtain proper zoning and building permits.

15.52.02 A secondary suite proposed for the R3, OI, B1, B2, and B3 zoning districts shall only be allowed in single family dwelling which were in existence as of January 1, 2014.

15.53 Home Occupation (Accessory)

15.53.01 A Home Occupation may be conducted as an accessory use of a dwelling unit, provided that:

- A. No person other than members of the resident family shall be engaged in such occupation, and
- B. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes, and not more than twenty-five percent (25%) of the floor area of the dwelling unit shall be used in the conduct of the home occupation, and
- C. No external evidence of the conduct of the home occupation shall be visible, other than a sign as permitted in Article 26, and
- D. The home occupation shall not generate traffic volumes or parking area needs greater than would normally be expected in a residential neighborhood, and

- E. No equipment or process shall be employed that will cause noise, vibration, odor, glare, or electrical or communication interference detectable to the normal senses off the lot; in the case of detached dwelling units, or outside the dwelling unit, in the case of attached dwelling units, and
- F. The on premise sale and delivery of goods which are not the products of the home occupation are prohibited.

15.54 Accessory Dwelling Unit (Accessory)

15.54.01 An accessory dwelling unit may be permitted only when of the following standards is met:

- A. The owner of the dwelling unit resides in the primary residence or the accessory dwelling unit at least ninety percent (90%) of the year, a “year” understood and defined as the preceding twelve (12) month period ending on the date of the application or any inquiry by the administrator.
 - 1. In situations in which an applicant seeks to initiate the use of an accessory dwelling unit and there has been no prior occupancy of either dwelling unit, the owner shall make a written declaration of the intention to reside in the primary residence or the accessory dwelling unit at least ninety percent (90%) of the year, and the written declaration shall acknowledge that should the owner’s residency ever fall below ninety percent (90%) of any subsequent rolling twelve (12) month period, the zoning permit shall be revoked and the right to use the accessory dwelling unit shall cease. The Town shall retain the original declaration and acknowledgment, and a copy of each shall be provided to the owner.
 - 2. The owner and all tenants of the lot comply with all registration and other requirements of Section 15.54, *above*, and for lots not located in a neighborhood conservation district, the owner also notifies all tenants of UDO occupancy limitations.
 - a. In situations in which an applicant seeks to initiate the use of an accessory dwelling unit and there has been no prior occupancy of either dwelling unit, the owner shall make a written declaration of the intention to comply with all registration and other requirements of Section 15.54, *above*, and for lots not located in a neighborhood conservation district, to notify all tenants of UDO occupancy limitations.
 - b. The written declaration shall acknowledge that should the owner or tenants fail to comply with all registration and other requirements of Section 15.54, *above*, or the requirements of this Subsection, the zoning permit shall be revoked and the right to use the accessory dwelling unit shall cease.

- c. An owner who does not reside on the lot for the period described in Subsection 15.54.01(A)(1), *above*, may only allow others to reside on the lot pursuant to a written lease and shall file a copy with the Town. The lease must include provisions that the tenant(s) must comply with the Town’s noise ordinance and the Town’s occupancy limitations and that violation of the Town’s noise ordinance or occupancy limitations shall be considered a material violation of the lease and shall result in the termination of the lease and tenancy.

15.54.02 On a single lot, an accessory dwelling unit may have no more than one (1) single family dwelling and one (1) accessory dwelling unit.

15.54.03 The occupancy of an accessory dwelling unit shall be limited to no more than two (2) unrelated persons or four (4) members of a family.

15.54.04 The owner of an accessory dwelling unit shall provide adequate off-street parking in compliance with Article 24 for the accessory dwelling unit to the side or to the rear of the primary residence.

- A.** In no case shall a front yard area be converted to parking or used to satisfy off-street parking requirements. For purposes of this Section, the “front yard area,” “side” or “rear” of the primary residence shall be determined by the location of the street referenced in the physical address of the lot, with the portion of the primary residence closest to said street considered “the front” without regard to the orientation or main entrance of the primary residence.

15.54.05 The accessory dwelling unit shall not be served by a driveway separate from any driveway serving the primary residence.

15.54.06 An attached accessory dwelling unit shall be designed so that the appearance of the primary residence remains that of a single family dwelling. The accessory dwelling unit entrance shall be located on the side or in the rear of the single family residence.

15.54.07 An accessory dwelling unit shall be clearly subordinate to the primary residence.

- A.** The floor area of an attached accessory dwelling unit may not be more than fifty percent (50%) of the floor area of the primary residence and may never exceed 800 square feet.
- B.** The floor area of a detached accessory dwelling unit may not be more than fifty percent (50%) of the floor area of the primary residence and may never exceed 600 square feet.

15.54.08 Detached accessory dwelling unit are those which are not attached to the primary residence.

- A.** A detached accessory apartment may be located over a garage, workshop, studio or similar structure or built as a free standing cottage.

- B. Every detached accessory apartment must be architecturally compatible with the primary residence, and certified as such by the Community Appearance Commission.
 - C. A detached accessory apartment shall be located to the side or rear of the primary residence and its front most point may be no closer to the fronting street than the front most point of the primary residence.
 - D. A two story detached accessory apartment may be allowed only when the primary residence is 1 ½ stories or more, and its architectural compatibility has been certified by the Community Appearance Commission.
- 15.54.09** An accessory dwelling unit must comply with all applicable land use intensity ratios, and the exemption in Section 16.01, *infra*, shall not apply.
- 15.54.10** At any time when an accessory dwelling unit no longer complies with all applicable requirements of this Section, the zoning permit allowing the use shall be revoked and the right to use the accessory dwelling unit shall cease.
- 15.55 Drive-Through (Accessory)**
- 15.55.01** A drive-through must be located to the side or rear of the building.
- 15.55.02** Drive-through lanes must contain a stacking area equal to five (5) standard parking spaces.
- 15.55.03** Drive-through lanes must not interfere with parking aisles or spaces.
- 15.55.04** Drive-through lanes must be located, to the extent practical, to avoid the infiltration of headlights and vehicular noise into residential zoning districts.
- 15.56 Outdoor Display (Accessory)**
- 15.56.01** Outdoor display shall not impede pedestrian or automobile traffic.
- 15.56.02** Use of a parking lot for outdoor display requires a zoning permit.
- A. An applicant must demonstrate that remaining parking fully meets the requirements of this Ordinance.
- 15.57 Outdoor Storage (Accessory)**
- 15.57.01** Outdoor storage shall not impede pedestrian or automobile traffic.
- 15.57.02** A one-hundred percent (100%) opaque fence between six and eight feet (6'-8') in height shall be provided around the perimeter of the area used for outdoor storage.
- 15.58 Outdoor Dining (Accessory)**
- 15.58.01** Outdoor dining areas shall not impede pedestrian or automobile traffic.
- 15.59 Automated Teller Machines (ATM), Freestanding (Accessory)**
- 15.59.01** Freestanding ATM's shall be architecturally compatible with the principal structure on the lot.

- 15.59.02** May have no more than four dedicated parking spaces per machine.
- 15.59.03** Signage must meet the requirements of Article 26.
- 15.59.04** Must not impede pedestrian or automobile circulation.
- 15.59.05** Must have at least a four (4) foot landscaped buffer around the perimeter of the ATM structure.
- 15.60 Produce Stand (Accessory)**
- 15.60.01** Produce stands must be located on private property and not in the public right-of-way.
- 15.60.02** Produce stands are not subject to landscaping and community appearance standards.
- 15.61 Poultry (Accessory)**
- 15.61.01** The keeping of poultry as an accessory use does not require a zoning permit.
- 15.61.02** Roosters are prohibited. No lot shall contain more than five (5) hens.
- 15.61.03** All poultry shall be contained within a fully fenced area.
- 15.61.04** Poultry areas shall be kept sanitary.
- 15.61.05** Poultry areas shall not be located to the front of any principal building.
- 15.61.06** The keeping of poultry as an accessory use is limited to legally established single-family dwellings.
- 15.62 Small Livestock (Accessory)**
- 15.62.01** The keeping of small livestock as an accessory use does not require a zoning permit.
- 15.62.02** Up to two (2) small livestock may be kept as pets.
- 15.62.03** Small livestock shall be contained within a fully fenced area.
- 15.62.04** All areas where the small livestock are kept shall be kept sanitary.
- 15.62.05** The keeping of small livestock as an accessory use is limited to legally established single-family dwellings.
- 15.63 Large Livestock (Accessory)**
- 15.63.01** The keeping of large livestock as an accessory use does not require a zoning permit.
- 15.63.02** There may be no more than two (2) large livestock for every acre of grazing area.
- 15.63.03** Large livestock shall be contained within a fully fenced area.
- 15.63.04** All areas where the large livestock are kept shall be kept sanitary.
- 15.64 Bees (Accessory)**
- 15.64.01** The keeping of bees as an accessory use does not require a zoning permit.
- 15.64.02** No lot may contain more than four hives.

15.64.03 Hives must be screened with an opaque fence at least six feet (6') high and must provide adequate security and signage to prevent inadvertent entry.

15.64.04 A water source must be provided.

15.64.05 A bait hive placed ten to thirty feet (10'-30') away and at least ten feet (10') above the hives shall be provided.

15.65 Gardens (Accessory)

15.65.01 Accessory gardens do not require a zoning permit.

15.65.02 An accessory garden shall be placed or designed to minimize impacts to adjacent properties, including run-off of water and chemicals.

15.66 Swimming Pools, Spas, and Hot Tub (Accessory)

15.66.01 Enclosure required:

A. In order to protect unattended children from the risk of drowning:

1. All below-ground outdoor swimming pools, hot tubs, or spas having a depth of eighteen inches (18") or greater at the deepest point shall be completely surrounded by a fence or wall with a height of no less than four feet (4'). The fence or wall may be made of any suitable and durable material. The fence or wall shall be designed so that a four and one-half inch (4 ½") diameter sphere cannot pass through any opening. The principal or accessory building may be used as part of such enclosure.
2. All above-ground swimming pools shall maintain gates at access points into the pool.
3. All gates shall have self-closing and self-latching devices that keep the gate or door closed at all times when not in actual use. However the door of any building that furnishes part of the enclosure need not be so equipped.
4. Exemption: A portable spa or hot tub with a safety cover that complies with ASTM ES13 entitled "Emergency Standard Performance Specifications for Safety Covers and Labeling Requirements for All Covers for Swimming Pools, Spas, and Hot Tubs", 1989 edition, is exempt from the requirements of this Section.
5. Such uses shall meet the setback requirements for accessory structures.

15.67 Caretaker's Residence (Accessory)

15.67.01 A caretaker's residence may be allowed as an accessory use provided the following standards are met:

- A.** The caretaker's residence shall be clearly accessory to the principal use; and
- B.** The residence shall be occupied by a bona fide caretaker or watchman employed by the principal use on the property; and

- C. There shall be no more than one (1) caretaker's residence on the property and it shall be occupied by no more than one (1) family; and the living quarters shall be limited to one (1) floor and constructed so that the exterior of the premises provides a development style uniform with the main structure.

15.67.02 The caretaker's residence shall be subject to all applicable intensity and setback requirements.

15.68 Vehicular Gate (Accessory)

15.68.01 No vehicular gate shall be allowed on any public street.

15.68.02 A vehicular gate may be permitted so long as:

- A. The primary purpose of the gate is to provide safety and security for the area located beyond the gate by regulating access of motor vehicles to that area; and
- B. The vehicular gate shall be staffed twenty-four (24) hours a day so that police and all emergency vehicles will be allowed immediate access without delay, unless all emergency service providers find that such staffing is not necessary; and
- C. The vehicular security gate is maintained in good operating conditions.

15.69 Temporary Uses

15.69.01 General Regulations:

- A. Unless otherwise provided here in, all listed temporary uses are required to obtain a permit in compliance with the regulations of this Section.
- B. Unless expressly permitted no sign may be erected in conjunction with a temporary use.
- C. Only those improvements and modifications minimally necessary for the temporary use to function are permitted.
- D. In the event the property owner fails to remove a temporary structure within the described time frames after the permit authorizing its use has been terminated, the Town may remove the said temporary structure at the expense of the owner, and may seek to recover through collection efforts or a civil action against the owner, the costs of removal, court costs and attorney fees.
- E. A sight triangle ten feet (10') by seventy feet (70') must be observed at all intersections of driveways or streets with adjacent streets.
- F. Temporary uses shall not be subject to the requirements of Article 25 Community Appearance Standards unless provided in this Section.
- G. No required existing landscape buffer may be disturbed for any temporary use.
- H. All temporary uses shall meet all applicable NC Building Codes.

- I. Unless otherwise provided herein, the land use intensity ratios of Section 16.01 shall apply.
- J. Unless otherwise provided herein, landscaping is not required for temporary uses.

15.69.02 Temporary Care Provider Dwelling: A temporary care provider dwelling may be permitted as provided in the Table of Temporary Uses, as a temporary use on a lot with Use 1.110 Single-family detached, one dwelling unit per lot, subject to the following conditions:

- A. Occupancy of a temporary care provider dwelling shall be limited to the family care provider or the aged, infirmed or disabled persons requiring a substantial amount of personal care or attention based on a certified medical need.
- B. The temporary care provider dwelling shall meet all minimum building spacing requirements set forth in Section 16.09.
- C. The temporary care provider dwelling shall be placed on the lot in such manner that it meets all required setbacks.
- D. No more than one (1) accessory temporary care provider dwelling per lot shall be allowed.
- E. Only Class A and B manufactured homes may be used as a temporary care provider dwelling.
- F. The applicant must provide a certification by a qualified medical provider that the temporary care provider dwelling is needed to take care of a sick, elderly or disabled person who lives on the same lot who is in need of personal or medical attention.
- G. The location, placement, and type of the temporary care provider dwelling must be selected so as to minimize any negative effects on adjacent properties.
- H. A permit shall be valid for a period of one (1) year. Applications for extensions for an additional one (1) year period must be filed between thirty (30) to sixty (60) days prior to the expiration of the permit. For each new extension the applicant must demonstrate continuing compliance with this Section and a new certification in accordance with Subsection 16.69.02(F) must be submitted. The applicant can continue to apply for extensions so long as all other requirements of this Section are met.
- I. Upon expiration of the permit or the cessation of the conditions giving rise to the permit, the temporary structure shall be removed from the property within sixty (60) days.

15.69.03 Temporary Construction or Repair Dwelling: A temporary construction or repair dwelling may be permitted as a temporary use while either a Use 1.111 (site built or modular structures) or 1.200 (two-family residences) is being constructed or repaired, subject to the following conditions:

- A. Upon completion, the dwelling under construction or repair must be the principal residence of the owner of the lot.
- B. Only Class A and B manufactured homes may be used as temporary construction or repair dwellings.
- C. The permit may not be issued until the owner of the lot has received a building permit for the construction or repair of the non- temporary dwelling.
- D. The temporary construction or repair dwelling shall be placed on the lot in such manner that it meets all required setbacks.
- E. A permit shall be valid for a period of one (1) year but may be extended for up to two (2) consecutive six (6) month periods upon an application filed no later than thirty (30) days before the end of each permit period. Each extension shall require a finding by the Administrator that significant progress is being made in completing the construction or repair.
- F. The temporary construction or repair dwelling shall be removed within thirty (30) days upon:
 - 1. Expiration of the permit.
 - 2. Expiration or lapse of the building permit for the dwelling under construction or repair.
 - 3. Issuance of a certificate of occupancy or certificate of compliance, as appropriate, for the dwelling under construction or repair.
- G. The land use intensity ratios of Section 16.01 do not apply to a temporary construction or repair dwelling.

15.69.04 Temporary Construction Trailer: A temporary construction trailer may be permitted as a temporary use for a temporary office, security shelter or shelter for materials or tools (but not for residential purposes or sales office) incident to construction or development of the premises upon which the temporary construction trailer is located subject to the following conditions:

- A. Temporary construction trailers may only be located on a lot upon which a valid zoning or building permit has been issued.
- B. A temporary construction trailer shall be located at least ten feet (10') away from all road rights-of-way and property lines.
- C. A temporary construction trailer may not be used for residential purposes.

- D. The permit shall be valid for two (2) years from the date of issuance or for a maximum of thirty (30) days after the issuance of a certificate of occupancy, whichever is less; provided however, if the project is multi-family or nonresidential in nature, the temporary use permit may be extended if the approved project is not yet completed and the applicant requests an extension within ninety (90) days prior to the expiration of the permit period. Each such extension may be for one (1) year. The applicant can continue to apply for extensions so long as all other requirements of this Section are met.
- E. The land use intensity ratios of Section 16.01 do not apply to a temporary construction trailer.

15.69.05 Temporary Mobile Medical Unit: A temporary mobile medical unit may be permitted as a temporary recurring use accessory to an existing medical use subject to the following conditions:

- A. A temporary mobile medical unit must be accessory to the principal medical use and related to the care provided by the principal medical use.
- B. A temporary mobile medical unit must be located on the same lot as the principal medical use.
- C. A temporary mobile medical unit may be recurring but shall be limited to one (1) forty-eight (48)-hour period per week.
- D. A temporary mobile medical unit shall not encroach upon or disturb traffic movements and pedestrian circulation either within the site or on the adjacent streets and sidewalks.
- E. A temporary mobile medical unit shall not be subject to Section 16.01 or to Section 16.07. Setbacks for temporary mobile medical units shall be ten feet (10') from any street rights-of-way and five feet (5') from any interior boundary.
- F. Landscape buffers must be provided to the extent possible in the setback areas adjacent to the temporary mobile medical unit.
- G. No building may be constructed in association with the temporary mobile medical unit, and none is authorized by a permit for a temporary mobile medical unit.

15.69.06 Temporary Classroom: A temporary classroom may be permitted as a temporary use accessory to Use 9.0 Education and Use 11.23 Hospital subject to the following conditions:

- A. A temporary classroom must be accessory and related to the principal use on the lot.
- B. A temporary classroom shall only be allowed at a density that does not exceed one temporary classroom for every five (5) acres.
- C. The temporary classroom shall be placed on the lot in such manner that it meets all required setbacks.

- D. The location, placement, and type of the temporary classroom must be selected so as to minimize any negative effects on adjacent properties.
- E. The land use intensity ratios of Section 16.01 do not apply to a temporary classroom.
- F. Landscape buffers must be provided to the extent the temporary classroom is adjacent to properties not associated with the principal use for the lot for which the temporary classroom serves.
- G. The permit shall be valid for three (3) years from the date of issuance. The temporary use permit may be extended subject to the following conditions:
 - 1. A one (1) year extension is allowed if a building permit for an approved project for permanent construction which would replace the need for the temporary classroom has been issued prior to the expiration of the temporary permit; and
 - 2. The applicant requests an extension within ninety (90) days prior to the expiration of the temporary permit period.

15.69.07 Temporary Portable Storage Containers: Placement of a temporary portable storage container(s) is subject to the following conditions:

- A. General Standards for Temporary Portable Storage Containers:
 - 1. The temporary portable storage container(s) is only allowed on a vacant lot (those with no principal uses) in the OI Office Institutional and the M1 Light Industrial zoning districts.
 - a. Temporary portable storage container(s) located on a vacant lot must be related to an individual business entity.
 - 2. The temporary portable storage container(s) shall be placed on the lot in such manner that it meets all required setbacks.
 - 3. The location and placement of the temporary portable storage container(s) must be selected so as to minimize any negative effects on adjacent properties.
 - a. Temporary portable storage containers may not be placed against any pedestrian way.
 - 4. The land use intensity ratios of Section 16.01 do not apply to a temporary portable storage container(s).
 - 5. A temporary portable storage container(s) may not be placed within any public right-of-way.
 - 6. Placement of all temporary portable storage container(s) must be approved by the Fire Marshall.
 - 7. A temporary portable storage container(s) shall neither display any attached signage nor be used as signage for any business.

8. For a period not exceeding thirty (30) days, a lot may have no more than twenty (20) temporary portable storage containers per acre.
 - a. A short-term permit for a temporary portable storage container(s) shall be valid for no more than thirty (30) days in any twelve (12) month period.
 - b. The thirty (30) day timeframe for the temporary permit begins the day the first temporary portable storage container is placed on the lot after the permit is issued.

15.69.08 Temporary Staging: Temporary staging is permitted subject to the following conditions:

- A. Elements used in the staging, other than protective fencing, shall be placed on the lot in such manner that it meets all required setbacks.
- B. The location and placement of the staging area must be placed so as to minimize any negative effects on adjacent properties.
- C. The land use intensity ratios of Section 16.01 do not apply to temporary staging.
- D. The temporary staging area cannot be located on public property unless undertaken by the property owner.
- E. Applicant must have express written permission of property owner to be located at the property.
- F. All elements related to the temporary staging must be removed by the next business day following the issuance of a Certificate of Occupancy or Certificate of Completion for the project in which the staging area was permitted for.

15.69.09 Non-Fixed Site Event Venue

- A. A zoning permit is required for a non-fixed site event.
- B. No more than one (1) event is allowed on a lot per year.
- C. Sufficient parking shall be provided either on site or proof that adequate off-site parking has been acquired.
 1. Off-site parking may not leave the host use with inadequate parking.
- D. Adequate security and traffic control shall be provided.
- E. Restroom facilities shall be provided for patrons.
- F. The lot must be maintained in a sanitary state during the event and must be cleaned immediately following the event.
- G. A temporary structure may be permitted subject to the following conditions:
 1. The temporary structure shall be placed on the lot in such manner that it meets all required setbacks.

2. The location, placement, and type of the temporary structure must be placed so as to minimize any negative effects on adjacent properties.
3. The land use intensity ratios of Section 16.01 do not apply to a temporary structure.
4. Such structure shall not be erected more than forty-eight (48) hours before the event and must be taken down no later than the next business day following the event.

15.69.10 Carrier-on-Wheels (COW)

- A. The Administrator may allow a COW for providing communications during an emergency in any zoning district.
- B. The Administrator may allow a COW in the O1, B2, B3, U1 or M1 zoning districts for special events if the following conditions are met:
 1. The COW may only be erected twenty-four (24) hours in advance of the event.
 2. The COW must be taken down immediately following the event, not to exceed twenty-four (24) hours.
 3. The COW may not be erected for more than seventy-two (72) hours.
 4. The applicant must provide a copy of liability insurance at the time of application.
 5. The COW must be fully contained on the property where the event is occurring. A fall-zone equal to the height of the COW must be provided.
 6. The COW shall be placed on the lot in such manner that it meets all required setbacks.
 7. The land use intensity ratios of Section 16.01 do not apply to a COW.

15.69.11 Yard Sale

- A. Yard sales are not required to obtain a zoning permit.
- B. A yard sale is allowed so long as such sales are not conducted on the same lot for more than three (3) days (whether consecutive or not) during any ninety (90) day period.
- C. Yard sales are allowed to have signage in compliance with Section 26.16.
- D. The land use intensity ratios of Section 16.01 do not apply to a yard sale.
- E. Yard sale participants must have express written permission of property owner to be located at the property.

15.69.12 Itinerant Merchant

- A. An itinerant merchant is required to obtain a privilege license from Town Hall prior to undertaking any retail activity.
- B. An itinerant merchant may not stay on one (1) lot for more than seventy-two (72) hours in a one (1) week period unless the itinerant merchant is participating in an approved Open Air Market.
- C. An itinerant merchant may not locate on public property, other than public sidewalks, without written permission.
- D. Unless operating in an Open Air Market, an itinerant merchant must have the written permission of the owner or the entity in control of the property on which the itinerant merchant is located.
- E. An itinerant merchant is not required to obtain a zoning permit, and if the above standards are met, no additional Ordinance requirements are applicable.

15.69.13 Temporary Open Air Markets

- A. A temporary open air market is one which does not involve land disturbing activity and is the only principal use on a lot and occurs no more than eight (8) times, each lasting no more than three (3) days, in any twelve (12) month period on the same lot and only operates during daylight hours.
- B. An applicant for a temporary open air market must submit a site plan showing the locations of the merchants.
- C. A temporary open air market must have the written permission of the owner or the entity in control of the property on which the itinerant merchant is located.
- D. A temporary open air market shall not encroach upon or disturb traffic movements and pedestrian circulation either within the site or on the adjacent streets and sidewalks.
- E. A temporary open air market shall provide rest room facilities for merchants and customers.
- F. A temporary open air market must demonstrate approval by the Fire Marshal and must meet relevant requirements of the North Carolina Building Code and must obtain all necessary driveway permit approvals.
- G. If the above standards are met, no additional Ordinance requirements are applicable.

