Section 4.1. Categorization of Principal Uses

4.1.1. ORGANIZATION

A. For the purposes of this UDO, principal land uses and activities are classified into five general “use classifications,” namely Agricultural, Residential, Civic & Institutional, Commercial, and Industrial, and then into specific “use categories” (e.g., Household Living within the Residential use classification) that are based on common functional, product, or physical characteristics, such as the type and amount of activity, the type of customers or residents, how goods or services are sold or delivered, and site conditions. Use categories may be further organized into “use types” (e.g., Townhouse Dwelling within the Household Living category) where there are a number of possible variations of a use category. An additional layer of organization is included in the Industry & Manufacturing use category to group use types under three-digit NAICS codes for ease of reference. The organization and classification of principal uses in this UDO provides a systematic basis for assigning present and future land uses into appropriate zoning districts.

B. The principal use of a parcel of land or structure is the primary or predominant purpose to which it is devoted and may include customary and ancillary uses that are associated with or support the principal use. A parcel of land may contain more than one principal building or structure.

4.1.2. APPLICATION AND INTERPRETATION

A. Permitted Uses and Approval Process

1. If a use is specifically listed and the applicant demonstrates that the use complies with the requirements of this UDO, including any applicable use-specific standards, that use and only that specific use may be authorized in accordance with the procedures and standards in Article 10: Administrative Procedures. No other uses may be substituted for the use requested.

2. Multiple uses may be permitted on a parcel where the site layout can be achieved in compliance with applicable zoning district standards, use standards, and development standards. Each use must be approved in accordance with the procedures and standards in Article 10: Administrative Procedures.

B. Interpretation of Uses

1. New or unlisted uses may be interpreted into the Table 4.2.1: Principal Use Table, though the process outlined in Section 4.1.3: Classification of New or Unlisted Uses.

2. If a use is identified in a specific use category in Table 4.2.1: Principal Use Table, it may not be interpreted into a different use category even though it may broadly fit within the use category.
4.1.3. CLASSIFICATION OF NEW OR UNLISTED USES

A. Interpretation Process

The County recognizes that new types of land uses will develop, and applicants may seek to locate land uses not anticipated in this UDO. When a use category or use type is proposed that is not specifically listed, the Planning Director shall make a determination as to the appropriate classification of any new or unlisted form of land use based on the criteria listed in subsection B below.

B. Interpretation Criteria

1. The Planning Director is authorized to classify uses on the basis of the use category, subcategory, or use type, or if the use appears to fit into multiple categories, subcategories, or use types; the Planning Director is authorized to determine the most similar, and thus most appropriate, use category, subcategory, or use type based on the actual or projected characteristics of the principal use or activity in relationship to the use category, subcategory, and use type descriptions provided in this Ordinance. In making such determination, the Planning Director shall consider:
   a. The types of activities that will occur in conjunction with the use;
   b. The types of equipment and processes to be used;
   c. The existence, number, and frequency of residents, customers, or employees;
   d. Parking demands associated with the use;
   e. Any special public utility requirements for serving the proposed use type, including but not limited to electricity, water supply, wastewater output, pretreatment of wastes and emissions required or recommended, and any significant power structures or infrastructure and communications towers and facilities;
   f. The impact on adjacent structures, uses, or lands created by the proposed use type, which should not be greater than that of other use types in the zone district; and
   g. Other factors deemed relevant to a use determination.

2. If a use can reasonably be classified in multiple categories, subcategories or specific use types, the Planning Director shall categorize the use in the category, subcategory, or use type that most closely matches the number of factors met and identify the key reasons for that determination.

4.1.4. USE CLASSIFICATIONS

A. Agricultural Uses

This is a classification of uses characterized by active and ongoing agricultural and forestry uses, activities, and related uses. An agricultural use, in general, means the use of and for the growing and production of field crops, trees and plants, livestock, aquatic, and animal products for the
production of income. Other agricultural uses might include fruit and vegetable stands, livestock sales, wholesale nurseries, and stables.

B. Residential Uses

This is a classification of uses made up of structures intended for ongoing and continuous human habitation.

C. Civic & Institutional Uses

This classification of uses encompasses public, quasi-public, and private uses that provide services of benefit to the public at-large.

D. Commercial Uses

This is a classification of uses that includes any retail, consumer service, or office use.

E. Industrial Uses

This classification of uses primarily involves the processing of raw materials and manufacture of goods but also includes the storage or shipment of goods and treatment of waste, large-scale power generation, and processing and disposal of waste and other materials.

Section 4.2. Allocation of Principal Uses

4.2.1. PRINCIPAL USE PERMISSIONS

Table 4.2.1: Principal Use Table, identifies which uses are permitted by right, permitted subject to approval of a special use permit, and prohibited in each zoning district. Permissions for the RFMU and EDZD districts are outlined in Article 3: Zoning Districts. The meanings of abbreviations in Table 4.2.1 are set forth in subsections A through D below.

A. A “P” in a cell indicates the use is permitted by right in the zoning district. Permitted uses, except for exempt bona fide farm uses, are subject to all other applicable standards of this UDO.

B. An “S” in a cell indicates that the use is allowed only if reviewed and approved as a special use in accordance with Section 10.3.5, Special Use Permit. Special uses are subject to all other applicable standards of this UDO.

C. An asterisk (“*”) beside a “P” or an “S” in a cell indicates that the use is subject to use-specific standards, as outlined in Section 4.3, Standards for Specified Principal Uses, in the respective zoning district.

D. A blank cell indicates that the use is not allowed in the respective zoning district.
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Communication and Information Facilities

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Educational Services
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Table 4.2.1: Principal Use Table

Key: P = Permitted by Right  S = Special Use Permit Required  * = Specific Use Standards Apply in District  blank cell = not allowed
<p>| Use                                      | RA | AR | R-20S | R-20 | R-15 | R-10 | R-7 | R-5 | RMF-L | RMF-M | RMF-MH | RMF-H | PD | UMXZ | B-1 | CB | B-2 | O&amp;I | SC | CS | AC | I-1 | I-2 | Use Standards |
|------------------------------------------|----|----|-------|------|------|------|-----|-----|-------|-------|--------|-------|----|-----|-----|----|----|----|-----|----|----|----|-----|-----|----------------|
| Commercial Parking Lot or Facility      |    |    |       |      |      |      |     |     | P     | P     |        | P     |    |     |     |    |    |    |     |    |    |    |     |     |                |
| Funeral Services                        |    |    | P     | P    | P    | P    | P   | P   | P   | P     |        |        | P   |    |     |     |    |    |    |     |    |    |    |     | 4.3.4.3        |
| Mini-Warehouse/Self-Storage             |    |    | P     | P    |     |     |     |     |     | P     | P     |        | P   |    |     |     |    |    |    |     |    |    |    |     | 4.3.4.3        |
| Off-Premises Advertising                |    |    | P     | P    | P    | P    | P   | P   | P   | P     |        |        | P   |    |     |     |    |    |    |     |    |    |    |     | 4.3.4.3        |
| Repair Shop                             |    |    | P     | P    | P    | P    | P   | P   | P   | P     |        |        | P   |    |     |     |    |    |    |     |    |    |    |     | 4.3.4.3        |
| Food &amp; Drink                            |    |    |       |      |      |      |     |     | P     | P     |        | P   |    |     |     |    |    |    |     |    |    |    |     |     |                |
| Restaurant                              |    |    |       |      |      |      |     |     | P     | P     |        | P   |    |     |     |    |    |    |     |    |    |    |     |     |                |
| Lodging                                 |    |    |       |      |      |      |     |     | P     | P     |        | P   |    |     |     |    |    |    |     |    |    |    |     |     |                |
| Bed and Breakfast Inn                   | S* | S* | S*    | S*   | S*   | S*   |     |     | P     |      |        |     |    |     |     |    |    |    |     |    |    |    |     |     | 4.3.4.5        |
| Campground/Recreational Vehicle (RV) Park| S* | S* | S*    | S*   | S*   | S*   |     |     | P*    |      |        |     |    |     |     |    |    |    |     |    |    |    |     |     | 4.3.4.5        |
| Hotel or Motel                          |    |    |       |      |      |      |     |     | P     | P     |        |     |    |     |     |    |    |    |     |    |    |    |     |     |                |
| Office                                  |    |    |       |      |      |      |     |     | P     | S     |        | P*   |    |     |     |    |    |    |     |    |    |    |     |     | 4.3.4.6        |
| Contractor Office                       |    |    |       |      |      |      |     |     | P     | P     |        | P*   |    |     |     |    |    |    |     |    |    |    |     |     | 4.3.4.6        |
| Labor Organization                      |    |    |       |      |      |      |     |     | P     | P     |        | P    |    |     |     |    |    |    |     |    |    |    |     |     |                |
| Offices for Private Business and Professional Activities |    |    |       |      |      |      |     |     | P     | P     |        | P    |    |     |     |    |    |    |     |    |    |    |     |     |                |
| Personal Services                       |    |    |       |      |      |      |     |     | P     | P     |        |     |    |     |     |    |    |    |     |    |    |    |     |     |                |
| Dry Cleaning/Laundry Plant              |    |    |       |      |      |      |     |     | P     | P     |        |     |    |     |     |    |    |    |     |    |    |    |     |     |                |
| Personal Services, General              |    |    |       |      |      |      |     |     | P     | P     |        |     |    |     |     |    |    |    |     |    |    |    |     |     |                |
| Retail Sales                            |    |    |       |      |      |      |     |     | P     | P     |        |     |    |     |     |    |    |    |     |    |    |    |     |     |                |
| Convenience Store                       | S  | S  | S*    | S    | S    | S    |     |     | P     | P     |        | P    |    |     |     |    |    |    |     |    |    |    |     |     | 4.3.4.8        |
| Food Market                             |    |    |       |      |      |      |     |     | P     | P     |        | P    |    |     |     |    |    |    |     |    |    |    |     |     |                |
| Grocery Store                           |    |    |       |      |      |      |     |     | P     | P     |        | P    |    |     |     |    |    |    |     |    |    |    |     |     |                |
| Pharmacy                                |    |    |       |      |      |      |     |     | P     | P     |        | P    |    |     |     |    |    |    |     |    |    |    |     |     |                |
| Retail Nursery                          | S  |    |       |      |      |      |     |     | P     | P     |        |     |    |     |     |    |    |    |     |    |    |    |     |     |                |</p>
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### Table 4.2.1: Principal Use Table

**Key:**  
- **P** = Permitted by Right  
- **S** = Special Use Permit Required  
- **=*** Specific Use Standards Apply in District  
- **blank cell** = not allowed

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| Soap, Cleaning Compound, and Toilet Preparation Manufacturing       |    |    |       |      |      |      |     |     |       |       |         |       |    |      |     |     |     |    |    |    |      | S   | P
| (NAICS 3256)                                                       |    |    |       |      |      |      |     |     |       |       |         |       |    |      |     |     |     |    |    |    |      |     |               |
| 326 Plastics & Rubber Products Manufacturing                       |    |    |       |      |      |      |     |     |       |       |         |       |    |      |     |     |     |    |    |    |      | S   | P
| Plastics Product Manufacturing                                      |    |    |       |      |      |      |     |     |       |       |         |       |    |      |     |     |     |    |    |    |      | S   | P
| (NAICS 3261)                                                       |    |    |       |      |      |      |     |     |       |       |         |       |    |      |     |     |     |    |    |    |      |     |               |
| Rubber Product Manufacturing                                        |    |    |       |      |      |      |     |     |       |       |         |       |    |      |     |     |     |    |    |    |      | S   | P
| (NAICS 3262)                                                       |    |    |       |      |      |      |     |     |       |       |         |       |    |      |     |     |     |    |    |    |      |     |               |
| 327 Nonmetallic Mineral Product Manufacturing                       |    |    |       |      |      |      |     |     |       |       |         |       |    |      |     |     |     |    |    |    |      | S   | P
| Cement and Concrete Product Manufacturing (NAICS 3273)              |    |    |       |      |      |      |     |     |       |       |         |       |    |      |     |     |     |    |    |    |      | S   | P
| [Except Cement Manufacturing (NAICS 32731)]                        |    |    |       |      |      |      |     |     |       |       |         |       |    |      |     |     |     |    |    |    |      |     |               |
| Clay Product and Refractory Manufacturing (NAICS 3271)              |    |    |       |      |      |      |     |     |       |       |         |       |    |      |     |     |     |    |    |    |      | S   | P
| Glass and Glass Product Manufacturing (NAICS 3272)                  |    |    |       |      |      |      |     |     |       |       |         |       |    |      |     |     |     |    |    |    |      | S   | P
| Other Nonmetallic Mineral Product Manufacturing (NAICS 3279)         |    |    |       |      |      |      |     |     |       |       |         |       |    |      |     |     |     |    |    |    |      | S   | P
| 331 Primary Metal Manufacturing                                     |    |    |       |      |      |      |     |     |       |       |         |       |    |      |     |     |     |    |    |    |      |     |               |
| Alumina and Aluminum Production and Processing (NAICS 33131)        |    |    |       |      |      |      |     |     |       |       |         |       |    |      |     |     |     |    |    |    |      | S   | P
| [Except Alumina Refining and Primary Aluminum Production (NAICS 33131) and Secondary Smelting and Allowing of Aluminum (NAICS 331314)] |    |    |       |      |      |      |     |     |       |       |         |       |    |      |     |     |     |    |    |    |      |     |               |
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Table 4.2.1: Principal Use Table

Key:  
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- **S** = Special Use Permit Required
- **=** Specific Use Standards Apply in District
- **blank cell** = not allowed
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### Table 4.2.1: Principal Use Table

<table>
<thead>
<tr>
<th>Use</th>
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<tr>
<td><strong>Sanitary Landfill (NAICS 562212)</strong></td>
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<tr>
<td>Warehousing, Storage, &amp; Wholesale Sales and Distribution</td>
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<td>Dry Stack Boat Storage Facility, Stand-Alone</td>
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<td>Motor Freight Transportation Warehousing</td>
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<td>Recreational Vehicle and Boat Trailer Storage Lot</td>
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<td>Landfill, Demolition</td>
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<td>Landfill, Landscape</td>
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<td>Junk Yards, Scrap Processing</td>
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<td>Septage, Sludge Disposal</td>
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<td>4.3.5.5</td>
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</tbody>
</table>

**Key:**
- **P** = Permitted by Right
- **S** = Special Use Permit Required
- **(*)** = Specific Use Standards Apply in District
- **Blank Cell** = not allowed
Section 4.3. Standards for Specified Principal Uses

4.3.1. AGRICULTURAL USES

A. All Agricultural Uses

1. Stable
   Stables in the AR, R-20, and R-15 districts shall comply with the following standards:
   a. No stable shall be erected closer than 100 feet to any property line.
   b. A buffer in compliance with Section 5.4, Landscaping and Buffering, shall be required along property lines adjacent to residential uses.

4.3.2. RESIDENTIAL USES

A. Household Living

1. Dwelling, Dual-Unit Attached
   Dual unit attached dwellings in the B-1 and B-2 districts shall comply with the standards for multi-family dwellings.

2. Dwelling, Multi-Family
   Multi-family dwellings in the B-1 and B-2 districts shall comply with the following standards:
   a. Dwelling units must be part of mixed use development established to provide innovative opportunities for an integration of diverse but compatible uses into a single development that is unified by distinguishable design features with amenities and walkways to increase pedestrian activity.
   b. The development shall be single ownership or unified control of a property owners association.
   c. Uses within the development are restricted to residential uses and uses allowed in the B-1 district.
   d. Sidewalks must be provided throughout the project.
   e. Parking location and quantity shall be shared.
   f. Community facilities and/or common area shall be provided.
   g. Mixed-Use Residential buildings are permitted and encouraged.
   h. Conceptual elevations indicating proposed architectural style and conceptual lighting plans shall be submitted with the application.

3. Dwelling, Quadruplex
   Quadruplex dwellings in the B-1 and B-2 districts shall comply with the standards for multi-family dwellings.
4. **Dwelling, Single-Family Detached**
   Single-family dwellings in the B-1 and B-2 districts shall comply with the standards for multi-family dwellings.

5. **Dwelling, Triplex**
   Triplex dwellings in the B-1 and B-2 districts shall comply with the standards for multi-family dwellings.

6. **Dwelling, Row-Style**
   Row-style dwellings in the B-1 and B-2 districts shall comply with the standards for multi-family dwellings.

7. **Live/Work or Caretaker Unit**
   The purpose of this provision is to allow close physical proximity required by the owner-operator or a full-time employee to effectively transact a small business and yet maintain economically and safely a family dwelling unit within the same structure.
   
   **a.** Any attached and detached live/work unit shall be allowed, provided:
   
   1. The dwelling unit shall be occupied solely by the person engaged in the principal use, a full-time employee, or their family members residing with them;
   2. The building shall meet the minimum side and rear setbacks of the R-15 district and the front setback requirements of the underlying zoning district.
   3. The site shall provide an open space, unobstructed by any buildings, parking or structures, equal to the total floor space of the dwelling unit.
   4. The amount of floor area for the dwelling unit shall be not more than 50 percent of the total floor area of the principal use.
   5. The dwelling unit shall be located totally above the ground floor or totally to the rear of the principal structure so as not to interrupt the commercial frontage.
   6. In addition to the required off-street parking for the principal use, 2 off-street parking spaces shall be provided for the dwelling unit.
   7. A site plan and building layout shall be submitted with application.
   
   **b.** A mobile home may be used as a separate and unattached residential structure under this provision, provided the following standards:
   
   1. An area of 15,000 square feet can be designated for the use of residents, free from any use or activity needed to operate the business;
   2. The mobile home shall be screened from view by adjacent properties or rights-of-way as specified in Section 5.4, Landscaping and Buffering;
3. The dwelling unit shall be occupied solely by the person engaged in the principal use, a full time employee, or their family members residing with them;

4. The mobile home shall meet the minimum side and rear setbacks of the R-15 District and the front setback requirements of the underlying zoning district;

5. The mobile home shall be totally to the rear of the principal use so as not to interrupt the commercial frontage; and

6. A site plan and building layout shall be submitted with application.

c. A single family dwelling unit may be constructed under this provision as a caretaker home for the enforcement and maintenance of conservation areas, provided:

1. The dwelling shall be occupied solely by the person engaged in the maintenance of the conservation land, an employee of the organization holding the conservation easement, or their family members residing with them;

2. The conservation easement allows a residence on the designated conservation land;

3. The building shall meet the minimum side and rear setbacks of the R-15 District and the front setback requirements of the underlying zoning district; and

4. A site plan and building layout shall be submitted with application.

8. Mobile Home

Mobile homes in the I-1 and I-2 districts shall comply with all dimensional requirements as specified for residential dwellings in the R-15 District.

9. Mobile Home, Doublewide

a. All doublewide mobile home structures shall have a gabled roof and be permanently affixed to a continuous permanent masonry foundation unpierced except for required ventilation and access.

b. Wheels, axles, transportation lights, and towing apparatus must be removed.

10. Mobile Home Park

Mobile home parks shall comply with the following standards:

a. General Standards

1. Density shall not exceed 2.5 units per acre outside of areas designated as Employment Center, Urban Mixed Use, or Community Mixed Use in the County’s Comprehensive Plan.

2. No person shall construct a mobile home park or make any addition to a mobile home park that either alters the number of sites for mobile homes within the park or affects the facilities
required therein without a permit authorizing such construction or addition.

3. Every mobile home park shall contain at least three mobile home spaces.

4. The amount of land for each mobile home space utilizing individual septic tank systems shall be determined by the New Hanover County Health department after an investigation of soil conditions, the proposed method of sewage disposal, and proposed water system. However, in no case shall the size of a mobile home space be less than 5,000 square feet, and 6,000 square feet for multi-section units.

5. No mobile home park spaces shall be located in the 100-year Floodplain.

6. Parking shall be provided off-street at a ratio of 2:1 and shall be set back a minimum of ten feet from the roadway surface.

b. Space Requirements

1. Each mobile home space shall be at least 40 feet wide.

2. There shall be at least 20 feet of clearance between mobile homes, including ones parked end-to-end.

3. No mobile home shall be located closer than 75 feet to any residentially zoned property not occupied by a mobile home park.

4. Mobile homes shall be set back a minimum of 29 feet from the center line of the roadway.

c. Buffering

The mobile home park shall meet the requirements of 5.3.8.C, Landscaping and Buffering, except that no decrease in the required 75-foot setback shall be allowed if a buffer width is increased.

d. Road Improvements

1. All roads in any mobile home park serving more than 25 spaces shall be paved to county specifications.

2. Each road shall be at least 18 feet in width and shall be generally centered in a right-of-way not less than 30 feet in width with direct access to a publicly maintained street or highway.

3. Each mobile home space shall abut an improved interior road, but none shall have direct access to a public street or thoroughfare.

4. Every street shall have a reserved strip six feet in width running parallel and adjacent to each side of the paved surface that shall be used for driveways, walkways, grass, low growing vegetative cover, or utility rights-of-way and must be seeded.

5. Unless unusual topography or configuration of property lines dictate otherwise, cul-de-sacs shall not exceed 1,000 feet in
length with a minimum turnaround of 80 feet in diameter and an improved surface radius of 35 feet.

6. All streets will be appropriately identified with street name signs as applicable.

7. Parks providing internal access using unpaved roads shall design these roads to ensure emergency vehicle access.

e. **Space Identification**

All spaces shall be permanently identified with numbers at least three inches high located on the ground by permanent markers or on monuments, provided they are visible from the street. The numbers may be pole-mounted provided the numbers do not exceed one square foot and the pole does not exceed three feet in height except that electrical pedestals may also be used for numbering. Each individual mobile home shall also be affixed with lot identification numbers erected on the façade of the structure that fronts the roadway.

f. **Signage**

Permanent identification signs for the park may be allowed provided:

1. The sign is non-illuminated and does not exceed 32 square feet in area; and

2. The sign shall be located on private property and at least ten feet from any public right-of-way and at least 20 feet from any dwelling unit.

g. **Open Space**

1. The developer shall be responsible for ensuring adequate open space areas are available for use by the residents in accordance with Table 4.3.2.A.10.g: Required Open Space.

<table>
<thead>
<tr>
<th>Number of Mobile Home Spaces in Park</th>
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<tr>
<td>26-50</td>
<td>½ acre</td>
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<tr>
<td>51-100</td>
<td>1 acre</td>
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<tr>
<td>101-150</td>
<td>1 ½ acres</td>
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<tr>
<td>Over 150</td>
<td>1 ½ acres + 199 square feet per lot over 150</td>
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2. All open space areas shall have a minimum of 2,500 square feet. This requirement may be waived if the average lot size of the mobile home park is 10,000 square feet or greater.

3. Open space areas shall be designed and located to be easily accessible to all residents.
h. **Street Lights**

A lighting system consisting of electric lamps with 200-foot spacing or as specified by power company standards shall be provided. Pole mounted lights shall be set back 5 feet from the edge of the roadway surface. Lighting intensity shall be based on the standards used by the power company for candlepower at ground level.

i. **Refuse Collection**

Arrangements shall be made for a private vendor or other source to collect refuse, either from individual spaces or from centrally located dumpster sites. All dumpster locations are to be fenced and screened from view. Individual refuse receptacles shall be waterproof and rodent proof.

j. **Sewage Disposal**

All parks are to be provided with a sewage collection system and/or septic tanks approved by the appropriate agency.

k. **Water Supply**

All parks shall obtain water from a public source or a source as approved by the local or state health agency.

l. **Utilities**

Each space shall be equipped with water, sewer, and electrical connections.

m. **Fire Hydrants**

1. For any mobile home park with three or more spaces that is served by a public or private central water system meeting state requirements for fire hydrants, the developer shall be required to install a fire hydrant at the entrance to the mobile home park.

2. For any mobile home park with 10 or more spaces that is served by a central water system meeting state requirements for fire hydrants, the developers shall be required to install additional hydrants equal to the total linear feet of the roadway divided by 1,000 or to the total number of spaces divided by 40, whichever is greater. These additional hydrants shall be spaced evenly throughout the mobile home park in order to provide maximum fire protection coverage, as determined by the County Fire Marshal. In no case shall a space be located more than 500 feet from a hydrant.

3. For any mobile home park with three or more spaces and with no adequate central water system, but either including or adjacent to an adequate, permanent surface water body, the developer shall be required to do one of the following:

   i. Install a dry fire hydrant as close to the water source as possible, with the adequacy of the water source and location
of the dry fire hydrant to be determined by the County Fire Marshal; or

ii. Establish an easement or road to the water source providing permanent, all-weather access that is adequate, as determined by the County Fire Marshal for fire-fighting equipment and vehicles.

n. Mobile Home Stands and Anchors

Each mobile home space shall be improved to provide an adequate foundation for the placement and anchoring of the mobile home as follows:

1. The mobile home site shall be improved to provide an adequate foundation for the placement and anchoring of the mobile home, thereby securing the structure against uplift, sliding, rotation, and/or overturning.

2. Each mobile home shall be provided with anchorage in accordance with the North Carolina Uniform Standard Code for Mobile Homes.

o. Permitted Uses

1. Within a mobile home park, one mobile home or dwelling unit may be used as an administrative office. Other administrative and service buildings housing sanitation and laundry facilities or any other such facilities shall comply with all applicable ordinances, codes, and statutes regarding buildings, electrical installations, plumbing, and sanitation systems.

2. Convenience establishments of a commercial nature, including food stores, coin-operated laundries and dry cleaning establishments, laundry and dry cleaning pickup stations, beauty parlors, and barber shops may be permitted in mobile home parks subject to the following restrictions:

   i. Such establishments shall be located, intended, and designed to serve only the trade or service needs of persons residing in the park.

   ii. Such establishments shall be subordinate to the residential use and character of the park.

   iii. Off-street parking for commercial establishments shall be provided at a ratio of 1 space for every 400 square feet of gross floor area.

   iv. Such establishments shall present no visible evidence of their commercial character from any portion of any residential district outside the park.

   v. Commercial establishments other than a coin-operated laundry shall be limited to 500 square feet of gross floor area for parks have less than 75 occupied mobile home spaces.
vi. Commercial establishments in parks having more than 75 occupied spaces shall be limited to 1,000 square feet of gross floor area.

vii. Parks that decrease their occupied spaces to less than 75 for a period of 12 months shall be required to decrease the amount of gross floor area for commercial establishments to 500 square feet.

viii. Vehicular access to such establishments shall be from interior streets.

ix. Signs serving such establishments inside the mobile home park shall be limited to 20 square feet in area, non-illuminated, and shall be attached to the establishment.

p. Maintenance and Records

1. All service buildings, commercial structures, and the grounds of the park shall be maintained in clean condition and kept free from any condition that will menace the health of any occupant, the public, or constitute a nuisance.

2. It shall be the duty of the operator of the park to keep an accurate register containing a record of all occupants of the park. The owner shall keep the register available at all times for inspection by law enforcement officials, public health officials, and other officials whose duties necessitate acquisition of the information contained in the register. The register shall contain the name and address of the occupants of each space.

q. Travel Trailers Prohibited

Travel trailers are not permitted in a mobile home park.

r. Occupancy

No mobile home space shall be occupied until all improvements have been completed for the phase of the park under review and a final site development plan for that phase has been signed by the Planning Director. Final Site Plans shall comply with Section 10.3.6: Site Plan. Required improvements shall include but not be limited to: installation of water and sewer systems, installation of roads, electric systems and street lighting, installation of roads and recreation area development and marked spaces. A field inspection by the appropriate inspection officials and engineering officials shall be conducted to verify the installation of required improvements.

s. Improvement Sureties

Occupancy of an improved mobile home park space may be approved in lieu of street paving and required landscaping provided the developer provides the County a surety, either in the form of a bond, cash in escrow or irrevocable letter of credit in an amount equal to the projected cost of the improvements left incomplete. No surety or
portion thereof shall be released by the County until certification of completion of the improvement has been provided.

B. Group Living

1. Family Care Home
   Family care homes shall not be located within a 2,000-foot radius of an existing family care home.

2. Fraternity/Sorority Residence
   Fraternity/sorority residences shall comply with the following standards:
   a. All fraternity/sorority residences shall meet the location criteria established for Additional Dwelling Allowances in Section 3.1.3.E.
   b. The lot size for the residence shall be no less than 20,000 square feet for new construction and no less than 15,000 square feet for the conversion of existing buildings.
   c. The usable floor space shall be no less than 250 square feet per resident.
   d. A continual visual buffer a minimum of six feet in height and consisting of a combined fence and evergreen hedge or shrubbery screen shall be required to screen all parking areas from adjacent properties and rights-of-way.

3. Group Home
   Group homes shall comply with the following standards:
   a. Group homes shall be limited to six disabled persons living together as a self-supporting and self-sufficient household unit.
   b. No group home shall be occupied or operated without zoning approval.
      1. Group homes that are exempt from licensure pursuant to NCGS §122C-22 must recertify their exemption status annually; and
      2. Group homes for special needs persons must recertify qualification of all residents as special needs persons annually.
   c. Parking shall be provided in accordance with Section 5.1: Parking and Loading.
   d. Group homes shall not be located closer than 2,000 feet to any other existing group home, measured by a straight line from the nearest property lines, irrespective of jurisdictional boundaries. The distance shall be reduced by the right-of-way of a major thoroughfare exceeding 100 feet, major topographical features such as a major watercourse, or by major nonresidential or public uses such as a park, school, or religious institution.
   e. Reasonable accommodations shall be provided in accordance with Section 10.3.13, Reasonable Accommodation.
4. **Senior Living: Assisted Living Facility**

Developments in this category that are not part of a continuing care retirement community shall comply with the following standards:

a. The minimum lot size is five acres.

b. The minimum parking required is 1.25 spaces per living unit plus one space per employee on the largest shift.

c. Maximum height shall be limited to 35 feet when buildings are placed within 50 feet of single-family residential lots or parcels.

d. Except as otherwise required by subsection c above, the height of buildings may be increased to no more than 50 feet when setbacks are increased to equal the proposed height of the building.

e. The site must be served by public water and sewer.

f. Maximum impervious area shall not exceed 50 percent of the net acreage. In areas where coastal stormwater rules apply, those limits will supersede this provision.

g. Open space and improved recreation space shall be provided at a rate of 20 percent of net acreage. Vegetative buffers of not less than 20 feet are required for all proposals.

h. Traffic impacts and required road improvements must be reviewed and approved by the MPO and NCDOT. Frontage on an arterial or collector roadway is required.

i. All other local state or federal permits or authorizations are required.

5. **Senior Living: Continuing Care Retirement Community**

a. **Standards in All Zoning Districts**

Continuing care retirement communities in all zoning districts shall comply with the following standards:

1. The minimum lot size is 20 acres.

2. The minimum parking spaces required are 1.5 spaces per independent or assisted living unit plus one space per employee on the largest shift at all facilities.

3. Maximum impervious area for the total development may not exceed 40 percent of the net acreage. In areas where coastal stormwater rules apply, those limits will supersede this provision.

4. Commercial uses in the nature of small, neighborhood shops, each not exceeding 5,000 square feet of gross floor area may occupy up to 2 percent of the net acreage.

5. Maximum height may not exceed 35 feet for single family structures designated for seniors or for any building within 50 feet of single family residential lots or parcels.
6. Except as noted in subsection 5 above, maximum height may be increased to no more than 50 feet when setbacks are increased to equal the proposed height of the building.

7. Public water and sewer must serve the site.

8. Open space and improved recreational area shall be provided at a rate of 35 percent of net acreage. Improved recreation space shall be appropriate for seniors at all stages of lifestyle transition, such as ADA accessible walkways, gardens, and parks.

9. Vegetative buffers of not less than 20 feet are required for all proposals.

10. Traffic impacts and required road improvements must be reviewed and approved by the MPO and NCDOT. Frontage on an arterial or collector street is required unless located in a Planned Development and meeting the requirements outlined below.

11. All other local state or federal permits or authorizations are required.

b. Standards in Planned Development (PD) District
   See Section 3.3.7.E.7: Continuing Care Retirement Facility Standards in Planned Development districts.

4.3.3. CIVIC & INSTITUTIONAL USES

A. Child & Adult Care

1. Adult Day Care
   Adult day care shall comply with the following standards:
   a. Such facilities shall be limited to the care of no more than 50 adults eighteen years of age or older.
   b. Care shall not exceed 24 hours at one time.
   c. Services must be provided in a home or facility certified to meet State standards and shall be provided for the following individuals:
      1. Adults who do not need nursing care but who require complete, full-time daytime supervision;
      2. Adults who need assistance with activities of daily living in order to maintain themselves in their own homes; and
      3. Adults who need intervention in the form of enrichment and opportunities for social activities in order to prevent deterioration that would lead to institutionalization.

2. Family Child Care Home
   Family and Child Care Homes in Residential Districts shall comply with the following standards:
   a. All dimensional requirements of the underlying district must be met.
b. The entire play area shall be enclosed with a fence having a minimum height of 4 feet and constructed in such a manner that maximum safety is ensured.

c. No outside sign in excess of two square feet shall be permitted, except when such facility is located on an existing roadway identified as a collector or arterial facility on the Wilmington MPO Functional Classification Map, in which case the maximum sign area shall be 12 square feet.

B. Civic

1. Animal Shelter

Animal Shelters in R-15 and R-20 Districts shall comply with the following standards:

a. Minimum lot size shall comply with Table 4.3.3.B.1.a: Animal Shelter Minimum Lot Size, based on the number of animals kept at the shelter.

<table>
<thead>
<tr>
<th>Number of Animals</th>
<th>Minimum Lot Size</th>
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<tbody>
<tr>
<td>1-10</td>
<td>2 acres</td>
</tr>
<tr>
<td>11-20</td>
<td>4 acres</td>
</tr>
<tr>
<td>21-30</td>
<td>6 acres</td>
</tr>
</tbody>
</table>

For each additional acre beyond six acres, an additional ten animals may be permitted. The minimum lot size requirements may be waived if the shelter is constructed to entirely enclosed all facilities so as to adequately protect all animals from weather extremes and to protect adjacent residences from noise, odors, and other objectionable characteristics, provided all building setback requirements are met.

b. All lots on which a shelter is located must have direct access onto a street that meets the minimum requirements for acceptance and maintenance by the NC Department of Transportation.

c. All structures shall have side and rear setbacks of 50 feet.

d. All county requirements regarding sewage disposal systems and sanitation control methods shall be met.

e. No outside sign in excess of 2.25 square feet in area shall be permitted.

2. Lodges, Fraternal, and Social Organizations

Lodges, Fraternal, and Social Organizations in all residential districts except R-20S shall comply with the following standards:

a. All new sites shall be a minimum of two acres in size.
b. Structures shall have side and rear setbacks of 50 feet and a front yard of at least 25 feet greater than that required for single family residences within the district located.

c. Provisions for food, refreshments, and entertainment for club members and their guests may be allowed in conjunction with such use if the Board of County Commissioners determines that said provisions will not constitute a nuisance.

3. Religious Assembly

a. Religious Assemblies in the R-5 and RMF districts shall comply with the following standards:

1. Religious institutions up to 1,000 or fewer seats are allowed as long as:
   i. Structures are limited to a sanctuary or similar main gathering facility that may also include individual rooms for administration, dining halls, and classrooms. Accessory structures for maintenance and storage purposes are permitted.
   ii. Signs shall not be internally illuminated.

2. The following uses are prohibited without a special use permit:
   i. Outdoor recreational facilities, except those associated with child care provided as part of the principal use. Such facilities shall be restricted to “tot lots” or similar play areas.
   ii. Schools associated with the institution.
   iii. Indoor recreation facilities such as basketball courts or similar facilities.
   iv. Religious institutions with more than 1,000 seats, provided that such facilities shall only be allowed if direct access from a collector street or minor or major thoroughfare is provided.

3. Primary vehicular access to the use shall not be provided by way of a local residential street.

4. When a religious institution and any associated buildings, outdoor recreational facilities or off-street parking areas abut a single-family residential district or use, a buffer shall be provided along the side and rear yards.

b. Religious Assemblies in the CB and CS districts shall comply with the following standards:

1. Religious institutions are permitted with no seat limitations if located on a local street or minor or major thoroughfare.

2. Primary vehicular access to the use shall not be provided by way of a local residential street.

3. When a religious institution and any associated buildings, outdoor recreational facilities, or off-street parking areas abut a single-
family residential district or use, a buffer shall be provided along the side and rear yards.

C. Communication and Information Facilities

a. Except for amateur radio antenna up to 90 feet, any tower, antenna, or related structure in any zoning district shall be set back from any existing residential property line or residential zoning district boundary a distance equal to the height of the tower as measured from the base of the tower. In no case shall the setback for any tower, antenna, or related structure be less than 50 feet.

b. Where Special Use Permits are required, all of the following standards shall be applied, and all requirements must be met. Additional conditions may be determined to mitigate negative impacts, and the permit should be approved only if all negative impacts can be mitigated. No reductions in setbacks may be granted for this use for increased buffers.

1. The minimum distance between the tower and any other adjoining parcel of land or road must be equal to the minimum setback described above, plus any additional distance necessary to ensure that the tower, as designed, will fall within the tower site.

2. The applicant shall provide simulated photographic evidence of the proposed appearance of the tower from four vantage points and a statement as to the potential visual and aesthetic impacts on all adjacent residential zoning districts. The simulation shall include overall height; configuration; physical location; mass and scale; materials and color (including proposals for steal structures); and illumination.

3. Concealed (stealth) or camouflaged facilities are encouraged when the method of concealment is appropriate to the proposed location. Attached stealth facilities may include but are not limited to: painted antenna and feed lines to match the color of a building or structure, faux windows, dormers, or other architectural features that blend with an existing or proposed building or structure. Freestanding stealth facilities typically have a secondary, obvious function such as a church steeple, windmill, silo, light standard, flagpole, bell/clock tower, water tower, or tree.

4. The proposed appearance of concealed or non-concealed facilities shall be evaluated for compatibility with the surrounding community prior to submission of the special use application. Applicants shall meet with Planning and Land Use staff for a preliminary review of proposed appearance in order to assure each facility will impose the least obtrusive visual impact.

c. A landscaped buffer with a base width not less than 25 ft. and providing 100 percent opacity shall be required within the tower site to screen the exterior of protective fencing or walls. The base of the tower and each guy wire anchor must be surrounded by a fence or wall not less than eight feet in height.
d. All towers shall be constructed to accommodate collocation. Towers over 150 feet in height shall be engineered to accommodate at a minimum two additional providers. Towers 150 feet or less in height shall be engineered to accommodate at a minimum one additional provider.

e. All applicants seeking approval shall also submit a written affidavit from a qualified person or persons, including evidence of their qualifications, certifying that the construction or placement of such structures meets the provisions of the Telecommunications Act of 1996, the National Environmental Policy act of 1969, FCC Rules Sections 1.1311, 1.1312, 1.1307 and all other applicable federal, state, and local laws. The statement must certify that radio frequency emissions from the antenna array(s) comply with the FCC standards. The statement shall also certify that both individually and cumulatively the proposed facilities located on or adjacent to the proposed facility will comply with current FCC standards. In accordance with NCGS 153A-349.52(a), the county cannot base its permitting decision on public safety implications of radio frequency emissions of wireless facilities.

f. Any tower and associated equipment which was lawfully constructed under the terms of the Ordinance, which is now considered a nonconforming improvement, may continue or be reconstructed as a conforming improvement even though the tower and associated equipment may not conform with the provisions of this ordinance for the district in which it is located. Towers and associated equipment may only be enlarged and/or relocated if the enlarged or relocated tower eliminates the need for an additional tower, provides additional collocation opportunities on the tower, or provides additional antenna space on the tower; and provided further that the enlargement and/or relocation shall be in conformance with the following regulations and design limitations:

1. Tower height may not be increased by more than 15 percent of the originally constructed tower height. Increases in height greater than 15 percent will require a variance from the Board of Adjustment.

2. A tower shall be allowed to be reconstructed and relocated within the boundaries of the property on which it is located so long as the decrease in the setbacks does not exceed 15 percent of the originally constructed tower height and the relocated tower is sited to minimize any increase in the existing nonconformity. Any request to reconstruct and relocate the tower where the resulting decrease in setback exceeds 15 percent of the originally constructed tower height shall require a variance from the Board of Adjustment.

g. Cellular and PCS antennas attached to existing structures shall not add more than six feet to the overall height of a structure.

h. Signage shall comply with the following standards:
1. Attaching commercial messages for off-site or on-site advertising shall be prohibited.

2. The only signage that is permitted upon a tower, antenna support structure, equipment cabinet, or fence shall be informational and for the purpose of identifying:
   i. The antenna support structure (such as ASR registration number);
   ii. The party responsible for the operation and maintenance of the facility;
   iii. Its current address and telephone number;
   iv. Security or safety signs;
   v. Property manager signs for the tower (if applicable); and
   vi. Signage appropriate to warn the general public as to the use of the facility for radiofrequency transmissions.

i. Equipment compounds shall comply with the following standards:
   1. Shall not be used for the storage of any equipment or hazardous waste (e.g., discarded batteries) or materials not needed for the operation. No outdoor storage yards shall be allowed in a tower equipment compound.
   2. Shall not be used as a habitable space.

j. Outside experts and disputes are subject to the following provisions:
   1. Siting of telecommunications facilities may involve complex technical issues that require review and input by outside experts. Staff may require the applicant to pay the reasonable costs of a third-party technical study of a proposed facility. Selection of expert(s) to review the proposal shall be at the sole discretion of the decision-making body.
   2. If an applicant for a telecommunications facility claims that one or more standards of this ordinance are inconsistent with federal law as applied to a particular property, or would prohibit the effective provision of wireless communications within the relevant market area, the decision-making body may require that the applications be reviewed by a qualified engineer for a determination of the accuracy of such claims. Any costs shall be charged to the applicant.

k. The applicant shall submit Form 7460 to the Federal Aviation Administration (FAA) to assure compliance with all FAA standards and to resolve issues of concern, including required lighting, possible transmission interference or other conflicts when the proposed tower site is located within 10,000 feet of an airport or within any runway approach zone.

D. Educational Services

RESERVED
E. Government Services
RESERVED

F. Health Care Facilities

1. Hospital
Hospitals in the R-20, R-15, and R-10 districts shall comply with the following standards:
   a. The minimum lot size is two acres.
   b. The structure shall have side and rear setbacks of 50 feet and a front yard of at least 25 feet greater than required of single family residences within the district in which located.

2. Nursing and Rehabilitation Center
Nursing and Rehabilitation Centers in all districts where a special use permit is required shall comply with the following standards:
   a. The minimum lot size is two acres.
   b. The structure shall have side and rear setbacks of 50 feet and a front yard of at least 25 feet greater than required of single family residences within the district in which located.
   c. The number of beds approved should correspond to the number of beds allocated to the applicant by an approved certificate of need.

G. Recreation, Parks, and Open Space

1. Boating Facility, Community
Community boating facilities shall comply with the following standards:
   a. The rights to use such facility must be conferred by an easement appurtenant to the residential lot it is intended to serve.
   b. The applicant shall demonstrate that the project will have minimal impacts on water quality, primary nursery areas, shellfish grounds, and conservation resources.
   c. Off-street parking will be provided at a ratio of one space per boat slip.
   d. The number of boat slips may not exceed the number of residential lots or dwelling units within the associated development.
   e. Commercial activities, including but not limited to the sale of gasoline, oil, marine supplies and food stuffs, shall be strictly prohibited.

2. Boating Facility, Private Residential
   The rights to use a private residential boating facility must be conferred by an easement appurtenant to the residential lot it is intended to serve.

3. Cemetery
   A cemetery shall meet the minimum requirements of the NC State Cemetery Commission.
H. Transportation

1. Marina, Commercial

Commercial marinas shall comply with the following standards:

a. Commercial Marinas in Residential Districts and B-1 Districts shall comply with the following standards:

b. A minimum of one off-street parking space per boat slip and one space per 4 dry storage facilities shall be required.

c. A buffer in compliance with Section 5.5.: Landscaping and Buffering shall be required along all property lines abutting residential property.

d. Night lighting by design and construction shall be contained on the site.

e. A site plan shall be submitted for review and approval.

f. The applicant shall demonstrate that the siting of the facility will have minimal impacts on water quality, primary nursery areas, shellfish grounds, and conservation resources.

g. Any accessory dry stack boat storage facility must be clearly identified on the approved site plan, be described in the findings of fact, and meet all accessory use-specific standards outlined in Section 4.3.5: Standards for Specified Accessory Uses. Additional buffers or screenings will be required to mitigate noise, light, and dust impacts on surrounding properties.

2. Marina, Commercial with Floating Structures

Commercial marinas with floating structures in the R-20S, R-20, R-15, B-1, B-2, I-1, and I-2 districts shall comply with the following standards:

a. Floating structures shall not be located within 15 feet of the waterward extension of all property lines.

b. Not more than one dwelling unit per floating structure shall be permitted.

c. A permanent pier, dock, or walkway with adequate night lighting shall join each floating structure and the adjacent shoreline.

d. Each floating structure shall be inspected and approved by the Building Safety Department prior to placement in the marina. This approval shall be dependent upon, but not limited to, approval of the electrical system and the method of exiting.

e. Each floating structure shall be provided with permanent water and sewer systems approved by the New Hanover County Health Department. All wastewater piping from the unit shall be constructed to the NC State Plumbing Code. No overboard discharge openings through the hull or structure shall be permitted except for one dewatering pipe which may not be connected to wastewater piping.

f. A system for collection and removal of solid wastes and refuse shall be approved by the New Hanover County Health Department.
g. A minimum of two off-street parking spaces per floating structure shall be provided on-shore.

h. H. A minimum of 2,000 square feet of gross land area contiguous and above mean high water shall be provided for each floating structure on-shore.

i. A site plan shall be submitted for approval showing all improvements as required by this ordinance.

j. Any floating structure existing prior to the original adoption of these use standards on April 2, 1984 was required to conform within one year of that date.

k. The applicant shall demonstrate that the siting of the facility will have minimal impacts on water quality, primary nursery areas, shellfish grounds, and conservation resources.

l. Utilities

1. Electric Substation

   Electric substations in the R-5 and RMF Districts shall comply with the following standards:

   The substation must be screened in accordance with Section 5.4, Landscaping and Buffering, except that screening may be reduced if the substation is completely screened from view of the public right-of-way or adjacent property.

2. Utility Lines, Structures, and/or Facilities; General

   a. General utility lines, structures, and/or facilities in all districts shall comply with the following standards:

      1. All sewage and disposal and collection facilities shall be designed and installed in accordance with the standards and requirements set by CFPUA and/or appropriate local or state agency.

      2. Non-CFPUA sewage treatment systems shall be located only in those districts in which the use they are serving is permitted. However, non-CFPUA sewage treatment systems serving uses in more than one district may be located in any of those use districts.

   b. General utility lines, structures, and/or facilities in the R-5 and RMF districts shall comply with the following standards:

      1. The utility must be screened in accordance with Section 5.4, Landscaping and Buffering, except that screening may be reduced if the utility is completely screened from view of the public right-of-way or adjacent property.
4.3.4. COMMERCIAL USES

A. Amusement & Entertainment Uses

1. Adult Entertainment Establishment

   Adult entertainment establishments in the I-1 District shall comply with the following standards:

   a. Each adult entertainment establishment shall be located a minimum of 1,000 feet from any existing adult entertainment establishment. Such measurement shall be the horizontal distance between the nearest property lines of the proposed and existing adult entertainment establishment.

   b. Each adult entertainment establishment shall be located a minimum of 1,000 feet from any residentially zoned area, church, school, or park. Such measurement shall be the horizontal distance between the property line of the proposed adult entertainment establishment and the nearest residential zoning line or property line of any church, school, or park.

   c. Any display, device, or sign that depicts or describes specified sexual activities or specified anatomical areas shall be out of view of the public way and surrounding property.

   d. Any adult entertainment establishment existing prior to the original adoption of these use standards on November 1, 1993 was required to conform within one year of that date.

2. Electronic Gaming Operation

   Electronic gaming operations shall comply with the following standards:

   a. Hours of operation shall be limited to 8:00 am through 12:00 midnight, seven days per week.

   b. Alcohol sales or consumption shall be prohibited.

   c. The maximum number of machines/terminals/computers for any electronic gaming operation business is ten.

   d. All food or beverage to be served or distributed by the establishment must meet the requirements of the New Hanover County Environmental Health Department, including any and all permits and licenses.

   e. Fire Services shall set an occupancy limit for the establishment prior to submission of an application.

   f. Maximum daily cash payout shall not exceed $600. Winning which exceed this amount shall be paid out in the form of a check or credit.

   All establishments engaged in internet and sweepstakes operations must comply with all reporting requirements regulated by the Internal Revenue Service.

   g. Any building and/or zoning permits issued for electronic gaming and sweepstakes operations shall be subject to annual review (from the
date of approval) to ensure compliance with all relevant regulations and conditions.

h. Required off-street parking shall be one space for each 100 square feet of gross floor area or one space for every two terminals/computers, whichever is greater, and must comply with all other provisions of this ordinance.

i. Electronic gaming operations shall be located a minimum distance of 500 feet, measured in a straight line in any direction from closest point of the building and parking lot of the proposed business to the property line of any of the following:

1. A residence or a residential zoning district
2. A place of worship or other religious institution
3. A day care center or public or private school
4. A public park, playground, or public library
5. Another electronic gaming operation
6. An adult entertainment establishment

j. Applicants shall submit a current straight line drawing prepared within 30 days prior to the application by a registered surveyor, depicting the property lines and the structures containing any of the above uses and the straight line measurements to each. A use outlined under subsection i above, shall be considered to be existing or established if it is in place or actively under construction at the time an application is submitted. Residential zoning districts shall be based upon the most current official zoning map.

k. All legally operating gaming operations made nonconforming by adoption of this section shall be removed or brought into compliance with these provisions within 60 months of the date of adoption of this section.

3. Indoor Recreation Establishment

Indoor recreation establishments in residential districts and in the O&I District shall comply with the following standards:

a. Buffers adequate to screen adjoining residential uses from the effects of light and noise generated on the site shall be provided.

b. All buildings shall be set back from the right-of-way at least 50 feet and 100 feet if the site is in the Special Highway Overlay District.

c. Signage shall be limited to one ground sign not to exceed 32 square feet and shall be set back from the right-of-way at least 25 feet.

d. Access to the site shall be to a US or NC numbered road or to a collector road as designated on the Wilmington MPO Functional Classification Map.
e. As part of a Special Use Permit, other conditions deemed by the Commissioners necessary to promote the health, safety, and welfare of the community may be added.

4. **Outdoor Recreation Establishment**

Outdoor recreation establishments in residential districts and the O&I District shall comply with the following standards:

a. Buffers adequate to screen adjoining residential uses from the effects of light and noise generated on the site shall be provided.

b. All buildings shall be set back from the right-of-way at least 50 feet and 100 feet if the site is in the Special Highway Overlay District.

c. Signage shall be limited to one ground sign not to exceed 32 square feet and shall be set back from the right-of-way at least 25 feet.

d. Access to the site shall be to a US or NC numbered road or to a collector road as designated on the Wilmington MPO Functional Classification Map.

e. As part of a Special Use Permit, other conditions deemed by the Commissioners necessary to promote the health, safety, and welfare of the community may be added.

5. **Outdoor Shooting Range**

Outdoor shooting ranges shall comply with the following standards:

a. All shooting areas shall be setback a minimum distance of 100 feet from any street right-of-way.

b. The firing range shall have a natural earth embankment a minimum of ten feet high placed behind all targets within the shooting area.

c. The firing range shall be posted “No Trespassing-Danger-Shooting Range” at 100 feet intervals around the perimeter.

d. At least one qualified individual in the sponsoring club or organization shall be certified for shooting range supervision. Each facility shall adopt safety rules and regulations as determined by the sponsoring club or organization.

e. The firing range shall be covered by a minimum of $300,000 of accident and liability insurance.

B. **Animal Services**

1. **Equestrian Facility**

Equestrian facilities in the AR, R-20, and R-15 districts shall comply with the following standards:

a. No stable shall be erected closer than 100 feet to any property line.

b. A buffer in compliance with Section 5.4, Landscaping and Buffering, shall be required along property lines adjacent to residential uses.
2. **Kennel**

Kennels in the R-15 and R-20 districts shall comply with the following standards:

a. Minimum lot size shall comply with Table 4.3.4.B.2.a: Minimum Lot Size for Kennel, based on the number of animals kept on site. For each additional acre beyond six acres, an additional ten animals may be permitted. The minimum lot size requirements may be waived if the shelter is constructed to entirely enclosed all facilities so as to adequately protect all animals from weather extremes and to protect adjacent residences from noise, odors, and other objectionable characteristics, provided all building setback requirements are met.

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<th>Number of Animals</th>
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<td>6 acres</td>
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</tbody>
</table>

b. All lots on which a shelter is located must have direct access onto a street that meets the minimum requirements for acceptance and maintenance by the NC Department of Transportation.

c. All structures shall have side and rear setbacks of 50 feet.

d. All county requirements regarding sewage disposal systems and sanitation control methods shall be met.

e. No outside sign in excess of 2.25 square feet in area shall be permitted.

C. **Commercial Services**

1. **Off-Premises Advertising**

See Section 5.6, Signs.

D. **Food & Drink**

RESERVED

E. **Lodging**

1. **Bed and Breakfast Inn**

   Bed and breakfast inns in the RA, AR, R-20S, R-20, and R-15 districts shall comply with the following standards:

   a. A minimum of one off-street parking space per bedroom and one off-street parking space per employee shall be required.

   b. No lighting beyond normal residential lighting is allowed.

   c. The only signage allowed shall be one attached wall sign no greater than four square feet.
2. **Campground/Recreational Vehicle (RV) Park**
   a. Every recreational vehicle park shall contain at least 25 spaces.
   b. Recreational vehicles and travel trailers shall only be occupied in approved campgrounds.
   c. Every space shall consist of a minimum area of 2,000 square feet. Each space shall be designated on the ground by permanent markers or monuments.
   d. Parking spaces sufficient to accommodate at least one motor and camping vehicle shall be constructed within each space.
   e. All spaces developed adjacent to a public street shall be set back a minimum of 40 feet from the street right-of-way.
   f. All spaces shall be located on sites with elevations that are not susceptible to flooding. The spaces shall be graded to prevent any water from ponding or accumulating within the park. Each space shall be properly graded to obtain a reasonably flat site and to provide adequate drainage away from the space.
   g. The park shall have all weather roads that directly abut each space. All road rights-of-way shall be 20 feet except that one-way roads may have a minimum width of 12 feet. In areas of heavy traffic use, 30-foot rights-of-way shall be required.
   h. No space shall have direct vehicular access to a public road.
   i. The park shall be developed with proper drainage ditches. All banks shall be sloped and seeded.
   j. Cul-de-sacs or dead-end roads shall not exceed 1,000 feet in length measured from the entrance to the center of the turnaround. Any road designed to be permanently closed shall have a turnaround at the closed end with a minimum right-of-way diameter of 80 feet.
   k. When the park has more than one direct access to a public road, they shall not be less than 300 feet apart or closer than 300 feet to a public road intersection unless unusual site conditions demand otherwise.
   l. Each park shall have a central structure or structures that will provide separate toilet facilities for both sexes. This structure may also contain a retail sales counter and/or coin operated machine for the park residents' use only, provided there is no exterior advertising. Vending machines also may be permitted in a sheltered area.
   m. No swimming pool or bathing area shall be installed, altered, improved, or used without compliance with applicable Health department regulations. No bathing area shall be used without the approval of the New Hanover County Health Department.
   n. Park identification signs shall comply with the following standards:
      1. No more than two signs with a total area of not more than 32 square feet for each sign may be permitted.
2. Signs shall be located on park property no closer than 10 feet to any property line or road right-of-way.

3. Only indirect non-flashing lighting may be used for illumination and the sign must be constructed in such a manner as to prevent a direct view of the light source from any public right-of-way.

o. Sanitary facilities shall be provided in accordance with the following standards:

1. All toilet, shower, lavatory, and laundry facilities shall be provided and maintained in a clean and sanitary condition and kept in good repair at all times.

2. They shall be safely and adequately lighted.

3. Facilities shall be easily accessible and conveniently located.

4. All toilet, shower, lavatory, and laundry room facilities shall be acceptable to the New Hanover County Health department and shall be in conformity with all New Hanover County codes.

5. All buildings shall be constructed in accordance with the building codes for the county.

p. Water supply shall comply with the following standards:

1. A safe, adequate, and conveniently located water supply must be provided for each park.

2. No water supply shall be installed, altered, or used without the approval of the New Hanover County Health Department.

q. Sewage disposal shall comply with the following standards:

1. Sewage dumping stations shall be approved by the New Hanover County Health Department.

2. Each park shall provide at least one sewage dumping station.

3. No method of sewage disposal shall be installed, altered, or used without the approval of the New Hanover County Health department.

4. All sewage wastes from each park, including wastes from toilets, showers, bathtubs, lavatories, wash basins, sinks, and water using appliances not herein mentioned, shall be piped into the park’s sewage disposal system or systems.

r. Open space shall be provided in accordance with the following standards:

1. Each park shall provide open space areas to serve the needs of the anticipated users.

2. A minimum of 0.25 acres of level, well-drained ground for every 50 spaces shall be required as open space.

3. The park owner is responsible for the development and maintenance of all open space areas.
s. Fire hydrants shall be provided in accordance with the following standards:

1. The developer of any campground or recreational vehicle park with a central water system meeting State requirements for fire hydrants shall be responsible for providing adequate fire protection for the park through the provision of a fire hydrant located as close as possible to the entrance of the park.

2. The hydrant shall be connected to the central water system serving the park and in accordance with specification established by the County Fire Marshal.

t. The park owner is responsible for refuse collection.

u. It shall be unlawful for a person to park or store a mobile home in a campground or recreational vehicle park. However, one mobile home may be allowed within a park to be used as an office and/or residence of persons responsible for the operation and maintenance of the travel trailer park.

v. It shall be the duty of the operator of the campground or recreational vehicle park to keep an accurate register containing a record of all occupants of the park. The owner shall keep the register available at all times for inspection by law enforcement officials, public health officials, and other officials whose duties necessitate acquisition of the information contained in the register. The register shall contain the following information:

1. Name and address of the occupants of each space;
2. Date entering and leaving the park; and
3. The license number of each vehicle (car, truck, camping vehicle, etc.) with state of issuance, make, and type of equipment.

F. Office

1. Contractor Office

Contractor offices shall comply with the following standards:

a. In the B-1 and CB districts, outside storage areas are prohibited.

b. In the CB District, all work associated with contractor operations shall be conducted entirely within enclosed structures.

G. Personal Services

RESERVED

H. Retail Sales

1. Convenience Store

Convenience stores in the R-15 District shall comply with the following standards:
a. The total amount of land devoted to such use shall not exceed one acre.

b. The gross square footage of the structure shall not exceed 3,000 square feet.

c. The use shall be limited to providing convenience food sales and gasoline sales to the surrounding residential area, provided that vehicular service such as, but not limited to, auto repair, sale of auto accessories, washing, etc. shall not be permitted.

d. A convenience food store shall not be permitted within the interior of a subdivision.

e. Specifications for a proposed principal use sign shall be submitted with the application for the Special Use Permit.

f. Off-street parking shall meet the requirements outlined in Section 5.1, Parking and Loading, for retail use.

g. Fuel sales may be approved provided such sales shall be limited to one pump island located a minimum distance of 30 feet from any street right-of-way and 40 feet from any side or rear lot line. Overhead canopies shall be measured in accordance with Section 4.3.4.1.2.c.

I. Vehicle & Equipment Sales & Service

1. Car Wash

   Car washes in the CB District shall comply with the following standards:

   a. No outdoor work shall be performed except in areas designated for such activity on an approved site plan.

   b. Additional buffering and screening may be required where such use is located in close proximity to residential or retail commercial uses.

   c. The premises shall not be used for the sale of vehicles.

2. Fuel Sales

   Fuel sales in all districts where allowed shall comply with the following standards:

   a. Additional buffering and screening may be required where such use is located in close proximity to residential or retail commercial uses.

   b. The premises shall not be used for the sale of vehicles.

   c. Fuel pump canopies shall meet the setbacks of the underlying zoning district, as measured from the outer edge of any supportive structure physically connected to a fuel pump and the ground along a straight line to the nearest point of the property line.

   d. Setback distances from street rights-of-way may be reduced by one-half.

   Fuel sales in the R-15 District shall comply with the following standards:
e. Fuel sales may be allowed in conjunction with a convenience store use Special Use Permit.

f. Such sales shall be limited to one pump island located a minimum distance of 30 feet from any street right-of-way and 40 feet from any side or rear lot line.

3. Vehicle Rentals
Vehicle rentals in the CB District may display no more than ten automotive vehicles.

4. Vehicle Service Station, Minor
Minor vehicle service stations in the CB District shall comply with the following standards:

a. No automobile towing operations are allowed.

b. All repair work or lubrication shall be conducted within the principal building. All permanent storage of materials, merchandise, or repair and servicing equipment shall be contained within the principal building.

c. No operator shall permit the storage of motor vehicles for a period in excess of 24 hours unless the vehicles are enclosed in the principal building.

d. Service or customer vehicles shall be parked on the premises in a manner that will not create traffic hazards or interfere with the vehicular maneuvering area necessary to enter or exit the site.

e. The premises shall not be used for the sale of vehicles.

f. No outdoor work shall be performed except in areas designated for such activity on an approved site plan.

g. Outdoor work areas shall be fenced, walled, or screened to minimize on-site and off-site noise, glare, odor, or other impacts.

h. Additional buffering and screening may be required where such use is located in close proximity to residential or retail commercial uses.

4.3.5. INDUSTRIAL USES

A. Design & Technology Services
RESERVED

B. Industry & Manufacturing

1. Artisan Manufacturing
Artisan manufacturing in the CB District shall comply with the following standards:

a. One or more accessory uses, such as tasting room, tap room, restaurant, retail, demonstration area, education and training facility or
other incidental use open and accessible to the public shall be included.

b. Required parking shall be calculated based on the square footage proposed for each use.

c. Storage of materials, including silos, products for distribution, and other items requiring long-term storage shall be allowed in areas behind a building, within service alleys, in an enclosed building, or otherwise screened from the public right-of-way, pedestrian way, and adjacent residential properties.

d. Off-site distribution via tractor trailer is only permitted if the truck traffic is limited to streets classified as arterials on the Wilmington MPO Functional Classification Map.

C. Intensive Industry

1. Mining & Quarrying, High Intensity

   High intensity mining and quarrying shall comply with the following standards:

   a. The minimum lot size shall be one acre.

   b. Soil or other unconsolidated material (i.e. sand, marl, rock, fossil deposits, peat, fill or topsoil) may be removed for use off-site.

   c. Additional on-site processing shall be permitted (i.e. use of conveyor systems, screening machines, crushing, or other mechanical equipment).

   d. All mining operations and their associated activities must be located a minimum of 100 feet from all property lines when dewatering occurs.

   e. High intensity mining operations shall not be allowed in areas classified as aquifer resource protection or watershed resource protection on the 2006 CAMA Land Classification Map.

2. Mining & Quarrying, Low Intensity

   Low intensity mining and quarrying shall comply with the following standards:

   a. Low intensity mining operations may not occupy more than 20 acres.

   b. Soil or other unconsolidated material (i.e. sand, marl, rock, fossil deposits, peat, fill or topsoil) may be removed for use off-site. However, no further on-site processing is permitted (i.e. use of conveyor systems, screening machines, crushing, or other mechanical equipment). Mining activities where other on-site processing activities are conducted are considered Mining & Quarrying, High Intensity.

   c. The use of explosives is not permitted.

   d. All mining operations and their associated activities shall comply with the following standards when dewatering occurs:
1. Must be located a minimum of 100 feet from all property lines.
2. The depth of each excavation pit shall not exceed 35 feet.

3. **Sanitary Landfill**
Sanitary landfills shall comply with the following standards:

   a. No refuse shall be deposited and no building or structures shall be located within 50 feet of the nearest property line.

   b. The operation of the landfill shall be carried out in accordance with the standards and procedures prescribed by the NC Department of Environmental Quality.

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**D. Warehousing, Storage, & Wholesale Sales and Distribution**

1. **Recreational Vehicle and Boat Trailer Storage Lot**
Recreational vehicle and boat trailer storage lots shall comply with the following standards:

   a. The use shall be solely open-air and ground level. No enclosing or overhead covering structures shall be installed.

   b. Access shall be from a public or private street right-of-way.

   c. A minimum buffer of 20 feet shall be provided in accordance with the provisions of Section 5.5: Landscaping and Buffering.

   d. All site lighting shall be located so as not to shine or reflect directly onto any adjacent residential zoning districts and/or uses.

   e. Repair, maintenance, or habitation of any recreational vehicle or boat stored in the facility is prohibited.

2. **Warehousing**
Storage of live animals, explosives, and flammable gases or liquids is prohibited in warehousing in the CS District.

3. **Wholesaling**
Wholesaling shall comply with the following standards:

   a. Wholesaling of live animals, explosives, and flammable gases or liquids is prohibited in the CS District.

   b. No outside storage is allowed in the PD, B-2, and AC Districts.

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**E. Waste & Salvage**

1. **Commercial Recycling Facility, Large Collection**
Large collection commercial recycling facilities shall comply with the following standards:

   a. The facility may be larger than 500 square feet and on a separate property or tract of land.
b. Facilities permitted by special use permit shall be limited to receiving only paper, glass, metal, and plastic recyclable products.

c. The site must be monitored daily to maintain sanitary conditions.

d. The facility and its appurtenant uses shall not be located closer than 100 feet to any residentially-zoned property.

e. All landscaping shall be in accordance with Section 5.4, Landscaping and Buffering.

f. Loading and outside storage shall comply with the following standards:

1. All loading and outside storage shall be to the side and/or rear of the building.

2. Storage or loading conducted on the side of the building shall be screened from view from the adjacent right-of-way.

3. All exterior storage shall be in containers or under shelters that are covered and secured.

4. No outside storage shall be visible from residentially-zoned property.

g. The facility may not operate between the hours of 7:00 PM and 7:00 AM when adjacent to residentially-zoned property.

h. A site plan illustrating the above shall be submitted before an occupancy permit is issued by the Building Safety Department.

2. Commercial Recycling Facility, Processing

Processing commercial recycling facilities shall comply with the following standards:

a. The facility and its appurtenant uses shall not be located closer than 150 feet to any residentially-zoned properties.

b. The facility shall meet the applicable setback requirements of Section 3.1.3.C, Setback Requirements in Certain Commercial and Industrial Districts, and landscaping requirements of Section 5.4, Landscaping and Buffering.

c. Power-driven equipment is permitted.

d. Loading and outside storage shall comply with the following standards:

1. All loading and exterior storage shall be to the side or rear of the building.

2. Storage or loading conducted to the side of the building shall be screened from view from the adjacent right-of-way.

3. All exterior storage shall be in containers or under shelters that are covered and secured.

4. No outside storage shall be visible from residentially-zoned properties.
e. The facility shall not emit dust, smoke fumes, or vibrations detectable on adjacent properties.

f. A site plan illustrating the above shall be submitted before an occupancy permit is issued by the Building Safety Department.

3. **Commercial Recycling Facility, Small Collection**

Small collection commercial recycling facilities shall comply with the following standards:

a. The facility may not exceed 500 square feet in size.

b. Facilities shall be limited to receiving only paper, glass, metal, and plastic recyclable products.

c. The facility must be located on a host tract, provided is does not occupy parking spaces needed by the primary use to comply with the requirements of Section 5.1, Parking and Loading.

d. The facility must be set back at least 10 feet from any street right-of-way and provide streetryard plantings in accordance with Section 5.4, Landscaping and Buffering.

e. The facility shall be located at least 100 feet from any residentially zoned property line.

f. The facility shall be buffered from adjacent residential lots or districts in accordance with Section 5.4, Landscaping and Buffering.

g. No power-driven equipment is allowed except collection trucks.

h. Containers shall be constructed of durable, waterproof, and rustproof materials.

i. No material storage outside the container is allowed.

j. No signage other than an identification logo not exceeding ten square feet attached to the storage container is allowed.

k. At least one parking space shall be designated for attendants.

l. The name, address, and phone number of the organization and/or persons responsible for pick-ups and maintenance of the facility shall be displayed on the container.

m. The site must be monitored daily to maintain sanitary conditions.

n. The facility shall not reduce the landscaping required for any concurrent use.

o. A site plan illustrating the above shall be submitted before an occupancy permit is issued by the Building Safety Department.

4. **Landfill, Demolition**

Demolition landfills shall comply with the following standards:

a. A site plan for the proposed demolition landfill meeting the requirements outlined in Section 10.3.6, Site Plan, shall be submitted
to the NHC Environmental Health and Planning and Land Use departments for review and approval in accordance with NC Solid Waste Management Rules.

b. No demolition landfill shall be located within 500 feet of any residence, church, school, and/or place of assembly nor within 100 feet from any stream, creek, canal, marsh, estuarine waters, lake, river, and/or impoundment.

c. The filling of lower lying areas with demolition materials may be subject to Army Corps of Engineers 404 permits and the Division of Coastal Management’s major CAMA permit.

d. All demolition landfills shall have access from a platted and recorded road and each site shall be accessed only through an arterial or collector street.

e. A buffer shall be required which shall consist of a minimum of 3 rows of vegetation in accordance with Section 5.4, Landscaping and Buffering, or earthen berms with screening plants of sufficient height to screen the landfill area from view.

f. Protected trees are not required to be retained within the disposal area.

g. The developer/owner shall be responsible for obtaining a Sedimentation and Erosion Permit.

h. Demolition landfills shall not exceed 30 feet in height with side slopes not to exceed a 3:1 ratio.

i. One temporary sign not exceeded 32 square feet in area shall be erected on the site during the period that landfilling activity is permitted. The sign is to include the owner/operator’s name and telephone number and the hours of operation. Upon cessation of the landfill, the sign shall be dismantled and removed with the exception of the landfill closure notification sign which shall be removed six months after closure.

j. After obtaining all necessary permits, the owner/developer shall have prepared a legal description that would be sufficient as an instrument of conveyance of the property. This description, along with a site map and a certified copy of applicable permits shall be filed for recordation with the Register of Deeds. The documents shall be filed under the name of the owner and shall specifically state that the site was granted a permit for disposal of demolition debris. After these documents have been properly recorded, a certified copy shall be filed with the Planning & Land Use Department.

k. The developer/owner of the disposal site shall provide free and unobstructed access during normal operation hours to county officials charged with the administration of this ordinance.

l. In addition to the enforcement remedies of this ordinance, the operator shall also be subject to the penalties prescribed in Section .0700 of 10 NCAC 10 G.
m. All existing landfills that do not have a valid permit shall comply with these regulations immediately.

5. Landfill, Landscape

Landscape landfills shall comply with the following standards:

a. A site plan for the proposed landscape landfill meeting the requirements outlined in Section 10.3.6, Site Plan, shall be submitted to the NHC Environmental Health and Planning and Land Use departments for review and approval in accordance with NC Solid Waste Management Rules.

b. No landscape landfill shall be located within 500 feet of any residence, church, school, and/or place of assembly nor within 100 feet from any stream, creek, canal, marsh, estuarine waters, lake, river, and/or impoundment.

c. The filling of lower lying areas with landscape materials may be subject to Army Corps of Engineers 404 permits and the Division of Coastal Management’s major CAMA permit.

d. The developer/owner of the disposal site shall provide free and unobstructed access during normal operation hours to county officials charged with the administration of this ordinance.

e. In addition to the enforcement remedies of this ordinance, the operator shall also be subject to the penalties prescribed in Section .0700 of 10 NCAC 10 G.

f. All existing landfills that do not have a valid permit shall comply with these regulations

g. The disposal of naturally occurring materials such as stumps, limbs, leaves, and dirt, that are generated on-site during the construction of residential projects are permitted with no further standards provided the material does not exceed a 0.5-acre footprint.

h. All other landscape landfills must comply with the following standards:

1. The landfill shall have access from a platted and recorded road and each site shall be accessed only through an arterial or collector street.

2. A buffer shall be required which shall consist of a minimum of 3 rows of vegetation in accordance with Section 5.4, Landscaping and Buffering, or earthen berms with screening plants of sufficient height to screen the landfill area from view.

3. Protected trees are not required to be retained within the disposal area.

4. The developer/owner shall be responsible for obtaining a Sedimentation and Erosion Permit.

5. Landscape landfills shall not exceed 30 feet in height with side slopes not to exceed a 3:1 ratio.
6. One temporary sign not exceeded 32 square feet in area shall be erected on the site during the period that landfilling activity is permitted. The sign is to include the owner/operator’s name and telephone number and the hours of operation. Upon cessation of the landfill, the sign shall be dismantled and removed with the exception of the landfill closure notification sign which shall be removed 6 months after closure.

7. After obtaining all necessary permits, the owner/developer shall have prepared a legal description that would be sufficient as an instrument of conveyance of the property. This description, along with a site map and a certified copy of applicable permits shall be filed for recordation with the Register of Deeds. The documents shall be filed under the name of the owner and shall specifically state that the site was granted a permit for disposal of demolition debris. After these documents have been properly recorded, a certified copy shall be filed with the Planning & Land Use Department.

6. **Junk Yards, Scrap Processing**

Scrap processing junk yards shall comply with the following standards:

a. The minimum front setback shall be 100 feet from any street right-of-way.

b. All open storage shall be screened by the use of natural objects, plantings, fences, or other appropriate means so as not to be visible from streets and/or adjacent properties.

c. No junk yard or scrap processor shall be established within 500 feet of any residentially zoned or developed area.

7. **Septage, Sludge Disposal**

Septage and sludge disposal sites shall comply with the following standards:

a. Each sludge disposal site shall be located a minimum of 250 feet from a residence, place of business or church and 100 feet from any stream, canal, marsh, coastal water, lake or impoundment, subsurface drainage, or drainage ditch.

b. Each septage disposal site shall be located a minimum of 1,000 feet from a residence, place of business, or church and 100 feet from any stream, canal, marsh, coastal water, lake or impoundment, subsurface drainage, or drainage ditch.

c. A planted buffer strip, as specified in Section 5.4, Landscaping and Buffering, shall be provided along all front, side, and rear property lines, except in areas designated for ingress and egress.

d. Each site shall be posted “No Trespassing” and at each entrance legible signs of at least two square feet must be posted stating “Caution-Sludge or Septage Disposal Area” or other similar language conveying this warning.
e. No septage or sludge shall be deposited and no building or structures shall be located within 100 feet of the nearest property line in the disposal site area.

f. The operation and responsibility of said use shall be carried out in accordance with all standards and rules prescribed by the NC Division of Health Services and the NHC Health Department.

Section 4.4. Accessory Use and Structure Standards

4.4.1. PURPOSE

This section authorizes the establishment of accessory uses and structures that are customarily subordinate to principal uses, provided that the accessory use or structure complies with all applicable standards in this section.

4.4.2. APPROVAL OF ACCESSORY USES AND STRUCTURES

All principal uses allowed in a zoning district shall be deemed to include those accessory uses, structures, and activities typically associated with this use, unless specifically prohibited in this ordinance. All accessory uses shall be subject to the standards in this section, as well as any applicable use-specific standards required for the associated principal use as set forth in this article.

4.4.3. PERMISSIONS FOR SPECIFIED ACCESSORY USES AND STRUCTURES

Table 4.4.3: Accessory Use Table, identifies which uses are permitted by right, permitted subject to approval of a special use permit, and prohibited in each zoning district. Permissions for the RFMU and EDZD districts are outlined in Article 3: Zoning Districts. The meanings of abbreviations in Table 4.4.3 are set forth in subsections A through C below.

A. A “P” in a cell indicates the use is permitted by right in the zoning district. Permitted uses, except for exempt bona fide farm uses, are subject to all other applicable standards of this UDO.

B. An “S” in a cell indicates that the use is allowed only if reviewed and approved as a special use in accordance with 10.3.5, Special Use Permit. Special uses are subject to all other applicable standards of this UDO.

C. A blank cell indicates that the use is not allowed in the respective zoning district.

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### Table 4.4.3: Accessory Use Table

| Accessory Uses                                      | RA | AR | R-20s | R-20 | R-15 | R-10 | R-7 | R-5 | RMF-L | RMF-M | RMF-MH | RMF-H | PD | URMXZ | B-1 | CB | B-2 | Q&I | SC | CS | AC | I-1 | I-2 |
|---------------------------------------------------|----|----|-------|------|------|------|-----|-----|-------|-------|--------|-------|----|-------|-----|----|----|-----|----|----|----|----|----|----|
| Dry Stack Boat Storage Facility, at a Marina       | S  | S  | S     | S    |      |      |     |     | P     | P     | P      | P     | P  | P     | P   |    |    |     |    |    |    |    |    |    |
| Electronic Gaming Operation                        | P  | P  | P     | P    | P    |      |     |     | P     | P     | P      | P     |     |       |     |    |    |     |    |    |    |    |    |    |
| Farm Stand                                         | P  | P  | P     | P    | P    | P    | P   | P   | P     | P     | P      | P     |     |       |     |    |    |     |    |    |    |    |    |    |
| Home Occupation                                    | P  | P  | P     | P    | P    | P    | P   | P   | P     | P     | P      | P     |     |       |     |    |    |     |    |    |    |    |    |    |
| Residential Private Pier                           | P  | P  | P     | P    | P    | P    | P   | P   | P     | P     | P      | P     |     |       |     |    |    |     |    |    |    |    |    |    |

#### 4.4.4. STANDARDS FOR SPECIFIED ACCESSORY USES AND STRUCTURES

**A. Accessory Dwelling Unit**

Detached accessory dwelling units shall be allowed in districts where permitted by right, subject to the following requirements:

1. Only one accessory apartment shall be permitted by right.
2. Area sufficient for two off-street parking spaces shall be required.
3. Proof of adequate water and sewer capacity from the appropriate provider (CFPUA, etc.) shall be provided if accessory units are not included in subdivision approvals.
4. In the RMF districts, accessory apartments shall only be allowed when constructed in connection with any single family detached development allowed within the district.
5. In conventional subdivisions, the subject lot must exceed the minimum lot area of the applicable zoning district by at least 50 percent or 5,000 square feet, whichever is less.
6. In performance subdivisions, accessory units shall be considered a dwelling unit for density requirements, and new accessory units may not increase density beyond the maximum allowed in the applicable zoning district.
7. The entire accessory unit shall not exceed 50 percent of the gross total enclosed heated square footage of the existing single-family dwelling or 1,200 square feet, whichever is less.
8. The side setbacks for the detached unit shall be no less than required for the principal structure and a minimum of five feet.
9. Rear setbacks for the detached unit shall be a minimum of five feet.
10. The detached unit shall be located completely behind the plane of the rear façade of the principal structure unless constructed over a detached garage.

B. Accessory Structure

Accessory structures shall comply with the following standards:

1. No accessory structure shall be erected in any required yard nor within five feet of any other building, except that accessory buildings not exceeding 600 square feet may be permitted in the required side and rear yards provided such accessory buildings are at least five feet from the property line and do not encroach into any required easements.

2. Accessory structure not exceeding 50 square feet and used exclusively to house well and pump equipment may be permitted in the required front, side, and rear yards, provided such accessory buildings are at least five feet from any property line and do not encroach into any required easements or sight angles.

3. HVAC units elevated to comply with flood plain regulations may be permitted in any side setback provided the supporting structure is at least five feet from the adjoining property line.

4. An accessory building or use may be located on another contiguous or noncontiguous lot from the principal use it is associated with to the extent that the principal use itself would also be permitted on such lot.

C. Accessory Use, Customary

1. No additional permits beyond those obtained for the principal use are required unless otherwise specified.

2. No use-specific standards apply unless required elsewhere in this ordinance.

D. Dry Stack Boat Storage Facility, At A Marina

Dry stack boat storage facilities at a marina in residential districts and in the B-1 District shall comply with the following standards:

1. Facilities accessory to marinas approved by a special use permit must be included in the permit approval for the marina as described in Section 4.3, Standards for Specified Principal Uses.

2. Setbacks for facilities from any residential property line shall be not less than 2.75 times the height of the structure if enclosed or the highest point of a stored vessel if unenclosed. In no case may the setback be less than the requirements of the underlying zoning district.

3. Appearance of stacked storage should retain the character of the surrounding residential areas and provide opaque vegetative buffers to reduce visual impacts.

4. Projects shall be designed so that the use of noise-generating activities, such as large marine forklifts, boat haul out or boat repair approved as part of a special use permit will be located as far away from residential structures as feasible to lessen impacts on the residential quality of life.
E. **Electronic Gaming Operation**

Electronic gaming operations shall comply with the following standards:

1. The principal commercial operation must be permitted as a use by right.
2. The operation shall be located within the same structure or unit as the principal use.
3. The maximum number of machines/terminals/computers allowed per business units is two devices.
4. For situations in which there are multi-unit or multi-tenant commercial buildings and more than one unit wishes to include gaming operations, a special use permit meeting the standards of Section 4.3, Standards for Specified Principal Uses, is required. In no case can the cumulative total number of machines for a business center, multi-unit or multi-tenant building exceed ten.
5. Off-street parking shall include one additional space per machine over and above the normal parking standards for the uses, and all parking must comply with all other provisions of Section 5.1, Parking and Loading.

F. **Home Occupation**

Home occupations shall comply with the following standards:

1. Only one person other than members of the family residing on the premises shall be engaged in such application.
2. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than 25 percent of the floor area of the dwelling unit shall be used in the conduct of the home occupation.
3. There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation other than one sign not exceeding 2.25 square feet in area, non-illuminated, and mounted flat against the wall of the principal building.
4. No home occupation shall be conducted in any accessory building.
5. No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be met off the street and other than in any required yard. Vehicles used primarily as passenger vehicles including pickup trucks and step-type vans only shall be permitted in connection with the conduct of the customary home occupation.
6. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, or electrical interference detectable to the normal senses off the lot. In the case of the electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltages off the premises.
7. No display of products shall be visible from the street and the selling of merchandise or the manufacture of merchandise for sale except baking, sewing, and/or handicrafts normally made in the home cannot be the primary function of the home occupation.

8. Instruction in music, dancing, or tutoring of academic subjects shall be limited to four students at a time.

G. Residential Private Pier

All piers must meet Coastal Area Management Act standards.

H. Stormwater Facilities on Contiguous Properties

Retention and detention facilities serving nonresidential development shall be permitted on contiguous residential tracts abutting the development served provided:

1. There is no encroachment of the commercial activity onto the adjacent residential site.

2. The adjacent residential property shall be in the same ownership as the commercial tract.

3. The residential site is not part of an existing residential subdivision except in the case of shared stormwater facilities.

4. The stormwater facility shall be setback twice the corresponding residential side and rear setbacks measured from the top of the slope to the adjacent property line. A minimum 20-foot buffer shall be provided within the setback.

5. The stormwater management facility shall be constructed as an aesthetic amenity with maximum slopes of 5:1.

6. If fencing of the facility is necessary, it shall not be chain link.

Section 4.5. Temporary Use Standards

4.5.1. PURPOSE

This section allows for the establishment of certain temporary uses and structures of limited duration, when such uses must comply with standards, as outlined in this section. Temporary uses shall not involve the construction or alteration of any permanent building or structure.

4.5.2. GENERAL STANDARDS FOR TEMPORARY USES

A. No temporary buildings or trailers shall at any time be located closer than 25 feet to a property line of any adjacent property, notwithstanding the required setbacks of the zoning district in which such temporary building or trailer is located.

B. Approval for any temporary use specified in Section 4.5.3, Permissions for Specified Temporary Uses, or for any unspecified temporary structure must be reviewed for compliance with the standards of this Ordinance, including parking.
C. Temporary special event uses shall be permitted subject to the standards outlined in Section 4.5.3, Permissions for Specified Temporary Uses, below, or as required by applicable County or state agencies.

D. The Planning Director may approve a temporary zoning permit for a period not exceeding one month for bazaars, carnivals, religious revivals, sideshows, concerts, or sporting events. The Planning Director may impose conditions of approval to protect the safety of the occupants and the public. In the AC District, the concurrence of the airport authority is required prior to the approval of the temporary zoning permit.

4.5.3. PERMISSIONS FOR SPECIFICATED TEMPORARY USES

Table 4.5.3: Temporary Use Table, identifies which uses are permitted by right, permitted subject to approval of a special use permit, and prohibited in each zoning district. Permissions for the RFMU and EDZD districts are outlined in Article 3: Zoning Districts. The meanings of abbreviations in Table 4.5.3 are set forth in subsections A and B below.

A. A “P” in a cell indicates the use is permitted by right in the zoning district. Permitted uses, except for exempt bona fide farm uses, are subject to all other applicable standards of this UDO.

B. A blank cell indicates that the use is not allowed in the respective zoning district.

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<tr>
<th>Temporary Uses</th>
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<th>R-5</th>
<th>RMF-L</th>
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<th>CB</th>
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<td>Circuses, Carnivals, and Fairs</td>
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</table>

See Section 4.3.4.5 for Campground/Recreational Vehicle (RV) Park standards
4.5.4. **STANDARDS FOR SPECIFIED TEMPORARY USES**

**A. Circuses, Carnivals, and Fairs**

Circuses, carnivals, and fairs shall not be allowed for more than 30 days’ duration per year.

**B. Construction Office**

Construction offices shall comply with the following standards:

1. Temporary buildings or trailers may be used as construction offices, field offices, or for storage of materials to be used in connection with the development of said tract, provided that said temporary structures are removed from said tract within 30 days after completion of the project development, after voluntary suspension of work on the project or development, after revocation or expiration of building permit or an order by the Building Safety Director upon a finding that said temporary structure is deemed hazardous to the public health and welfare.

2. Such temporary buildings or trailer may not be used as a dwelling unit.

**C. Farmers’ Market**

Farmers’ markets shall comply with the following standards:

1. Sales are limited to a cumulative total of no more than 60 days per calendar year.

2. All vendors must be original producers of items for sale.

3. Eligible products for temporary farmers’ markets are fruits, vegetables, herbs, flowers, eggs, meats, seafood, cheese, baked goods, jellies and jams, honey, and handmade crafts, consistent with NC Food and Drug and Department of Agriculture and all other federal, state, and local laws relating to the production and selling of such goods.

4. A minimum of 75 percent of the products displayed and offered for sale must be directly linked to farm products, and documentation of how these standards will be met shall be specified on the submission for zoning approval.

5. The proposed time schedule and duration of the use must be specified on the submission for zoning approval.

6. Minimum lot size shall be no less than two acres for farmers’ markets.

7. The site shall front on a collector or arterial roadway.

8. Approved NCDOT driveway permit is required.

9. Ingress, egress, circulation, and parking plans shall describe any measure proposed to assure safety and minimize traffic impacts on surrounding areas.

10. Adequate solid waste disposal methods must be provided for vendors and customers.
11. Only temporary signage shall be allowed for these temporary uses. A maximum of two temporary signs shall be allowed on site to advertise for the market as a whole.

a. Temporary signage consistent with the permit may be installed no more than two days prior to the start of market activities and shall be removed at the conclusion of operating hours.

b. Individual signs shall not exceed 35 square feet in sign area.

c. All permitted signs shall have a maximum height of six feet and shall be set back a minimum of ten feet from any property line.

d. Illumination of signage is prohibited.

12. Parking

a. One parking space is required for every 800 square feet of gross market size, with a minimum of two spaces. Spaces shall meet the minimum size requirements as identified in Section 5.1, Parking and Loading.

b. Parking shall be provided on the same site as the farmers’ market or may be located off-site provided that it is within 400 feet of the main entrance of the market. If parking is provided off of the primary parcel, then a written parking agreement between the responsible party and the parcel owner shall be provided prior to the issuance of any permit. Adequate and safe ingress and egress shall be provided by the farmers’ market management or the property owner.

c. All parking must occur in designated areas. No parking shall occur in any unimproved parking surfaces such as, but not limited to, landscape parking islands, medians, or open/passive recreation space.

13. A site layout showing the proposed marketing area (vendor spaces, staging, sales and display areas, and customer promenades), parking, traffic circulation, lighting, waste disposal method, signage, and other site amenities must be submitted for approval.

14. Tents or other shelters must meet fire safety codes and shall be disassembled after market hours of operation. Tents shall be located so that they will not interfere with the normal operations of any permanent use on the property.

15. The proposed location may not be part of designated recreation, open space, or common area in an approved residential subdivision.

16. Restroom facilities for the public may be required for compliance with the NC Building Code.

17. If structures are proposed or required, the plan shall be reviewed for compliance with the Americans with Disabilities Act and other building codes.

18. Live animals or birds shall not be sold or displayed.

19. No bands, amplified music, or other entertainment shall be allowed.
20. No concessions for consumption on site and no cooking of products shall be allowed on the site.

21. No alcohol products shall be allowed.

22. Any proposal for a permanent farmers’ market, and any temporary farmers’ market proposing to exceed the standards or limitations outlined in this section, may be allowed at the discretion of the Board of County Commissioners only upon issuance of a Special Use Permit under the terms outlined in Article 10: Administrative Procedures.

D. Seasonal Sales

Seasonal sales are limited to a duration of 45 days per calendar year.

E. Special Fundraising for Non-Profit Organizations

Special fundraising for non-profit organizations is limited to a duration of 45 days per calendar year.

F. Temporary Real Estate Office/Model

Temporary real estate offices or sales offices may be established in a display dwelling unit or temporary building provided that said offices are closed and the operation discontinued and all temporary structures and facilities are removed from the tract upon the completion of the sale, rent, or lease of 95 percent of the dwelling units or lots of said tract.

G. Temporary Relocation Housing

Temporary relocation housing shall comply with the following standards:

1. The proposed location shall be within a disaster area with specifically defined boundaries and under specific conditions as determined by a federal Disaster Declaration where public or individual assistance is made available, or as determined by the County Manager.

2. Temporary accommodations for the displaced as permitted by this section shall not be installed for more than 12 months from the date of the declaration or determination, except as authorized by the Board of Commissioners.

3. Temporary housing units shall be removed from the site within 30 calendar days after completion of the rehabilitation work which may include, but not be limited to, issuance of a Certificate of Occupancy, Certificate of Completion, or final inspection if this occurs prior to the 12-month expiration or Board authorization term.

4. All applicants for temporary housing units shall register with the Planning Department.

5. Temporary housing units may be subject to additional agency approvals which may include, but not be limited to, water supply, wastewater disposal, solid waste management and disposal, building permits, stormwater permits, or other utilities through the applicable regulatory office. Additional code requirements which may include, but not be limited to, building code and fire code shall be adhered to.
6. Temporary housing units shall comply with either the minimum National Flood Insurance Program standards as set forth in Code of Federal Regulations, Title 44 Part 60 or Article 9: Flood Damage Prevention.

7. Each housing unit shall have a minimum setback of five feet from any street right-of-way or property line.

8. For temporary housing units in a community or group setting, the following shall apply:
   a. All units shall be set back a minimum of 20 feet from the perimeter of the site.
   b. A sketch plan showing the general location and estimated number of units, parking, access points and traffic circulation, and provisions for utilities including power, water supply, wastewater disposal, stormwater management, and solid waste management shall be submitted to the Planning Director.